

5

Civil and Political Inclusion

KEY FINDINGS

Costa Rica and Canada, followed closely by Mexico, South Africa, and Uruguay, are the countries that follow many best practices in this indicator.

Six of the 16 studied countries have at least one member of parliament or a comparable national representative body who is openly a self-identified sexual or gender minority, while only four have introduced national action plans on sexual orientation and gender identity (SOGI).

Three-quarters of the sample countries prohibit same-sex couples from entering into registered partnerships, civil unions, or marriages and from legally adopting children.

While almost one-half of the analyzed countries allow people to change their gender marker in official documents, only Bangladesh, Canada, and India provide more than two gender options in passports.

Medically unnecessary surgeries on intersex children are not prohibited in any of the countries covered in the study. Only Uruguay and the south Indian state of Tamil Nadu have regulated the protection of intersex babies and children against such invasive surgeries.

It is advised that countries introduce legislation or amend current laws or regulations to allow sexual and gender minority organizations to register and operate freely and ensure that activists can advocate for sexual and gender minority equality.

Importance of the Civil and Political Inclusion Indicator Set

Discrimination based on sexual orientation and gender identity limits sexual and gender minorities' ability to participate in public discourse and influence decision-making, affecting the full spectrum of political inclusion. Governments should integrate sexual and gender minorities into the social fabric and allow them to exercise rights on an equal basis with everyone else (UNGA 2019, para. 69). Equal participation in political and civil life covers a broad range of issues, including political participation, parental equality, gender equality, ability to change gender without stigmatization, protection of intersex babies and children from invasive surgeries, and prohibition of persecution of sexual and gender minorities seeking asylum. Civil society organizations (CSOs) can play a fundamental role in promoting these principles and raising awareness of the issues faced by sexual and gender minorities. An active civil society can also be seen as a legitimate conveyor of public participation, in both public and private life. Conversely, the constriction of CSOs can amount to the "shrinking of civil society space" (Daly 2018). Despite their important role in protecting sexual and gender minorities, in many countries around the world, sexual and gender minority CSOs face legal hurdles in registering and operating. Such legal limitations, whether explicit or implicit, can hamper the effectiveness of their work.

“In no other field do respect or stigma manifest themselves more clearly than in the political arena.”

—UNGA (2019, para. 33)

The civil and political inclusion indicator set examines issues relating to sexual and gender minorities' civil and political inclusion by analyzing the existence of SOGI-inclusive national human rights institutions (NHRIs),¹ national action plans, and the freedom of CSOs to operate without fear of persecution. The indicator set measures societal inclusiveness by reporting the number of politicians who openly self-identify as a sexual or gender minority in each country's legislature, the legality of same-sex civil unions, same-sex couples' ability to marry and adopt children, and legal protections for intersex children. The section also focuses on laws that allow changes in gender markers in official documents without pathologizing requirements and discrimination against sexual and gender minorities in obtaining identity documents. Finally, this indicator set delves into whether relevant countries have abolished conversion therapy and whether persecuted sexual and gender minorities can seek asylum under the countries' asylum laws.

“All over the world, in instances too frequent to cite, political campaigns, referendums, policy and parliamentary debates, and public manifestations outside courthouses reveal

social prejudice and misconceptions about the nature and moral character of LGBT persons.”

—UNGA (2019, para. 33)

Political Representation and National Action Plans

Civic and political participation should be equally accessible to all, regardless of sexual orientation, gender identity and expression, or sex characteristics.² Gaining inclusive political representation is a source of motivation for sexual and gender minorities and a fundamental step in advancing inclusion. Moreover, sexual and gender minority representation in political life can positively impact legal reform and eliminate prejudice and bias against this vulnerable group. It also allows citizens to enjoy a feeling of familiarity with their elected representatives and relate to their causes (Magni and Reynolds 2019).

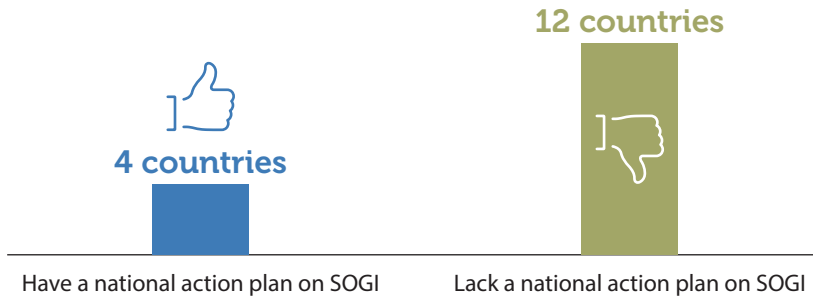
Only 6 of the 16 countries reviewed (Canada, Costa Rica, Japan, Mexico, South Africa, and Uruguay) have at least one member of parliament or a comparable national representative body who openly self-identifies as a sexual or gender minority. Information from local experts suggests that none of the analyzed countries has more than 10 elected representatives who identify as sexual and gender minorities. None of the surveyed countries mandate quotas for sexual and gender minority members of parliament.

National action plans on SOGI issues are fundamental in complementing the work of the government and other relevant institutions. They help countries establish clear goals and guidelines for incorporation into their agendas. Moreover, national action plans set priorities and establish an internal control mechanism that facilitates the implementation of the defined goals. They can also inspire lawmakers to understand the guiding principles of the law.

Most of the studied countries' equality bodies, including NHRIs, lack national action plans on SOGI. Only Bangladesh, Costa Rica, India, and Uruguay have introduced such plans. The National Human Rights Commission of Bangladesh introduced a five-year strategic plan that includes sexual minorities and people living with HIV.³ Costa Rica's National Development Plan 2019–22 introduced a strategy to develop training and awareness campaigns for public officials. These efforts are intended to improve services as well as respect for sexual and gender minority rights and ensure that sexual and gender minorities are treated with dignity.⁴ India's Human Rights Commission published a National Action Plan for 2019–20 that addresses sexual and gender minorities' rights.⁵ In Uruguay, the National Coordinating Council for Public Policies on Sexual Diversity, created in 2015, acts within the framework of the Ministry of Social Development. Composed of representatives of all ministries, the Mayor's Council, and CSO representatives, the council advises the executive on integrating sexual diversity in all areas of public policy (figure 5.1).⁶

FIGURE 5.1

Analyzed Countries That Have a National Action Plan on SOGI, 2021



Source: World Bank Group, Equality of Opportunity database.

Note: SOGI = sexual orientation and gender identity.

It is advised that countries adopt the following good practice policy actions:

- Establish inclusive legal frameworks that make it safe for sexual and gender minorities to run for political office.
- Introduce concrete national action plans on SOGI, focusing on antidiscrimination efforts and the promotion and protection of sexual and gender minorities.

Civil Society and Expression, Association, and Assembly

Freedom of expression is a crucial element of inclusion. A person’s ability to exercise expression freely is fundamental.⁷ Conversely, restrictions on expression, civic participation, or association directly affect an individual’s very existence. Worldwide, sexual and gender minorities face restrictions based on their sexual orientation, gender identity, gender expression, and sex characteristics. In addition, some sexual and gender minority–focused organizations cannot register and operate freely because they publicly advocate for sexual and gender minority rights.⁸ These restrictions endanger sexual and gender minorities and prevent them from participating freely and productively in society.

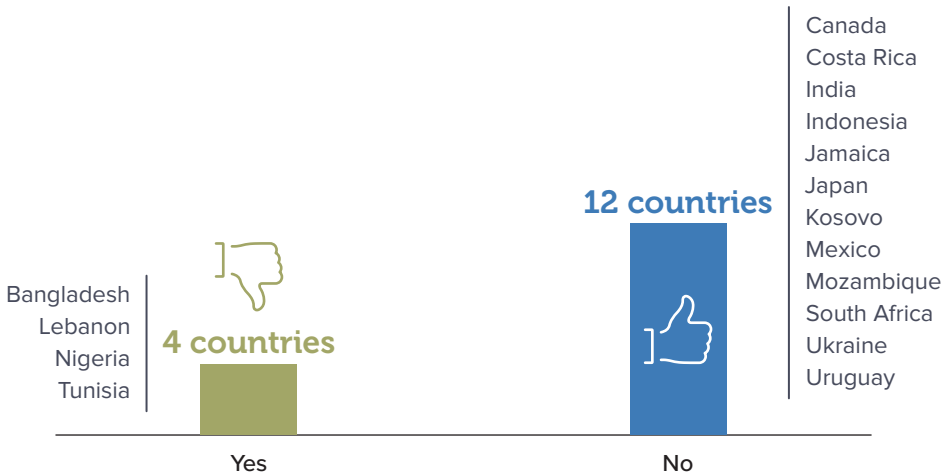
The collected data demonstrate that laws neither explicitly prohibit sexual and gender minority organizations nor specifically protect CSOs’ right to register and operate freely. Consequently, although CSOs are, in principle, allowed to register and advocate for sexual and gender minorities,

countries often impose legal or bureaucratic hurdles to obstruct their work. Therefore, many sexual and gender minority CSOs choose not to register as such.

Of the 16 countries analyzed, only Bangladesh, Lebanon, Nigeria, and Tunisia restrict expression, civic participation, or association related to SOGI (figure 5.2). Nigeria, which has the most severe stance, has banned the creation of sexual and gender minority CSOs; it explicitly forbids organizations that advocate for or promote sexual and gender minorities' rights.⁹ In Bangladesh, restrictions against sexual and gender minorities are based on moral grounds that often prevent sexual and gender minorities from free expression. These limitations criminalize sexual minority status, as well as any conduct that disrupts the “public order,” “decency,” or “morality” of society.¹⁰ In Tunisia, the Law on the Organization of Associations prohibits CSOs from any activities prohibited by law.¹¹ Therefore, CSOs do not use the terms “sexual and gender minorities” or “LGBTI” (lesbian, gay, bisexual, transgender, and intersex) in their registration statutes. Although Lebanese law does not specifically ban sexual and gender minority CSOs or SOGI-related expression, several laws indirectly restrict free expression. For example, Lebanon’s Law on Associations authorizes the Ministry of Interior to reject any organization’s registration application if the organization is founded on an “unlawful basis.” According to study contributors, many openly sexual and gender minority organizations have been denied registration on this basis, even though the law does not explicitly prohibit registration of CSOs as “sexual and gender minority/LGBTI organizations.”¹² In addition, the Lebanese Law on Public Meetings of 1911, which requires prior approval by authorities to assemble, has been used by the General Security Forces on several occasions to disrupt sexual and gender minority events in the country. Furthermore, the Lebanese Penal Code prohibits the possession, making,

FIGURE 5.2

Analyzed Countries with Laws That Restrict Expression, Civic Participation, or Association Related to SOGI, 2021



Source: World Bank Group, Equality of Opportunity database.

Note: SOGI = sexual orientation and gender identity.

or distribution of materials that may incite others to immorality; the same law also prohibits any written, visual, or verbal expressions that might be contrary to morality and ethics. This legislation is frequently used to target sexual and gender minority activists spreading awareness through public channels, such as television stations or mainstream news.¹³

It is advised that countries adopt the following good practice policy actions:

- Introduce legislation or amend current laws or regulations to allow sexual and gender minority organizations to register and operate freely and ensure that activists can advocate for sexual and gender minority equality.
- Abolish laws that infringe on the right of sexual and gender minorities and their advocates to speak about their identities.

Equality Bodies, Including National Human Rights Institutions

In addition to CSOs and national equality bodies (such as employment nondiscrimination bodies), NHRIs also play an important role in protecting the rights of sexual and gender minorities (UNGA 2013, para. 32 and 120 (g)).¹⁴ Although not judicial, NHRI enforcement mechanisms are relevant to the protection of sexual and gender minority rights because they can complement the judicial system. An NHRI can even be considered “a central part of modern democracy” (Park 2015). When assessing NHRIs, a central element to consider is their compliance with the Paris Principles, “a set of minimum standards that national institutions, regardless of their structure and mandate, should respect. They are now broadly accepted as benchmarks for the accreditation of national institutions and serve as a litmus test of an institution’s legitimacy” (UNGA 2013, para. 28). The Paris Principles establish six criteria for a fully functioning national ombudsman or human rights institution: (1) a broad mandate and competence; (2) autonomy from the government in their functioning and methods of operation; (3) independence, enshrined in law or the constitution; (4) pluralism through membership or cooperation; (5) adequate financial, material, and human resources; and (6) adequate powers of investigation (UNGA 2013, para. 31).

NHRIs that promote the inclusion of sexual and gender minorities perform crucial functions in some countries. In countries in which criminalization and social and cultural biases promote discrimination and even violence against sexual and gender minorities, NHRIs are often the only institutions that can advocate for promoting and protecting sexual and gender minority equality and inclusion. Such institutions demonstrate the government’s willingness to monitor violations and acknowledge that such violations are undesirable. NHRIs also allow victims of

discrimination to find assistance in filing claims and, more importantly, to understand their rights. The Yogyakarta Principles recommend that NHRIs integrate the promotion and protection of the human rights of persons of diverse sexual orientation or gender identities into their work.¹⁵ In recent years, many NHRIs have implemented this recommendation.¹⁶

Nine of the 16 countries analyzed do not have NHRIs that include SOGI within their mandate; they also do not have special institutions with expertise in or a mandate to deal with sexual and gender minority rights and inclusion. Only Canada, Costa Rica, India, Kosovo, Mexico, South Africa, and Uruguay have legally established NHRIs authorized to promote, protect, and incorporate the inclusion of sexual and gender minorities (table 5.1). In Canada, the Ontario Human Rights Commission was established to prevent discrimination and promote and advance human rights. The grounds protected under the Human Rights Code are, among others, age, ancestry, color, race, sexual orientation, gender identity, and gender expression.¹⁷ In May 2018, Costa Rica's government created the Commissioner's Office for LGBTI Affairs to promote sexual and gender minority rights and establish public policies on this topic.¹⁸ In India, the National Human Rights Commission, a statutory body established under the Protection of Human Rights Act 1993,¹⁹ established a core group to deal with sexual and gender minority issues. Kosovo's constitution sets forth the role and competences of the Ombudsperson to monitor and protect human rights and freedoms of legal and natural persons from unlawful and irregular actions or inactions

TABLE 5.1

National Equality Bodies and National Human Rights Institutions That Explicitly Deal with Sexual and Gender Minority Rights and Inclusion

Country	Institution or body	Website
Canada	Ontario's Human Rights Commission	http://ohrc.on.ca/en
Costa Rica	Commissioner Office for LGBTI Issues	—
India	National Human Rights Commission	https://nhrc.nic.in
Kosovo	Ombudsperson Institution of Kosovo	http://ennhri.org/our-members/kosovo/
Mexico	Consejo Nacional Para Prevenir la Discriminación	https://www.conapred.org.mx
South Africa	Human Rights Commission	https://www.sahrc.org.za
Uruguay	National Human Rights Institution and the Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination	https://www.gub.uy/ministerio-educacion-cultura/politicas-y-gestion/comision-honoraria-contraracismo-xenofobia-toda-otra-forma-discriminacion

Source: World Bank Group, Equality of Opportunity database.

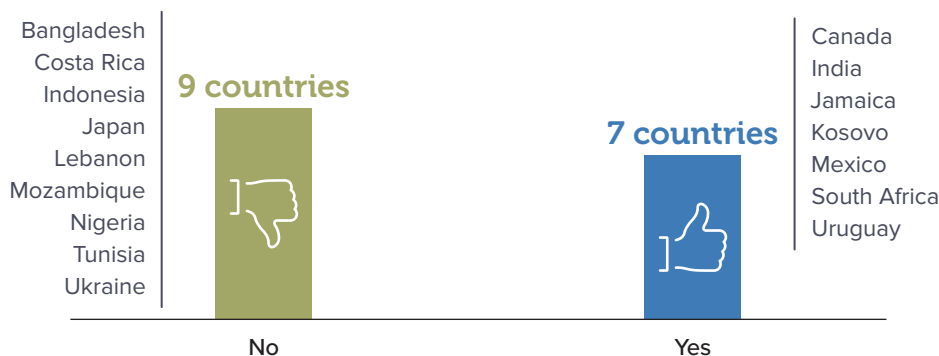
Note: — = not available; LGBTI = lesbian, gay, bisexual, transgender, and intersex.

by public authorities.²⁰ Since July 2015, under the Law on the Protection from Discrimination, the Ombudsperson Institution of Kosovo is responsible for handling discrimination claims by sexual and gender minorities.²¹ Mexico’s National Council to Prevent Discrimination (Consejo Nacional para Prevenir la Discriminación) is a government agency responsible for protecting all citizens from exclusion based on ethnic or national origin, sex, age, disability, social or economic status, health, pregnancy, language, religion, opinion, sexual orientation, marital status, or any other status that would prevent or defeat the recognition or exercise of rights and equality of opportunity.²² In South Africa, the Human Rights Commission was inaugurated in 1995 under the Human Rights Commission Act 54 of 1994 as provided by the constitution.²³ The Human Rights Commission in that country is tasked with eradicating inequality and unfair discrimination on different grounds, including sexual orientation.²⁴ Finally, the National Institution of Human Rights and Ombudsman’s Office of Uruguay also promotes human rights in accordance with the Constitution of Uruguay and international law.²⁵ In addition, the National Human Rights Institution and the Honorary Commission against Racism, Xenophobia and all Other Forms of Discrimination are responsible for handling SOGI-based discrimination claims.²⁶

The remaining nine countries (Bangladesh, Indonesia, Jamaica, Japan, Lebanon, Mozambique, Nigeria, Tunisia, and Ukraine) do not have NHRIs that explicitly include SOGI within their mandate to deal with sexual and gender minority rights and inclusion (figure 5.3). Bangladesh, Indonesia, Mozambique, and Ukraine have an Ombudsman office or NHRI, but their mandates do not mention SOGI explicitly (APF and UNDP 2016). For example, the National Human Rights Commission of Bangladesh (JAMAKON), although not legally mandated to do so, expressly advocates for sexual and gender minority rights. JAMAKON has developed and submitted antidiscrimination legislation to the Ministry of Law, Justice and Parliamentary Affairs. It has also developed a manual for gender and sexual minorities that explains its role and work on sexual orientation and gender identity issues and encourages people to file complaints

FIGURE 5.3

Analyzed Countries with a National Body or Institution Authorized to Address SOGI-Related Employment Discrimination, 2021



Source: World Bank Group, Equality of Opportunity database.

Note: SOGI = sexual orientation and gender identity.

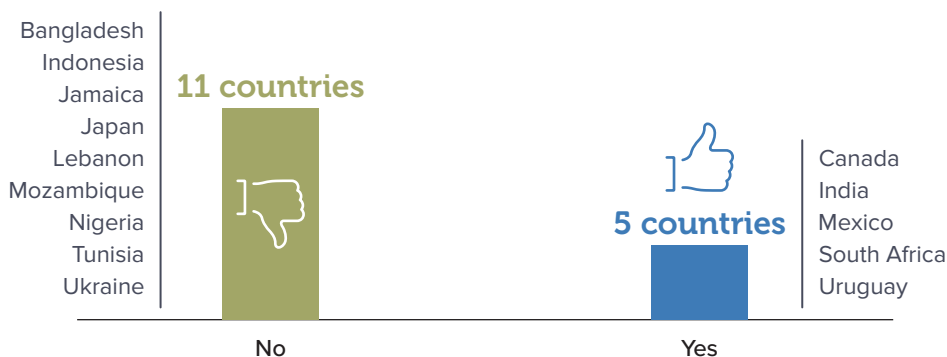
if they face discrimination.²⁷ However, because the commission is not officially mandated to promote sexual and gender minority rights, these positive actions could be restricted by an administrative decision.

Of the 16 countries measured in the study, 7 of them (Canada, India, Jamaica, Kosovo, Mexico, South Africa, and Uruguay) provide their national equality bodies or NHRIs with a clear mandate to handle SOGI-related employment discrimination (figure 5.3). In India, victims of discrimination can bring claims before the National Human Rights Commission, which has established a core group to deal with sexual and gender minority-related issues.²⁸ In Kosovo, the Ombudsperson Institution is responsible for handling any charges of discrimination against sexual and gender minorities, including those related to public services and employment discrimination.²⁹ In South Africa, the Human Rights Commission³⁰ deals with cases of discrimination on SOGI grounds,³¹ and the South Africa Employment Equity Act of 1998 authorizes the Commission for Conciliation, Mediation and Arbitration³² to receive claims specifically for employment discrimination on SOGI grounds.³³ The National Human Rights Institution of Uruguay,³⁴ as well as the Honorary Commission Against Racism, Xenophobia and all other Forms of Discrimination, handle SOGI-based discrimination claims in the labor market and the public sector.³⁵ In Jamaica, the law allows public sector employees who believe they are being mistreated or denied opportunities because of their sexual orientation (but not gender identity) to file complaints with the Permanent Secretary or the head of their department.³⁶

Not all NHRIs have been tasked with clear SOGI-related mandates. Of the seven countries with NHRIs that explicitly deal with sexual and gender minority rights and inclusion (Canada, Costa Rica, India, Kosovo, Mexico, South Africa, and Uruguay), only five of them (Canada, India, Mexico, South Africa, and Uruguay) provide their national equality bodies or NHRIs with a clear legal mandate to handle SOGI-based discrimination charges in public services (figure 5.4).

FIGURE 5.4

Analyzed Countries with a National Body or Institution Authorized to Address SOGI-Based Discrimination in Public Services, 2021



Source: World Bank Group, Equality of Opportunity database.

Note: SOGI = sexual orientation and gender identity.

It is advised that countries adopt the following good practice policy actions:

- Ensure that equality bodies, including NHRIs, explicitly address the inclusion of sexual and gender minorities.
- Ensure that existing equality bodies, including NHRIs, are allowed to work independently and efficiently to provide adequate protection to individuals and organizations targeted for their work with sexual and gender minorities.
- Strengthen the institutional capacity of existing equality bodies, including NHRIs.
- Encourage cooperation between CSOs and equality bodies, including NHRIs.

Gender in Official Certifications and Documents

Discrimination based on gender identity continues to be a major obstacle in the advancement of inclusion of gender minorities.³⁷ Transgender and nonbinary people face increasingly high levels of violence and exclusion from social services—even more so than sexual minorities.³⁸ Updating the sex/gender marker in official documents is often impossible. Moreover, even if such adjustment is legal, it can require long and invasive procedures (Chiam, Duffy, and Gil González 2017). However, transgender and nonbinary people’s needs are becoming more accepted as legitimate needs around the world, and some countries are experiencing a better cultural and societal understanding of gender minorities than sexual minorities. Furthermore, some countries have taken measures to improve the rights of intersex people, particularly children, by protecting intersex children from unnecessary medical procedures.

Of the 16 countries analyzed, 4 (Bangladesh, Costa Rica, India, and Uruguay) have centralized protocols for updating sex/gender markers in official certifications without pathologizing requirements. Uruguay’s process is the most straightforward. The comprehensive law for transgender people (Ley Integral Para Personas Trans) recognizes an individual’s right to develop their personality according to their gender identity. The law allows transgender and nonbinary people to change their sex/gender in official certifications using a simple administrative process.³⁹ Previously, the law required a judicial process for such a change. In November 2013, Bangladesh’s government recognized “*hijra*” as a gender marker, effectively classifying 160 million people as male, female, or *hijra*. Soon after the Cabinet declaration, a gazette was issued on January 26, 2014, to include a single sentence about the recognition: “The Government of Bangladesh has recognized the *hijra* community of Bangladesh as a *Hijra sex*” (Chiam, Duffy, and Gil González 2017).⁴⁰ Costa Rica allows sex/gender change in official certifications according to the person’s perceived gender identity.⁴¹ On April 15, 2014, India’s Supreme Court ruled that transgender people have a fundamental constitutional right to change their gender without surgery,

securing the ability to change one's gender judicially. The court accepted self-identification as the governing principle on gender recognition, with no additional eligibility requirements, such as gender-affirming surgeries or hormone therapy. It directed the federal and state governments to recognize these requirements. However, eligibility criteria, implementation delays, and inconsistencies across documents and agencies limit the guarantee to self-identification set out in the 2014 judgment (Chiam, Duffy, and Gil González 2017). More recently, India enacted the Transgender Persons (Protection of Rights) Act of 2019, which recognizes the right of transgender and gender nonconforming people to choose their gender and make the necessary legal changes without pathologizing requirements.⁴²

Other countries analyzed in the study also offer legal frameworks for transgender and nonbinary people to change their gender marker in official documents. However, these frameworks either do not constitute centralized protocols—they form part of local or provincial laws—or contain restrictive and pathologizing requirements for the change. These requirements typically include medical procedures and surgery, sterilization, divorce, or psychiatric diagnosis. In Indonesia, there are no clear legal requirements to advise a judge on whether to recognize a change of gender marker. In practice, the court may ask family members to give evidence on whether the applicant needs the sex/gender change. Once the court grants the sex/gender change request, the applicant will include this decision, along with the transgender person's national identification (ID) card and Family Card, in the application to amend the sex details under the Population Administration Act (Chiam, Duffy, and Gil González 2017). Japan allows transgender individuals to change their legal gender marker only after receiving a diagnosis of a gender identity disorder. Furthermore, Japanese law bans people with children who are minors from changing their sex marker in the official family registry system.⁴³ In early 2019, Japan's Supreme Court upheld a law that effectively requires transgender people to be sterilized before they can have their gender changed on official documents (US Library of Congress 2019). In South Africa, the sex/gender marker can be changed in official certifications only after gender reassignment procedures have been completed.⁴⁴ In Ukraine, even though transgender people are allowed to change their gender marker in official documents, this change must be accompanied by pathologizing requirements, such as acknowledging “socio-psychological indications, i.e., discomfort or distress due to the discrepancy between the gender identity of the individual and the gender assigned to them at birth.”⁴⁵ In Mexico, there is no uniform law. However, Mexico City modified its Civil Code in 2015 to recognize that gender identity should be understood “as the personal and internal conviction, as each person's self-perception, which may or may not correspond to the sex assigned on the first birth certificate.” As such, transgender persons can change their name and gender without medical examination or judicial order. The process was also changed from a judicial procedure (and therefore at the judge's discretion) to an administrative one.⁴⁶ Similarly, even though all provinces in Canada have protocols for updating the sex/gender marker, there is no centralized protocol. In sum, although transgender individuals can change their gender marker in official certifications, in many countries that process is often extremely invasive, long, and requires a variety of court orders and medical examinations. These aggressive measures pathologize the self-identities of gender minorities.

The situation is similar when it comes to obtaining government-issued ID cards or passports. Seven out of the 16 countries analyzed (Canada, Costa Rica, Indonesia, Japan, Mexico, South

Africa, and Uruguay) allow an individual to obtain a new ID card or passport after gender reassignment. In Ontario, Canada, transgender people are allowed to change their gender marker and obtain new documents without gender reassignment surgery.⁴⁷ Under Mexican law, people can obtain a new ID card or passport only after gender reassignment and the issuance of a certification by the competent authority.⁴⁸ In Indonesia, a court order is necessary to obtain a new ID card or a passport after gender reassignment (Chiam, Duffy, and Gil González 2017).⁴⁹ Although almost half of the countries reviewed allow an individual to obtain a new ID card or passport after gender reassignment, obstacles—such as long administrative processes, court orders, and invasive psychiatric and medical examinations—often make the process costly, lengthy, and therefore inaccessible to most people. A case of a transgender person requiring legal recognition of their gender marker change in their identification documents at the Civil Registry Office is currently pending before the Constitutional Court in Kosovo, with an expectation that the ruling could positively affect the country's approach regarding legal recognition of a person's changed gender marker (Halili 2018).

None of the 16 countries distinguish between sexual and gender minorities and the rest of the population when obtaining citizenship, a passport, or an ID card. However, although almost half of the analyzed countries allow people to change their gender marker in official documentation, the gender options in these documents often remain binary (either female or male). Only Bangladesh, Canada, and India have more than two gender options when applying for a passport. In Bangladesh and India, people can mark “other” in the gender category, in addition to the options “male” and “female.” This approach is partially in recognition of *hijra* communities, a term used throughout South Asia to refer to transgender and intersex people, among others, who sometimes identify as a third gender rather than male or female. In Canada, gender markers in passports include an “X” option for individuals who identify as neither male nor female (figure 5.5).⁵⁰ The fee is waived for those changing their gender marker to “X” for the first time, but the renewal charges remain the same for everyone else.

When it comes to applying for an ID card, only Bangladesh, Canada, Costa Rica, and India include another option in addition to male and female in the gender marker category. The options in Bangladesh, Canada, and India are the same as when applying for a passport. However, in Costa Rica, the sex/gender marker has been completely omitted from national ID cards, eliminating the often-complicated process of changing the gender marker on a person's national ID card. The exclusion of sex in ID cards recognizes the rights of people of all sexes and gender identities. This measure was backed by the Organic Law of the Supreme Electoral Tribunal and Civil Registry, which states that the ID card will contain the necessary information to identify the bearer. Instead of including sex, ID cards have advanced security techniques for personal identification.⁵¹

Despite the inclusive efforts mentioned above, people changing the sex designation on a national passport may still face issues while traveling because not all countries may accept the designation of “X” or “other” on their passports.

FIGURE 5.5

Passport Application for Canada

Government of Canada
Gouvernement du Canada

Save Reset Form Print Form

PROTECTED WHEN COMPLETED - B
Page 1 of 7

ADULT GENERAL PASSPORT APPLICATION
for Canadians 16 years of age or over applying in Canada or the USA

Warning: Any false or misleading statement with respect to this application and any supporting document, including the concealment of any material fact, may result in the refusal to issue a passport, the revocation of a currently valid passport, and/or the imposition of a period of refusal of passport services, and may be grounds for criminal prosecution as per subsection 57 (2) of the Criminal Code (R.C.S. 1985: C-46).

Type or print in CAPITAL LETTERS using black or dark blue ink. Read Instructions

1 PERSONAL INFORMATION (SEE INSTRUCTIONS, SECTION I)

Surname (last name) requested to appear in the passport

Given name(s) requested to appear in the passport

All former surnames (including surname at birth if different from above. These will not appear in the passport.)

Mother's surname at birth

Place of birth

City Country Prov./Terr./State (if applicable)

Date of birth (YYYY-MM-DD) Sex F Female M Male X Another gender Natural eye colour Height (cm or in)

Current home address

Number Street Apt. City Prov./Terr./State Postal/ZIP code

Mailing address (if different from current home address)

Number Street Apt. City Prov./Terr./State Postal/ZIP code

Email address Telephone (daytime) Telephone (other)

Declaration—I solemnly declare that I am a Canadian citizen, that the photos enclosed are unaltered and a true likeness of me, that all of the statements made and the information provided in this application, as well as any supporting documents, are true. I declare that I have read and understood the **Warning** at the top of this page and the **Privacy Notice Statement** (see section N). I consent to the collection, use and disclosure of my personal information as outlined in the Privacy Notice Statement.

Sign within border

Signature (see Instructions, section I)

Date (YYYY-MM-DD) Signed at

City Prov./Terr./State

2 DECLARATION OF GUARANTOR (SEE INSTRUCTIONS, SECTION J)

Note: You or your guarantor can complete this section, with the exception of the four fields which **must** be completed by your guarantor.

Surname (last name) in passport Given name(s)

Date of birth (YYYY-MM-DD) Canadian passport number Date of issue (YYYY-MM-DD) Date of expiry (YYYY-MM-DD)

Relationship to the applicant Telephone (daytime) Telephone (other)

Current home address

Number Street Apt. City Prov./Terr./State Postal/ZIP code

Declaration: The Guarantor must validate and sign this section—I solemnly declare that I have known the applicant identified above personally for at least **two (2) years**. I have signed the back of one (1) of the photos to certify that the image is a true likeness of the applicant. Where applicable, I have signed and dated a copy of each document to support the applicant's identity (see section 5) to confirm that I have seen the original(s). I declare that I have read and understood the **Warning** at the top of page 1 of this application and the **Privacy Notice Statement** in section N of the instructions. I consent to the collection, use and disclosure of my personal information as outlined in the Privacy Notice Statement.

Signature of guarantor

I have known the applicant for Date (YYYY-MM-DD) Signed at

Number of years City Prov./Terr./State

PPTC 153 (07-2021)

(DISPONIBLE EN FRANÇAIS - PPTC 154 F)

No country studied requires gender-reassignment surgery for intersex children to receive a birth certificate. However, it is considered a good practice to adopt laws to protect children from gender reassignment surgeries. For example, Uruguay protects children's and adolescents' physical integrity and bodily autonomy, providing that gender identity is based on self-determination. This position protects intersex children and adolescents from invasive medical procedures.⁵² Federal law in India does not specifically protect intersex children from gender reassignment surgery. However, the south Indian state of Tamil Nadu has issued an executive order banning medically unnecessary surgeries on intersex children and infants whose sex is not clear at birth (table 5.2).⁵³

TABLE 5.2
Protections for Gender Reassignment

Country	Centralized protocols for updating sex/gender markers in official certifications without pathologizing requirements	Laws or regulations that allow an individual to obtain a new ID card or passport after gender reassignment	Laws or regulations that require gender-reassignment surgery for intersex children to obtain a birth certificate
Bangladesh	✓		
Canada		✓	
Costa Rica	✓	✓	
India	✓		
Indonesia		✓	
Jamaica			
Japan		✓	
Kosovo			
Lebanon			
Mexico		✓	
Mozambique			
Nigeria			
South Africa		✓	
Tunisia			
Ukraine			
Uruguay	✓	✓	

Source: World Bank Group, Equality of Opportunity database.

It is advised that countries adopt the following good practice policy actions:

- Introduce legislation that facilitates the update of the gender marker in official certifications and documents through inclusive and nondiscriminatory centralized protocols.
- Discourage pathologizing and stigmatizing requirements, and instead relate gender marker changes to self-determination alone.
- Abolish laws or regulations stipulating discriminatory conditions for gender marker updates, such as surgery, divorce, sterilization, and psychiatric examinations.
- Ensure that gender options in passports and national ID cards are inclusive of nonbinary people.
- Abolish laws and regulations requiring gender-reassignment surgery for intersex children to receive a birth certificate and ban all unnecessary and invasive medical procedures on intersex children and adolescents.
- Introduce laws that prevent gender-reassignment surgery for intersex children at birth and adolescents, and instead allow them to choose their gender on their own when ready.

Partnership and Parental Rights

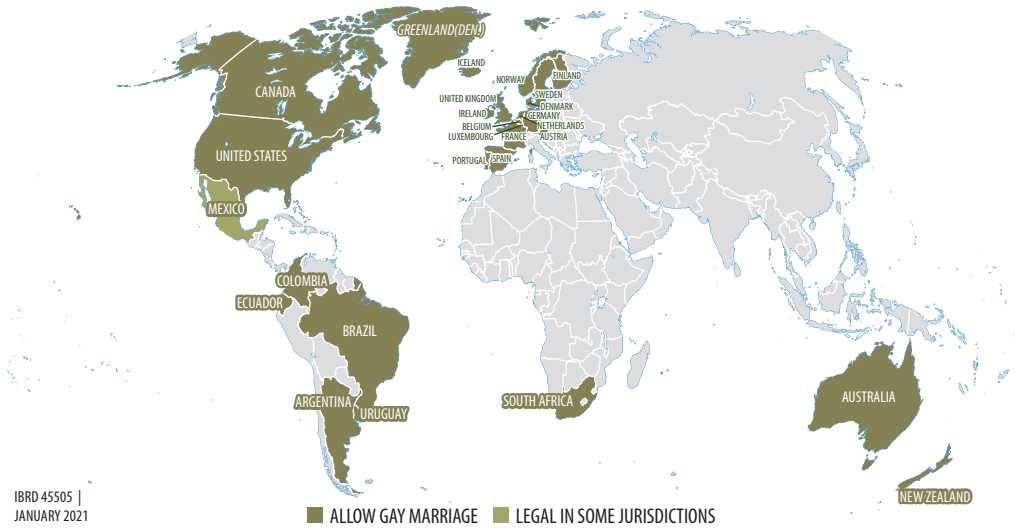
This section covers whether same-sex couples can enter into registered partnerships or civil unions, be legally married, and legally adopt children.⁵⁴ These three issues are deeply ingrained in the right to form a family and are of the highest importance in sexual and gender minorities' family life.

Fewer than one-third of the analyzed countries allow same-sex couples to enter into registered partnerships, civil unions, and/or marriages (Canada, Costa Rica, Mexico, South Africa, and Uruguay) (map 5.1). The same holds for adoption (figure 5.6).

In Canada, the Civil Marriage Act recognized same-sex marriage in 2005,⁵⁵ while joint adoption by same-sex couples is also legal in all Canadian provinces and territories.⁵⁶ Same-sex marriage became legal in Costa Rica on May 26, 2020, after an 18-month grace period given by the court's constitutional chamber expired.⁵⁷ Costa Rica was the first country in Central America to recognize same-sex marriage, effectively allowing the adoption of children (stepchild and joint). There is no federal law in Mexico on same-sex marriage, but Mexico City and other jurisdictions have enacted local laws providing for this right.⁵⁸ In May 2019, Mexico's Foreign Affairs Secretary announced that all Mexican consulates will allow citizens to marry regardless of gender (Mendos 2019). In December 2019, the Senate received a draft bill providing constitutional endorsement to same-sex marriages. However, legal reforms have

MAP 5.1

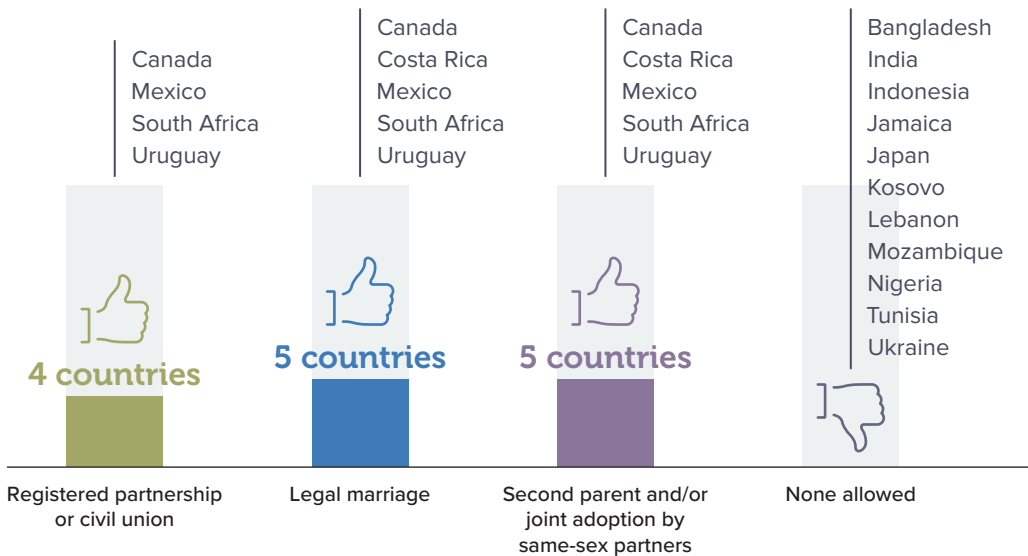
Twenty-Nine Countries with National Laws Allowing Gays and Lesbians to Marry, 2021



Source: Based on Pew Research Center analysis. Map classifications as of October 2019, <https://www.pewresearch.org/fact-tank/2019/10/29/global-snapshot-same-sex-marriage/>.

FIGURE 5.6

Registered Partnerships, Civil Unions, Marriages, and Adoptions, by Country, 2021



Source: World Bank Group, Equality of Opportunity database.

been delayed owing to the COVID-19 pandemic.⁵⁹ In Mexico City, second-parent adoption is also allowed for same-sex couples.⁶⁰ In July 2020, the Minister of Justice of Kosovo announced that the new Civil Code will allow for same-sex civil partnerships (bne IntelliNews 2020). Similarly, the South African Civil Union Act of 2006 allows same-sex persons the right to marry,⁶¹ while the Children’s Act of 2005 allows joint adoption by “partners in a permanent domestic life-partnership,” whether same- or opposite-sex, and stepparent adoption by a person who is the “permanent domestic life-partner” of the child’s current parent.⁶² Finally, Uruguay’s Law on Marriage Equality redefined marriage as the union of two persons “of different or same-sex.”⁶³ In 2009, Uruguay also became the first Latin American country to allow same-sex couples to adopt children after the Senate voted to approve a bill modifying the country’s adoption statute.⁶⁴

Japan, in contrast, does not recognize same-sex couples at the national level (Mendos 2019). However, some municipalities provide the option of a partnership oath, allowing same-sex couples the right to register as unions in their respective municipalities.⁶⁵ Some municipalities in Tokyo and other major Japanese cities use this approach, which lacks the same legal validity as a legally recognized marriage. Similarly, although India has no law on same-sex marriage, on April 10, 2019, the Madras High Court of Tamil Nadu held that a marriage solemnized between a male and a transgender woman, both professing Hindu religion, is a valid marriage in terms of Section 5 of the Hindu Marriage Act of 1955, and the Registrar of Marriages is bound to register it in Tamil Nadu.⁶⁶

It is advised that countries adopt the following good practice policy actions:

- Enact legislation that extends the right to enter into registered partnerships, civil unions, and marriages to everyone regardless of their sexual orientation or gender identity.
- Enforce laws that allow second-parent or joint adoption for same-sex couples.

Conversion Therapy

Same-sex attraction and the self-identities of transgender people are not pathologies. They cannot, therefore, be treated or “cured.” Forced treatments, such as conversion therapy, are “deeply harmful and may cause severe pain and suffering and lead to depression, anxiety, and suicidal ideation” (UNGA 2019, para. 23).⁶⁷ The Inter-American Commission on Human Rights has expressed concerns about pathologizing SOGI in cases in which “parents or other family members exert physical violence against children because they perceive them as, lesbian, gay, bisexual, or gender nonconforming, with the intent of ‘correcting’ the children” (IACHR 2015, 315). The Yogyakarta Principles urge states to “. . . recognize that forced, coercive and otherwise involuntary modification of a person’s sex characteristics may amount to torture, or

other cruel, inhuman or degrading treatment” and that states should “. . . prohibit any practice, and repeal any laws and policies, allowing intrusive and irreversible treatments on the basis of sexual orientation, gender identity, gender expression, or sex characteristics, including forced genital-normalizing surgery, involuntary sterilization, unethical experimentation, medical display, ‘reparative’ or ‘conversion’ therapies, when enforced or administered without the free, prior, and informed consent of the person concerned.”⁶⁸

Although most countries have not prohibited conversion therapies, some provinces in Canada and some jurisdictions in Mexico have done so.⁶⁹ However, other countries are taking steps in that direction. For example, a legislative proposal currently before the Costa Rican Congress aims to ban the practice.⁷⁰ If this proposal advances, it could be a positive example for other Latin American countries.

It is advised that countries adopt the following good practice policy actions:

- Abolish laws that impose forced treatment or conversion therapy on sexual and gender minorities.
- Enact laws banning forced treatment or conversion therapy of sexual and gender minorities.

Sexual and Gender Minority Asylum Seekers

The persecution of sexual and gender minorities continues worldwide.⁷¹ Forced migration leaves sexual and gender minorities extremely vulnerable to abuse. Despite their vulnerable status, most countries analyzed in the study fail to explicitly recognize persecution based on SOGI as one of the grounds for asylum. Sexual and gender minority asylum seekers are often victims of human trafficking, and they experience unimaginable suffering in seeking refuge (Zappulla 2018). All human beings, regardless of their sexual orientation and gender identity, should be able to live openly, freely, and without fear of persecution. Equally, all individuals should be able to seek asylum if they have a valid fear of persecution.

Despite the urgency to provide asylum to sexual and gender minorities, only Canada, Costa Rica, Kosovo, Mexico, South Africa, and Uruguay recognize persecution based on SOGI as grounds for asylum. In Canada, while the Immigration and Refugee Protection Act does not explicitly mention SOGI as protected grounds for asylum,⁷² the government has confirmed that sexual orientation is a legitimate ground for asylum because it signifies membership in a particular social group.⁷³ In South Africa, the Refugees Act of 1998 provides refugee status to anyone fleeing persecution based on race, religion, nationality, political opinion, or membership

of a particular social group. The act defines the term “social group” as “a group of persons of a particular gender, sexual orientation, disability, class, or caste.”⁷⁴ In Kosovo, SOGI is a protected ground under the country’s asylum law.⁷⁵ Mexico does not explicitly recognize persecution based on SOGI as grounds for asylum; however, the term “social groups” is used to offer asylum to sexual and gender minorities.⁷⁶ SOGI is also not specifically mentioned in Uruguay’s asylum law, but persecution based on SOGI falls under “life-threatening risk.”⁷⁷ Historically, Uruguay has received refugees fleeing persecution on the basis of their sexual orientation or gender identity.

“Growing up in Jamaica’s Montego Bay, Glenroy enjoyed an idyllic childhood until his family discovered he was gay. They physically attacked him and threw him out of the house and eventually forced him to seek refuge thousands of miles away from his home country. Glenroy made his escape from Jamaica with the help of Rainbow Railroad, a Canadian organization that helps LGBT+ people escape danger in their home countries and find safety elsewhere.”

—Lopez (2018)

It is advised that countries adopt the following good practice policy actions:

- Introduce legislation that specifically recognizes persecution based on SOGI as grounds for asylum.
- Offer support to sexual and gender minority organizations and groups that work with sexual and gender minority asylum seekers, while abolishing laws that ban the creation of such organizations.
- Provide SOGI-inclusive training to customs officials, police officers, and civil servants working on asylum claims.

Notes

1. See chapter 4 on access to public services and social protection.
2. Questions addressing political representation and national action plans in the indicator set on civil and political inclusion are: How many members of parliament or other national, elected representative body openly self-identify as sexual or gender minority? Are there national action plans on SOGI?
3. Bangladesh’s Second Five-Year Strategic Plan (2016–20) is available at http://nhrc.portal.gov.bd/sites/default/files/files/nhrc.portal.gov.bd/page/535c363f_91a8_40b6_b58a_714954c85b4e/2nd_Five-Year_Strategic_Plan_%282016-2020%29_of_JAMAKON.pdf.

4. Costa Rica's Plan Nacional de Desarrollo y de Inversión Pública del Bicentenario 2019–22 is available at <https://observatorioplanificacion.cepal.org/es/planes/plan-nacional-de-desarrollo-y-de-inversion-publica-del-bicentenario-2019-2022-de-costa-rica>.
5. India's Draft Annual Action Plan for the period April 1, 2019, to March 31, 2020, is available at https://nhrc.nic.in/sites/default/files/Annal_Action_Plan_2019-2020_07052019.pdf.
6. For more information on Uruguay's National Council on Sexual Diversity, see <https://latinno.net/en/case/18131>.
7. The questions addressing civil society and expression, association, and assembly in this indicator set include: Are there any laws and/or regulations that restrict expression, civic participation, or association related to SOGI?
8. For a discussion of sexual and gender minority rights, see Amnesty International (2019).
9. Nigeria, Same-Sex Marriage Prohibition Act. 2013. Section 4: "(1) The Registration of gay clubs, societies and organizations, their sustenance, processions and meetings is prohibited."
10. Constitution of Bangladesh, 1972. For general constitutional provision establishing limitations, see Article 39, paragraph 2 a): "Subject to any reasonable restrictions imposed by law in the interests of the security of the State, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence - a) the right of every citizen of freedom of speech and expression."
11. Tunisia, Law No. 59-154 on the Organization of Associations. 1959. Article 2: "La cause et l'objectif de cette convention ne doivent, en aucun cas, être contraires aux lois, aux bonnes mœurs, de nature à troubler l'ordre public ou à porter atteinte à l'intégrité du territoire national et la forme républicaine de l'Etat. Les fondateurs et dirigeants des associations ne doivent avoir encouru aucune condamnation pour crime au délit relatif aux bonnes mœurs. Ne peuvent être dirigeants d'une association à caractère général ceux qui assument des fonctions ou des responsabilités dans les organes centraux de direction des parties politiques. Ces dispositions s'appliquent au comité directeur des associations sus-indiquées, ainsi qu'aux sections, filiales ou organisations annexes ou groupes secondaires visés à l'article 6 bis de la présente loi."
12. Lebanon, Law on Associations. 1909. Article 3: "Founding an association on any unlawful basis which violates the provisions of laws and public documents or which aims to jeopardize the comfort of the monarchy and integrity of state property, change the form of the current government, or politically discriminate between different citizens is not permitted. The attestations of such will be refused and they will be dissolved by decree issued by the Council of Ministers." Article 532 of the Penal Code: "The exposing of public morals by any of the ways mentioned in paragraphs 2 or 3 of Article 209 shall be punished with imprisonment from one month to one year and a fine from 20,000 Lira to 100,000 Lira." Article 209 of the Penal Code: "The making or possession, importing or attempts to import for trade, distribution, for payment, copying, exhibition or display or attempts to display to the public, or for selling or attempts to sell, or distribution or engaged in the distribution of each publication, an editor or a drawing or a declaration or pictures or paintings or photographs, or the origin of the image or its template or produced anything in breach of modesty shall be punished with imprisonment from one month to one year and a fine from 20,000 Lira to 100,000 Lira."
13. Lebanon, Penal Code. 1943. Article 209 is read in conjunction with Articles 531 and 532.
14. The questions addressing equality bodies, including national human rights institutions, in this indicator set include: Are there laws and/or regulations that establish national human rights institutions that include sexual orientation, gender identity, gender expression, and sex characteristics (SOGIESC) within their mandate and/or specific institutions with expertise on and a mandate to deal with sexual and gender minority rights and inclusion? Is there a national equality body or national human rights institution responsible for handling charges of employment discrimination related to SOGI? Is there a national equality body or national human rights institution responsible for handling charges of SOGI-based discrimination in public services?

15. Details about the Yogyakarta Principles are available at <http://yogyakartaprinciples.org/principles-en/about-the-yogyakarta-principles/>.
16. See OutRight's NHRI Scorecard at <https://outrightinternational.org/content/nhri-scorecard-0>.
17. Ontario's Human Rights Code. 1962. Article 29: "The functions of the Commission are to promote and advance respect for human rights in Ontario, to protect human rights in Ontario and, recognizing that it is in the public interest to do so and that it is the Commission's duty to protect the public interest, to identify and promote the elimination of discriminatory practices and, more specifically, (a) to forward the policy that the dignity and worth of every person be recognized and that equal rights and opportunities be provided without discrimination that is contrary to law; (b) to develop and conduct programs of public information and education to, (i) promote awareness and understanding of, respect for and compliance with this Act, and (ii) prevent and eliminate discriminatory practices that infringe rights under Part I; (c) to undertake, direct and encourage research into discriminatory practices and to make recommendations designed to prevent and eliminate such discriminatory practices; (d) to examine and review any statute or regulation, and any program or policy made by or under a statute, and make recommendations on any provision, program or policy that in its opinion is inconsistent with the intent of this Act; (e) to initiate reviews and inquiries into incidents of tension or conflict, or conditions that lead or may lead to incidents of tension or conflict, in a community, institution, industry or sector of the economy, and to make recommendations, and encourage and co-ordinate plans, programs and activities, to reduce or prevent such incidents or sources of tension or conflict; (f) to promote, assist and encourage public, municipal or private agencies, organizations, groups or persons to engage in programs to alleviate tensions and conflicts based upon identification by a prohibited ground of discrimination; (g) to designate programs as special programs in accordance with section 14; (h) to approve policies under section 30; (i) to make applications to the Tribunal under section 35; (j) to report to the people of Ontario on the state of human rights in Ontario and on its affairs; (k) to perform the functions assigned to the Commission under this or any other Act. 2006, c. 30, s. 4." The same code (Article 1) prohibits actions that discriminate against people based on a protected ground in a protected social area. Protected grounds are: age, ancestry, color, race, citizenship, ethnic origin, place of origin, creed, disability, family status, marital status (including single status), gender identity, gender expression, receipt of public assistance (in housing only), record of offenses (in employment only), sex (including pregnancy and breastfeeding), and sexual orientation.
18. Costa Rica, Por medio del Decreto Ejecutivo 41158-MP el 17 de mayo de 2018 se creó la figura del Comisionado de la Presidencia de la República para asuntos relacionados con las personas LGTBI, adscrito al despacho del presidente de la República. Decreto Ejecutivo 41158-MP. http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NRTC&nValor1=1&nValor2=86603&nValor3=112437&strTipM=TC.
19. India, Protection of Human Rights Act. 1993. <http://nhrc.nic.in/acts-&-rules/protection-human-rights-act-1993-1>. Annual Action Plan that includes LGBTI rights. The focus areas are: human dignity for all, protect rights of the people from marginalized sections of society, prison reforms, women and child rights, rights of disabled, elderly, and LGBT rights, among others. <http://nhrc.nic.in/activities/annual-action-plans>.
20. Constitution of Kosovo. Article 132 (1): "The Ombudsperson monitors, defends and protects the rights and freedoms of individuals from unlawful or improper acts or failures to act of public authorities."
21. Kosovo, Law No. 05/L-019. 2017 on Ombudsperson. Article 1(2): "The Ombudsperson is a mechanism of equality for promoting, monitoring and supporting equal treatment without discrimination on grounds protected by the Law on Gender Equality and the Law on the Protection from Discrimination." Article 1 (1) of the Law on the Protection from Discrimination states that the purpose of this law is to establish a "general framework for prevention and combating discrimination based on nationality, or in relation to any community, social origin, race, ethnicity, color, birth, origin, sex, gender, gender identity, sexual orientation, language, citizenship, religion and religious belief, political affiliation, political or other opinion, social or personal status, age, family or marital status, pregnancy, maternity,

- wealth, health status, disability, genetic inheritance or any other groups, in order to implement the principle of equal treatment. Article 9 (1) of the Law on the Protection from Discrimination (Law No. 05/L-021) states that the Ombudsperson shall handle cases related to discrimination, and (2) The Ombudsperson has the following competences: 2.1. receives and investigates submissions of persons, gives opinions and recommendations on concrete cases of discrimination; 2.2. provides assistance to victims of discrimination during preparation of complaints from discrimination.” In addition, Article 4 (1) of the Law on Gender Equality states: “It is prohibited the direct or indirect gender discrimination, including less favorable treatment of women for reasons of pregnancy and maternity, marital status, nationality, race, disability, sexual orientation, social status, religion and belief, age or any other basis defined by law or agreement and international instruments into force.”
22. Mexico, *Ley Federal para Prevenir y Eliminar la Discriminación*. 2003. Article 17: “El Consejo tiene como objeto: I. Contribuir al desarrollo cultural, social y democrático del país; II. Llevar a cabo, las acciones conducentes para prevenir y eliminar la discriminación. Article 1: “Discriminación significa toda distinción, exclusión, restricción o preferencia que, por acción u omisión, con intención o sin ella, no sea objetiva, racional ni proporcional y tenga por objeto o resultado obstaculizar, restringir, impedir, menoscabar o anular el reconocimiento, goce o ejercicio de los derechos humanos y libertades, cuando se base en uno o más de los siguientes motivos: el origen étnico o nacional, el color de piel, la cultura, el sexo, el género, la edad, las discapacidades, la condición social, económica, de salud o jurídica, la religión, la apariencia física, las características genéticas, la situación migratoria, el embarazo, la lengua, las opiniones, las preferencias sexuales, etc.”
 23. South Africa, *Human Rights Commission Act No. 40*. 2013. The Human Rights Commission is authorized “to promote respect for human rights and a culture of human rights; to promote the protection, development and attainment of human rights; and to monitor and assess the observance of human rights in the Republic.” Section 25 of the Promotion of Equality and Prevention of Unfair Discrimination, Sections 115 up to and including 118 of the Constitution of South Africa provide for the establishment of a Human Rights Commission. The Human Rights Commission is thereby charged with the mandate of enforcing the provisions in the constitution including Section 9 (3) of the constitution: “The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.”
 24. South Africa, *Employment Equity Act No. 55*. 1998. Section 10 (2): “Any party to a dispute . . . may refer the dispute in writing to the Commission for Conciliation, Mediation and Arbitration (‘CCMA’) within six months after the act or omission that allegedly constitutes unfair discrimination for conciliation. Should the dispute remain unresolved following conciliation, the matter may be referred for arbitration at the CCMA, alternatively referred to the Labor Court for adjudication.” Since Section 9(3) of the constitution and the Employment Equity Act No. 55 of 1998 prohibit discrimination on sexual orientation grounds, a victim of sexual and gender minority discrimination in employment is within their rights to refer the dispute to the Commission for Conciliation, Mediation and Arbitration.
 25. Uruguay, *Law 18806*. 2011. Article 1: “The National Institution of Human Rights and Ombudsman’s Office is created, as an institution of the Legislative Power, which shall have as its mission, within the scope of competencies defined by this law, the defense, promotion and protection in all its extension, of the human rights recognized by the Constitution of the Republic and International Law.”
 26. Uruguay, *Law No. 17817 for the Fight Against Racism, Xenophobia and All Other Forms of Discrimination (Lucha contra el racismo, la xenofobia y la discriminación)*. Article 3: “Crease la Comisión Honoraria contra el Racismo, la Xenofobia y toda otra forma de discriminación. Article 2: A los efectos de esta ley, se entenderá por discriminación toda distinción, exclusión, restricción, preferencia o ejercicio de violencia física y moral basada en motivos de raza, color de piel, religión, origen nacional o étnico, discapacidad, aspecto estético, genero, orientación e identidad sexual, que tenga por objeto o por resultado anular o menoscabar el reconocimiento, goce o ejercicio, en condiciones de igualdad, de los

derechos humanos y libertades fundamentales en las esferas política, económica, social, cultural o en cualquier otra esfera de la vida pública.”

27. Act No. 53 of 2009 that establishes the National Human Rights Commission of Bangladesh.
28. India, National Human Rights Commission. 1993. Protection of Human Rights Act, available at <http://nhrc.nic.in/acts-&-rules/protection-human-rights-act-1993-1>; Draft Annual Action Plan for the period April 1, 2019, to March 31, 2020, available at <http://nhrc.nic.in/activities/annual-action-plans>. Transgender Persons (Protection of Rights) Act of 2019.
29. Kosovo Law No. 05/L-019. 2017. Article 1(2): “The Ombudsperson is a mechanism of equality for promoting, monitoring and supporting equal treatment without discrimination on grounds protected by the Law on Gender Equality and the Anti-Discrimination Law.” Article 16 (1): “The Ombudsperson has the power to investigate complaints received from any natural or legal person related to assertions for violation of human rights envisaged by the Constitution.” In connection with Law on the Protection from Discrimination (Law No. 05/L-021) and Law on Gender Equality (Law No. 05/L-020).
30. South Africa, Human Rights Commission Act No. 40. 2013. The Human Rights Commission is authorized “to promote respect for human rights and a culture of human rights; to promote the protection, development and attainment of human rights; and to monitor and assess the observance of human rights in the Republic.” Section 25 of the Promotion of Equality and Prevention of Unfair Discrimination, sections 115 up to and including 118 of the Constitution of South Africa provide for the establishment of a Human Rights Commission. The Human Rights Commission is thereby charged with the mandate of enforcing the provisions in the constitution including section 9 (3) of the constitution: “The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.”
31. South Africa Employment Equity Act No. 55. 1998. Section 10 (2): “Any party to a dispute . . . may refer the dispute in writing to the Commission for Conciliation, Mediation and Arbitration (‘CCMA’) within six months after the act or omission that allegedly constitutes unfair discrimination for conciliation. Should the dispute remain unresolved following conciliation, the matter may be referred for arbitration at the CCMA, alternatively referred to the Labor Court for adjudication.” Since section 9(3) of the constitution and the Employment Equity Act No. 55 of 1998 prohibit discrimination on sexual orientation grounds, a victim of sexual and gender minority discrimination in employment is within their rights to refer the dispute to the Commission for Conciliation, Mediation and Arbitration.
32. South Africa. The Commission for Conciliation, Mediation and Arbitration (CCMA) and the Labor Court deal with disputes arising in the workplace. Section 112 of the LRA established the CCMA as the juristic person/body responsible for the resolution of employment-related disputes. The CCMA has jurisdiction in all provinces of South Africa, with at least one office within each province. Based on the area within which the dispute arose, the local CCMA office in the relevant area will have jurisdiction to hear the dispute. Should the CCMA be unable to resolve the dispute based on the alleged discrimination, the matter may be referred to the Labor Court failing which the Labor Appeal Court, and ultimately the Constitutional Court. Section 115 of the Labor Relations Act enumerates the functions of the Commission for Conciliation, Mediation and Arbitration: “The commission must attempt to resolve, through conciliation, any dispute referred to it in terms of this Act.” Likewise, the Human Rights Commission under the Human Rights Commission Act No. 40, 2013 is authorized to “promote respect for human rights and a culture of human rights; to promote the protection, development, and attainment of human rights; and to monitor and assess the observance of human rights in the Republic.” Section 25 of the Promotion of Equality and Prevention of Unfair Discrimination, sections 115 up to and including 118 of the Constitution of South Africa provide for the establishment of a Human Rights Commission. The Human Rights Commission is thereby charged with the mandate of enforcing the provisions in the constitution including section 9 (3) of the constitution.

33. South Africa, Employment Equity Act No. 55. 1998. Section 10 (2): “Any party to a dispute . . . may refer the dispute in writing to the Commission for Conciliation, Mediation and Arbitration (‘CCMA’) within six months after the act or omission that allegedly constitutes unfair discrimination for conciliation. Should the dispute remain unresolved following conciliation, the matter may be referred for arbitration at the CCMA, alternatively referred to the Labor Court for adjudication.” Since section 9(3) of the constitution and the Employment Equity Act No. 55 of 1998 prohibit discrimination on sexual orientation grounds, a victim of sexual and gender minority discrimination in employment is within their rights to refer the dispute to the Commission for Conciliation, Mediation and Arbitration.
34. Uruguay, Law 18806. 2011. Article 1: “The National Institution of Human Rights and Ombudsman’s Office is created, as an institution of the Legislative Power, which shall have as its mission, within the scope of competencies defined by this law, the defense, promotion and protection in all its extension, of the human rights recognized by the Constitution of the Republic and International Law.”
35. Uruguay, Law 18.446. Article 4: “Establece que la Institución Nacional de Derechos Humanos y Defensoría del Pueblo tiene la competencia de conocer e investigar eventuales violaciones de derechos humanos reconocidos en las normas nacionales o internacionales, originadas exclusivamente en la responsabilidad de instituciones y organismos del Estado por acción y omisión.” <https://www.gub.uy/institucion-nacional-derechos-humanos-uruguay>. Uruguay, Law No. 17.817, Article 5 (K): “Infomar a la opinión pública sobre actitudes y conductas racistas, xenofóbicas, y discriminatorias o que pudieran manifestarse en cualquier ámbito de la vida nacional, especialmente en las áreas de educación, salud, acción social y empleo; provengan ellas de autoridades públicas o entidades o personas privadas.”
36. Jamaica, Public Sector Staff Orders. 2004. Section 13, Article 13.1: “Employees shall be treated fairly and equitably without discrimination based on any of the following grounds: 1. Age 2. Gender 3. National Origin 4. Race 5. Colour 6. Religious Beliefs 7. Political Affiliation 8. Disability 9. Sexual Orientation, Article 13.4 (i) Employees who have reason to believe they are being treated unfairly or denied opportunity on the basis of any of the grounds stated above (13.1) may file a complaint to the Permanent Secretary or Head of Department.” <https://jis.gov.jm/media/Staff-Orders-for-Public-Service.pdf>.
37. The questions concerning gender in official certifications and documents include: Are there any centralized protocols for updating sex/gender in official certifications without pathologizing requirements? Do laws and/or regulations relating to any of these categories differ between sexual and gender minorities and the rest of the population? Are there any laws and/or regulations that require the assigned gender on the passport and/or ID card to match the expression of one’s gender? Are there any laws and/or regulations that require gender reassignment surgery for intersex children to receive a birth certificate? Are there any laws and/or regulations that allow an individual to obtain a new ID card or passport after gender reassignment?
38. See the National Resource Center on Domestic Violence’s website Violence Against Trans and Non-Binary People at <https://vawnet.org/sc/serving-trans-and-non-binary-survivors-domestic-and-sexual-violence/violence-against-trans-and>.
39. Uruguay, Ley Integral Para Personas Trans. 2018. Article 1: “Toda persona tiene derecho al libre desarrollo de su personalidad conforme a su propia identidad de género, con independencia de su sexo biológico, genético, anatómico, morfológico, hormonal, de asignación u otro. Este derecho incluye el de ser identificado de forma que se reconozca plenamente la identidad de género propia y la consonancia entre esta identidad y el nombre y sexo señalado en los documentos identificatorios de la persona.” Article 6: “Any person may request the adaptation of the registration of their name, sex, or both, when it does not match their gender identity.”
40. Government of the People’s Republic of Bangladesh, Ministry of Social Welfare. 2014. Bangladesh Gazette, No. sokom/work-1sha/Hijra-15/2013-40 (January 26, 2014).
41. Costa Rica, Executive Order No. 41173-MP. 2018: “Regula la adecuación de trámites, documentos y registros al reconocimiento del Derecho a la Identidad Sexual y de Género.” June 28, 2018. Article 5:

“La persona interesada en rectificar o adecuar su nombre, la imagen, y/o la referencia al sexo o género podrá realizar su solicitud a través de los trámites ordinarios que ya existen en las instituciones para confección por primera vez, renovación o corrección de dichos documentos, sin que se les obligue a las personas interesadas a suministrar otro tipo de información o requisitos adicionales a los ya contemplados. La persona interesada deberá haber realizado con anterioridad a la solicitud, el cambio de nombre por identidad de género, de conformidad con el procedimiento fijado en el Reglamento del Registro del Estado Civil, Título X, Capítulo Único ‘Cambio de nombre por identidad de género.’ Las instituciones de la Administración Pública Central estarán en la obligación de realizar la adecuación en los registros correspondientes y la expedición de los documentos solicitados, sin mayores dilaciones ni requisitos adicionales a los previstos para los trámites ordinarios.”

42. India, Transgender Persons (Protection of Rights) Act. 2019. Section 2: “In this Act, unless the context otherwise requires, (k) ‘transgender person’ means a person whose gender does not match with the gender assigned to that person at birth and includes trans-man or trans-woman (whether or not such person has undergone Sex Reassignment Surgery or hormone therapy or laser therapy or such other therapy), person with intersex variations, genderqueer and person having such socio-cultural identities as kinner, hijra, aravani and jogta.” Section 4: “(1) A transgender person shall have a right to be recognised as such, in accordance with the provisions of this Act. (2) A person recognised as transgender under sub-section (1) shall have a right to self-perceived gender identity.” Section 5: “A transgender person may make an application to the District Magistrate for issuing a certificate of identity as a transgender person, in such form and manner, and accompanied with such documents, as may be prescribed: Provided that in the case of a minor child, such application shall be made by a parent or guardian of such child.” Section 6: “(1) The District Magistrate shall issue to the applicant under section 5, a certificate of identity as transgender person after following such procedure and in such form and manner, within such time, as may be prescribed indicating the gender of such person as transgender. (2) The gender of transgender person shall be recorded in all official documents in accordance with certificate issued under sub-section (1). (3) A certificate issued to a person under sub-section (1) shall confer rights and be a proof of recognition of his identity as a transgender person.” Section 7: “(1) After the issue of a certificate under sub-section (1) of section 6, if a transgender person undergoes surgery to change gender either as a male or female, such person may make an application, along with a certificate issued to that effect by the Medical Superintendent or Chief Medical Officer of the medical institution in which that person has undergone surgery, to the District Magistrate for revised certificate, in such form and manner as may be prescribed. (2) The District Magistrate shall, on receipt of an application along with the certificate issued by the Medical Superintendent or Chief Medical Officer, and on being satisfied with the correctness of such certificate, issue a certificate indicating change in gender in such form and manner and within such time, as may be prescribed. (3) The person who has been issued a certificate of identity under section 6 or a revised certificate under sub-section (2) shall be entitled to change the first name in the birth certificate and all other official documents relating to the identity of such person: Provided that such change in gender and the issue of revised certificate under sub-section (2) shall not affect the rights and entitlements of such person under this Act.”
43. Japan, Act on Special Cases in Handling Gender Status for Persons with Gender Identity Disorder. 2003. Article 3(1): “A family court may make a ruling of a change in the recognition of the gender status of a person who is a Person with Gender Identity Disorder and who falls under all of the following items, at the request of such person: (i) is not less than 20 years of age; (ii) is not currently married; (iii) currently has no child who is a minor; (iv) has no reproductive glands or whose reproductive glands have permanently lost function; and (v) has a body which appears to have parts that resembles the genital organs of those of the Opposite Gender.”
44. South Africa, Alteration of Sex Description and Sex Status Act. 2003. Section 2: “Any person whose sexual characteristics have been altered by surgical or medical treatment or by evolvment through

natural development resulting in gender reassignment, or any person who is intersexed may apply to the Director-General of the National Department of Home Affairs for the alteration of the sex description on this or her birth register.”

45. Ukraine, Order No 1041 of the Ministry of Health “on establishing biomedical and psychosocial indications of change (correction) of sex and approval of the form of primary records and instructions for its completion.” 2016. Article 1: “Встановити медико-біологічні та соціально-психологічні показання для зміни (корекції) статевої належності, що додаються.”
46. Mexico, Código Civil para el Distrito Federal. 1928 (Last amended 2015). Article 135 Bis § 3: “Se entenderá por identidad de género la convicción personal e interna, tal como cada persona se percibe así misma, la cual puede corresponder o no, al sexo asignado en el acta primigenia. En ningún caso será requisito acreditar intervención quirúrgica alguna, terapias u otro diagnóstico y/o procedimiento para el reconocimiento de la identidad de género.” Article 135 Ter: “Para realizar el levantamiento de una nueva acta de nacimiento para el reconocimiento de identidad de género, las personas interesadas deberán presentar: I. Solicitud debidamente requisitada; II. Copia certificada del acta de nacimiento primigenia para efecto de que se haga la reserva correspondiente; III. Original y copia fotostática de su identificación oficial, y IV. Comprobante de domicilio. El levantamiento se realizará en el Juzgado Central, se procederá de inmediato a hacer la anotación y la reserva correspondiente; si se hiciera en un Juzgado distinto, se dará aviso mediante escrito al Juzgado en que se encuentre el acta de nacimiento primigenia para los mismos efectos anteriormente señalados. El acta de nacimiento primigenia quedará reservada y no se publicará ni expedirá constancia alguna, salvo mandamiento judicial o petición ministerial. Una vez cumpliendo el trámite se enviarán los oficios con la información, en calidad de reservada, a la Secretaría de Gobernación, Secretaría de Finanzas, Secretaría de Educación pública, Secretaría de Salud, Secretaría de Relaciones Exteriores, Instituto Nacional Electoral, Tribunal Superior de Justicia del Distrito Federal, Procuraduría General de la República, Centro Nacional de Información del Sistema Nacional y al Consejo de la Judicatura Federal, para los efectos legales procedentes.”
47. On April 11, 2012, the Human Rights Tribunal of Ontario ruled that gender confirmation surgery is no longer required for a change in registered gender on Ontario documents. In its decision, the tribunal ordered that the Ontario government “cease requiring transgender persons to have ‘transsexual surgery’ (sic) in order to obtain a change in sex designation on their registration of birth” and has 180 days to “revise the criteria for changing sex designation on a birth registration.” <https://www.canlii.org/en/on/onhrt/doc/2012/2012hrto726/2012hrto726.html>.
48. Mexico, Reglamento de Pasaportes y del Documento de Identidad y Viaje. 2011. Article 16: “En el caso de reasignación para la concordancia sexo-genérica no se considerará extemporaneidad el tiempo transcurrido entre el nacimiento y el nuevo registro. Lo anterior surtirá efectos una vez que la Secretaría sea debidamente notificada por la autoridad judicial competente y el interesado acompañe el acta correspondiente.”
49. Indonesia does not have specific gender recognition laws, but a district court may allow a “change of sex” under population administration provisions for registering “other important events.” That court decision can be submitted as evidence to change sex details on an identification card and birth certificate. https://ilga.org/downloads/ILGA_Trans_Legal_Mapping_Report_2017_ENG.pdf.
50. For further information about the “X” option on Canadian passports, see the JusticeTrans website. <http://justicetrans.org/regional-information/national/passport/>.
51. Costa Rica, Article 93 of the Organic Law of the Supreme Electoral Tribunal and Civil Registry. <https://www.costaricantimes.com/no-more-gender-on-costa-rica-ids/65860>.
52. Uruguay, Law No. 19580 - Law of Violence Towards Women Based on Gender. 2017. Article 22: “El Ministerio de Salud Pública y todo otro órgano y organismo vinculado a las políticas de salud y las instituciones prestadoras de servicios de salud, en el ámbito de sus competencias, deben: (J) Protocolizar las intervenciones respecto de personas intersexuales, prohibiendo los procedimientos médicos innecesarios en niñas, niños y adolescentes.”

53. G.O.(Ms) No. 355. 2019. Article 5: “The Government, after careful examination of all the above points and based on the opinions of the experts as forwarded by the Director of Medical Education, have decided to ban sex reassignment surgeries on intersex infants and children except on life-threatening situations and ordered accordingly.”
54. The questions regarding partnership and parental rights in this indicator set are: Can same-sex couples enter into a registered partnership or civil union? Can same-sex couples get legally married? Is second parent and/or joint adoption by same-sex partner(s) legally possible?
55. Canada Civil Marriage Act. 2005. Article 4: “For greater certainty, a marriage is not void or voidable by reason only that the spouses are of the same sex.”
56. In Canada, every jurisdiction has its own laws and regulations on the matter, which were enacted in various years: Alberta (2007), British Columbia (1996), Manitoba (2002), New Brunswick (2008), Newfoundland & Labrador (2003), Northwest Territories (2002), Nova Scotia (2001), Nunavut (2011), Ontario (2000), Prince Edward Island (2009), Quebec (2002), Saskatchewan (2001).
57. In 2018, the Supreme Court ruled that same-sex marriage should be legal in Costa Rica. However, the decision did not immediately come into effect; rather, the court provided a grace period for Congress to adopt appropriate legislation.
58. In Mexico, some jurisdictions have allowed same-sex marriage: Baja California Sur (2019); Campeche (2016); Coahuila (2014); Colima (2016); Hidalgo (2019); Mexico City (2009); Michoacán (2016); Morelos (2016) [constitutional amendment]; Nayarit (2015); Nuevo León (2019); Oaxaca (2019); and San Luis Potosí (2019). In Quintana Roo (2012), same-sex marriages were allowed by local authorities through a progressive construction of local regulations. Similarly, in Baja California (2018) and Chihuahua (2017), local authorities have administratively allowed same-sex marriages to be performed. In several other states, judicial decisions have ordered the recognition of same-sex marriages: Aguascalientes (2019); Chiapas (2017); Jalisco (2016); and Puebla (2017).
59. For more information, see https://www.senado.gob.mx/64/seguimiento_a_reformas_constitucionales/64/.
60. Mexico, Código Civil para el Distrito Federal de 1928, enmendado en 2015. Article 391: “Los cónyuges o concubinos podrán adoptar cuando los dos estén conformes en considerar al adoptado como hijo y aunque solo uno de ellos cumpla con el requisito de edad a que se refiere este capítulo, pero siempre y cuando la diferencia de edad entre cualquiera de los adoptantes y el adoptado sea de 17 años cuando menos. En todos los casos ambos cónyuges o concubinos deberán comparecer ante la presencia judicial en el procedimiento de adopción.”
61. The decision of the Constitutional Court in the case of *Minister of Home Affairs v. Fourie* on December 1, 2005, extended the common law definition of marriage to include same-sex spouses—as the Constitution of South Africa guarantees equal protection before the law to all citizens regardless of sexual orientation. In December 2018, the Civil Union Amendment Act of 2018 repealed section 6, which allowed a marriage officer to inform the minister that they objected on the ground of conscience, religion, and belief to solemnizing a civil union between persons of the same sex. See Mendos (2019).
62. The 2002 decision of the Constitutional Court in the case of *Du Toit v. Minister of Welfare and Population Development* amended the Child Care Act of 1983 to allow both joint adoption and stepparent adoption by “permanent same-sex life partners.” Children’s Act 38. 2005. Article 231: “(1) A child may be adopted- (a) jointly by- (i) a husband and wife; (ii) partners in a permanent domestic life-partnership; or (iii) other persons sharing a common household and forming a permanent family unit; (b) by a widower, widow, divorced or unmarried person; (c) by a married person whose spouse is the parent of the child or by a person whose permanent domestic life-partner is the parent of the child; (d) by the biological father of a child born out of wedlock; (e) or by the foster parent of the child.”
63. Uruguay, Law No. 19.075 on Marriage Equality. 2013. Article 1: “Sustituyese el artículo 83 del Código Civil, por el siguiente: ARTÍCULO 83.- El matrimonio civil es la unión permanente, con arreglo a la ley, de dos personas de distinto o igual sexo.”
64. Uruguay, Ley No. 17.823. Código de la Niñez y la Adolescencia. 2004 (Amended in 2009). Article 135: “(Adoptantes) - 1) La adopción simple se permite a toda persona mayor de veinticinco años,

cualquiera sea su estado civil, y siempre que tenga por lo menos quince años más que el adoptado, y hubiera tenido al niño o adolescente a su cargo por el mínimo de un año. 2) El tutor no puede adoptar al niño o adolescente hasta que hayan sido aprobadas judicialmente las cuentas del cargo. 3) Nadie puede ser adoptado por más de una persona, a no ser por dos cónyuges que tengan por lo menos un año de matrimonio y hubieran tenido al niño o adolescente a su cargo por un término no inferior a un año. Si no se computara el año de matrimonio, pero hubiera existido durante dicho lapso un concubinato estable que culminó en matrimonio, se incluirá a los efectos de la tenencia, el período de la unión libre. Por motivo fundado y expreso, el Tribunal podrá otorgar la adopción aun cuando alguno de los cónyuges o ambos no alcancen la diferencia de edad con el adoptado o adoptada, reduciéndola hasta un límite que admita razonablemente que éste pueda ser hijo de los adoptantes. Ninguno de los cónyuges puede adoptar sin el consentimiento expreso del otro, salvo que estuviere impedido de manifestar su voluntad o que exista sentencia de separación de cuerpos. 4) Se permitirá la adopción por parte del nuevo cónyuge o concubino del padre o madre del hijo habido dentro del matrimonio o habido fuera del matrimonio reconocido del otro cónyuge o concubino. 5) Realizada la adopción, la separación o divorcio ulterior de los cónyuges no los exime de sus obligaciones para con el adoptado menor de edad.”

65. See, for example, the cases of municipalities in Tokyo and elsewhere in the country (Power 2018).
66. Arunkumar v. Inspector General of Registration, WP(MD) No. 4125 of 2019. https://indiankanoon.org/doc/188806075/?__cf_chl_jschl_tk__=pmd_JiTWsrIZg7VyE4FrqtXs0EKxSDwj7VXXZCRww1KGkBug-1629302516-0-gqNtZGzNAiWjcnBszQj9.
67. The question regarding conversion therapy in this indicator set is: Are there any laws and/or regulations prohibiting/banning/protecting against sexual orientation and gender identity “conversion therapy”?
68. See the Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity (Yogyakarta Principles). 2006. <http://yogyakartaprinciples.org/principles-en/about-the-yogyakarta-principles/>.
69. Although there are no nationwide bans on “conversion therapy” in Canada, an increasing proportion of cities and provinces have adopted or are considering adopting such bans. This includes the provinces of Manitoba (2015), Ontario (2015), Nova Scotia (2018), the city of Vancouver (2018), and the city of St. Albert (2019). Therefore, around 46 percent of the Canadian population lives in areas with legal bans in force.

While there are also no nationwide bans on “conversión therapies” in Mexico, Mexico City recently amended its Criminal Code to ban them. Código Penal para la Ciudad de Mexico. Artículo 190 Quarter: A quien imparta u obligue a otro a recibir una terapia de conversión se le impondrán de dos a cinco años de prisión y de cincuenta a cien horas de trabajo en favor de la comunidad. Este delito se perseguirá por querrela. Se entiende por terapias de conversión, aquellas prácticas consistentes en sesiones psicológicas, psiquiátricas, métodos o tratamientos que tenga por objeto anular, obstaculizar, modificar o menoscabar la expresión o identidad de género, así como la orientación sexual de la persona, en las que se emplea violencia física, moral o psicoemocional, mediante tratos crueles, inhumanos o degradantes que atenten contra la dignidad humana.

Si la terapia de conversión se hiciera en un menor de dieciocho años de edad o persona que no tenga capacidad para comprender el significado del hecho o persona que no tenga la capacidad de resistir la conducta, la pena se aumentará en una mitad y se perseguirá por oficio.

70. See Asamblea Legislativa, República de Costa Rica, at <http://www.asamblea.go.cr/SitePages/Inicio.aspx>.
71. The question regarding sexual and gender minority asylum seekers in this indicator set is: Does your country recognize persecution based on SOGI as one of the grounds for asylum?
72. Canada, Immigration and Refugee Protection Act. 2001. Article 3(2): “The objectives of this Act with respect to refugees are: (d) to offer safe haven to persons with a well-founded fear of persecution based on race, religion, nationality, political opinion or membership in a particular social group, as well as those at risk of torture or cruel and unusual treatment or punishment.”

73. For more information about settling in Canada as a refugee, see the website of the government of Canada at <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/help-outside-canada.html>.
74. South Africa. Refugees Act 130 (amended in 2011). 1998. Article 3(a): “[A] person qualifies for refugee status for the purposes of this Act if that person owing to a well-founded fear of being persecuted by reason of his or her race, tribe, religion, nationality, political opinion or membership of a particular social group, is outside the country of his or her nationality and is unable or unwilling to avail himself or herself of the protection of that country, or, not having a nationality and being outside the country of his or her former habitual residence is unable or, owing to such fear, unwilling to return to it.”
75. Kosovo, Law No. 06/L-026 on Asylum. 2018. Article 3(1): “Terms and abbreviations used in this Law shall have the following meaning: 1.18. Refugee: a person who owing to the well-founded fear of persecution for the reasons of race, religion, nationality, political conviction or belonging to a particular social group, is outside their country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to that country; 1.18.4. a group shall be considered to form a particular social group where in particular: 1.18.4.2. that group has a distinct identity in the relevant country, because it is perceived as being different by the surrounding society. Depending on the circumstances in the country of origin, a particular social group might include a group based on a common characteristic of sexual orientation. Sexual orientation cannot be understood to include acts considered to be criminal in accordance with national law of the Republic of Kosovo. Gender related aspects, including gender identity, shall be given due consideration for the purposes of determining membership of a particular social group or identifying a characteristic of such a group;”
76. Mexico, Ley sobre refugiados, protección complementaria y asilo político. 2011. Article 13: “La condición de refugiado se reconocerá a todo extranjero que se encuentre en territorio nacional, bajo alguno de los siguientes supuestos: I. Que, debido a fundados temores de ser perseguido por motivos de raza, religión, nacionalidad, género, pertenencia a determinado grupo social u opiniones políticas, se encuentre fuera del país de su nacionalidad y no pueda o, a causa de dichos temores, no quiera acogerse a la protección de tal país.”
77. Uruguay, Ley 18.076 Derecho al Refugio y a los Refugiados. 2006. Article 2: “Será reconocido como refugiado toda persona que: A) Debido a fundados temores de ser perseguida por motivos de pertenencia a determinado grupo étnico o social, género, raza, religión, nacionalidad, u opiniones políticas se encuentre fuera del país de su nacionalidad y no pueda o -a causa de dichos temores- no quiera acogerse a la protección de tal país, o que careciendo de nacionalidad y hallándose a consecuencia de tales acontecimientos, fuera del país donde antes tuviera su residencia habitual, no pueda o -a causa de dichos temores-, no quiera regresar a él. B) Ha huido del país de su nacionalidad o careciendo de nacionalidad, ha huido del país de residencia porque su vida, seguridad o libertad resultan amenazadas por la violencia generalizada, la agresión u ocupación extranjera, el terrorismo, los conflictos internos, la violación masiva de los Derechos Humanos o cualquier otra circunstancia que haya perturbado gravemente el orden público.”

References

Amnesty International. 2019. “LGBT Rights.” <https://www.amnesty.org/en/what-we-do/discrimination/lgbt-rights>.

- APF and UNDP (Asia Pacific Forum of National Human Rights Institutions and the United Nations Development Programme). 2016. *Promoting and Protecting Human Rights in relation to Sexual Orientation, Gender Identity and Sex Characteristics: A Manual for National Human Rights Institutions*. https://www.asia-pacific.undp.org/content/rbap/en/home/library/democratic_governance/hiv_aids/promoting-and-protecting-human-rights-in-relation-to-sexual-orie.html.
- bne IntelliNews. 2020. “Kosovo’s New Civil Code Opens the Way for Gay Marriage.” July 8, 2020. <https://www.intellinews.com/kosovo-s-new-civil-code-opens-the-way-for-gay-marriage-187099/>.
- Chiam, Zhan, Sandra Duffy, and Matilda Gil González. 2017. “Trans Legal Mapping Report: Recognition Before the Law.” International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), Geneva. https://ilga.org/downloads/ILGA_Trans_Legal_Mapping_Report_2017_ENG.pdf.
- Daly, Felicity. 2018. “The Global State of LGBTQ Organizing: The Right to Register.” *Outright International*: 14.
- Halili, Dafina. 2018. “Transgender Case Taken to Kosovo’s Highest Legal Institution.” *Kosovo 2.0*, July 31, 2018. <https://kosovotwopointzero.com/en/transgender-case-taken-to-kosovos-highest-legal-institution>.
- IACHR (Inter-American Commission on Human Rights). 2015. *Violence Against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas*. OEA/Ser.L/V/II. Doc.36/15 Rev. 2.
- Lopez, Oscar. 2018. “Fleeing Persecution, LGBT+ Migrants Seek Refuge in South America.” *Reuters*, December 19, 2018. <https://www.reuters.com/article/us-latam-lgbt-immigration/fleeing-persecution-lgbt-migrants-seek-refuge-in-south-america-idUSKBN1OI1MV>.
- Magni, Gabriele, and Andrew Reynolds. 2019. “Voter Preferences and the Political Underrepresentation of Minority Groups: Lesbian, Gay, Transgender and HIV+ Candidates in Advanced Democracies.” Manuscript under review. http://fbaum.unc.edu/teaching/articles/Magni_Reynolds-VoterPreferences-LGBTcandidates_Manuscript.pdf.
- Mendos, Ramón Lucas. 2019. *State-Sponsored Homophobia 2019: Global Legislation Overview Update*. Geneva: ILGA World.
- Park, Andrew. 2015. “U.S. Response to Forming a National Human Rights Institution.” The Williams Institute, UCLA School of Law, Los Angeles. <https://williamsinstitute.law.ucla.edu/publications/us-nhri/>.
- Power, Shannon. 2018. “One of Japan’s Biggest Cities Will Officially Recognize Same-Sex Couples.” *GSN*, February 10, 2018. <https://www.gaystarnews.com/article/one-japans-biggest-cities-will-officially-recognize-sex-couples/#gs.jx5ph8>.
- UNGA (United Nations General Assembly). 2013. *Report of the Special Rapporteur on the Situation of Human Rights Defenders*. A/HRC/22/47. New York: United Nations General Assembly. <https://undocs.org/A/HRC/22/47>.
- UNGA (United Nations General Assembly). 2019. *Report of the Independent Expert on Protection against Violence and Discrimination Based on Sexual Orientation and Gender Identity*. A/74/181. New York: United Nations General Assembly. <https://undocs.org/A/74/181>.
- US Library of Congress. 2019. “Japan, Law Requiring Surgery for Legal Change of Gender Ruled Constitutional.” *Global Legal Monitor*, April 12, 2019. <https://www.loc.gov/item/global-legal-monitor/2019-04-12/japan-law-requiring-surgery-for-legal-change-of-gender-ruled-constitutional/>.
- Zappulla, Antonio. 2018. “Forgotten Twice: The Untold Story of LGBT Refugees.” *World Economic Forum*, January 19, 2018. <https://www.weforum.org/agenda/2018/01/forgotten-twice-lgbt-refugees>.