

LGBTI+ Rights in the Commonwealth:

A review of country-level
commitments since CHOGM 2022

Executive Summary





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Within many parts of the Commonwealth, discriminatory behaviours such as homophobia, biphobia, transphobia and intersexphobia are not solely the result of individual prejudice, but rather they are sustained and organised campaigns to attack the rights of LGBTI+ people. These campaigns are often transnational, well-funded, and bring together political figures, religious leaders and, in some cases, segments of the LGB community around a centralised narrative that portrays LGBTI+ identities as a threatening “gender ideology.” Advancing LGBTI+ rights within Commonwealth structures is imperative to uphold fundamental human rights principles, foster inclusivity, and combat discrimination in line with the values communicated by the Commonwealth Charter.

The Commonwealth Charter obliges member states to uphold the Universal Declaration of Human Rights (UDHR). Global human rights law mandates that this non-discrimination pledge encompasses sexual orientation, gender identity, and sex characteristics. More-

over, the Charter embodies the collective vision of member states to work together towards building a fairer, more prosperous, and sustainable future for all citizens within the Commonwealth. It provides a set of shared values and principles that can underpin and guide efforts to foster cooperation, mutual understanding, and positive development outcomes across diverse nations and regions.

Indeed, the Commonwealth holds a crucial role within the global advocacy ecosystem by serving as a platform for dialogue, exchange of best practices, and mutual support among member countries on an international scale.

The Commonwealth Heads of Government Meeting (CHOGM), is held biannually for leaders of member states to have a chance to gather, discuss, and make decisions on politi-

cal, economic, and social issues. Increasingly, advocacy at CHOGM converges on pressing global issues such as climate change, sustainable development, and peacebuilding. Notably, these issues are also relevant to the concerns of LGBTI+ people and other marginalised communities. Taking place in Samoa, the 2024 CHOGM will explore themes reflecting pressing global imperatives including climate change mitigation, health, sustainable development and economic resilience under the headline: “One Resilient Common Future.”

The outcomes of CHOGM aim to go beyond rhetoric and represent tangible commitments from member states to address common challenges and pursue shared objectives. Encapsulating the collective decisions, commitments, and priorities agreed upon by heads of government is the CHOGM Communiqué, published after the summit.

The Communiqué plays an important role in advancing human rights and equality within the Commonwealth; it provides essential policy guidance and direction for Commonwealth member states based on the collective vision and objectives agreed upon by leaders and serves as a roadmap for shaping national policies and actions in alignment with shared Commonwealth goals.

The Communiqué represents an important opportunity to advance LGBTI+ rights in the same manner it has been used to successfully platform and advance very important issues such as gender equality, human rights, and youth empowerment.

Currently, 30 of the 56 Commonwealth nations consider same-sex sexual activities to be criminal offences, underscoring the persistent legal barriers and societal challenges faced by LGBTI+ individuals within the Commonwealth. In stark contrast, in only 26 member states is homosexuality decriminalised, highlighting the ongoing disparity in legal protections and recognition of LGBTI+ rights across Commonwealth countries.

The repercussions for engaging in private, consensual sexual activities between individuals of the same sex remain severe across many Commonwealth nations, reflecting a wide spectrum of punitive measures that impose harsh penalties on LGBTI+ individuals.

This report also explores key issues which affect the LGBTI+ community including climate change which poses an existential threat to global society, resulting in an estimated 250,000 deaths annually between 2030 and 2050.

While climate change is acknowledged as a global threat, its impacts are not evenly distributed. Marginalised communities, in particular, bear the brunt of its negative effects due to structural inequalities, underscoring the necessity for intersectional climate research and policy.

Structural inequalities may initially appear unrelated to climate change; however, marginalised communities experience amplified repercussions. Homeless individuals lack adequate shelter and resources, rendering them more susceptible to extreme weather events such as heatwaves, freezing temperatures, and hurricanes. This affects LGBTI+ communities severely due to the increased risks of homelessness, especially for young intersex and transgender individuals.

Yet another important structural inequality is the varying degrees of poverty and unemployment faced by the LGBTI+ community. Specifically, unemployment disproportionately affects LGBTI+ individuals compared to their non-LGBTI+ counterparts. LGBTI+ poverty rates are partly attributed to employment discrimination, which further exacerbates economic vulnerabilities, as occupations typically occupied by LGBTI+ individuals are

susceptible to economic hardships caused by climate change.

Moreover, disaster response research, policies, and actions often perpetuate heteronormative and cisgender ideologies, thereby excluding LGBTI+ individuals from critical interventions and support mechanisms. The lack of representation and inclusion in disaster preparedness and response initiatives further compounds the vulnerability of LGBTI+ individuals. These individuals often face barriers in accessing emergency shelters and relief services due to discrimination and harassment based on their real or perceived sexual orientation or gender identity.

Consequently, LGBTI+ individuals facing climate-induced displacement encounter additional barriers in accessing asylum and migration routes. Discriminatory immigration policies and practices in many countries exacerbate the challenges faced by LGBTI+ refugees and asylum seekers, leaving them vulnerable to exploitation, violence, and detention.

It is evident that addressing the intersectional needs of LGBTI+ individuals is essential for effective climate change mitigation, adaptation, and disaster response efforts. The report also looks at the synergy between health promotion and human rights advocacy which offers a powerful platform for addressing systemic inequalities that affect LGBTI+ people and other marginalised communities while also promoting social justice efforts on a global scale. Much like climate change, health and health preventative measures touch differing aspects and are multifaceted. Indeed, it is crucial to acknowledge the shared vulnerabilities and impacts experienced by LGBTI+ individuals in the face of health and climate challenges, from an increased disease burden due to discriminatory healthcare practices to the threat of displacement and exposure to environmental health hazards.

One of the primary hurdles in addressing the health issues faced by LGBTI+ communities

lies in the effective allocation of resources within public health frameworks. Economic policies and practices also wield considerable influence over the health and well-being of LGBTI+ individuals. Consequently, disparities in access to healthcare, social services, and other determinants of health emerge, perpetuating cycles of ill health and social marginalisation.

Because of this, public health initiatives should prioritise creating inclusive environments and providing culturally competent resources that address the specific needs and preferences of LGBTI+ individuals.

This may include initiatives such as encouraging early detection and screening, implementing effective vaccinations programmes, addressing social determinants of health, promoting community engagement and empowerment, as well as challenging approaches that fail to see the nuanced complexity of marginalised communities in unique spaces and circumstances.

Health is a crucial conduit through which the rights and dignity of all individuals, including marginalised and vulnerable populations, should be upheld.

Lastly, the report looks at the landscape of LGBTI+ rights within the Commonwealth and highlights the critical need for sustainable funding to address the persistent challenges faced by the LGBTI+ community.

One of the primary challenges is the perception and risk of being tokenised within the funding landscape. This undermines civil society organisations dedicated to advancing LGBTI+ rights' ability to access unrestricted funding necessary for sustaining long-term projects and programmes. Organisations

dedicated to advancing LGBTI+ rights within marginalised communities also encounter a myriad of challenges in accessing funding and addressing the rollback of rights. These challenges are compounded by systemic barriers that hinder effective collaboration between civil society and governments, exacerbating the vulnerability of marginalised populations.

Without meaningful engagement and co-decision-making between funding organisations and LGBTI+ civil society groups, there is a risk of misalignment between funding priorities and the actual needs of the community. Inclusive governance structures that prioritise diverse voices and perspectives are essential for ensuring that funds are utilised effectively and equitably.

Moreover, in recent years, the landscape of LGBTI+ rights advocacy has been increasingly marked by the resurgence of organised opposition, manifesting in the proliferation of anti-LGBTI+ groups with substantial resources and funding. The growth and organisation of anti-LGBTI+ groups underscore the asymmetric distribution of resources and power within the advocacy landscape.

To address this imbalance, there is an urgent need to level the playing field and ensure

equal access to funding for organisations working with marginalised LGBTI+ communities. This necessitates a multifaceted approach that encompasses advocacy for inclusive funding mechanisms, capacity-building support, and strategic partnerships and networks.

By prioritising inclusive funding mechanisms, strengthening collaboration and dialogue, and enhancing legal and policy frameworks, governments can play a pivotal role in addressing the challenges surrounding sustainable investment in LGBTI+ communities.

In conclusion, the discourse surrounding LGBTI+ rights within the Commonwealth reveals a complex interplay of progress, regression, and persistent challenges. As member states navigate the intricacies of upholding democratic values, human rights, and sustainable development, the imperative of securing sustainable funding mechanisms to counteract the rollback of LGBTI+ rights emerges as a critical priority. Only through collaborative action and a commitment to equity and justice can the Commonwealth fulfil its promise of promoting democracy, human rights, and sustainable development for all its member states and citizens.



FULL REPORT