

THE 'LGBTI' ACRONYM: TOWARDS A MULTICULTURAL CONCEPTION OF SEXUAL AND GENDER MINORITIES

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RESUMO

A sigla "LGBTI" tem sido amplamente utilizada por organizações internacionais de direitos humanos como uma forma de referência a grupos minoritários estigmatizados com base na identidade de gênero, expressão de gênero, orientação sexual e/ou características sexuais. A este respeito, este estudo propõe uma análise crítica sobre o uso de tal sigla, em particular, abordando a preocupação levantada por estudiosos e defensores dos direitos humanos sobre sua simplificação excessiva dada a variedade de expressões, identidades e características corporais que diferem da normatividade social. O objeto do presente trabalho baseia-se em uma concepção multicultural sobre minorias sexuais e de gênero, e suas principais conclusões validam a crítica de que o acrônimo "LGBTI" carece de incluir outras identidades não normativas. O trabalho destaca a exclusão de grupos fora das sociedades ocidentais, assim como aqueles pertencentes a comunidades tradicionais e tribais. Nesse sentido, uma atenção particular é dada aos mecanismos internacionais de direitos humanos que visam à proteção a estes grupos em vulnerabilidade social, ao mesmo tempo em que é levantada uma reflexão sobre uma abordagem inclusiva e multiculturalmente sensível.

Palavras-chave: LGBTI, Estigma, Direitos Humanos, Gênero.

ABSTRAT

The 'LGBTI' acronym has been wildly used by international human rights organizations as a form of referring to minority groups that are stigmatized on the grounds of gender identity, gender expression, sexual orientation and/or sex characteristics. In this regard, this study proposes a critical analysis over the use of such an acronym; in particular, it approaches the concern raised by scholars and human rights advocates about its oversimplification given the variety of expressions, identities and body characteristics that differ from social normativity. The purpose of the current work relies on a multicultural conception over sexual and gender minorities, and its main findings validate the criticism that the 'LGBTI' acronym lacks in including all non-normative identities. It emphasizes the exclusion of groups outside of Western cultures as well as those belonging to traditional and tribal communities. In this sense, particular attention is paid to international human rights mechanisms that aim to protect these socially vulnerable groups, while a reflection on an inclusive and multiculturally sensitive approach is raised.

Keywords: LGBTI, Stigma, Human Rights, Gender.

1. INTRODUCTION

Being part of a minority group often implies a context of social vulnerability, which is not different when it comes to groups of sexual and gender minorities. Indeed, violence towards sexual and gender minorities has been reported in several countries, including acts of discrimination, beating, sexual harassment, and even torture and murder. Such acts are derived from a social environment of stigma, which recurrently goes beyond the spectrum of social interactions and produce discriminatory legislation towards those individuals. Such a dynamic of social stigma deepens even further the level of vulnerability of those groups.

To that extent, different systems on the protection of human rights have developed a particular attention towards the protection of such a minority group, or groups, which are referred by the 'LGBTI' acronym. Before starting any discussion about human rights and the so-called LGBTI population, however, it is convenient to draft some considerations on the term 'LGBTI' as a term that identifies gays, lesbians, bisexuals, transgender and intersex individuals. Although it is commonly used in the legal field as a term to refer to a specific population, especially by international human rights organizations, it is important to bear in mind that such a term does not suggest the existence of a homogeneous community. Instead, it comprises a variety of individuals whose identity do not comply with heteronormative and cisnormative determinisms or, in other words, individuals with sexual orientations, gender expressions, gender identities or persons whose sexual characteristics vary from the heterosexual and binary standard.

This current work still uses the 'LGBTI' acronym in a critical manner, meaning that it acknowledges the wide usage of such term while it still gives it a broader and multicultural perspective. The expressions 'heteronormativity' and 'cisnormativity', in their turn, are employed in order to describe social customary rules which constrain individuals to be in conformity with heterosexual and binary structures of perceiving gender and sexuality and body features strictly based on sex assigned at birth.

As an alternative to address to non-normative identities, this current study also uses other acronyms that refer to sexual orientation, gender identity and intersex status issues, namely 'SOGII', or 'SOGIESC'. Such a terminology alludes to sexual

orientation, gender identity and expression, and sex characteristics; therefore referring to different frameworks to which LGBTI identities are comprised.

Bearing those introductory considerations in mind, the scope of the current analysis is to elucidate the multicultural meaning behind the ‘LGBTI’ terminology. In addition, it also brings the main criticisms as for as the usage of such term in the legal field. As far as its structure is concerned, this current work is organized as it follows. The second part of this paper is entitled to approach the diversity within the so-called LGBTI framework, insofar as it reviews its bibliography in an endeavor to exemplify non-normative identities beyond the ‘LGBTI’ acronym. Following it up, the third part aims to give a brief analysis on social stigma and the process of marginalization of sexual and gender minorities. Finally, it suggests an inclusive approach by which international human rights law must consider when it comes to sexual orientation, gender expression, gender identity and sex characteristics.

2. THE LGBTI NOMECLATURE AND ITS MULTICULTURAL FRAMEWORK

As the introduction on this work already tackles, drafting an analysis on sexual orientation, sex characteristics and gender identity/expression is a complex subject, which usually demands a conceptual introduction on the concepts adopted throughout the study. However, establishing a generally accepted definition of ‘LGBTI’ would require a dense theoretical argumentation involving the relation of social normativity and the construction of sexual and gender identities, as it is set forth by Queer theorists, for instance.¹

Therefore, instead of defining what ‘LGBTI’ stands for, this part of the analysis approaches how sexual and gender minorities are referred to in International Law and in some national legislatures around the world. Accordingly, the main scope of the present part is related to the multicultural use of the LGBTI acronym in international legal

¹ According to Gerber and O’hara, “Queer theory refers to a body of scholarship that challenges assumptions about “normal” and “valid” constructions of gender and sexuality. It came about in the late 1980s to early 1990s and draws on post-structuralism and feminist theory”. See GERBER, Paula; O’HARA, Claerwen. *Teaching Law Students about Sexual Orientation, Gender Identity and Intersex Status within Human Rights Law: Seven Principles for Curriculum Design and Pedagogy*, Journal of Legal Education, Volume 68, Number 2, pp. 416-456 , 2019, pp. 420.

instruments, leading to an analysis about social stigma as a common factor that characterizes LGBTI persons as individuals in situation of social vulnerability.

As literature suggests, the main criticism regarding the ‘LGBTI’ terminology relies on the argument that such an acronym fails to embrace a multicultural perspective on all types of sexual and gender identities, including those observed in non-western societies. Let us therefore consider a specific case, considering the term ‘LGBTI’ used in this paper, the concepts in those letters “may not always pertain to the diversity of experiences and identities that sexual and gender nonconforming individuals live with or adopt, for example, third gender *hijras*”².

In its turn, ‘*hijra*’ is known as “a Hindi word, meaning eunuch, that today is used in South Asia for a person whose sex at birth is male but who self-identifies as female or as neither of the male nor of the female sex”³. In addition, *hijras* are bearer of religious values, “which gives them a status of piety and holiness among people and grants them spiritual powers of blessings and curses”⁴. Such a population also suffers marginalization and social stigma, especially after a long term under British rule, which expressively criminalized such a gender identity during colonial times. Historians on this field hold such an event accountable for the promotion of a hostile environment in which *hijras* still face violence and deprivation of basic rights.⁵

In the Indian case, the context of violence towards *hijras* and other gender minorities led the Supreme Court to rule in favor of recognizing *hijras* as a so-called ‘third gender’, which served as a legal protection against discrimination and violation of basic rights such as life, employment and education. It is interesting to mention that, in this specific event, the ruling of the Supreme Court in 2014 also included other gender minorities regionally known as *Kothis*, *Aravanis*, *Jogappas* and *Shiv-Shakthis*⁶.

² THE WORLD BANK. *Investing in a Research Revolution for LGBTI Inclusion*, 2016. Available at: <<http://documents1.worldbank.org/curated/en/196241478752872781/pdf/110035-WP-InvestinginaResearchRevolutionforLGBTIInclusion-PUBLIC-ABSTRACT-SENT.pdf>>. Italic added.

³ SAHU, Manjeet Kumar. *Case Comment on National Legal Services Authority v. Union of India & Others (Air 2014 Sc 1863): a Ray of Hope for the Lgbt Community*, 3(2) BRICS Law Journal pp. 165, 2016.

⁴ ABBAS, Qaisar; PIR, Ghiasuddin. *History of the Invisible: A People’s History of the Transgendered Community of Lahore*, THAAP Journal 2016: People’s History of Pakistan, pp. 170, 2016.

⁵ *Ibidem*.

⁶ SAHU, Manjeet Kumar. *Case Comment on National Legal Services Authority v. Union of India & Others (Air 2014 Sc 1863): a Ray of Hope for the Lgbt Community*, 3(2) BRICS Law Journal pp. 164–175, 2016.

Besides these forms of identity, “there are terms in other regions that also refer to all non-heterosexual and non-cisgender persons, such as the Māori term ‘*takatapu*’ or the Chinese word ‘*tongzhi*’”⁷. While ‘*takatapu*’ is a Māori denomination meaning ‘partner of the same sex’, the expression ‘*tongzhi*’ is a broader term which refer to persons of non-normative sexualities, sex and gender identities used in Mainland China, Taiwan, and Hong Kong.⁸

The presence of non-normative identities in traditional communities is also observed in the Americas. For instance, one may observe the ancestral forms of self-identification in native American communities, also known as ‘first nations’ or ‘indigenous’, which also embrace fluid conceptions of body characteristics, sexuality and gender. In countries such as Brazil, the process of colonization also imposed a specific rule as an endeavor to impose a model of compulsory monogamy and heterosexuality.⁹ Throughout the so-called ‘laws of honesty’, Portuguese rulers were able to hinder diverse forms of families and sexual activities among native communities. “The framing of native sexualities as queer or straight impose the colonial state as the axiomatic unit of political collectivity. Indigenous peoples were forced to translate themselves in terms consistent with the state and its jurisdiction”.¹⁰

Other indigenous non-normative identities survived the colonial process of sexual and gender colonization. For instance, the so-called Two-spirit persons are a very illustrative example of Native American individuals whose characteristics and/or identity differ from normative expectations of gender roles. As Passante *et al* define it:

Some Aboriginal people use the term Two-Spirit to refer to all sexual and gender variance among people of Indigenous North American descent: in other words, lesbian, gay, bisexual, transgender and/or queer identities. The term Two-Spirit has multiple contemporary meanings and also highlights historical elements regarding the possible positions of Two-Spirit peoples in their communities and their place in the sacred circle.¹¹

⁷ GERBER, Paula; O'HARA, Claerwen. *Teaching Law Students about Sexual Orientation, Gender Identity and Intersex Status within Human Rights Law: Seven Principles for Curriculum Design and Pedagogy*, Journal of Legal Education, Volume 68, Number 2, pp. 416-456, 2019, pp. 432. Italic added.

⁸ Ibidem.

⁹ PICQ, Manuela; TIKUNA, Josi. *Indigenous Sexualities: Resisting Conquest and Translation*. In COTTET, Caroline; PICQ, Manuela. *Sexuality and Translation in World Politics*, E-International Relations Publishing, pp. 57-71, Bristol, England, 2019.

¹⁰ Ibidem, pp. 61.

¹¹ PASSANTE, Lisa; RISTOCK, Janice. and ZOCCOLE, Art. *Aboriginal Two-Spirit and LGBTQ Migration, Mobility and Health Research Project: Winnipeg, Final Report*, University of Manitoba, 2010.

The ‘Two-Spirit’ terminology, however, still faces criticism given its Western influence. In fact, the term was coined during the 1990 Indigenous lesbian and gay international gathering in Winnipeg, Canada, and it has been accepted among First Nations persons as an umbrella term to address SOGIESC diverse identities in Native American communities. The term also embraces cultural and spiritual particularities embedded in Canadian indigenous societies and, for this reason, scholars and even official State communications use the terminology ‘LGBTQ2’ as a form of including Two-Spirit persons.¹²

Other examples are observed in the Americas, such as the *Muxe*, or *Muxche*, in the southern Mexican region. Such an identity refers to persons whose sex was assigned as male, whereas the phenotype is socially perceived as either masculine or feminine, meaning a gender hybrid among indigenous Zapotec communities. Similarly, the term *Māhū* is also used by Native communities in Hawaii in a way to describe a fluid conception of individuals whose gender expression embraces both masculine and feminine forms.¹³

Other concepts observed in the American recall African influence in the continent, such as the *Mati* workers in Suriname, for instance, who engage in sexual activities and eventually create family ties with both men and women.¹⁴ Even though the term *Mati* is mostly used to represent an economic activity and less used to describe an identity itself, these workers still face social stigma due to their non-compliance with heteronormative social standards.

The criticism involving the multicultural perspective over the LGBTI literature is mainly concerned with the range of inclusion to which SOGIESC debates must approach. In particular, when it comes to the legal protection of LGBTI persons, that same criticism draws attention to how international human rights organs and regulations are able to grant basic rights of traditional and tribal non-cisheterosexual identities.

¹² According to the Government of Canada, LGBTQ2 stands for Lesbian, Gay, Bisexual, Transgender, Queer and Two-Spirit persons. See: GOVERNMENT OF CANADA. *LGBTQ2 terminology – Glossary and common acronyms*. LGBTQ2 Secretariat, 2020. Available at: <<https://www.canada.ca/en/canadian-heritage/campaigns/free-to-be-me/lgbtq2-glossary.html>>.

¹³ PICQ, Manuela; TIKUNA, Josi. *Indigenous Sexualities: Resisting Conquest and Translation*. In COTTET, Caroline; PICQ, Manuela. *Sexuality and Translation in World Politics*, E-International Relations Publishing, pp. 57-71, Bristol, England, 2019.

¹⁴ INTER-AMERICAN COMMISSION ON HUMAN RIGHTS. *Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas*, OEA/Ser.L/V/II.154, doc. 19, 2015.

Such a concern has been raised in international human rights forums, for instance, a Mexican muxe person has complained to Inter-American bodies as follows: “we want to be named from a different place, from our place of origin. In my case as a Muxe, I do not fit in the LGBT acronym in terms of representation”.¹⁵

The examples mentioned above reinforce the multicultural criticism insofar as they prove the existence of diverse bodies, genders and sexualities that are excluded from the LGBTI framework. They also embrace cultural and religious specificities that go beyond modern and Western conceptions of sexual and gender diversity. Consequently, the non-inclusion of the previously mentioned identities in the ‘LGBTI’ terminology backs the argument that such an acronym is not as inclusive as it proposes to be, and, as a complement, the referred acronym has shown to be relatively modern and Western-centered.

As a matter of fact, the study on the variety of non-normative bodies and identities around the world leads to a broader conception of sexual and gender minorities, as they consist on a product of different social expectations regarding gender roles. In other words, the conception of gender, usually restricted to the sex assigned at birth, is embedded with social expectations as for behavior, gender expression, sexuality and body features; these expectations, however, vary in different cultural backgrounds and time periods. As Bogush *et al* sum up, “the construction of gender is complex and is influenced by culture, the roles women and men are expected to play, the relationships among these roles, and the value society places on these roles”.¹⁶ The conclusion drafted from this primary analysis, therefore, asserts that the exclusive use of the ‘LGBTI’ terminology “may put out of sight culturally specific sexual and gender identities, giving the wrong impression that those identities originated in the West, and only recently”.¹⁷

¹⁵ INTER-AMERICAN COMMISSION ON HUMAN RIGHTS. *Situation of Human Rights of Lesbian, Gay, Transexual, Bisexual and Intersex Indigenous Persons in the Americas*. Hearing of of Amaranta Gómez Regalado during the 147th Period of Sessions of the IACHR, March 16, 2013. Available at: <<http://www.oas.org/es/cidh/audiencias/Hearings.aspx?Lang=en&Session=131&page=3>>.

¹⁶ BOGUSH, Gleb; ĐURIĆ, Nevenka; VIDLIČKA, Sunčana R. *Legal Protection of Sexual Minorities*, in International Criminal Law, 6(1) Russian Law Journal 28–57, 2018, pp. 32.

¹⁷ GLOBAL RIGHTS. *Partners for Justice, Demanding Credibility and Sustaining Activism: A Guide to Sexuality-Based Advocacy*, Washington, United States, 2010, pp.14. *Apud* INTER-AMERICAN COMMISSION ON HUMAN RIGHTS. *Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas*, OEA/Ser.L/V/II.154, doc. 19, 2015, pp. 26.

As an alternative towards a broader language, different scholars and human rights advocates have adopted larger acronyms, such as LGBTQIA+¹⁸ or even LGGBTTIQAAP¹⁹. On the other hand, longer variations of the previous acronym are commonly rejected in human rights literature, and, due to the lack of consensus as for a universally accepted terminology, the ‘LGBTI’ acronym is adopted in this current work in conformity with international institutions such as the United Nations High Commissioner for Human Rights (OHCHR), the Council of the European Union, and the Inter-American Commission on Human Rights (IACHR).

Considering the case of the IACHR, an autonomous organ within the Organization of American States (OAS) responsible for monitoring and receiving complaints involving human rights violations in the Americas, acknowledges the problems involving the ‘LGBTI’ nomenclature. However, the organization still recognizes it as the most “easily recognizable name as a practical way of synthesizing some of the principal discussions still underway on the issue of categories of sexual orientation, gender identity and gender expression”.²⁰ While adopting such a language, the IACHR therefore intends to embrace all forms of identity regarding sexual orientation, gender and body diversity which go beyond binary and cis-heteronormative social conceptions. As an important Advisory Opinion of the Inter-American Court of Human Rights has stated:

The acronym LGBTI describes a diverse group of people who do not conform to conventional or traditional notions of male and female gender roles. Regarding this specific acronym, the Court recalls that the terminology relating to these human groups is not fixed and evolves rapidly, and that many other terms exist including asexual people, queers, transvestites and transsexuals, among others. In addition, in different cultures other terms may be used to describe people who form same-sex relationships and those who self-identify or exhibit non-binary gender identities (such as hijra, meti, lala,

¹⁸ Meaning lesbian, gay, bisexual, transgender, queer, intersex and asexual. The ‘+’ stands for other sexual and gender minorities. See NATIONAL LGBTQIA+ HEALTH EDUCATION CENTER. *LGBTQIA+ Glossary of Terms for Health Care Teams*, Introduction to LGBTQIA+ Health, updated on February 2020. Available at: <<https://www.lgbtqihealtheducation.org/resources/in/introduction-to-lgbtqi-health/page/2/>>.

¹⁹ Meaning lesbian, gay, genderqueer, bisexual, transgender, transsexual, intersex, queer, asexual, ally, and pansexual. See GERBER, Paula; O'HARA, Claerwen. *Teaching Law Students about Sexual Orientation, Gender Identity and Intersex Status within Human Rights Law: Seven Principles for Curriculum Design and Pedagogy*, Journal of Legal Education, Volume 68, Number 2, pp. 416-456, 2019.

²⁰ INTER-AMERICAN COMMISSION ON HUMAN RIGHTS. *Relevant concepts and applicable terminology*. Rapporteurship on the Rights of LGBTI Persons, 2020. Available at: <<https://www.oas.org/en/iachr/lgtbi/mandate/concepts.asp>>.

skesana, motsoalle, mithli, kuchu, kawein, travesty, muxé, fa'afafine, fakaleiti, hamjensgara and Two-Spirit).²¹

In addition, the Inter-American System of Human Rights (IASHR) extends its protection of sexual and gender minorities towards persons who do not self-identify as LGBTI but are socially perceived as such. In other words, SOGIESC-biased discrimination is condemned by the IASHR “not only with regard to the real or self-perceived identity, but also in relation to the identity perceived externally, regardless of whether or not that perception corresponds to the reality”.²²

Indeed, in some cases, the fact that some individuals are misperceived as an LGBTI individual is enough for these persons to face serious discrimination and violence. One example within the IASHR is the case of José Leonardo Da Silva and his brother, José Leandro Da Silva, who were brutally victimized for being perceived as homosexuals due to public demonstrations of affection. According to the information brought to the IACHR, the two brothers were cruelly attacked by a group of young persons who repeatedly shouted “girlies” at them. As a result, “José Leonardo Da Silva bled to death in the site, after being repeatedly hit with a floor tile; his brother was hospitalized with his jawbones broken in three parts”.²³

There are two other cases of men who suffered stigma in their respective place of work due to allegations of engaging in same-sex sexual relations; both cases involved former officers of the Ecuadorian army who lost their positions in the military hierarchy given intern accusations of sexual relations among male peers. The first case analyzed under the IACHR involves the discharge of the sub-Lieutenant Stivenson Ramos Salazar, who was expelled in December of 1993 due to alleged engagement “in homosexual acts”,²⁴ which configured a “‘misconduct’ in the interest of the good service”.²⁵ In this case, although the allegations were not proved, the official position of the State of Ecuador sustained that the accusations against Mr. Salazar “made it

²¹ INTER-AMERICAN COURT OF HUMAN RIGHTS. *Gender identity, and equality and non-discrimination of same-sex couples*, Advisory Opinion OC-24/17, 2017, pp. 20.

²² INTER-AMERICAN COMMISSION ON HUMAN RIGHTS. *Advances and challenges towards the recognition of the rights of LGBTI persons in the Americas*, OEA/Ser.L/V/II.170 Doc.184, 2018, pp. 26.

²³ INTER-AMERICAN COMMISSION ON HUMAN RIGHTS. *IACHR Condemns Attack and Murder Based on Perceived Sexual Orientation in Brazil*, Press Release No. 84/12, 2012.

²⁴ INTER-AMERICAN COMMISSION ON HUMAN RIGHTS. *Report No. 38/11, Decision to Archive, Case 11,488*, 2011, pp. 01.

²⁵ *Ibidem*.

impossible from any moral or professional point of view for him to remain in active service.”²⁶

In a similar way, the Inter-American Court of Human Rights ruled over the “international responsibility of Ecuador in the dismissal of Homero Flor Freire, an active member of the Ecuadorian army in accordance with the Rules of Military Discipline, because of alleged acts of same-sex intimacy”.²⁷ In December of 2014, the case Homero *versus* Ecuador was submitted to the Inter-American Court, which, in its turn, did not lead investigations on whether the sexual act happened or not; instead, the Court’ decision in August of 2016 focused on the “difference in treatment in the regulation of ‘unlawful sexual acts’ and ‘acts of homosexuality’”.²⁸

Accordingly, such a differentiation would appear in two ways; firstly, sanctions regarding ‘unlawful sexual acts’ could result on a 10 to 30 days of suspension from service, while ‘acts of homosexuality’ resulted on the exoneration of Mr. Homero. Secondly, the Ecuadorian Military Discipline Regulation foresaw punishments for ‘unlawful sexual acts’ only when committed inside military facilities, while homosexual acts were susceptible to punishments even for officers who committed them outside of military bases. The Court therefore held the State of Ecuador accountable for violations the right to equal treatment before the law and the principle of non-discrimination. In addition, the State was held responsible for violations on the right to honor and dignity, as well as the right to fair trial respecting the principle of impartiality.²⁹

These last examples show that, as far as legal protection against SOGIESC-based stigma is concerned, a broader and more inclusive language is fundamental not only as an endeavor to protect LGBTI persons, but also to protect all individuals from stigma and violence grounded on social expectations of gender. As these expectations may vary throughout different scenarios depending on time and social settings, one may

²⁶ *Ibidem*, pp. 02.

²⁷ AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS. *Ending violence and other human rights violations based on sexual orientation and gender identity: A joint dialogue of the African Commission on Human and Peoples' Rights, Inter-American Commission on Human Rights and United Nations*, Pretoria University Law Press, Pretoria, 2016, pp. 57.

²⁸ INTER-AMERICAN COURT OF HUMAN RIGHTS. *CASE OF FLOR FREIRE V. ECUADOR*, Judgment of August 31, 2016, pp. 33.

²⁹ All principles mentioned in this case are foreseen on the American Convention. See articles 1.1, 2, 8.1 11.1 and 24 at ORGANIZATION OF AMERICAN STATES. *American Convention on Human Rights "Pact of San Jose, Costa Rica"*, 1969. Available at: <http://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights.pdf>. See also INTER-AMERICAN COURT OF HUMAN RIGHTS. *CASE OF FLOR FREIRE V. ECUADOR*, Judgment of August 31, 2016.

conclude that the *raison d'être* of any legal mechanism that seeks to protect human rights must consider every possible way by which cultural constructions of gender can signify deprivation of basic rights, freedoms and personal integrity.³⁰

3. SOCIAL STIGMA BASED ON SEXUAL ORIENTATION, SEX CHARACTERISTICS, GENDER IDENTITY AND GENDER EXPRESSION

The previous debate involving language and terminologies in the referred theme illustrates the complexity of social perceptions regarding SOGIESC issues. The main goal proposed for this following part, therefore, is to identify what are the roots of the stigma towards LGBTI persons, which might be an asset in order to identify a common ground among all non-normative identities and, consequently, coming to more inclusive language.

Literature on the subject has shown consistent data which proves that individuals whose self-determination does not follow social expectations towards gender are more likely to face multiple types of discrimination, deprivation of rights and damages to their physical and mental integrity. In that sense, sexual and gender stigma emerge from socially shared beliefs that only conceive heterosexual and binary forms of sex and gender as valid.³¹ As Amaddeo et al point out:

These forms of heteronormativity and gender normativity can be understood as beliefs and practices where sex (male and female) and gender (masculinity and femininity) are absolute and unquestionable binaries. In heteronormativity opposite sex attraction or heterosexuality is the only conceivable way of being 'normal'. As LGBTI people deviate from these norms insofar as their sexual orientation (LGB people), or gender identity (trans people), or sex characteristics (intersex people) they may experience discriminatory attitudes, prejudice or demeaning behaviour.³²

³⁰ UNITED NATION DEVELOPMENT PROGRAMME. *Promoting and Protecting Human Rights in relation to Sexual Orientation, Gender Identity and Sex Characteristics: A Manual for National Human Rights Institutions*, Asia Pacific Forum of National Human Rights Institutions and the United Nations Development Programme, June, 2016.

³¹ BLONDEEL, Karel; GARCÍA-MORENO, Claudia; STEPHENSON, Rob; TEMMERMAN, Marleen; TOSKINB, Igor; VASCONCELOS, Sofia. *Violence motivated by perception of sexual orientation and gender identity: a systematic review*, Bulletin of the World Health Organization 96:29-41L, 2018.

³² AMADDEO, Francesco; AUJEAN, Sophie; BROWNE, Kath; DAVIS, Ruth; DONISI, Valeria; FARINELLA, Francesco; GIOS, Lorenzo; MCGLYNN, Nick; MIRANDOLA, Massimo; NIEDZ WIEDZKA-STADNIK, Marta; PIERSON, Anne; PINTO, Nuno; ROSIN'SKA, Magdalena; SANCHEZ-LAMBERT, Juliette; SHERRIFF, Nigel; ZEEMAN, Laetitia; THE HEALTH4LGBTI NETWORK. *A review of lesbian, gay, bisexual, trans and intersex (LGBTI) health and healthcare*

Scholars devoted to the social identity theory have defended that such a shared believe of being cis-heterosexual as equivalent to being the norm is responsible for marginalizing gender and sexual minorities in their social environments. According to Lee and Ostergard, the construction of social values in a given society pervades the capacity of individuals “to order the differences and similarities they observe in one another and to gauge acceptable and non-acceptable norms of behavior”³³. In other words, interactions among individuals within social groups are developed through common perceptions of norms that are tolerable or punishable.

Consequently, individuals who behave according to such social rules are commonly considered superior to those who behave otherwise; the latter, in turn, are more likely to fall into preconceived stereotypes that characterize such individuals as a threat to the social *status quo*. Such a process is referred as ‘othering’ by some scholars, that is, the process of identifying non-normative identities as marginals, or non-worthy of belonging to a given social group.

In sum, as Mountz have mentioned, the process of creating the ‘other’ relies on “the constant repetition of characteristics about a group of people who are distinguished from the norm in some way. To assume that unions between men and women are the norm, for example, is to other same-sex couples.”³⁴ The formation of preconceived stereotypes based on being cisgender and heterosexual as a norm therefore is the main promoter of subjugation of sexual and gender minorities. As Vecchiatti and Viana affirm, subjugation based on homophobia and transphobia derives from “a set of multifaceted ideas and practices that discriminate against individuals because of their *actual or supposed* sexual orientation and/or gender identity, deviating from heterosexuality”.³⁵

inequalities. In *The European Journal of Public Health*, Volume 29, Number 5, pp. 974–980, 2019, pp.975-976.

³³ LEE, Chelsea; OSTERGARD, Robert L. *Measuring Discrimination Against LGBTQ People: A Cross-National Analysis*, in *Human Rights Quarterly*, Volume 39, Number 1, Johns Hopkins University Press, 2017, pp. 38.

³⁴ MOUNTZ, Alison. *The other*, pp. 328-364, in DAHLMAN, Carl; GALLAHER, Carolyn; GILMARTIN, Mary; MOUNTZ, Alison; SHIRLOW, Peter. *Key Concepts in Political Geography*, Sage Publications. 2009, pp. 328.

³⁵ Italic was added to this citation as a form of emphasizing how social perceptions can be harmful even for those who are not self-determined under the LGBTI category. See VECCHIATTI, Paulo Roberto I.; VIANA, Thiago G. *LGBTI and the Inter-American Human Rights System: The construction of the rainbow international citizenship*, in: *Direito Internacional dos Direitos Humanos I*, CONPEDI, pp. 332 – 361, 2014, pp. 337. Free translation, italic added.

Accordingly, the problems caused by the so-called process of ‘othering’ and the presence of social stigma against diverse bodies, sexualities and ways of exercising gender roles often promotes a higher level of violence and discrimination towards non-conforming identities. Such a hostile environment is characterized by a ‘us versus them’ competition, in which ‘us’ stands for those in compliance with social normativity, namely cisgender heterosexual individuals, and LGBTI persons represent ‘them’, the ‘others’, the ‘abnormal’, the ‘immoral’ ones or the ‘out-groups’.³⁶ Given the pre-constructed social values of morality, religiosity, culture and many other ways to socially construct normativity, one might conclude that such a competition is disproportionate, and those “sexual and gender minorities are mainly attacked because they defy gender stereotypes”.³⁷

Several process of excluding sexual and gender minorities have resulted on the challenging scenario to the detriment of those stigmatized individuals. As it was expounded in the previous parts of this paper, for instance, the advent of colonization boosted the process of ‘othering’ of non-cisheterosexual identities in colonized territories.³⁸ For this reason, one might conclude that the common ground among sexual and gender minorities is the perception of being the ‘others’, the ‘abnormals’, which also affects different identities in a variety of levels. In fact, recent data involving the identities among the LGBTI acronym have shown different levels of violence faced by each specific group. As Blondel *et al* have concluded after analyzing 57 studies on the violence against gender and sexual minorities, the prevalence of physical attacks is particularly observed among transgender persons. Those authors have concluded the following:

In 14 studies where all sexual and gender minorities were taken together the prevalence ranged from 6% in a study of 240 people to 25.0% (49/196).

³⁶ LEE, Chelsea; OSTERGARD, Robert L. *Measuring Discrimination Against LGBTQ People: A Cross-National Analysis*, in Human Rights Quarterly, Volume 39, Number 1, Johns Hopkins University Press, 2017, pp. 38; DAHLMAN, Carl; GALLAHER, Carolyn; GILMARTIN, Mary; MOUNTZ, Alison; SHIRLOW, Peter. *Key Concepts in Political Geography*, Sage Publications. 2009, pp. 328; AKMEŞE, Zuhail; DENIZ, Kemal. *HATE SPEECH IN SOCIAL MEDIA: LGBTI PERSONS*, Conference: 15th International Symposium Communication in the Millennium, University of California, 2017, pp. 53.

³⁷ BLONDEEL, Karel; GARCÍA-MORENO, Claudia; STEPHENSON, Rob; TEMMERMANA, Marleen; TOSKINB, Igor; VASCONCELOS, Sofia. *Violence motivated by perception of sexual orientation and gender identity: a systematic review*, Bulletin of the World Health Organization 96:29-41L, 2018, pp. 35.

³⁸ PICQ, Manuela; TIKUNA, Josi. *Indigenous Sexualities: Resisting Conquest and Translation*. In COTTET, Caroline; PICQ, Manuela. *Sexuality and Translation in World Politics*, E-International Relations Publishing, pp. 57-71, Bristol, England, 2019.

When transgender people were not included (11 studies) the figures ranged from 3.3% (24/761) to 31.1% (436/1402). In homosexual or bisexual men (29 studies), the prevalence was between 8.5% in a study of 603 people and 34.7% (318/916), although when only bisexual men were included (4 studies), the prevalence was no higher than 22.6% (12/53). A similar tendency was observed in homosexual or bisexual women (21 studies), with a prevalence range from 4.6% in a study including 909 individuals to 25.1% (42/167 people), and a lower prevalence when bisexual women only were included (4 studies). *For transgender people prevalence (28 studies) ranged from 11.8% of a sample size of 34 to 68.2% (75/110 people).*³⁹

Literature also shows a consensus on the fact that transgender persons involved in sex work are particularly victimized by a higher level of vulnerability and visibility.⁴⁰ In this regard, human rights institutions have emphasized that “trans women who are sex workers are particularly vulnerable to community violence, including killings by individuals, their clients, illegal armed groups or gangs”.⁴¹ Therefore, discrimination and violence targeting “transsexual, intersex, and transgender people, despite being one, if not the, most highly victimized population, is rarely afforded national attention, as in the exceptional, and graphically violent, murder cases”.⁴² Despite violence committed by strangers in public spaces, the author also argues that intersex and gender minorities suffer physical attacks, verbal harassment and sexual assaults from family members and even colleagues.

It has also been proved that life expectancy of transgender persons of some regions, especially transgender woman exposed to sex work, is usually lower due to the context of stigma and violence. For instance, data collected by the IACHR has shown concerning numbers regarding the well-being of such a population which shows that, in Latin American countries, life expectancy of transgender women does not go beyond mid-thirties.

³⁹ BLONDEEL, Karel; GARCÍA-MORENO, Claudia; STEPHENSON, Rob; TEMMERMANA, Marleen; TOSKINB, Igor; VASCONCELOS, Sofia. *Violence motivated by perception of sexual orientation and gender identity: a systematic review*, Bulletin of the World Health Organization 96:29-41L, 2018, pp. 32. Italic added.

⁴⁰ LEWIS, Clara S. *Tough on Hate? The Cultural Politics of Hate Crimes*. Rutgers University Press, 2014; BLONDEEL, Karel; GARCÍA-MORENO, Claudia; STEPHENSON, Rob; TEMMERMANA, Marleen; TOSKINB, Igor; VASCONCELOS, Sofia. *Violence motivated by perception of sexual orientation and gender identity: a systematic review*, Bulletin of the World Health Organization 96:29-41L, 2018.

⁴¹ INTER-AMERICAN COMMISSION ON HUMAN RIGHTS. *Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas*, OEA/Ser.L/V/II.154, doc. 19, 2015, pp. 15.

⁴² LEWIS, Clara S. *Tough on Hate? The Cultural Politics of Hate Crimes*. Rutgers University Press, 2014, pp. 99.

Some Latin American organizations report that the average life expectancy of trans women in the region is as low as 35 years of age, or even less. In this regard, the IACHR has noted that while it seems that gay men of all ages are targeted, in the case of trans women, it is mostly younger trans women who are victims of violence. The IACHR has expressed concern about the young age of trans victims of killings and other acts of violence. According to the data collected, 80% of trans persons killed were 35 years of age or younger.⁴³

4. SOGIESC-BASED STIGMA AND HUMAN RIGHTS

Given such a context of stigma, in addition to the variety of non-conforming identities that fall into the category of minority as far as SOGIESC are concerned, some documents on the protection of LGBTI persons prefer to tackle the problems derived from the process of marginalization, or ‘othering’, instead of clustering non-conforming individuals into one umbrella terminology. This is the case of the Yogyakarta Principles, a Declaration that embraces addresses violations of basic rights of gender and sexual minorities in the most inclusive and multicultural manner.⁴⁴

Officially known as the *Declaration of the Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity*⁴⁵, the Yogyakarta Principles does not consist on a legally binding instrument. However, the document still is a very important statement regarding LGBTI rights, not only due to its addressing on SOGIESC issues, but also due to its definition of sexual orientation and gender identity, which, by that time, also embraced the nature of intersex persons.

For these reasons, the document has been used by relevant international monitoring bodies and national legislatures as a reference for the implementation of

⁴³ INTER-AMERICAN COMMISSION ON HUMAN RIGHTS. *Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas*, OEA/Ser.L/V/II.154, doc. 19, 2015, pp. 158.

⁴⁴ UNITED NATION DEVELOPMENT PROGRAMME. *Promoting and Protecting Human Rights in relation to Sexual Orientation, Gender Identity and Sex Characteristics: A Manual for National Human Rights Institutions*, Asia Pacific Forum of National Human Rights Institutions and the United Nations Development Programme, June 2016, pp. 132.

⁴⁵ The document was discussed and drafted at the Gadjah Mada University, in the city of Yogyakarta, Indonesia. The discussions during the writing of the Declaration involved a set “of human rights experts, lawyers, NGO representatives, scholars and UN representatives. The document containing the so-called Principles of Yogyakarta was presented in Geneva, during one of the events that took place at the fourth regular session of the United Nations Human Rights Council, on March 2007. See CAMPBELL, Jamie; KIEL, Christina. *Intergovernmental Organizations and LGBT Issues*, Oxford University Press, 2019. Available at: <oxfordre.com/politics>; UNITED NATIONS DEVELOPMENT PROGRAMME. *Promoting and Protecting Human Rights in relation to Sexual Orientation, Gender Identity and Sex Characteristics: A Manual for National Human Rights Institutions*, Asia Pacific Forum of National Human Rights Institutions and the United Nations Development Programme, June 2016.

human rights in the context of gender and sexual minorities. As far as its structure is concerned, the Declaration follows approaches its 29 principles as it follows: firstly, it addresses some human rights that are particularly breached due to SOGIESC-based stigma, followed by some particularities regarding the application of those basic rights in the reality of vulnerable groups, and, finally, it adds some State obligations regarding SOGIESC legal issues. As an example, the first principle of the document, perhaps the most important one, is entitled “The Right to the Universal Enjoyment of Human Rights” and it states: “All human beings are born free and equal in dignity and rights. Human beings of all sexual orientations and gender identities are entitled to the full enjoyment of all human rights.”⁴⁶ As a complement of such an affirmation, it adds some State obligations and good practices in order to incorporate the referred principle in their respective legal systems, as it follows:

States shall: Embody the principles of the universality, interrelatedness, interdependence and indivisibility of all human rights in their national constitutions or other appropriate legislation and ensure the practical realization of the universal enjoyment of all human rights; Amend any legislation, including criminal law, to ensure its consistency with the universal enjoyment of all human rights; Undertake programmes of education and awareness to promote and enhance the full enjoyment of all human rights by all persons, irrespective of sexual orientation or gender identity; Integrate within State policy and decision-making a pluralistic approach that recognizes and affirms the interrelatedness and indivisibility of all aspects of human identity including sexual orientation and gender identity.⁴⁷

As Bogush *at al* also affirm, the second and the third principles of Yogyakarta are among the most important ones, as they rely on the ideas of non-discrimination and the right to legal recognition.⁴⁸ Respectively, these principles affirm that sexual and gender minorities must be recognized as equal and entitled of protection before the law, and all human rights must be granted to every person without any sort of distinction or exclusion motivated by sexual orientation or gender identity. They also establish that every individual bears the right to be legally recognized in respect of their self-determination, freedom and dignity regardless of sexual orientation and gender identity.

⁴⁶ INTERNATIONAL COMMISSION OF JURISTS. *Yogyakarta Principles - Principles on the application of international human rights law in relation to sexual orientation and gender identity*, 2007, pp. 10. Available at: <<https://www.refworld.org/pdfid/48244e602.pdf>>.

⁴⁷ *Ibidem*.

⁴⁸ BOGUSH, Gleb; ĐURIĆ, Nevenka; VIDLIČKA, Sunčana R. *Legal Protection of Sexual Minorities*, in *International Criminal Law*, 6(1) *Russian Law Journal* 28–57, 2018.

The subsequent principles are systematically organized as it follows. From principle 4 to 11, the document addresses human rights regarding life, security, access to justice and freedom from any type of violence, torture or arbitrary detention. The following principles until the 18th emphasize non-discrimination in granting economic, cultural and social basic rights such as work, housing, health, education and so on. From principle 19 to principle 21, the document deals with self-determination and freedom of association, expression, opinion, thought and religion. Principles 22 and 23 deal, respectively, with freedom of movement and the right to seek asylum due to SOGIESC-based violence. Principles 24 to 26 highlight the participation in social, public and cultural life, meaning the right to found a family and to conduct public affairs without being discriminated. Principle 27, in its turn, deals with the protection of individuals from gender and sexual minorities who engage in the defense of human rights in the national or international level. Lastly, the 28th and 29th principles address the effective remedies and accountability, meaning the due prosecution, trial and punishment towards perpetrators of biased-motivated violence and the appropriate reparation from any kind of rights violations.⁴⁹

As it was previously mentioned, the Yogyakarta principles do not bring any mention of ‘LGBTI’, ‘LGBTQIA+’ or any other terminology that seeks to embrace all gender and sexual minorities. Instead, it gathers the most relevant basic rights that are violated considering a diversity of cultural experiences, which embraces the protection of all individuals from SOGIESC-grounded stigma in every possible manner.

As a result, many countries in different regions have endorsed the Yogyakarta Principles as a legal reference. For instance, governments of Canada, Chile, Czech Republic, Finland and Germany have formally stated their commitment to adopt the concerned principles in future human rights policies. Another example to be mentioned is the case of Netherlands, which “have used the Principles in forming a national

⁴⁹ UNITED NATIONS DEVELOPMENT PROGRAMME. *Promoting and Protecting Human Rights in relation to Sexual Orientation, Gender Identity and Sex Characteristics: A Manual for National Human Rights Institutions*, Asia Pacific Forum of National Human Rights Institutions and the United Nations Development Programme, June 2016; INTERNATIONAL COMMISSION OF JURISTS. *Yogyakarta Principles - Principles on the application of international human rights law in relation to sexual orientation and gender identity*, 2007. Available at: <<https://www.refworld.org/pdfid/48244e602.pdf>>.

Transgender Policy. In Uruguay, a bill protecting the right to gender identity and right to use a chosen name quotes the Principles as a legal framework”.⁵⁰

Therefore, these Principles represent an important foundation for the protection against violations regarding gender expectations, as they synthesize the legal standards to which national and international legislatures shall consider when dealing with SOGIESC issues. As mentioned by John Fisher and Michael O’Flaherty, one of the signatories of the Yogyakarta Declaration, and the rationale besides the Declaration itself or any other legal instrument related to SOGIESC must rely on three premises:

In the first place they should constitute a ‘mapping’ of the experiences of human rights violations experienced by people of diverse sexual orientations and gender identities. This exercise should be as inclusive and wide ranging as possible, taking account of the distinct ways in which human rights violations may be experienced in different regions of the world. Second, the application of international human rights law to such experiences should be articulated in as clear and precise a manner as possible. Finally, the Principles should spell out in some detail the nature of the obligation on States for effective implementation of each of the human rights obligations.⁵¹

5. FINAL REMARKS

The discussion established in this study gives the reader a broad understanding on the complexity involving SOGIESC issues; in particular, it emphasizes the multicultural perspective of non-normative identities which can be classified as sexual and/or gender minorities. It has also shown that those minority groups face different levels of stigma and violence depending on a variety of factors, including processes of colonization, exposition to sex work, gender status, and so on.

When it comes to the legal protection of sexual and gender minorities, this study proposes that international human rights organizations and State legislatures must consider a broad and multicultural conception of LGBTI persons as an endeavor to create effective legal mechanisms of protection. By ‘effective’, one must consider laws

⁵⁰ KÖHLER, Richard; WESTERLUND, Ulrika. Human Rights and Gender Identity: Best Practice Catalogue. Transgender Europe (TGEU), Second version, 2016, pp. 09.

⁵¹ O’FLAHERTY, Michael; FISHER, John. Sexual Orientation, Gender Identity and International Human Rights Law: Contextualising the Yogyakarta Principles, in *Human Rights Law Review* 8:2, 2008, pp. 232-233 Apud UNITED NATION DEVELOPMENT PROGRAMME. *Promoting and Protecting Human Rights in relation to Sexual Orientation, Gender Identity and Sex Characteristics: A Manual for National Human Rights Institutions*, Asia Pacific Forum of National Human Rights Institutions and the United Nations Development Programme, June 2016, pp. 132.

and regulations which are able to tackle SOGIESC-based stigma in every possible manner.

In this vein, it is appreciable that institutions such as the OHCHR have expressively characterized ‘LGBTI’ as an umbrella term with global resonance that concerns all non-normative identities across languages and cultures.⁵² Similarly, it is very important that human rights regional systems such as the IASHR have recognized its protection towards traditional identities as well as persons who are socially perceived as defying gender expectations. In other words, it is also relevant that the referred system has been able to protect persons who do now self-identify as LGBTI, but still suffered discrimination and even acts of violence due to supposed homosexuality, for instance.

As a model of an effective legal reference, the last part of this work expounds the experience of the 2007 Yogyakarta Principles. As it was previously shown, the document refuses to cluster sexual and gender minorities in one short acronym, instead, it seeks to address all basic rights which are violated, or affected in a certain way, by the existence of SOGIESC-biased stigma. The Declaration therefore is still considered a cornerstone when it comes to human rights and the protection of sexual and gender minorities.

Overall, this paper has shown the diversity of minority groups within the SOGIESC framework. More importantly, it gives a solid foundation to the criticisms regarding the ‘LGBTI’ terminology, which mainly relies on the following pillars: firstly, the acronym gives a misleading suggestion of sexual and gender minorities as a homogeneous community facing similar ways of stigma and deprivation of rights. Secondly, it does not include all forms of body diversity, gender identities and sexualities. As a complement to the latter criticism, the referred acronym has shown to be modern and Western-centered, which gives the wrong impression that non-normative identities are a contemporary and Western advent. Finally, considering the experience of the Americas, this paper has also shown that the concerned terminology fails to embrace individuals who face social stigma due to misperceptions due to cultural expectations of gender roles.

⁵² UNITED NATIONS OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS. *Born Free and Equal: Sexual Orientation, Gender Identity and Sex Characteristics in International Human Rights Law*, 2nd Edition, New York and Geneva, 2019.

BIBLIOGRAPHY

ABBAS, Qaisar; PIR, Ghiasuddin. *History of the Invisible: A People's History of the Transgendered Community of Lahore*, THAAP Journal 2016: People's History of Pakistan, 2016.

AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS. *Ending violence and other human rights violations based on sexual orientation and gender identity: A joint dialogue of the African Commission on Human and Peoples' Rights, Inter-American Commission on Human Rights and United Nations*, Pretoria University Law Press, Pretoria, 2016.

AKMEŞE, Zuhai; DENIZ, Kemal. *HATE SPEECH IN SOCIAL MEDIA: LGBTI PERSONS*, Conference: 15th International Symposium Communication in the Millennium, University of California, 2017.

AMADDEO, Francesco; AUJEAN, Sophie; BROWNE, Kath; DAVIS, Ruth; DONISI, Valeria; FARINELLA, Francesco; GIOS, Lorenzo; MCGLYNN, Nick; MIRANDOLA, Massimo; NIEDZ'WIEDZKA-STADNIK, Marta; PIERSON, Anne; PINTO, Nuno; ROSIN'SKA, Magdalena; SANCHEZ-LAMBERT, Juliette; SHERRIFF, Nigel; ZEEMAN, Laetitia; THE HEALTH4LGBTI NETWORK. *A review of lesbian, gay, bisexual, trans and intersex (LGBTI) health and healthcare inequalities*. In *The European Journal of Public Health*, Volume 29, Number 5, pp. 974–980, 2019.

BLONDEEL, Karel; GARCÍA-MORENO, Claudia; STEPHENSON, Rob; TEMMERMAN, Marleen; TOSKIN, Igor; VASCONCELOS, Sofia. *Violence motivated by perception of sexual orientation and gender identity: a systematic review*, *Bulletin of the World Health Organization* 96:29-41L, 2018.

BOGUSH, Gleb; ĐURIĆ, Nevenka; VIDLIČKA, Sunčana R. *Legal Protection of Sexual Minorities*, in *International Criminal Law*, 6(1) *Russian Law Journal* 28–57, 2018.

CAMPBELL, Jamie; KIEL, Christina. *Intergovernmental Organizations and LGBT Issues*, Oxford University Press, 2019. Available at: <oxfordre.com/politics>.
DAHLMAN, Carl; GALLAHER, Carolyn; GILMARTIN, Mary; MOUNTZ, Alison; SHIRLOW, Peter. *Key Concepts in Political Geography*, Sage Publications. 2009.

GERBER, Paula; O'HARA, Claerwen. *Teaching Law Students about Sexual Orientation, Gender Identity and Intersex Status within Human Rights Law: Seven Principles for Curriculum Design and Pedagogy*, *Journal of Legal Education*, Volume 68, Number 2, pp. 416-456, 2019.

GLOBAL RIGHTS. *Partners for Justice, Demanding Credibility and Sustaining Activism: A Guide to Sexuality-Based Advocacy*, Washington, United States, 2010.

GOVERNMENT OF CANADA. *LGBTQ2 terminology – Glossary and common acronyms*. LGBTQ2 Secretariat, 2020. Available at:

<<https://www.canada.ca/en/canadian-heritage/campaigns/free-to-be-me/lgbtq2-glossary.html>>.

INTER-AMERICAN COMMISSION ON HUMAN RIGHTS. *Advances and challenges towards the recognition of the rights of LGBTI persons in the Americas*, OEA/Ser.L/V/II.170 Doc.184, 2018.

_____. *IACHR Condemns Attack and Murder Based on Perceived Sexual Orientation in Brazil*, Press Release No. 84/12, 2012.

_____. *Relevant concepts and applicable terminology*. Rapporteurship on the Rights of LGBTI Persons, 2020. Available at: <<https://www.oas.org/en/iachr/lgtbi/mandate/concepts.asp>>.

_____. *Report No. 38/11, Decision to Archive, Case 11,488*, 2011.

_____. *Situation of Human Rights of Lesbian, Gay, Transexual, Bisexual and Intersex Indigenous Persons in the Americas*. Hearing of Amaranta Gómez Regalado during the 147th Period of Sessions of the IACHR, March 16, 2013. Available at: <<http://www.oas.org/es/cidh/audiencias/Hearings.aspx?Lang=en&Session=131&page=3>>.

_____. *Violence against Lesbian, Gay, Bisexual, Trans and Intersex Persons in the Americas*, OEA/Ser.L/V/II.154, doc. 19, 2015.

_____. *CASE OF FLOR FREIRE V. ECUADOR*, Judgment of August 31, 2016.

_____. *Gender identity, and equality and non-discrimination of same-sex couples*, Advisory Opinion OC-24/17, 2017.

INTERNATIONAL COMMISSION OF JURISTS. *Yogyakarta Principles - Principles on the application of international human rights law in relation to sexual orientation and gender identity*, 2007, pp. 10. Available at: <<https://www.refworld.org/pdfid/48244e602.pdf>>.

KÖHLER, Richard; WESTERLUND, Ulrika. *Human Rights and Gender Identity: Best Practice Catalogue*. Transgender Europe (TGEU), Second version, 2016.

LEE, Chelsea; OSTERGARD, Robert L. *Measuring Discrimination Against LGBTQ People: A Cross-National Analysis*, in *Human Rights Quarterly*, Volume 39, Number 1, Johns Hopkins University Press, 2017.

LEWIS, Clara S. *Tough on Hate? The Cultural Politics of Hate Crimes*. Rutgers University Press, 2014.

MOUNTZ, Alison. *The other*, pp. 328-364, in DAHLMAN, Carl; GALLAHER, Carolyn; GILMARTIN, Mary; MOUNTZ, Alison; SHIRLOW, Peter. *Key Concepts in Political Geography*, Sage Publications. 2009.

NATIONAL LGBTQIA+ HEALTH EDUCATION CENTER. *LGBTQIA+ Glossary of Terms for Health Care Teams*, Introduction to LGBTQIA+ Health, updated on February 2020. Available at: <<https://www.lgbtqiahealtheducation.org/resources/in/introduction-to-lgbtqia-health/page/2/>>.

O'FLAHERTY, Michael; FISHER, John. Sexual Orientation, Gender Identity and International Human Rights Law: Contextualising the Yogyakarta Principles, in *Human Rights Law Review* 8:2, 2008.

ORGANIZATION OF AMERICAN STATES. *American Convention on Human Rights "Pact of San Jose, Costa Rica"*, 1969. Available at: <http://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights.pdf>. See also INTER-AMERICAN COURT OF HUMAN RIGHTS. *CASE OF FLOR FREIRE V. ECUADOR*, Judgment of August 31, 2016.

PASSANTE, Lisa; RISTOCK, Janice. and ZOCCOLE, Art. *Aboriginal Two-Spirit and LGBTQ Migration, Mobility and Health Research Project: Winnipeg, Final Report*, University of Manitoba, 2010.

PICQ, Manuela; TIKUNA, Josi. *Indigenous Sexualities: Resisting Conquest and Translation*. In COTTET, Caroline; PICQ, Manuela. *Sexuality and Translation in World Politics*, E-International Relations Publishing, pp. 57-71, Bristol, England, 2019.

SAHU, Manjeet Kumar. *Case Comment on National Legal Services Authority v. Union of India & Others (Air 2014 Sc 1863): a Ray of Hope for the Lgbt Community*, 3(2) BRICS Law Journal pp. 165, 2016.

THE WORLD BANK. *Investing in a Research Revolution for LGBTI Inclusion*, 2016. Available at: <<http://documents1.worldbank.org/curated/en/196241478752872781/pdf/110035-WP-InvestinginaResearchRevolutionforLGBTIInclusion-PUBLIC-ABSTRACT-SENT.pdf>>.

UNITED NATIONS DEVELOPMENT PROGRAMME. *Promoting and Protecting Human Rights in relation to Sexual Orientation, Gender Identity and Sex Characteristics: A Manual for National Human Rights Institutions*, Asia Pacific Forum of National Human Rights Institutions and the United Nations Development Programme, June 2016.

UNITED NATIONS OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS. *Born Free and Equal: Sexual Orientation, Gender Identity and Sex Characteristics in International Human Rights Law*, 2nd Edition, New York and Geneva, 2019.

VECCHIATTI, Paulo Roberto I.; VIANA, Thiago G. *LGBTI and the Inter-American Human Rights System: The construction of the rainbow international citizenship*, in: *Direito Internacional dos Direitos Humanos I*, CONPEDI, pp. 332 – 361, 2014.