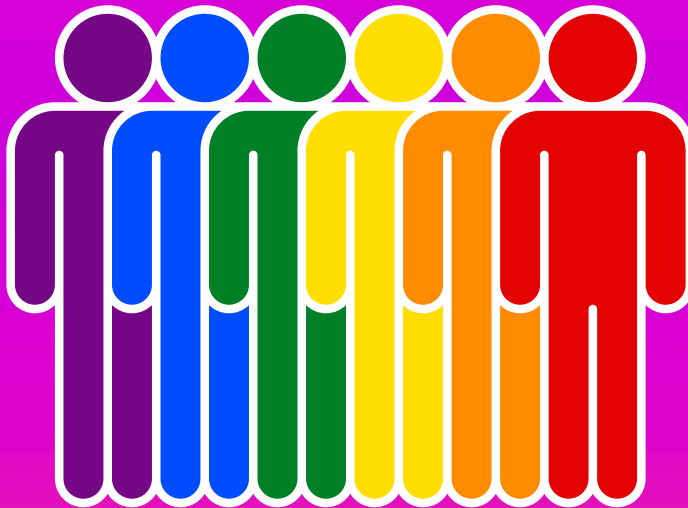


# TRAINING MANUAL ON RIGHTS OF LGBTQI+ PERSONS

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UNITED NATIONS  
RWANDA



United Nations  
Human Rights

OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS



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# ABOUT THE MANUAL

**The manual seeks to achieve the following objectives:**

- ✓ Increase trainees in-depth understanding of the principles and characteristics of human rights as well as limitations;
- ✓ Increase the trainees 'knowledge on key rights applicable to them,
- ✓ Inform trainees about existing mechanisms for claiming their rights when they are violated.

in general terms, the Manual proposes a participatory methodology in the forms of brainstorming and case studies to be discussed in groups to ensure there is a fruitful interaction between the user of this manual (the trainer) and the participants (trainees).

This manual consists of several components which are designed to ease Facilitators /Trainers in preparing learning activities.

Preparation is crucial in determining the success of the training process. Therefore, facilitators must have full understanding of the objectives of each session, the means of delivery, the tools and materials needed in carrying out the learning activity, the reading materials needed to help manage the discussion, and the key messages that need to be emphasized in each session.

## Instructions to the user of this Manual

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The Trainer could ask the participants to name international and regional human rights instruments



The Trainer shall first ask the participants to define human rights and ask them to define discrimination.



The trainer could ask the participants to discuss on characteristics of human rights (*Universal, inherent, interdependent, indivisible and interrelated*) and give examples.

After writing down the characteristics provided by the participants, the trainer would compare them with the below bullet point notes.



**Suggested presentation time:** 60 minutes

**Expected Learning Outcome:** This session will enable the participants to familiarize themselves with the rights of persons with disability and how they can claim their rights in case of violation

**Suggested Reading Materials:** The Constitution of Rwanda, the Universal Declaration of Human Rights , the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights ,the African Charter on Human and Peoples 'Rights, Abram J. Lewis We Are Certain of Our Own Insanity: Antipsychiatry and the Gay Liberation Movement, 1968–1980 "Journal of the History of Sexuality, Vol. 25, No. 1 (January 2016) ; African Commission on Human and Peoples 'Rights Resolution No 275 on protection against violence and other human rights violations against persons on the basis of their real or imputed sexual orientation or Gender Identity; Ain Gordon and Beth A. Twiss Houting "Unmasking Dr. Anonymous" in the John Fryer Papers Pennsylvania Legacies, Vol. 16, No. 1 (Spring 2016), pp. 3–5 University of Pennsylvania Press; Amber Ault and Stephanie Brzuzy "Removing Gender Identity Disorder from the Diagnostic and Statistical Manual of Mental Disorders: A Call for Action" Social Work, Vol. 54, No. 2 (April 2009), pp. 187–189 Oxford University Press; OHCHR Living Free and Equal: What States are doing to tackle violence and discrimination against lesbian, gay, bisexual, transgender and intersex people (2016); Stephen Murray and Will Roscoe (eds) "Boy-Wives and Female Husbands: Studies in African Homosexualities "(2021) UNDP Progress and the Peril: HIV and the Global De/criminalization of Same-Sex Sex Report 2023 and any other relevant human rights documents.

**Suggested methodologies and format:** Bullet point format and brainstorming

# HUMAN RIGHTS OVERVIEW



## 1.1 Definition of Human Rights

- There is no single Convention or Treaty which defines human rights but human rights focus on human being dignity.

## 1.2. Key Principles of Human Rights

- There are three fundamental principles of human rights namely:
  - ✓ freedom from discrimination,
  - ✓ equality before the law,
  - ✓ equal protection of the law.
- The **principle of equality** does not require everyone to be treated the same, but simply that people in the same position from a moral point of view should be treated the same.
- The Right to equal protection:** the right of all persons to have the same access to the law and courts, and to be treated equally by the law and courts, both in procedures and in the substance of the law.
- Discrimination:** any distinction, exclusion, restriction or preference which is based on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms.



### 1.3. Characteristics of Human Rights

**Universal:** Human Rights apply to **ALL HUMAN BEINGS** irrespective of their culture, religion, gender /sex, etc.

**Inherent:** rights do not have to be given, bought, earned or inherited by people. The rights are inherent because a person is born with them

**Inalienable:** rights cannot be taken away or you cannot give your rights to someone else.

**Indivisible:** Rights are not in a hierarchical manner. That means, there should be no classification as to which rights are important than others, or must come first before other rights.

**Interrelated:** The violation of a given right can compromise the enjoyment of another right.

*Example:* the violation of the right to health is likely to jeopardize the enjoyment of the right to life.

## 1.4.Limitation and Restrictions of Human Rights

- ✓ The enjoyment of human rights is not absolute. In general, the Law restricts the enjoyment of some rights to protect the rights of other persons (privacy and honor), public order, and security.
- ✓ The enjoyment of human rights is not absolute. In general a state /Government can decide to suspend the enjoyment of certain rights in a state of emergency that would threaten the survival of the country. Examples: Freedom of movement can be restricted in times of emergency by imposing a curfew; the right to education can be restricted in times of emergency when the State declares that all schools shall be closed. Many countries across the Globe closed schools during the outbreak of Covid-19. I, the Law restricts the enjoyment of some rights to protect the rights of other persons (privacy and honor), public order, and security.



# LGBTIQ+ RIGHTS

## 2. Key concepts

- **Sexual orientation:** individual's physical and/or emotional attraction to the same and/or opposite gender (sex).
- **Gender Identity:** individual's internal, deeply felt sense of being a man, a woman, both, neither, or in-between. This may or may not match the individual's biological or legal sex. An individual's sexual orientation is distinct from a person's gender identity and expression.
- **Gender Expression:** how a person publicly expresses or presents their gender. This can include behaviour and outward appearance such as dress, hair, make-up, body language and voice. A person's chosen name and pronoun are also common ways of expressing gender. Others perceive a person's gender through these attributes.
- **Asexual:** lack of sexual attraction or absence of arousal or the desire for sex.
- **Transgender:** individuals who identify themselves as different from the sex they were born with. For example, a person who was born biologically as a male (has a penis) and identifies himself as a female (transwoman). Or, an individual who was born biologically as a female (has a vagina) and identifies herself as a male (transman)
- **Transphobia:** Fear or dislike of transgender or of those who do not fit the norm of traditional gender (someone biologically male must be masculine, identifies himself as a man and heterosexual. While someone biologically female must be feminine, identifies herself as a woman and heterosexual).



- **Homophobia:** Fear or dislike of someone, based on prejudice or negative attitudes, beliefs or views about lesbian, gay or bisexual people.
- **Lesbian:** a woman who is romantically, emotionally, and sexually attracted to other women.
- **Lesbophobia:** fear or dislike of someone because they are or are perceived to be a lesbian.
- **LGTIQ+:** acronym for Lesbian, Gay, Bisexual, Trans, Queer, Questioning and Ace.
- **Cisgender:** an individual who identifies themselves as the sex they were born with, for example, a person who was born with a penis identifies themselves as a man. Or, a person born with a vagina identifies themselves as a woman.
- **Transition:** the process of an individual's gender presentation to match their gender identity.
- **Bisexual:** An individual who can be attracted to more than one gender.
- **Intersex:** An individual born with two genitals (usually one or both do not fully develop).
- **Transvestite:** an individual who wears clothes of the opposite sex for various reasons and do not have any intention of changing or making any modifications to their bodies.
- **Queer:** a term used by those wanting to reject specific labels of romantic orientation sexual orientation and/or gender identity. It can also be a way of rejecting the perceived norms of the LGBT community. Although some LGBT people view the word as insulting, it was reclaimed in the late 80s by the queer community who have embraced it.

- There is no single International Human Rights Instrument which specifically mentions sexual orientation and gender identity.
- However, the most important provision found in many human rights instruments is the prohibition of discrimination based on “sex “and any “other status “as “gender identity and sexual orientation “



## 2.2. Key Rights Applicable to LGBTQ+ Persons

**Right to life:** The life of a person, irrespective of his or her sexual orientation or gender identity, cannot be taken away arbitrarily.

**Right to physical and mental integrity:** A person, irrespective of his or her sexual orientation or gender identity, must not be assaulted physically or verbally.

**Right to non-discrimination:** discrimination occurs when a person is treated unfavourably compared to others because of his or her sexual orientation or gender identity.

**Right to liberty and security:** A person, irrespective of his or her sexual orientation or gender identity, must not be arrested or detained without any legal reason. In case, it happens he or she has the right to be informed about the reason for the arrest or detention.

**Right to freedom of expression and opinion:** A person, irrespective of his or her sexual orientation or gender identity, must be allowed to hold opinions without interference to seek and receive information and impart information of all kinds through any media regardless of frontiers.

**Right to a fair trial:** A person, irrespective of his or her sexual orientation or gender identity must be presumed innocent until proven guilty by the court, must be given a legal counsel or lawyer to represent him or her, must be tried in a reasonable time and defend his or her case.



**Right to equal protection of the Law:** the laws have to be applied the same way to all individuals, irrespective of their sexual orientation or gender identity, when it comes to protection.

**Right to a peaceful assembly:** a person, irrespective of his or her sexual orientation or gender identity, has the right to hold or attend a meeting with other persons.

**The right to freedom of association** can be understood as the right of individuals, irrespective of his or her sexual orientation or gender identity, to interact and organize among themselves, and collectively express, promote, pursue and defend common interests.

**Freedom of movement:** the right of any Rwandan citizen, irrespective of his or her sexual orientation or gender identity, to move freely within Rwanda, the right to leave and the right to enter Rwanda.

**Right to health:** access for any person irrespective of his sexual orientation or gender identity to health care, services and goods. The right to health must not be understood as the right to be healthy.

**Right to work** includes the right of everyone, irrespective of his or her sexual orientation or gender identity, to the opportunity to gain her or his living by work which she or he freely chooses or accepts.



**Right to education** means the right of an individual, irrespective of his or her sexual orientation or identity, to acquire knowledge and skills which contribute to his or her personal development, self-reliance and employability and enhance the productivity of his or her family and community.

**Right to an adequate standard of living** – A person cannot be denied food and safe drinking water, shelter and clothing because of his or her perceived sexual orientation or gender identity.

### 3. PROTECTION MECHANISMS

- ➔ A person, irrespective of his or her sexual orientation or gender identity, can report a complaint before the National Commission for Human Rights if he or she feels that his or her rights or the rights of his or her peers have been violated.
- ➔ Rwandan nationals and foreigners living in Rwanda, irrespective of their sexual orientation or gender identity, can use the courts if he or she believes that his/her rights have not been respected by other individuals or institutions.
- ➔ Rwandan nationals and foreigners living in Rwanda, irrespective of their sexual orientation or gender identity, can report cases of injustice to the Office of the Ombudsman if they believe that they have been victims of injustice.
- ➔ A Rwandan national, irrespective of his or her sexual orientation or gender identity, can also report cases of injustice to the Parliament if they believe that they have been victims of injustice.
- ➔ A person who wants to report any human rights violation based on sexual orientation or gender identity to international and regional human rights protection mechanisms can seek advice from non-governmental organisations working on human rights issues or legal practitioners.

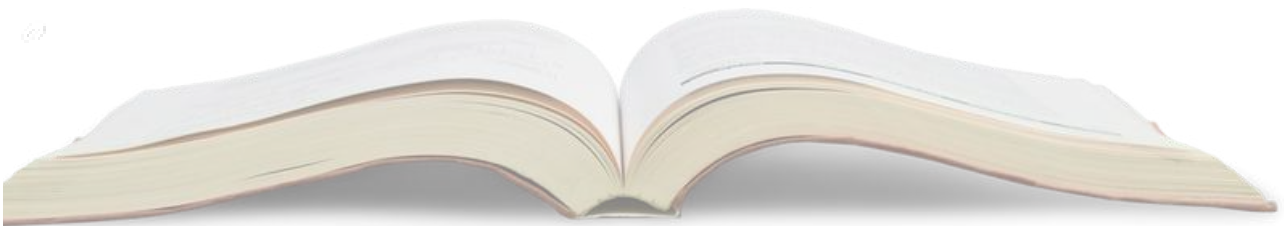




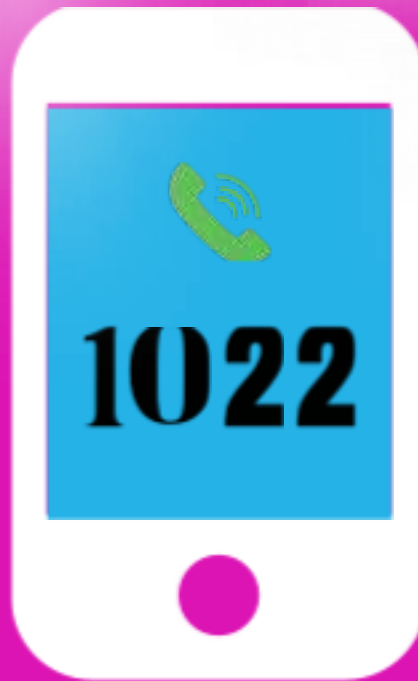
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