

Interactive Dialogue with the Independent Expert on Sexual Orientation and Gender Identity

Opening Remarks of the Independent Expert on Sexual Orientation and Gender Identity

- The IE emphasised his engagement and cooperation with a wide range of stakeholders in the production of the report, including States, NHRIs, UN agencies, funds and programmes, regional human rights mechanisms and civil society.
- The report aims for a balance between best practices and challenges and between different regions of the world. It has three main parts: a) to provide information about activities of the mandate holder, b) to raise awareness of violations and c) to share advice and best practices to governments.
- The IE thanked the previous mandate holder, Vitit Muntarbhorn, for providing a 'rich conceptual arsenal' and pledged to continue working with the six thematic pillars as seen in previous reports. He also commended Vitit's report on his visit to Argentina which highlights the benefits of multi-stakeholder commitment and cooperation.
- The report is based on 'lived realities' and is focused on raising awareness of discrimination and violence faced on the basis of SOGI. Whilst no region or single country is free from such discrimination or violence, measures to protect LGBTI persons make a huge difference.
- The IE highlighted that almost half of the world's population live in the 72 countries that criminalise SOGI.
- The discrimination and violence is mainly caused by: a) discriminatory laws, b) social stigma and c) negation.
- The report shares best practices with regards to education, asylum seekers, gender markers, barriers for civil society, etc.
- The IE acknowledged the High Commissioner's authoritative voice and his contribution to the global consciousness on SOGI issues.
- The IE emphasised that when governments fail LGBT persons, they also fail the UDHR.
- The report was based on the stories and voices of victims of human rights violations on the basis of SOGI. The IE thanked them for contribution and urged all members to hear what they have to say, regardless of their opinion on the report itself.

Argentina

- Argentina stressed it was 'firmest instigator' of the creation of the mandate and worked actively to approve Resolution 32/2 which was a major step forward for LGBTI equality.
- It said it was honoured to be the first country to welcome the mandate holder and is working to implement some of the recommendations.
- It emphasised that there are no discriminatory laws against LGBTI persons. There are several laws and initiatives to protect them, such as: a) protocols to register and accommodate those held in detention, b) an inter-ministerial round table to gauge the situation for trans persons, c) a plan to include gender identity in the upcoming census and d) guidelines for sexual diversity education.

Denmark

- This statement was made on behalf of Nordic/Baltic countries.
- Denmark welcomed and reiterated its strong support for the mandate. It expressed regret that discrimination and violence exists in all regions, from harassment to torture and arbitrary killings. This makes the mandate 'imperative'.

- Question: How can the UN support States in their efforts to protect people against violence and discrimination based on sexual orientation and gender identity?

European Union

- The EU emphasised its strong commitment to equality, regardless of SOGI.
- The existing discrimination and violence highlights the need of the work of the IE. We must seek ways for the IE to access all countries and foster dialogue.
- Question: You recommend in your report that states create effective systems for recording and reporting hate crimes based on SOGI, could you share with us any good practices in this regard?
- Question: Could you also elaborate further on what will be the core priorities in your work within the next year?

Mexico

- This statement was made on behalf of the LAC7.
- Mexico agreed with the IE on the root causes of discrimination and violence on the basis of SOGI and emphasised the huge role the media can and should play in fostering equality and respect.

Israel

- Israel emphasised that the mandate was one of the most important. It said that the mandate does not push for new rights, but ensures that everyone can enjoy existing rights.
- The Tel Aviv Gay Pride just happened which is a celebration of diverse SOGI.
- It stated that non-state actors must also pay attention to the mandate.

Belgium

- Belgium aligned itself with the statement of the EU and reiterated its full support for the IE.
- It regrets that half of the world's population lives in a country that criminalises LGBT persons.
- Question: How do you envisage sharing best practices in order to make them accessible to other countries, including our own?

France

- France aligned itself with the statement of the EU and stated it would continue to support the mandate and LGBTI rights.
- It expressed concern about many human rights violations, including forced 'conversion' therapy, privacy invasions and the death penalty. It noted that these violations have a direct impact on mental health.
- It is committed to universal decriminalisation and the abolition of the death penalty.

Canada

- Canada emphasised that all countries should legislate on LGBTI rights that are context-specific.
- Along with Chile, it recently created the ERC for human rights and inclusive development for LGBTI persons. A global conference will be held this year with multi-stakeholder engagement, the first of its kind.

- Question: Noting that this is the Independent Expert's first report since the adoption of the Yogyakarta Principles plus 10, we would welcome your views on how states can champion these Principles in support of ending violence and discrimination against LGBTI persons.

Montenegro

- Montenegro welcomed the IE and strongly condemned all discrimination and violence on the basis of SOGI.
- It stressed it takes a strong role nationally and internationally on LGBTI rights, including its introduction of same-sex partnerships and its joining of the ERC.

Germany

- Germany aligned itself with the statement of the EU.
- It condemned that discrimination and violence faced by LGBTI persons in family, school and workplace settings, as well as the fact that thousands are murdered for their SOGI each year.
- It commended the creation of the IE mandate as a major achievement.
- Question: Can you elaborate on the conditions necessary for changes in public opinion, which may then allow – or even pressure – government to act?

Czech Republic

- Czech Republic aligned itself with the statement of the EU.
- It noted concern for human rights violations, such as several government's attempts to limit the freedoms of association, assembly and expression of LGBTI persons.
- Question: How can you support the exchange of best practices for the protection of LGBTI persons worldwide?

Iceland

- Iceland reiterated its support for the mandate and its concern that half of the world's population lives in countries that criminalise LGBT identities.
- It emphasised that it recently joined the ERC and that issues of gender identity and self-determination are being prioritised in the country.
- Question: Have you been able to communicate your concerns with governments with concerns to their human rights violations (notably Azerbaijan, Egypt, Indonesia and Russia) and what were their responses?

Colombia

- Colombia outlined its progress in recognising the rights of LGBTI persons, such as comprehensive anti-discrimination legislation and legal gender recognition in all identity documents.
- It supported the point of the IE with regards to the importance of the media in supporting the rights of LGBTI persons.

Thailand

- Thailand thanked the IE for his report and reaffirmed its willingness to engage with the mandate.

- It outlined several domestic policies, including a sub-committee to engage with LGBTI civil society.

Australia

- Australia stressed that LGBTI lived experiences are often characterised by violence and inequality which is why it supports the mandate.
- It said that traditional sex and gender roles and calls on cultural values are used to suppress LGBTI persons.
- The denying of LGBTI existence frustrates human rights and economic development. If development is sustainable, it must be inclusive.

Switzerland

- Switzerland welcomes the IE and regrets that discrimination against LGBTI persons is widespread.
- Question: How can we create a dialogue with governments who do not see LGBTI discrimination and violence as a problem? How can we establish a mechanism for collecting data about LGBTI persons whilst ensuring their privacy?

The Netherlands

- The Netherlands aligned itself with the statement of the EU.
- It reiterated its full support for the mandate and commended the IE's parts on dialogue and intersectionality in the report.
- Question: Will you use the YPs +10 in future reports?

United States

- The United States welcomed the report.
- It stressed that decriminalisation and more support for LGBTI CSOs is needed.
- It said that the two mandate holders (SR on PA+A) should collaborate as the rights are linked.
- Question: Can you discuss the ways you will collaborate with each other and other mandate holders?

Spain

- Spain welcomed the first report and agreed with many ideas, such as that discrimination and violence exist in all regions.
- Despite legislative and social progress, no state can fully guarantee LGBTI rights yet. This is why we need the mandate.
- It outlined many domestic initiatives, such as: 1) an observatory against LGBTI-phobia to help victims of hate crimes and 2) a public-private project to establish best practices in the workplace.
- Question: What kind of remedies for violations do you recommend?

[Liechtenstein](#)

- Liechtenstein welcomed the report of the IE and stressed that we can lower discrimination and violence against LGBTI persons by leaving no one behind, a promise all states agreed to in the 2030 Agenda.
- It expressed concern that some countries won't cooperate or engage with the IE.
- Question: How do you overcome ideological barriers in order to work with all members of the HRC?

Slovenia

- Slovenia aligned itself with the statement of the EU.
- It stressed that HRDs have a strong role to play in the LGBTI movement and that it's important to address the root causes of hate crimes.
- Question: We would be interested to learn how can we best approach the issue of hate speech which is often hard to tackle given often deeply rooted social stigmatization or in some countries cultural norms and beliefs about the gender roles?

Greece

- Greece aligned itself with the statement of the EU.
- It stressed it is firmly committed to LGBTI rights and has initiated a legal process to increase inclusion, such as 1) allowing same-sex partnerships, 2) creating anti-discrimination laws and 3) allowing LGBTI families to foster children.

Albania

- Albania supports the mandate and stresses that the universality of human rights applies to LGBTI persons.
- It is promoting and protecting the rights of LGBTI persons as a priority and has joined the ERC.
- It has room for improvement and looks forward to working with the IE.

Intervention of Independent Expert on Sexual Orientation and Gender Identity

- The IE reiterated his thanks for the set of states and civil society who fought deeply for the mandate – it has 'global heritage'. His duty is to be the 'guardian' of the mandate and fulfil it as exactly as proposed in Resolution 32/2.
- There's an 'architectural approach' and he will build bridges and open doors to all those who are interested in engaging – all will be heard. There are limits to the dialogue – the discussion of whether SOGI has a place in IHRL is inappropriate.
- He has formulated requests for country visits which some governments have already accepted.
- The IE regrets to inform that there were no substantive replies from countries in which communications were sent.
- All technical cooperation and sharing of best practices is done with the 'do no harm' principle in mind. The collection of data is a focus, but this can be materially impossible to do so safely when there are criminalising laws. The concerned populations need to be involved in data collection mechanisms.
- The IE is committed to intersectionality and to undertaking joint work with other SRs. He is open to working with the SR on PA+A. (The SR PA+A later agreed on this.)

- The YPs + 10 are a 'prism' of which one can understand existing IHRL. They are not reflective of new rights or new approaches but a way to package existing frameworks. He will be certain to listen to the request to bring them to light during the work of this mandate.
- When it comes to changing stigma, which there has been huge progress over the past 40 years, ending negation and bringing about visibility has an enormous impact.

New Zealand

- New Zealand stressed that the mandate reflects pledges all states have made on equality and non-discrimination.
- The government recently formally apologised for former injustices which caused fear, hurt and stigma and led to arrests, violence and even death.

Venezuela

- Venezuela thanked the IE for the report.
- The Council should be free from double-standards which impact its work.

South Africa

- South Africa thanked the IE for his report and agreed that opposition to action against discrimination and violence on the basis of SOGI defies logic.
- Question: What advances have been made that can be drawn upon to change belief systems that stand in the way of LGBTI rights today? What incentives can be given to governments to open up dialogue?

Mexico

- Mexico stressed it is firmly committed to the mandate and that emphasised that all people in their country should benefit from opportunities.
- Article 1 of their Constitution bans all forms of discrimination.
- It recommends that states compile data to get trends on SOGI issues. It recently carried out a national survey to get direct and anonymous information on SOGI in the country which will guide public policies.

China

- China welcomed the report and said that it opposes all forms of discrimination, including on the basis of SOGI. Yet, we must pay respect to cultural values.

Cuba

- Cuba stressed its support for the mandate and that we must fight against discrimination against all persons.

Georgia

- Georgia welcomed the report and its valuable recommendations. It shares the same views as the IE.

- At the end of September, Georgia will host the IE.
- It outlined recent progress, such as: 1) a comprehensive anti-discrimination law and 2) centres for survivors of hate crimes.

Portugal

- Portugal stressed that it is fully committed to the mandate and that SOGI is a natural element of life – everyone has a SOGI.
- Question: What strategies can be used to create enabling legal environments to ensure rights for LGBTI persons in health care settings? Have you joined with UNAIDs and the WHO in this regard?

Ecuador

- Ecuador stressed that IHRL is fundamental in our fight against discrimination and violence on the basis of SOGI.
- It is committed to Goal 16 of the SDGs to create fair and safe societies.
- Ecuador recognises diverse forms of the family.

Ukraine

- Ukraine said that it maintains working contacts with IE to identify mutually acceptable dates for a country visit.

Malta

- Malta aligned itself with the statement of the EU.
- It welcomed and congratulated the 'vital role'.
- Question: In your report, you call upon states to develop data-collection procedures to better assess various aspects of violence and discrimination against LGBTI persons. Could you elaborate on the challenges you foresee states will encounter when acting upon this recommendation?

United Kingdom

- The UK supports the IE.
- It remains deeply concerned in about the situation in Chechnya. Russia's opening remarks at the UPR where it denied such acts was unacceptable.
- Question: How can the UK best support your work?

Luxembourg

- Luxembourg supports the mandate and fully agrees with the recommendations in the report, especially creating safe conditions for HRDs.
- It noted recent progress such as: 1) joining the ERC, 2) listing gender identity as a protected anti-discrimination ground and 3) allowing a simple change of name and gender.

Ireland

- Ireland aligned itself with the statement of the EU.
- It prioritises LGBT persons as this remains an issue throughout the world.
- Question: What are your plans over the next few years as IE?

Slovakia

- Slovakia aligned itself with the statement of the EU.

Armenia

- Armenia welcomed and thanked the IE for his report.

Honduras

- Honduras is committed to LGBTI persons and supports the mandate. It commends the report and agrees that criminalisation runs counter to IHRL.
- There are intersectional forms of discrimination which interact with SOGI. These challenges mean we need to be comprehensive.
- It has made progress, such as: 1) passing anti-discrimination and hate crime laws, 2) working with civil society and 3) joining the ERC.
- It supports the recommendations of the report.

Austria

- Austria fully supports the work of the mandate.
- It stressed that criminalisation leads to other HR violations. There is a crisis with hate speech online.
- Question: Are there any concrete examples to help combat negative portrayals and stereotypes of LGBTI people in the media?

ISHR

- ISHR stressed that LGBT HRDs and organisations face challenges and attacks against their FoAA+E. They called on states to create safe and enabling environments for their work.
- It also called on states to develop anti-discrimination and hate speech laws, to improve healthcare services and collect data in a consultative manner for LGBT and GNC groups.

RFSL

- RFSL, on behalf of 23 trans activists from 19 countries, said that hate speech and hate crime is spread through the media, calling for excluding trans and gender diverse individuals from public spaces, and even in some countries, hate speech calling for murder and execution.
- RFSL also said a lack of legal gender recognition can lead to exclusion, such as denial of access to education, labour, freedom of movement, and health.

ARC International

- ARC drew attention to the legacy of anti-LGBT colonial laws. It urged other colonial powers to follow the example of the UK and apologise for exporting such laws.

- It stressed that criminalisation and colonial laws have no place in sovereign nations and violates IL.
- It also commended the recent apology of Canada and called on the IE to explore issues of reparation for previous injustices.
- The YPs + 10 should be used as a guide.

British Humanist Association

- The BHA called on an end to so-called 'conversion' therapy which is cruel and inhumane and leads to many short-term and long-term effects.
- It regrets that only a few states outlaw such practices. There needs to be laws outlawing it not just in health care settings but also religious settings.

Human Rights Law Centre

- The HRLC stressed the need to remove laws that entrench stigma and discrimination of LGBTI persons.
- It commended Australia for marriage equality and the recent formal state apology and erasure of historical convictions. However, it noted that the public vote fuelled hate speech and violence.
- It stressed that there is still more to be done in Australia on issues like forced or coerced surgeries and 'conversion' therapies.

ILGA

- ILGA, in consultation with AISLEGAL and ILGALAC, stressed that the multisectoral and intersectional approach of the report is important.
- It shared the interest of the IE in LGBT people deprived of their liberty.
- The lack of systematization of data on human rights violations of LGBT people is a failure of many countries, including LAC countries.
- There is much hate speech and hate crimes in the region, especially from groups claiming to be 'pro-life' or 'pro-family'. It said that 6 people each month are killed in the region on the basis of their SOGI.
- There are human rights violations in health care, housing, education, social security, etc.
- There is invisibility of trans-masculine and bisexual identities.

Action Canada for Population and Development

- Action Canada urged the IE to use an intersectional approach and examine the individuals or communities who are also affected by race, class, or other social factors.

RFSU

- RFSU, on behalf of 10 NGOs, congratulated the cross-regional and multi-stakeholder engagement of the IE.
- It stressed that there is a lack of access to housing, education and health due to discrimination and violence on the basis of SOGI.
- The legal reforms are just one of many things that must be done – political will and increased learning are also conditions for LGBTI equality.
- It called on states to extend invitations to the IE.

ARTICLE 19

- Article 19 stressed that criminalising laws allow hate speech to flourish, as seen in Belarus and Russia.
- It condemned the crackdown on pride events in many countries.
- These crackdowns on the freedom of expression lead to self-censorship and frustrate efforts to enhance understanding and deal with the root causes of discrimination and violence on the basis of SOGI.

Closing Remarks of the Independent Expert on Sexual Orientation and Gender Identity

- The IE thanked all stakeholders for their engagement which he will take into account.
- There is a plethora of action that must be done to change belief systems which starts with creating safe and visible environments for LGBTI persons with no discriminatory laws.
- In the next years, the IE will continue with the thematic underpinnings put forward by Vitit.
- There is a lot to be learned with regards to data collection. He will organise an expert meeting on safe data collection.
- The mandate will work with an intersectional approach with regards to health and LGBTI rights, and will work with UNAIDs and the WHO.
- The IE warmly thanks the governments of Georgia and Ukraine.