

39th Human Rights Council Session

^h September 27, 2018

Item 10 – General Debate

Statement by the International Lesbian and Gay Association

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Thank you, Mr. President,

We have seen progressive measures taken to protect lesbian, gay, bisexual, trans and intersex (LGBTI) persons in past months. In the capacity-building spirit of Item 10, we would like to share some of those best practices.

In a Landmark decision, the Supreme Court of **India** ruled unanimously that Section 377 of the Penal Code is unconstitutional. As a result, there will no longer be criminalization of consensual same-sex relations. We call on all remaining countries that continue to criminalize private consensual same-sex activity to follow suit and repeal such laws. Laws that criminalize consensual same-sex relations violate human rights, including the right to privacy and freedom from discrimination.

In **Cuba**, the National Assembly has unanimously passed a new constitution stating a gender-neutral concept of marriage and therefore allowing same-sex marriages. The provision will be submitted to popular consultation. In **Costa Rica** the Supreme Court ruled that the definition of marriage as a union between a man and a woman is unconstitutional and gave the Legislative Assembly 18 months to amend its laws in order to establish marriage equality. This is an important step to ensure recognition and equal rights to same-sex couples.

In **Chile** the Congress has passed a gender identity law allowing trans persons over 14 years old to change their name and gender marker in official documents. In a similar way, in **Luxembourg** the Congress improved the law regarding legal gender recognition, making no longer necessary to present a psychiatric certificate, or proof of medical treatment, to see a person's gender legally recognized. **Brazil** and **Costa Rica** have also taken administrative measures to ensure the recognition of gender identity. These are important steps to ensure that trans persons enjoy full legal recognition and therefore their right to equality.

In **Tunisia** a first instance court has ruled to allow the change of gender markers at a claimant's birth certificate. These are fundamental steps to protect the dignity and the right to private life of trans persons.

The state of California, in the **United States**, has passed a resolution calling on the medical professionals to delay surgical interventions on people with diverse sex characteristics so the individual can participate in the decision. This measure is essential to the personal autonomy of intersex individuals.

A dark chapter in **Australia's** history has closed for gay, lesbian and bisexual Australians, their friends and families. The **Western Australian Parliament** has joined all states and territories in Australia in

passing laws to allow people charged under unjust homosexual laws to have the convictions removed from their criminal records.

We hope that governments continue to engage in constructive dialogue and share their best practices in this arena to ensure that the momentum surrounding sexual orientation, gender identity and expression and sex characteristics (SOGIESC) issues continues to grow.

I thank you, Mr. President.