



45th session of the Human Rights Council

Item 3: Interactive dialogue with the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence

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Statement by the International Lesbian, Gay, Bisexual, Trans and Intersex Association. Joined by the Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights, (RFSL)

Delivered by: Sebastián Aguilar Betancurt

Mx President,

This statement has been prepared in consultation with LGBTI rights defenders from El Salvador and Sri Lanka.

We welcome and support the work of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence. This mandate is of the utmost importance for victims of the gross and serious violations resulting from armed conflicts and authoritarian rule.

We know how important memorialization processes are in these contexts, for the teaching of history and for the prevention of gross human rights violations. We also know that one of the most egregious forms of violence waged during conflict is sexual and gender-based violence, disproportionately inflicted on women and LGBTI persons. Yet, the particular experiences of LGBTI persons have been largely unexamined in the field of transitional justice, and have rarely been included in the official narratives of the conflicts.

While we notice with concern that the report does not expressly mention the importance of including the experiences of LGBTI persons in the memorialization processes, we welcome the encouragement to states to adopt new memory processes that include a human rights and gender perspective. However, the production of collective memory in the contexts of conflicts must also examine the impact of sexual orientation, gender identity and expression, and sex characteristics (SOGIESC) issues and be inclusive of LGBTI persons, who face targeted and widespread violence and injustices. Furthermore, processes must be put in place to investigate and highlight the systematic nature of the violence and their roots in social discrimination, in order for social transformation and justice to prevail.

We also welcome the reports on El Salvador, The Gambia and Sri Lanka. We particularly commend the recommendation to The Gambia to decriminalize same-sex relations, the recommendations to El Salvador in regards to the access to information relating the armed conflict, and the reference to the lack of commitment from the Government of Sri Lanka to adopt and implement a comprehensive transitional justice policy with the four constitutive elements of truth, justice, reparation and guarantees of non-recurrence.

We call attention to the lack of recommendations regarding LGBTI persons victims of the Salvadorean conflict in this report, particularly taking into consideration events such as the 'Massacre of Praviana' which is still mourned and remembered by the LGBTIQ movement of El Salvador.¹

We regret as well not having particular references to SOGIESC issues related to Sri Lanka in your report, especially considering that as a result of Sri Lanka's penal code criminalizing same-sex adult consensual sexual relations, the extremely limited rape laws, and the lack of laws to protect LGBT people from stigma,

¹ This statement has been prepared in consultation with Andrea Ayala, an LGBTI rights defender from El Salvador.

discrimination and violence, gender and gender identity-based violence, LGBTIQ people are not able to report and follow through complains, which leaves them behind and forgotten in these processes.

We would like to ask the Special Rapporteur which possibilities does the mandate holder see to elevate LGBTI persons experiences in the production of collective memory in the context of conflicts?

We stand eager to work with and support the Special Rapporteur so that the voices of LGBTI persons can continue to be present in forthcoming reports.