

**46th Human Rights Council Session**  
**General Debate: Item 10**  
**Statement by the International Lesbian and Gay Association**

**Delivered by: Farai Chikwanha**

Madam President,

In keeping with the capacity-building spirit of Item 10, we would like to share the following examples of good practice. In the months since the 45th Human Rights Council session, progressive measures have been taken to protect lesbian, gay, bisexual, trans and intersex persons.

### **LGBTI Youth**

In **New Zealand**, the federal government made a commitment to boost mental health services for LGBTI youth<sup>1</sup>. According to the OHCHR, this population's mental health was particularly affected by the COVID19 pandemic, we urge other states to consider LGBTI Youth in their responses to the current crisis.

### **Legislative and Judicial measures**

Important legislative and judicial improvements have been noted. The coming into effect of **Angola's** penal code both decriminalises consensual same-sex relations and bans discrimination based on sexual orientation.<sup>2</sup> The Inter-American Commission on Human Rights called for **Jamaica** to repeal its laws criminalising consensual same-sex relations.<sup>3</sup> Furthermore, although federal laws in **Malaysia** remain hostile to LGBTI persons, the Federal Court declared that the law in Sengalor State making "sex against the order of nature" a Shariah offence is unconstitutional.<sup>4</sup> In **Australia**, the Victorian Parliament voted to ban LGBTI conversion therapies, which are documented to cause physical and psychological pain and suffering.<sup>5</sup>

### **Human rights of trans persons**

Madam President, many trans and gender-diverse persons experience exclusion and human rights violations during their gender affirmation journeys. The **Netherlands** decision to apologize and compensate trans persons that went through forced sterilization while seeking legal gender recognition is an important step to recognize these violations.<sup>6</sup> In Colombia, the Constitutional Court determined that schools must provide both academic and emotional support for trans children during their gender affirmation processes.<sup>7</sup>

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<sup>1</sup> RNZ "Services for rainbow youth get \$4 million boost from govt", 14/02/2021 <<https://www.rnz.co.nz/news/national/436393/services-for-rainbow-youth-get-4-million-boost-from-govt>>.

<sup>2</sup> Jurist "Angola law prohibiting discrimination based on sexual orientation takes effect", 11/02/2021 <<https://www.jurist.org/news/2021/02/angola-law-prohibiting-discrimination-based-on-sexual-orientation-takes-effect/>>; Deutsche Welle (DW) "As Angola decriminalizes homosexuality, where does the African continent stand?" <<https://www.dw.com/en/as-angola-decriminalizes-homosexuality-where-does-the-african-continent-stand/a-47434461>>.

<sup>3</sup> Human Rights Watch "Human Rights Body Calls for Repeal of Jamaica's Anti-LGBT Laws", 17/02/2021 <<https://www.hrw.org/news/2021/02/17/human-rights-body-calls-repeal-jamaicas-anti-lgbt-laws>>.

<sup>4</sup> Malay Mail "Federal Court unanimously declares Selangor Shariah law criminalising 'unnatural sex' void, unconstitutional", 25/02/2021 <<https://www.malaymail.com/amp/news/malaysia/2021/02/25/federal-court-unanimously-declares-selangor-shariah-law-criminalising-unnat/1952701>>.

<sup>5</sup> Independent Forensic Expert Group "Statement on Conversion Therapy" <[https://www.ohchr.org/Documents/Issues/SexualOrientation/IESOGI/CSOsAJ/IFEG\\_Statement\\_on\\_C.T.\\_for\\_publication.pdf](https://www.ohchr.org/Documents/Issues/SexualOrientation/IESOGI/CSOsAJ/IFEG_Statement_on_C.T._for_publication.pdf)>.

<sup>6</sup> Human Rights Watch "Netherlands Apologizes for Transgender Sterilizations", 01/12/2020 <<https://www.hrw.org/news/2020/12/01/netherlands-apologizes-transgender-sterilizations>>.

<sup>7</sup> BBC "Biden overturns Trump transgender military ban", 25/01/2021 <<https://www.bbc.com/news/world-us-canada-55799913>>; Corte Constitucional de Colombia, "Colegios deben generar escenarios de inclusión y acompañamiento para estudiantes en proceso de reafirmación de su identidad de género", 02/03/2021 <<https://www.corteconstitucional.gov.co/noticia.php?Colegios-deben-generar-escenarios-de-inclusi%C3%B3n-y>>.

### **Human rights of intersex persons**

Increased effort by lawmakers in **California, U.S.A**, and the Delhi Childs Rights Commission in **India** has been made to ban unnecessary surgeries on infants born intersex.<sup>8</sup> We hope that governments continue to engage in constructive dialogue and share their best practices in this arena to ensure that the momentum surrounding issues of sexual orientation, gender identity and expression, and sex characteristics (SOGIESC) continues to grow.

Thank you, Madam President.

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acompa%C3%B1amiento-para-estudiantes-en-proceso-de-reafirmaci%C3%B3n-de-su-identidad-de-g%C3%A9nero-9072>.

<sup>8</sup> AP News "California bill would ban intersex surgery for young kids", 15/01/2021

<<https://apnews.com/article/scott-wiener-legislation-california-bills-laws-21ca4d5be48e360a2e73985dc700f91d>>;

Human Rights Watch "Momentum Builds Around Intersex Protection in India", 14/01/2021

<<https://www.hrw.org/news/2021/01/14/momentum-builds-around-intersex-protection-india>>.