

Human Rights Council, 47th session
2 July 2021

Item 3 – ID with SR on privacy

Statement by Federatie van Nederlandse Verenigingen tot Integratie van Homoseksualiteit – COC
Nederland

Co-sponsored by International Lesbian and Gay Association

Delivered by: Shweta Nanda

Madam President,

Around the world, individuals continue to face violence, intimidation, and discrimination based on their gender, as well as their sexual orientation, gender identity, gender expression, or sex characteristics (SOGIESC). The right to privacy, one essential in a world that is both physical and digital, continues to be violated for lesbian, gay, bisexual, trans and intersex (LGBTI) people.

All individuals, regardless of their SOGIESC, are entitled to exercise the right to privacy. Privacy ensures the complete human development of an individual, without facing the harms of violence, discrimination, obstruction of freedoms, or loss of access to civil rights.ⁱ Nevertheless, state and non-state actors continue to perpetuate the existence of gender-based breaches of privacy:

1. In the report on the **Republic of Korea**, the Special Rapporteur addresses cases when members of the armed forces have been interrogated, intimidated, and threatened not only about their sexual orientation but also that of their partners.ⁱⁱ Such questioning constitutes a clear violation of the right to privacy. We urge the Republic of Korea to implement recommendations by the Committee against Torture to stop the criminalization of consensual same-sex sexual acts and punishing violence against LGBTI persons in the militaryⁱⁱⁱ.

2. In the **United Kingdom**, there are ongoing discussions and actions against trans people's rights to gender recognition. In this regard, we welcome the United Kingdom's statement during the dialogue with the Independent Expert on sexual orientation and gender identity (SOGI) on their support of equal rights for trans persons based on their gender identity.

Gender-based breaches of privacy deny individuals the ability to exercise a human right; they are discriminatory in nature. For this reason, it is essential that the **gender and SOGIESC-inclusive understanding of privacy** advocated for by the Special Rapporteur is harnessed because privacy offers protection from gender-based violence and discrimination.

We welcome the reports of the Special Rapporteur and his subsequent recommendations for gender, SOGIESC and privacy; however, we have concern regarding the enforcement of such

recommendations. The actions of state and non-state actors have been deficient, even punitive, when responding to privacy intrusions based on gender and SOGIESC. Enforcing the strategies outlined by the Special Rapporteur are necessary to combat gender-based privacy violations. This should include ensuring that States adopt an inclusive, encompassing, and current understanding of gender.^{iv}

The right to privacy should be guaranteed to all individuals regardless of their gender and SOGIESC.

Thank you for your consideration.

ⁱ A/HRC/43/52.

ⁱⁱ A/HRC/46/37/Add.6, para. 31.

ⁱⁱⁱ CAT/C/KOR/CO/3-5, paras. 35-36.

^{iv} A/HRC/43/52.