

Interactive Dialogue with the Independent Expert on Protection against Violence and Discrimination Based on Sexual Orientation and Gender Identity (IE SOGI)

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Webcast: [1st Part](#) - [2nd Part](#)

Independent Expert on SOGI

- COVID-19 has refined our understanding of how discrimination is experienced by historically marginalised groups, including LGBTI and gender diverse persons. Lessons learned from the pandemic must be applied to ensure justice, freedom, and equality to meet the goals of the Building Back Better initiative.
- Part of Building Back Better includes tackling legislation used to persecute persons based on sexual orientation and gender identity. 69 countries still criminalise people based on who they love, with no justification for this under international human rights law. Any efforts to achieve the Sustainable Development Goals are contaminated by such criminalisation. Decriminalisation is therefore a human rights imperative, and the 2019 call for an end to criminalisation by 2030 must remain a global ideal.
- A second global call was issued in 2020 to end so-called "conversion therapy". Many States engaged the mandate on how to achieve this through legislative or policy-based measures.
- Human Rights Council resolutions 32/2 and 41/8 established dialogue as one of the mandate's guiding principles. The mandate was still able to engage with various interlocutors, including States, despite restrictions imposed by the pandemic. There was a week-long series of virtual meetings with Canada, as well as a country visit to Tunisia, the findings of which will be presented in 2022.
- The mandate benefits from the support of 1300 civil society organisations from 170 States. Its work will also now be complemented by the Group of Friends.
- The 2021 report is entitled "The Law of Inclusion" and concludes that gender, gender identity and gender expression have been incorporated into the international human rights framework. We received inputs concerning 88 countries through 529 submissions. The report covered all geographic regions and a significant proportion of populations, cultures, legal traditions, and world religions.
- Gender-based approaches are used globally to analyse the root causes of violence and discrimination against women, who must include LBT women and gender diverse persons, naturally, inasmuch as they are perceived as departing from perceived gender norms in particular times and places.
- For some, gender will contribute to the creation and experience of privilege. For others, it will lead to violence. This often happens to women and persons whose gender identity does not fit within the male/female binary or preconceived notions attached

to sex assigned at birth. For this reason, gender analysis has been a useful tool in studying violence and discrimination.

- The report explores the root causes of violence and discrimination based on gender identity. The harrowing levels of gender-based violence experienced by men, women and gender-diverse persons stems from gender stereotypes, enforced by unequal power dynamics, and intersects with other structural inequalities like poverty, homelessness, and lack of job opportunities.
- The report builds on knowledge built by experts and researchers, good practices from States, legislation, and jurisprudence from regional and international human rights mechanisms. It highlights the rationale States can use to deconstruct discrimination and violence based on sexual orientation, gender, gender identity and gender expression. As it traverses the life of all people, who live in gendered societies, gender theory is useful for addressing the oppression of female and non-normative identities and transforming systems of violent masculinity.
- One conclusion reached by my research is that the feminist struggle and the fight to live free from discrimination based on sexual orientation and gender identity are intertwined. Both reinforce each other conceptually, socioeconomically, politically, and legally. The report provides an analysis based on international human rights law, particularly because of the public attention that has been given to certain arguments which are based on misconceptions, stigma, and prejudice. The Independent Expert has reiterated that the right to self-determine one's gender is fundamental to a person's freedom and is a cornerstone of their identity. It is the obligation of States to provide access to gender recognition. States must also realise that lack of legal gender recognition based on self-determination is a factor enabling much violence against trans and gender diverse persons globally. The report also deals with arguments about how legal gender recognition imperils the rights of women. These kinds of arguments are not based on international human rights law but are instead based on discriminatory stereotypes regarding trans and gender diverse people.
- The report's conclusions place two obligations on States: (1) Prevent, prosecute, and punish violence and discrimination based on sexual orientation, gender identity and gender expression; (2) Recognise every person's freedom to determine the confines of their existence, including gender identity and expression. Gender-based approaches and legal gender recognition provide the basis for fulfilment of these duties, and international human rights law upholds the rights of LGBT and intersex persons.
- The report also details the relationship between the right to physical and mental integrity and bodily autonomy, which has urgent relevance for lesbian women tortured through "corrective" rapes, gay men subjected to forced anal exams, those subjected to "conversion therapies", intersex infants and children subjected to heinously called "normalising" medical interventions, and trans persons who must undergo abusive requirements for legal gender recognition. These violations of bodily integrity and

freedom from non-consensual physical acts are directly linked to violent efforts to hammer people into moulds of sex and gender and their connected stereotypes.

- The report further draws a connection with comprehensive gender and sexuality education as a powerful tool to deconstruct the stigma which lies at the root of violence and discrimination; promote the full development of the human personality and sense of dignity under Article 13 of the ICESCR; deconstruct stereotypes about sex, sexuality and pleasure; and prevent gender-based violence. This topic, as well as exclusionary practices adopted to resist the use of gender theory as a tool to address social inequality, will be explored further in my next report to the U.N. General Assembly in October 2021.
- I recommend that States recognise the value of gender-based approaches and uphold rights related to gender and sexuality as universal, inalienable, indivisible, interdependent and interrelated with other rights. States are recommended to adopt an understanding of gender and gender identity and expression in conformity with the corpus juris of international human rights law.
- Today, I issue a third global call for a world accepting gender diversity based on self-determination.

Slovenia (On behalf of group of 4 countries)

- The fight against violence based on sexual orientation and gender identity is a collective effort, and the mandate can rest assured that the group of countries strongly supports his work.
- Despite efforts to achieve progress and improve legislative frameworks in many countries, LGBTI persons continue to experience discrimination, violence, criminalisation, and deprivation of liberty around the world.
- The report is a solid analysis of the current state of international human rights law in relation to the recognition of gender identity and expression in connection with different forms of discrimination and violence.
- We agree that international human rights law is a powerful tool for the protection of LGBTI persons through gender recognition, and that work on SOGI does not oppose the human rights of women.
- What can States do to uphold rights related to gender and sexuality as universal, inalienable, indivisible, interdependent and interrelated to other rights?

Costa Rica (On behalf of a group of 7 countries)

- We reiterate our support for the mandate and thank the Independent Expert for efforts made during a pandemic that increased the vulnerability of historically marginalised groups.
- We agree that the only way to eradicate violence based on sexual orientation and gender identity is to implement public policies that draw on gender analysis with an intersectional approach.

- It is urgent to facilitate legal gender recognition based on self-determination, which does not stigmatise diverse gender identities. All non-binary identities must be recognised in their diversity and individuality.
- States must protect the right to bodily and mental integrity, autonomy, and self-determination of trans and gender diverse persons. Such protection is a *sine qua non* to guarantees of access to housing and employment, as well as comprehensive gender and sexuality education.
- How can States improve their efforts to guarantee fulfilment of these?

European Union

- The E.U. thanks the Independent Expert for his report and his aim to support a better understanding of gender theory.
- People continue to face violence, exclusion, stigmatisation, and discrimination based on their real or perceived sexual orientation, gender identity or sex characteristics. The E.U. opposes all forms of discrimination based on, *inter alia*, sexual orientation and gender identity. Discriminatory laws, practices and policies must be removed worldwide, including criminalisation of consensual same-sex relations.
- The E.U. acknowledges that the report emphasises the need to recognise every person's freedom to determine the confines of their existence, including their gender identity and expression.
- The E.U. is committed to addressing multiple and intersecting forms of discrimination and promoting equality in existing policy frameworks in pursuit of the 2030 Agenda, particularly SDGs 5, 10 and 16.
- The European Commission has put forward its LGBTIQ Equality Strategy 2020-2025 and the E.U. Gender Action Plan III 2021-2025. In line with the LGBTI Guidelines and Council Conclusions on LGBTI Equality, the E.U. reiterates its commitment to equality and non-discrimination and every person's entitlement to full enjoyment of their human rights, regardless of sexual orientation or gender identity.
- The E.U. commits itself to assisting the Independent Expert in accessing different countries and fostering a climate of dialogue to counter fears and misconceptions.
- What can States do as a first step to address the root causes of harmful narratives which lead to violence, exclusion, stigmatisation, and discrimination based on sexual orientation and gender identity?

Argentina (On behalf of 3 countries, and with the support of all Group of Friends members)

- We are launching the Group of Friends of the Mandate of the United Nations Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (GoF IE SOGI). It is an informal partnership composed of 27 States which will work together in the context of the Human Rights Council to support the mandate.

- Discrimination and violence should never be allowed on any grounds, including sexual orientation and gender identity. The GoF will advocate for the rights of LGBT and gender-diverse persons and for strict respect for the principles of equality and non-discrimination.
- The GoF will also support the work of the mandate, make collective statements, lead collective efforts for the renewal of the mandate, cooperate and support civil society partners, and organise or co-sponsor events raising awareness of human rights challenges including violence, discrimination and stigmatisation based on sexual orientation and gender identity.
- We congratulate the Independent Expert for his recent country visit to Tunisia and encourage all States which have not done so to reply to the mandate's country visit requests and coordinate them in as much as circumstances under COVID-19 permit. We also invite all U.N. Member States to join the GoF.

Sweden (On behalf of Nordic-Baltic countries)

- The Nordic-Baltic states have stated repeatedly, and will continue to state, that human rights must be enjoyed universally by everyone regardless of sexual orientation and gender identity.
- This means rejecting violence, discrimination and stigmatisation based on actual or perceived sexual orientation or gender identity. Embedded norms and stereotypes concerning sexual orientation and gender identity are often combined with inadequate levels of legal protection for LGBTI persons and the enjoyment of their human rights.
- It means respecting that gender is not necessarily perceived or experienced on a binary, and that gender identity and expression do not always correspond with biological sex.
- It also means love is love and is precious. However consensual same-sex relationships remain criminalised in almost 70 States and are punishable by death in some of them.
- Discrimination and intolerance for diversity are often seen in countries where civil society and democracy are limited or shrinking.
- How can comprehensive sexuality education best contribute to achieving the full and equal enjoyment of all human rights?

Uruguay (On behalf of the Group of Friends)

- We welcome the Independent Expert's report. It is a valuable contribution to better understanding of existing international legal obligations on gender, gender identity and gender expression, and their connection to violence and discrimination.
- We reaffirm that:
 - Gender is a social construct and a well-established concept in international human rights law. We stand up for gender equality and oppose attempts to erase gender from international human rights law instruments and processes.
 - The report contributes to a better understanding of the connection between human rights enjoyment by women, girls, and LGBT, gender-diverse and

intersex persons, considering that the violence and discrimination to which these groups are subjected have a common root cause: pre-conceived gender expectations.

- Intersectional gender analysis contributes to the unveiling of multiple and intersecting forms of discrimination faced by persons of diverse sexual orientations and gender identities, and women and girls in all their diversity, including trans women. The analysis is crucial to the design and implementation of inclusive public policies;
- The right to the enjoyment of the highest attainable standard of physical and mental health, including sexual and reproductive health, and freedom from interference with bodily integrity and autonomy, should be advanced without discrimination, including on the basis of sexual orientation and gender identity. It is also important to advance legal gender recognition based on self-identification.
- It is important to ensure access to comprehensive and inclusive gender and sexuality education which deconstructs gender norms and stereotypes in ways that combat violence and discrimination based on sexual orientation and gender identity.

Luxembourg (On behalf of the BENELUX countries (Belgium, Netherlands, Luxembourg))

- Different forms of discrimination persist in many countries, and LGBTQI persons continue to be subjected to violence, torture, arbitrary arrest, harassment, and murder committed with impunity. 70 states criminalise homosexuality, and 10 of them impose death penalties. More widespread and less conspicuous, but equally dehumanising, is pervasive discrimination elsewhere.
- Progress towards equality has been made over time, but reactionary groups are increasingly manifesting themselves, and the tone on international platforms is becoming more and more aggressive.
- All human beings are born free and equal in dignity and rights, and the three countries represented oppose all forms of discrimination based on sexual orientation and gender identity. We look forward to engaging with the mandate on how to bring ourselves closer to the goal of everyone having equal rights through legislation and action in the field.
- How does the mandate advise sparking debate during the adoption of legislation intended to integrate understandings of gender and gender identity which does not give rise to aggressive and harmful opposition?

Brazil (On behalf of a group of countries which support resolutions 32/2 and 41/8)

- We support and appreciate the activities of the Independent Expert. His mandate is vital to the development of issues at the U.N. and is especially relevant in the context

of the COVID-19 pandemic, given the socioeconomic vulnerabilities of LGBT persons in different regions.

- The fight against violence and discrimination based on sexual orientation and gender identity is consistent with States' international human rights obligations.
- We call upon other countries and OHCHR to continue robustly supporting the Independent Expert.

Liechtenstein

- Equality of all persons is key to the promotion and protection of human rights for all. It is important that every person has the freedom to determine the confines of their existence, including their gender identity and expression.
- Liechtenstein condemns all forms of discrimination and violence against LGBT and gender-diverse persons. Diversity is an asset in society and should not cause hate.
- It is important to prevent and address all forms of violence and discrimination on the basis of sexual orientation and gender identity. Accountability is critical for providing justice to victims and survivors of such violations, and to prevent repetition of the violations.
- Creating a safe space for civil society and human rights defenders also plays a key role in preventing and accounting for human rights violations.
- We reiterate our support for the mandate and the importance of the topic of his report.

Israel

- The Independent Expert's report was needed at this time to clarify gender as a social construct and an important tool to combat discrimination and violence under international human rights law.
- We share the mandate's view that focusing on intersectionality is important when assessing discrimination and violence against women and based on sexual orientation and gender identity.
- Several Israeli laws have been amended to recognise gender and sexual orientation as key concepts, e.g. the Penal Code, the Equal Employment Opportunities Law and the Pupils' Rights Law. The laws ban and punish discrimination based on gender and sexual orientation.
- We support the Independent Expert's call to respect bodily integrity and autonomy and the importance of comprehensive sexuality education. Several ministries in Israel organise programmes on these issues and extend them to students with disabilities.

Canada

- Canada applies a feminist intersectional approach in its foreign policy and is also drafting its first Federal LGBTQ2 Action Plan to address inequality. It is a testament to our belief that the best way to build a more secure and prosperous world is to foster open, inclusive, and human rights-based societies.

- The promotion of diversity and inclusion, empowerment of women and the rights of LGBTI persons in all their diversity, must form a key element of foreign and domestic policies.
- We condemn violence based on sexual orientation or gender identity and stand in solidarity with LGBTI persons so that they can reaffirm their fundamental freedoms and be treated equally, with dignity and respect.
- What are good public policy practices that have been adopted on gender theory?

France

- France welcomes progress made in protecting the human rights of LGBTI+ persons and the increased visibility of this issue on the international level.
- Mobilisation is all the more necessary as progress made is marred by violence, discrimination, and stigmatisation against LGBTI persons. The violence and discrimination are contrary to international commitments freely entered into by States.
- We reiterate that like all human rights, the rights of LGBTI+ persons are universal.
- This current period reminds us that we need to work together for fairer and more inclusive societies, where everyone can enjoy equal opportunities without distinction.
- We salute the commitment of States which cooperate with the Independent Expert, receive his visits, and implement his recommendations.
- France calls for the universal decriminalisation of homosexuality and trans-identity, as well as for the protection of the rights of LGBTI+ persons. We will continue to support the mandate's work.

Czech Republic

- We align ourselves with the statement of the E.U. and thank the Independent Expert for his insightful report, which will serve as a work of reference for years to come.
- The Czech Republic shares the view that States must prosecute, prevent, and punish violence and discrimination based on sexual orientation and gender identity. States must deliver sufficient legal frameworks and appropriate public policies which will continue to root out false preconceptions and stereotypes and will help ensure the standing of LGBT persons.
- Our government is finalising its first LGBT strategy, which will further reduce barriers faced by LGBT persons in the country in work, healthcare and education.
- States must protect young LGBT persons, who often bear the brunt of stigma and its consequences. We therefore fully support the Independent Expert's call for the implementation of comprehensive gender and sexuality education, as it is a way to make young LGBT persons feel heard, seen and accepted.
- What measures can we take to fight hate crimes based on sexual orientation and gender identity?

Portugal

- Portugal aligns itself with, and integrates, the statements of the E.U. and Uruguay on behalf of the Group of Friends.
- The situation of violence, discrimination and human rights violations based on gender identity and expression is appalling. We thank the Independent Expert for raising awareness of heinous practices including “corrective” rapes of lesbian women, “conversion therapy”, and “normalising” surgeries of intersex persons. They are flagrant violations of human rights, including the rights to bodily autonomy, integrity, and self-determination.
- Portugal condemns all forms of discrimination and violence based on real or perceived sexual orientation, gender identity, gender expression and sex characteristics.
- Over the past decade, the Portuguese government has reached significant achievements on the protection of the rights of LGBTI+ persons, including the legal framework that has guaranteed legal gender recognition based on self-identification since 2018, and the right to the protection of the sex characteristics and gender expressions of all persons.
- The adoption of legislation targeting LGBTI+ persons, when it is included in broader measures regarding paedophilia, is unacceptable. Associating the rights of LGBTI+ persons to such crimes is dangerously incorrect and an act of discrimination and repression.

Australia

- We thank the Independent Expert for his report and reaffirm our support for his mandate.
- The international community has agreed that human rights are universal, indivisible, and inalienable. Everyone is entitled to comprehensive legal protections, regardless of sexual orientation, gender identity or sex characteristics.
- Australia is proud of its anti-discrimination legislation, which prohibits discrimination on the basis of sexual orientation, gender identity and intersex status in public life. Our policies recognise that gender is intersectional and multi-layered, and can change over one’s lifetime.
- Australia is concerned that in some States, LGBTI persons experience high levels of discrimination and violence, and that this situation has worsened under COVID-19.
- We urge all States to remove discriminatory laws and end hateful attitudes that perpetuate violence and exclusion based on sexual orientation, gender identity and sex characteristics.
- How can an intersectional gender analysis be further integrated into the Human Rights Council’s work to ensure continued advancement of the rights of LGBTI persons?

Cuba

- All persons, without distinction, are entitled to the highest attainable standard of physical and mental health.
- The right to sexual and reproductive health and rights includes the right to be fully respected for one's sexual orientation and gender identity.
- In Cuba, access to sexual and reproductive healthcare is guaranteed through the free universal health system. The National Center for Sexual Education (CENESEX), which is part of the Ministry of Public Health, is responsible for the National Program for Sexual Education and Health.
- Work is being done on the new Family Code, starting with the adoption of a new Constitution and endorses equality for all before the law and the enjoyment of equal rights, freedoms, and opportunities without discrimination on the basis of sex, gender, sexual orientation or gender identity.
- We reiterate our support for the mandate and are committed to the promotion and protection of rights for all.

Spain

- We thank the Independent Expert for his work over the last year and for this thematic report.
- We reiterate Spain's commitment to the full enjoyment of the human rights of LGBTI persons, to ending violence and discrimination based on sexual orientation and gender identity.
- The topic of this report is very complex, but there can be no denying that demands for gender equality and for an end to violence and discrimination based on sexual orientation and gender identity share a starting point: the basic principle of non-discrimination. Spain's new feminist foreign policy is based on this understanding, and we fully recognise the perspectives of intersectionality and diversity.
- It is possible and desirable to promote respect for sexual diversity, gender diversity and family diversity, using feminism as a springboard.
- The Independent Expert recommends actions for awareness-raising. How can States promote cooperation between feminist civil society organisations and those which promote the rights of LGBTI persons?

Germany

- Germany aligns itself with the statement of the E.U. and thanks the Independent Expert for his report.
- The fight against discrimination and for equality for LGBTI persons is fundamental to the German human rights policy.
- Germany adopted the Federal Government LGBTI Inclusion Strategy for Foreign Policy and Development Cooperation on 3 March 2021. The government commits itself to consulting and supporting LGBTI groups locally, regionally, and internationally.

- Germany will mainstream the rights of LGBTI persons into our policies in order to systematically bring together the good work that many German embassies and development agencies are doing.
- The strategy looks at children, youth, and trans and intersex persons, who can be more vulnerable to discrimination and abuse. It highlights the need to address multiple and intersecting forms of violence.
- Which best practices can the mandate share on how to work together internationally to ensure protection from discrimination and violence and to address multiple and intersecting forms of violence?

Montenegro

- Montenegro values the work of the Independent Expert, including his awareness-raising work on the sensitivity of gender, gender identity and gender expression in the face of societal prejudice. This is especially true since demonisation, stigma, criminalisation and negation of sexual orientation and gender identity can lead to “conversion therapies” and make efforts to eradicate discrimination and violence based on sexual orientation and gender identity more difficult.
- Montenegro will continue its advocacy for the rights of LGBTI persons nationally and internationally. The government adopted the Law on Life Partnerships of Same-Sex Couples in July 2020, and the 2019-2023 National Strategy for Improving the Quality of Life of LGBTI Persons and its Action Plan.
- The capacity of human rights institutions has been strengthened and harmonisation of court decisions with international standards continues.
- Human rights challenges for LGBTI persons remain and will be addressed through the development of existing normative frameworks, including the adoption of a law governing legal gender recognition.

Independent Expert on SOGI

- I am thankful to the States which have taken the floor for their support and for the information they have already provided on effective measures in relation to these issues.
- Several questions have focused on best practice in this field. Some examples are provided in the report, which is divided, with intent, to show practices related to legislation, public policy and access to justice along the axis of prevention, prosecution and reparations.
- All best practices assessed in preparation for the report share certain features. The idea and methodology of intersectionality recognises that many identities can unite in one body to create particular experiences of privilege or discrimination. An intersectional approach to public policy, legislation and access to justice requires that data-gathering be designed with an intersectional understanding of human existence in mind, and that

it be destined to feed into evidence-based approaches which contribute to dismantling prejudice and stigma.

- Another feature common to good practice is the participation of concerned communities, populations, and peoples. The LGBT movement operates with the motto, "Nothing about us without us". Ensuring the participation of affected communities in the elaboration of diagnostics, the design of public policy and the monitoring and evaluation of its impact is a feature of good practice.
- Other questions related to the possibility of fostering dialogue around these issues, which, by their nature, are often polarising and delicate in all societies. The creation of spaces for common work between State institutions and civil society, and among civil society organisations, and ensuring that the spaces will produce outcomes that will be reflected in public policy, is also a feature of effective measures.
- Equal weight must be given to different forms of violence, including hate crimes, and the agenda of social inclusion. My methodology involves different points of entry into the agenda of social inclusion, including sector-based analysis based on education, employment, health, housing, etc, which then links to the development thinking that is an important part of the U.N.

Malta

- Malta aligns itself with the statement of the E.U. and welcomes the Independent Expert's report.
- Gender is a well-established category in international human rights law. Its analysis is critical to inclusive human rights policies.
- LGBTIQ, gender-diverse and intersex persons continue to experience multiple and intersectional forms of discrimination and violence.
- Malta is committed to gender and equality mainstreaming in its laws and policies, e.g., the recently launched Gender Based Violence and Domestic Violence Strategy.
- We are aware of the challenges faced by LGBTIQ students and are working to address them through adequate resources for educators that challenge stereotypes, comprehensive sexuality education, and relationships education.
- Malta is addressing inequalities in access to healthcare faced by LGBTIQ persons, and trans-specific healthcare provisions have been made based on consent and are non-pathologizing.
- What can Member States do to promote a gender analytical framework in the U.N. that is inclusive of sexual orientation, gender identity and gender expression?

Italy

- Italy aligns itself with the statement of the E.U. and thanks the Independent Expert for his report.
- Italy shares the view that it is important to recognise every person's freedom to determine the confines of their existence, including their gender identity and

expression, and is strongly committed to opposing all forms of discrimination and combating violence against LGBTI persons.

- The promotion and protection of the rights of LGBTI persons is a core priority for Italy at the Human Rights Council and U.N. General Assembly. We will also devote our attention to this issue in the upcoming Chairmanship of the Council of Europe's Committee of Ministers.
- Italy has proudly joined the Group of Friends and is also part of the Equal Rights Coalition and LGBTI Core Group in New York.
- Protection from violence and discrimination based on sexual orientation and gender identity is fundamental to abolishing discriminatory laws, policies, and practices, including the criminalisation of consensual same-sex relations. It is also important to work on education and awareness-raising.

Venezuela

- Article 21 of the Bolivarian Constitution states that all persons are equal before the law and prohibits discrimination.
- The national government put into practice the principle of equality for LGBTI persons in 2016, with an executive order decreeing equality and the full enjoyment of human rights in conformity with the Constitution. That same year, the Constitutional Court established an interpretation of Article 75 which established that the State would protect families without distinction as to their form, including children and adolescents.
- The eradication of discrimination and empowerment of vulnerable groups is a national priority. The *Plan de la Patria 2019-2025* provides for the protection of vulnerable groups and the prevention of, and support in, cases of violence or discrimination.
- The Ombudsman coordinates information gathering on same-sex couples to deepen understand of their living conditions and better protect their human rights.

United States of America

- The United States is committed to combatting discrimination, violence, abuse, and stigma targeting LGBTQI+ persons domestically and abroad.
- We remain alarmed at the situations Uganda, where Parliament passed a new law which could further criminalise same-sex sexual conduct and 44 people were recently arrested at an LGBTQI+ shelter and subjected to forced anal exams; in Russia, where the law banning LGBTQI+ "propaganda" has been used to restrict the freedoms of expression and assembly; and in Chechnya, where abductions, torture campaigns and extrajudicial killings of groups including LGBTQI+ persons continue with impunity.
- What steps can the Human Rights Council take to address situations like those in Uganda and Russia?

Greece

- Greece aligns itself with the statement of the E.U. and thanks the Independent Expert for his report. Greece is a member of the newly created Group of Friends.
- The mandate's focus on gender theory provides needed clarification on a topic beleaguered by misconceptions and misunderstandings. Adopting a gender-based approach has far reaching implications on the overall protection of human rights.
- The report provides for better understanding of the link between women and girls' rights and the rights of LGBTQI+ persons. Both areas overlap and reinforce each other.
- Greece's national framework provides for legal gender recognition, with previously established conditions and requirements now abolished. The National Commission on LGBTQI+ Rights was recently put in place and will be tasked with drafting a national strategy on LGBTQI+ equality.
- What is the most important misconception regarding gender theory that the Independent Expert has noticed in his extensive research?

Nepal

- Gender and sexual minorities are a part of Nepal's society and deserve to live with equal dignity and respect in society.
- The Constitution of Nepal guarantees the right to equality and prohibits discrimination based on sex.
- On the basis of inclusiveness, all citizens, including gender and sexual minorities, have the right to participate in State bodies.
- Citizenship certificates and passports have a "third gender" or "other" category, and national census and electoral rolls have "third gender" as an option.
- School curricula have been expanded to include comprehensive education based on sexual orientation, gender identity, gender expression and intersex status.
- Nepal's national implementation plan on human rights includes provisions on the protection of LGBTI persons. Nepal is also party to international human rights instruments protecting gender and sexual minorities and is committed to protecting them and ending discrimination against them.

Uruguay

- We thank the Independent Expert for his report, which is a valuable contribution to how gender equality should be perceived from a holistic perspective, including women in all their diversity and LGBTI persons.
- The report includes good practices already adopted by Uruguay, e.g. The Law on Violence against Women, which adopts a comprehensive view of the term "women", explicitly recognising trans women and women of diverse sexual orientations; and the integral law on gender identity, which defines it as the internal and individual lived experience of gender based on self-identification which does not coincide with sex assigned at birth.

- The law on gender identity also establishes a monetary compensation regime for trans persons born before 1976 who were subjected to institutional violence and deprived of their liberty by State agents.
- The establishment of regulatory frameworks does not mean that the goal of equality has been achieved. Uruguay still faces challenges and looks to the mandate for leadership on the advancement of the fight against discrimination based on sexual orientation and gender identity.

South Africa

- Human rights are universal, interrelated, interdependent and indivisible, but there are occasions when culture, religion and tradition are instrumentalised to violate the rights of LGBTI persons.
- It is undeniable that we are experiencing a significant increase in hate speech and stigmatisation, a populist discourse against so-called "gender ideology" and claims that promoting and protecting the rights of vulnerable groups is counter-cultural or anti-social. This is hate speech and foments violence and discrimination.
- South Africa expresses solidarity with, and supports, those experiencing discrimination and violence based on sexual orientation and gender identity. The national Constitution affirms their humanity, bodily autonomy and integrity, their human rights, dignity, and their inclusion in societies and the world.

Austria

- The Independent Expert's report is a reminder that more progress is needed to improve the circumstances of LGBTI persons globally.
- We welcome the report's focus on the rights of intersex persons, and echo the mandates call for respect for their freedom from undue interference with their bodily integrity.
- In June 2021, Austrian Parliament unanimously adopted a resolution calling for measures to protect intersex children and adolescents from non-medical surgeries.
- We agree that reparations are important. They can take the form of public apologies, as was done by the Austrian Federal Minister for Justice, who apologised for harm caused by the criminalisation of same-sex relations until 1971.
- We would like to echo the call for States to provide comprehensive sexuality education in conformity with freedom of expression. We call on States to create safe environments for LGBTI persons, including providing them with access to information on diverse forms of sexual orientation, gender identity and gender expression.
- What key steps should States take to fully protect the rights of intersex persons?

Ireland

- Ireland aligns with the statement of the E.U. and thanks the Independent Expert for his presentation.

- Ireland welcomes the mandate's focus on gender theory and agrees that it is a fundamental duty of States to prevent and prosecute violence and discrimination based on sexual orientation, gender identity and gender expression.
- Ireland's first LGBTI+ Inclusion Strategy, launched in 2019, is rooted in a commitment to ensure the visibility, inclusion and equal treatment of LGBTI+ persons and their equal benefit from health services.
- We take note of recommendations made in the report, particularly on the use of an intersectional and gender mainstreaming approach. We continue to work with civil society partners to achieve the aim of the strategy.
- What advice does the Independent Expert have for States to better incorporate gender theory into the development of policies and legislation?

Georgia

- In 2020, Georgia adopted its first ever policy document on sexual orientation and gender identity as part of the National Human Rights Action Plan. It focuses on the investigation and prevention of hate crimes and the elimination of discrimination on the grounds of sexual orientation and gender identity.
- The government is working on establishing national mechanisms to ensure access to existing services, including healthcare for LGBTQI+ persons.
- There was a collaboration between the Human Rights Council of Georgia and the UNDP, which resulted in the Social Inclusion Project of the SOGI Groups in government programs and services. The document is under revision in the Georgian Human Rights Secretariat and will be shared with agencies and community representatives later this year.
- Due to the Russian occupation of the Abkhazia and Tskhinvali regions of Georgia, the Georgian government cannot implement efforts there. Russia bears responsibility for the human rights violations perpetrated in the occupied regions. The lack of access to these regions by international and regional monitoring mechanisms has further deteriorated the humanitarian and human rights situation on the ground.

United Kingdom of Great Britain and Northern Ireland

- The United Kingdom fully supports the work of the Independent Expert and welcomes his timely and critical report.
- We remain concerned about ongoing violence and discrimination based on sexual orientation and gender identity. There is an increasingly toxic and polarising debate about the concept and process of changing gender.
- The United Kingdom is clear in supporting equal rights for trans persons based on their gender identity. The Equality Act states that there should be no discrimination based on gender identity.
- We welcome the mandate's work and dialogue with Member States to address narratives which seek to eliminate the gender framework from international human

rights law instruments and processes. We agree that these attempts could undermine progress achieved over the last four decades on gender equality and the recognition of sexual and gender-based violence, and violence and discrimination based on sexual orientation and gender identity.

- We must all protect our trans citizens.

Viet Nam

- Viet Nam's consistent policy is to promote and protect fundamental human rights and freedoms. The rights of persons of diverse sexual orientation and gender identity in Viet Nam are respected and better implemented because of recent legislation, notably the Law on Marriage and Family, which no longer penalises same-sex couples; the amended Civil Code, which recognises the rights to re-determine and change gender; and the new Law on Transgender Persons, which will be adopted soon.
- Public attitudes towards LGBT persons are opening up and the LGBT community is open about their gender identities without fear of social discrimination or stigma.
- We encourage genuine dialogue and cooperation on this matter, taking into account cultural, social, legal and historical traditions of diverse societies. We therefore call on fellow countries to take meaningful action compatible with their respective conditions to advance the rights of LGBT persons.

U.N. Women

- As part of our gender equality mandate, U.N. Women is committed to upholding the rights of persons with diverse sexual orientations, gender identities, gender expressions and sex characteristics. This is urgent given the extent of discrimination and violence on these bases.
- All individuals have the right to self-determine their gender identities and expressions. Rigid gender norms oppress human potential by reinforcing patriarchal systems.
- The concepts and frameworks used to address power symmetries affecting women and girls can also be directly applied to diverse SOGIESC contexts.
- We are concerned by the increase in anti-gender narratives which seek to undermine women's rights and LGBTIQ+ rights-based approaches.
- States must prevent, prosecute, and punish discrimination and violence against gender-diverse persons.
- International human rights law fills gaps in the protection of persons of diverse SOGIESC.
- U.N. Women will work with the mandate and Member States to promote and protect the rights of all persons affected by gender inequalities.

Tunisia

- We are satisfied with the results of the Independent Expert's country visit between 8 and 18 June 2021, which allowed him to meet with senior officials and civil society, and

learn the steps Tunisia has taken to strengthen its human rights system in terms of equality, and to combat discrimination based on sexual orientation and gender identity. The country visit also enabled the Independent Expert to identify existing challenges faced by Tunisia. We look forward to the mandate's recommendations.

- To contribute to achieving more effective results in the process of promoting human rights, we would like to stress the importance of developing a cooperation strategy that takes into account Tunisia's commitment to promote human rights on one hand and the country's current needs and priorities as well as the characteristics of Tunisian society on the other hand.

Albania

- It is necessary to respond to the global increase in incidents of violence and hate crimes against LGBTI+ persons, and the disproportionate impact of COVID-19 on them.
- We condemn all such violence and discrimination and encourage States to ensure that the impact of the pandemic on LGBTI+ persons is considered, including the impact of discrimination in healthcare based on sexual orientation and gender identity.
- Albania has been a member of the Equal Rights Coalition since 2016 and believes in the importance of close cooperation between regional and multilateral organisations, civil society organisations and industry. The goal is to combat all forms of discrimination and violence based on sexual orientation and gender identity and implement the SDGs inclusively.
- Albania has adopted amendments to the Penal Code and the Law against Discrimination for better protection of LGBTI+ persons. The National Action Plan 2016-2020 provides for a number of measures, including legislation and policies, aimed at combatting discrimination against LGBTI persons.
- Albania commends the work of the mandate during the pandemic.

Ukraine

- Ukraine is actively working with national and international partners and civil society to enhance protection against discrimination and violence based on sexual orientation and gender identity. Ukraine co-sponsored a virtual event on combating violence against trans women during the 47th session of the Human Rights Council.
- Legislative reforms have been made in Ukraine to contribute to improved access to stigma-free health services for LGBTI persons.
- Advisers on gender equality and non-discrimination have been appointed in different regions. The Ministry of Education has also taken measures to counter discrimination and promote tolerance in schools, including the revision of textbooks and efforts to combat bullying through relevant training.
- We are concerned about increased violence and discrimination against LGBTI persons, and homophobic propaganda being spread in Crimea and parts of Donbas, which are currently occupied by the Russian Federation. We are also concerned that LGBTI

representatives in Russian Chechnya are at risk of being killed and Russian authorities have no intent to conduct effective investigations and prosecutions.

- What steps can we take to ensure that the above violations are properly addressed?

UNFPA

- In April 2021, the UNFPA issued the report "My Body is My Own: Claiming the Right to Autonomy and Self-Determination". It is the first report from the U.N. to focus on bodily autonomy. We appreciate the Independent Expert drawing perspectives and evidence from our report, including on the denial to bodily autonomy and integrity in cases of "corrective" rape, "conversion therapies" and medically unnecessary surgeries on intersex children.
- Negative gender and social norms are the basis of discrimination, violence, and exclusion of women, including LBT women. They are also the root cause of denial of sexual and reproductive health and rights, the right to bodily autonomy, and the perpetuation of harmful practices.
- UNFPA is co-leading the Generation Equality Forum, an action coalition on bodily autonomy and sexual and reproductive health and rights. The coalition has identified the need to mobilise political and social support around:
 - Increasing the decision-making capacity of women and girls;
 - Delivering comprehensive sexuality education;
 - Improving the accessibility, availability, acceptability and quality of sexual and reproductive health and rights, free from discrimination, coercion, and violence; and
 - Promoting participation and support for women's rights activists and organisations in promoting bodily autonomy and sexual and reproductive health and rights.

ILGA World

- We welcome the Independent Expert's report. It has been long awaited, particularly by LGBT and feminist movements.
- Historically, human rights have been about the rights of men, but thanks to years of feminist activism and scholarship, we now recognise that women's rights are human rights and contextualise gender as a social construction.
- The understanding of gender in international human rights law is supported by U.N. treaty bodies and special procedures. Gender is a diverse category that goes beyond a Western-based binary, and this has been reflected in international human rights law practice.
- As a core principle of the Independent Expert's work, we must look at intersectionality of both identities and systems of oppression. We must pay attention to how gender influences the experiences of LGBT individuals, e.g., how lesbian women and couples are at higher risk of poverty, masculine lesbian women face higher risks of physical

violence, and trans women face disproportionate levels of violence, including higher murder rates.

- Intersectional systems of oppression involve dynamics between systems like patriarchy and cis-normativity. They perpetuate each other and must be targeted in complex ways through structural change. Feminist and LGBT movements fight patriarchy and cis-normativity hand in hand. Trans and lesbian women have been contributing to feminism from the beginning and LGBT movements around the world have feminist and women's organisations as constant allies.
- Human rights mechanisms established to address historical wrongs against women now consistently address violations against, and protect the rights of, lesbian and bisexual women, as well as trans and gender non-conforming persons, e.g., CEDAW's decision on lesbophobic hate crimes and State due diligence obligations in this regard.
- There are no countries free from misogyny and patriarchy today. Women still face disproportionate violence and discrimination, and effective measures are needed to address this.
- The protection of LGBT persons' rights, including the rights of trans women, does not jeopardise the rights of women in general. There is complementarity, not competition, in our struggles and victories.

Associao Braliliera de Gays, Lesbicas e Transgeneros

- Since Jair Bolsonaro's election, the persecution of LGBT persons has been increasing substantially based on the so-called "gender ideology" narrative and hate speech endorsed by the government. Murder rates are increasing and hate crimes are becoming more violent.
- Several Bills around the country have been filed aiming to ban advertising including LGBTI individuals and families, claiming they are a threat to morals.
- LGBTI human rights defenders are also being targeted. We counted 7 murders of LGBTI activists in 2020. The same number was recorded this year until May.
- The Brazilian government must be held accountable and provide policies to prevent violence from happening and to ensure access to basic fundamental rights for the LGBTI population.

Swedish Federation of Lesbian, Gay, Bisexual and Transgender Rights (RFSL)

- We welcome the Independent Expert's report and are confident it will contribute to an intersectional, inclusive, and holistic understanding of gender justice.
- Around the world, trans persons continue to face disproportionate levels of violence and systemic discrimination. Trans women, especially, experience high levels of violence which often go unchallenged, uninvestigated and unpunished.
- Working towards the safety, security, wellbeing, and development of trans persons must remain a priority.

- We share the view that gender and sex are firmly established categories in international human rights law. They complement each other and are both crucial to achieving gender justice.
- We reiterate that safeguarding the rights of trans and gender-diverse persons does not come at the expense of other groups as human rights are indivisible, interlinked, and inalienable. Our understanding is informed by intersectional feminist movements which foster synergies between women in all their diversity, standing together with trans and gender-diverse persons in our collective struggle for equality and inclusion.
- Trans Advocacy Week 2021 welcomes the Independent Expert's recommendations to Member States on gender self-determination, legal gender recognition and the rights of trans and gender-diverse minors.
- We thank the Independent Expert and are committed to supporting the mandate in the future.

British Humanist Association

- The intervention is made jointly by Humanists UK and Ozanne Foundation.
- We support the Special Rapporteur on Freedom of Religion and Belief's statement that religion cannot be used to prevent the outlawing of "conversion therapy". "Conversion therapy" is damaging to those subjected to it, causing depression, anxiety, self-harm, increased suicide risk, poor educational outcomes, relationship breakdowns and homelessness. It has no scientific basis but continues to take place.
- "Conversion therapy" is endorsed by the Malaysian government, and a new law in Hungary bans schools from discussing sexuality or trans issues. Such moves normalise prejudice and leave vulnerable LGBT youth at risk of "conversion therapy".
- We champion freedom of religion and belief, but manifestations of beliefs can be restricted if they harm the rights of others.
- People experiencing distress from their sexual orientation and gender identity must not be exposed to coercive, medically discredited practices, including religious practices like exorcisms or "healing prayers". Over 370 senior religious leaders, representing all major religions, have supported this position.
- What plans does the Independent Expert have to work with the Special Rapporteur on Freedom of Religion and Belief to ensure that freedom of religion and belief is not used to maintain harmful practices?

COC Nederland

- Religious fundamentalists are working with national governments to foment hatred towards LGBT persons, using freedom of religion and belief, labelling us "gender ideology imported from the West", "un-Christian" or "rainbow plague".
- In Hungary, Pride events organised by LGBT Christian were attacked by far-right groups. Legislative measures have started erasing rainbow families, ended legal gender recognition, and have banned schools from speaking of LGBT matters.

- Political discourse around LGBT rights in Eastern and Central Europe has become increasingly hostile.
- We urge the Human Rights Council to ensure the protection of the human rights of all.

European Region of Lesbian and Gay Federation

- Ten years have passed since the adoption of the Human Rights Council's first resolution condemning violence and discrimination against persons of diverse sexual orientations and gender identities.
- The Independent Expert's mandate offered hope to LGBT persons globally that their human rights would no longer be neglected. Each report of the Independent Expert makes it clear that protecting LGBT persons from discrimination and violence is not controversial. These obligations are enshrined in international human rights law.
- We strongly welcome the creation of the Group of Friends and look forward to working with the group, and with other Member States and stakeholders towards a world free from discrimination and violence based on sexual orientation and gender identity.

International Planned Parenthood Federation

- Expectations, stereotypes, and norms defining gender differ between societies and cultures, but what is common is the extreme violence and discrimination to which those who do not fit them are subjected.
- Any type of stereotype hurts people by limiting their potential, forcing them into single narratives and punishing them for being themselves. Viewing people through a single lens highlights our differences rather than our commonalities.
- Foundational to the IPPF's mission is the conviction that every person deserves full enjoyment of their human rights and to live free from violence and discrimination.
- We are pleased that the Independent Expert's report reaffirms the humanity of all and brings us closer to a world which celebrates the richness of human diversity.

International Service for Human Rights

- We welcome the Independent Expert's report and the intersectional approach taken therein. We highlight with concern his acknowledgement that trans and gender-diverse persons "suffer an unacceptable state" of violence and discrimination.
- The growing anti-human rights movement has created backlash against the rights of women and LGBTQI persons, and an increase in criminalisation and persecution of human rights defenders in the context of State responses to COVID-19.
- We echo the Independent Expert's call for States to foster enabling environments for civil society working on the rights of trans, non-binary and gender non-conforming persons, and to respect and protect their rights to freedom of assembly and association.
- The voices of human rights defenders must be heard to hold governments accountable for human rights violations and to demand that the U.N. fulfil its human rights

mandate. We therefore deplore the systemic underfunding of the U.N. human rights system and call for the reinstatement of general debates at all Human Rights Council sessions.

- We welcome the Independent Expert's recognition of the *Yogyakarta Principles* and *YP+10* as authoritative articulations of existing international human rights law on issues of sexual orientation and gender identity, and their broad application in national, regional, and international fora.

Geneva for Human Rights

- We welcome the report on "The Law of Inclusion" and look forward to the report on "Practices of Exclusion", to be presented at the 76th U.N. General Assembly.
- Cultures and traditions which transcend modern concepts of gender, which may be considered the norm in a particular place and time, often offer safer spaces for civil society. Concepts of sexual orientation and gender identity around the world do not always conform to the male/female binary, which is a legacy of the domination of monotheist cultures and colonialism. Some pre-colonial cultures were more open to gender plurality.
- We would like to call your attention to Hungary, where four laws have been adopted to restrict LGBTQ+ rights since 2018. This is discriminatory.
- Inclusion, human dignity, and equality are core values of the Human Rights Council and should not be compromised.

Independent Expert on SOGI (Concluding remarks)

- I am thankful to all States and civil society entities which have participated in this dialogue. It is my aspiration that these interactive dialogues enrich the work of the mandate. These themes are not easy and finality on them cannot be claimed by the report of any particular mandate.
- The report is a case study of how law understands, in its perfectibility, the perfection of human diversity, and how, through the reception of different instruments of doctrine and jurisprudence, international law has become more able to capture that perfection of human diversity within the last decades. This is why I took a point of departure in describing the processes of incorporation and recognising that the *Yogyakarta Principles* and *YP+10* have also been a reflection on the incorporation of sexual orientation, gender identity and gender expression as practices of concern under international human rights law.
- There is nothing further away from the intention of this mandate than to vilify or demonise any particular party, but we must draw distinctions between valid, respectful discourse that recognises others in their humanity and hate speech. The Rabat Plan of Action and The U.N. Strategy and Plan of Action on Hate Speech of 2019 are useful to delimit the way in which dialogue around gender identity must be held. My report also provides certain examples of this type of methodology.

- Several States asked about best practices. Law is always an exercise of ensuring that the right framework exists. I call on States to ensure, however, that laws not only encompass concepts of sexual orientation and gender identity, but also enable civil society and human rights defenders to work. There are too many cases of legislation hampering civil society or declaring their objectives invalid. The same applies to public policy.
- Comprehensive sexuality education is fundamental to deconstructing stigma and ensures not only that pupils in the education system are protected, but also that teachers have the tools to deal with cases of harassment or questions about their students' sexualities. Limitations on this type of access to information are counterproductive to eradicating violence and discrimination.
- Regarding the question of what can be done to ensure that situations of systematic impunity are addressed, the mandate will continue working on the communication procedures with which it has been seized. In some cases, they reveal cases of continued impunity. I hope that through interactive dialogues and through exchanges with States, we can create a devolution of these matters to the concerns of the Human Rights Council, particularly when duly warned States perpetuate conditions of systematic impunity.
- I will conclude by reiterating the three global calls my mandate will have done during my tenure:
 - A world free of criminalisation by 2030;
 - A world free of conversion therapy; and
 - Today, I call for a world accepting of gender diversity based on self-identification as a fundamental tool to combat violence and injustice.