



49th Human Rights Council session

11 March 2022

ITEM 3 – Interactive dialogue with the Special Rapporteur on torture

Statement by International Lesbian and Gay Association

Delivered by Jose Guillermo Ricalde Perez

Mr. President,

We welcome the thematic report of the Special Rapporteur on torture and fully support the work done since its appointment on the prevention and fight against multiple forms of torture. We also acknowledge that the mandate has been instrumental in recognizing and protecting the human rights of lesbian, gay, bisexual, trans and intersex (LGBTI) persons to be free from torture and ill-treatment, making several references to the practices related to sexual orientation and gender identity and particularly the so-called 'conversion therapies'.

However, LGBTI individuals continue facing different forms of torture and ill-treatment in many settings and contexts. LGBTI people are more likely to be victims of torture and ill-treatment executed by police authorities and within detention facilities. Likewise, lesbian, gay and trans people are often subjected to conversion therapies without any legal protection in their countries¹.

In this regard, we would like to highlight that the UN machinery, including the Committee against Torture², the Committee on the Rights of the Child³ and the Independent Expert on SOGI⁴ have expressed their concerns about practices of conversion therapy and have recognized them as a form of torture due to their coercive and abusive nature. Such practices contravene the right to freedom and self-determination, damage the physical and psychological autonomy and integrity of LGBTI people, and have long-lasting effects interfering with LGBTI individuals' plans and pursuit of happiness.

Moreover, we welcome the attention given by the mandate to the specific form of torture and ill-treatment faced by intersex people, in its previous work. However, intersex persons around the world continue to be subjected to medically unnecessary surgeries, hormonal treatment and other procedures in an attempt to forcibly modify their appearance or physical development to be in line with societal expectations of female and male bodies.⁵

These harmful practices violate the rights to bodily and mental integrity, freedom from torture and ill-treatment, the right to health (including a right to free and informed consent), and the right to non-discrimination.

¹ See ILGA World: Lucas Ramon Mendos, *Curbing Deception: A world survey on legal regulation of so-called "conversion therapies"* (Geneva: ILGA World, 2020).

² CAT/C/CHN/CO/5, para. 55; CAT/C/ECU/CO/7, para 49; CAT/C/57/4, para. 69; A/74/148, para. 50; A/56/156, para. 24; A/HRC/43/49; and CAT/C/CHN/CO/5, para. 56.

³ See Committee on the Rights of the Child, general comment No. 20 (2016) on the implementation of the rights of the child during adolescence.

⁴ Practices of so-called "conversion therapy" Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.

⁵ Intersex Rights. *Living Between Sexes*. Nikoletta Pikramenou 2020. Chapter 3 and 4.



We call on States to take urgent measures to protect all people, especially LGBT persons and intersex children, from all forms of negligent treatment, abuse and torture. Practices such as forced surgeries or conversion therapies require positive actions from States⁶ and must be banned⁷ and stop for good.

Finally, there is a need for prevention and awareness-raising campaigns about forms of torture and ill-treatment inflicted on LGBTI persons, and the creation of monitoring and support mechanisms for the victims.

I thank you Mr. president

⁶ Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, A/HRC/41/34, 12 April 2019, para. 19.

⁷ Many international bodies such as CEDAW, CAT, CRC, IACHR, IESOGI have explicitly called for the enactment of laws to prohibit or outlaw "conversion therapies". For more information, see ILGA World: Ramon Mendos, (2020) Ibid.