



# **Equal and Inclusive Representation of Lesbian, Bisexual, Transgender and Intersex Women in Decision-Making Systems**

Written submission

to the Committee on the Elimination of Discrimination against Women  
for the General Discussion on equal and inclusive representation of women  
in decision-making systems

Submitted by

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14 February 2023

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## Summary

This submission is prepared by [ILGA World](#), a worldwide federation of more than 1’700 organisations from over 160 countries and territories campaigning for lesbian, gay, bisexual, trans and intersex (LGBTI) human rights; and [ECOM](#), an international NGO, a membership organization open to non-profit organizations and activists working in the areas of prevention, treatment of human immunodeficiency virus, care and support for men who have sex with men and transgender people in Eastern Europe and Central Asia.

The submission is aimed at informing the CEDAW Committee about various challenges faced by lesbian and bisexual women, trans and intersex persons (hereinafter ‘LBTI women’) in public and political life, as well as examples of good practices of representation of LBTI women in decision-making systems. We hope that this information will be considered by the CEDAW Committee in the development of the draft General Recommendation on equal and inclusive representation of women in decision-making systems.

The submission describes the importance of intersectional approach in ensuring equal and inclusive representation of LBTI women. It also provides information on Principle 25 of the Yogyakarta Principles (‘The Right to participate in public life’) and relevant States obligations.

Section 3 of the submission addresses barriers faced by LBTI women in voting and elections, representation of LBTI women in legislative and executive branches in different countries, describes some examples of measures aimed at enhancing participation of LBTI women in elections and public offices, including quotas and measures to ensure access to voting and elections for transgender people.

Section 4 of the submission provides information on LBTI women’s activism and organizing, including specific challenges affecting LBTI women’s opportunities to participate in NGOs, as well as institutional environment of LBTI women’s activism, particularly access to funding, official registration and street demonstrations.

Section 5 of the submission addresses participation of LBTI women in the work of international organizations, from first lesbian organizing at the Beijing Conference to LBTI women’s engagement with the CEDAW Committee. Particular challenges preventing LBTI women from equal and inclusive representation at the international level, such as denial of visas and reprisals, are highlighted.

# 1. Intersectionality

In December 2021, the UN General Assembly reaffirmed the obligation of all States to take all appropriate measures to ensure that every citizen has the effective right and opportunity to participate in elections on an equal basis, and called upon States to take measures to **eliminate laws, regulations and practices that discriminate, directly or indirectly, against citizens in their right to participate in public affairs, including based on race, colour, ethnicity, national or social origin, sex, sexual orientation and gender identity**, language, religion, political views or on the basis of disability.<sup>1</sup>

The Concept Note on the Future General Recommendation on Equal and Inclusive Representation of Women in Decision-Making Systems<sup>2</sup> (hereinafter 'Concept Note') refers to Articles 1, 2 and 3 of the CEDAW Convention and recalls that women face **cross-cutting inequalities and discrimination, exacerbated on the basis of discrimination based on different factors, including LBTI status**. Therefore, efforts to achieve equal and inclusive representation of all women in decision-making systems must include strengthened measures to eliminate all forms of direct and indirect discrimination including **specific measures to effectively eliminate intersectional discrimination**.<sup>3</sup>

Further, as noted in the Concept Note in relation to Articles 7 and 8, States parties need to take measures to address the lack of equal and inclusive representation of women in all sectors, **further exacerbated for groups of women in the most marginalized situations, including LBTI women**, who are often particularly sidelined or even excluded fully, and to eliminate all discrimination in accessing decision-making positions and to set up a system of **substantive equality**.<sup>4</sup>

In a similar vein, the Special Rapporteur on the situation of human rights defenders has addressed the need for intersectional approach in actions aimed at ensuring participation of women in decision-making:

Where women defenders might face disadvantages that restrict their meaningful participation in decision-making processes, tailored programmes should be developed to ensure that they have the access to the knowledge, information and resources needed. **Such programmes should consider diversity among women, including their age, geographical location, ethnicity, disabilities, religious beliefs, caste, sexual orientation, gender identity and gender expression**.<sup>5</sup>

Intersectionality defines the lives and experiences of LBTI women,<sup>6</sup> as their identities intersect, they are discriminated, stigmatized or excluded based on their sexual orientation, gender identity, gender expression, sex characteristics and gender, but also as they are affected by intersectional forms of oppressions, including homophobia, transphobia, cisheteronormativity, sexism and misogyny in their dynamics and interconnections.

The CEDAW Committee has not only addressed intersectionality in its practice on Articles 7 and 8, but also paid particular attention to LBTI women's access to decision-making processes and measures States parties need to take from the intersectional perspective. In its concluding observations, the Committee recommended that States parties **pay particular attention to underrepresented groups of women, such as LBT women and intersex persons**, in ensuring a **high rate of representation** of women in political and public life at the national, regional and municipal levels,<sup>7</sup> and in **providing capacity-building** on political campaigning and leadership skills and ensuring that women candidates have access to sufficient campaign financing.<sup>8</sup> The CEDAW Committee further recommended States parties to implement **temporary special measures** to accelerate equal participation by women belonging to disadvantaged groups, such as LBT women and intersex persons.<sup>9</sup>

While the CEDAW Committee has addressed intersections between SOGIESC and gender, the intersectional approach to human rights implies **holistic and dynamic understanding of identities and forms of oppressions**. LBTI women's experiences are further defined or affected by, for example, racism, colonialism or ableism.

In this regard, it is worth mentioning the practice of the Committee on the Rights of Persons with Disabilities (hereinafter 'CRPD Committee') on **participation, decision-making and intersectional barriers faced by LGBTI persons and LBTI women with disabilities**.

In line with one of the core principles of full and effective participation and inclusion in society, the CRPD Committee expressed the need to ensure participation of LGBTI people with disabilities in decision-making processes.<sup>10</sup> In its General comment No. 7 (2018), the CRPD Committee explained that the right to participate in consultations, through their representative organizations, should be recognized on an equal basis for all persons with disabilities, irrespective of, for example, their sexual orientation and gender identity.<sup>11</sup> It further commented that States parties should ensure the close consultation and active involvement of organizations of persons with disabilities. The obligation of States parties to involve organizations of persons with disabilities also encompasses those persons with disabilities with a specific

sexual orientation and/or gender identity and intersex persons with disabilities.<sup>12</sup> States parties should also guarantee and support the participation of persons with disabilities through organizations of persons with disabilities, reflecting a wide diversity of backgrounds, including sexual orientation and gender identity, intersex variation and other factors.<sup>13</sup>

Among the CRPD Committee's country-specific recommendations were:

- a. to ensure that a broad range of persons with disabilities that reflect the diversity of people's backgrounds, including sexual orientation, meaningfully participate in an inclusive and accessible manner in direct decision-making processes that affect the lives of persons with disabilities at all levels and within all sectors of the State party;<sup>14</sup>
- b. to provide appropriate support and reasonable accommodation to ensure the participation of representatives of all persons with disabilities, including LGBT persons, in consultation processes;<sup>15</sup>
- c. to develop mechanisms to ensure the inclusive, strategic and active involvement of organizations of persons with disabilities, including intersex persons, in the planning and implementation of all legislation and measures that affect the lives of persons with disabilities;<sup>16</sup>
- d. to ensure active and full-scale involvement and meaningful consultations with various organizations of persons with disabilities, including those representing LGBT persons, when designing new laws and strategies to ensure that legislation complies with the Convention, and also in the implementation and monitoring of and reporting on the Sustainable Development Goals.<sup>17</sup>

Finally, **intersectionality plays a crucial role in the context of human rights and social justice movements.** Historically, lesbian and trans activists have led and participated actively in various actions, advocacy groups and strategies aimed at improving the situations of marginalised or stigmatized communities, including LGBTI persons, women, sex workers, people living with HIV, those in poverty or subjected to violence in carceral systems. A research study from the Astraea Lesbian Foundation for Justice and Mama Cash, for example, revealed that LBQ activist groups are working intersectionally, with 73% of them identifying with LGB rights movement, 58% with women's rights movement, 56% with human rights movement, and 53% with trans rights movement.<sup>18</sup>

For this reason, we strongly condemn the growing attempts to divide women's and trans human rights and to create exclusive discourses contributing to exacerbation of transphobic biases and stereotypes. Further, such discourses perpetuate the essentialist understanding of gender—something the CEDAW Committee, other human rights mechanisms and feminist movements have been condemning and rejecting for decades.<sup>19</sup> **Representation of women in decision-making systems based on transformative equality and inclusivity also requires the inclusion and representation of trans women.**

## **2. The right to participate in public life in the Yogyakarta Principles**

The Yogyakarta Principles is a **set of principles on the application of international human rights law in relation to sexual orientation, gender identity, gender expression and sex characteristics** adopted in 2016 and updated in 2011.<sup>20</sup> The Principles fall under Article 38 (1) (d) of the International Court of Justice statute, being considered 'teachings of the most highly qualified publicists'<sup>21</sup> and, therefore, are subsidiary means for the interpretation of the rules of international law.<sup>22</sup> The Principles have been characterized as soft law by the Special Rapporteur on the situation of human rights defenders,<sup>23</sup> and have been repeatedly used by different treaty bodies<sup>24</sup> and special procedures.<sup>25</sup>

### **Principle 25: The Right to participate in public life**

Every citizen has the right to take part in the conduct of public affairs, including the right to stand for elected office, to participate in the formulation of policies affecting their welfare, and to have equal access to all levels of public service and employment in public functions, including serving in the police and military, without discrimination on the basis of sexual orientation or gender identity.

States should:

- a. Review, amend and enact legislation to ensure the full enjoyment of the right to participate in public and political life and affairs, embracing all levels of government service and employment in public functions, including serving in the police and military, without discrimination on the basis of, and with full respect for, each person's sexual orientation and gender identity;
- b. Take all appropriate measures to eliminate stereotypes and prejudices regarding sexual orientation and gender identity that prevent or restrict participation in public life;

- c. Ensure the right of each person to participate in the formulation of policies affecting their welfare, without discrimination on the basis of, and with full respect for, their sexual orientation and gender identity;
- d. Take measures to ensure that sexual orientation, gender identity, gender expression and sex characteristics are not used as grounds to prevent a person from exercising their right to vote;
- e. Develop and implement affirmative action programmes to promote public and political participation for persons marginalised on the basis of sexual orientation, gender identity, gender expression or sex characteristics.

### **3. Voting, elections, government policies and public offices: Article 7 (a) and (b) of the CEDAW Convention**

#### **Representation of LGBTI women in politics**

Some studies show that the representation of minorities in legislative bodies improves the realization of their policy preferences and the position of the group within the society. One such study on LGBT representation by Andrey Reynolds suggested that the presence of **even a small number of openly LGBT legislators is associated significantly with the future passage of laws aimed at improving the LGBT persons' human right protection**, even after including controls for social values, democracy, government ideology, and electoral system design. In addition, openly LGBT officials may have a transformative effect on the views and voting behaviour of their non-LGBT colleagues.<sup>26</sup>

There has been **some progress achieved in LGBTI representation in legislative and other governmental bodies** during past decades, especially in the Global North countries. For example, in 2017 the United Kingdom had the highest number of parliamentarians in the world who identified themselves as gay, lesbian or bisexual, with 45 (7%) Members of Parliament across the political spectrum elected in June 2017.<sup>27</sup> In 2020, the leadership has passed to New Zealand where 12 openly LGBTQ people won seats in the election amounting to 10% of the MPs.<sup>28</sup> In the United States of America, according to the LGBTQ Victory Institute, at least 1'065 out LGBTQ people ran or are running for office in 2022—the most in history—and a 5.9% increase since the presidential election in 2020. A record 63.7% of known LGBTQ candidates won their primaries, and LGBTQ candidates ran in all 50 states and the District of Columbia for the first time.<sup>29</sup>

LGBTI people are also receiving access to legislative and executive bodies in other regions. For instance, the National Unity Government of Myanmar has a historic share of women and LGBT people in top leadership positions. It established, for the first time in the country's history, a Ministry for Human Rights, led by Aung Myo Min, a long-time human rights and LGBT advocate.<sup>30</sup> In December 2015, the first two open members of LGBT community in Venezuela, Tamara Adrián and Rosmit Mantilla, were elected to the country's Parliament.<sup>31</sup>

In Peru in 2015, the National Jury of Elections highlighted the need to include, among other approaches, the gender approach, considering women and LGTBI persons in government plans (Resolution No. 0305-2015-JNE). That same year, twenty-one political parties signed the Electoral Ethical Pact, committing, for the first time, to incorporate the aforementioned approach in their plans and proposals.<sup>32</sup> In 2016, the National Citizen Education and Civic Training Plan 2016-2019 was approved (Resolution No. 110-2016-P/JNE). The Plan recognizes LGTBI organizations among other groups promoting political rights of minority groups, as a target audience.<sup>33</sup>

According to ECOM, women in general are underrepresented in politics in the region of Eastern Europe and Central Asia. Queer women have extra barriers based on their gender and sexual orientation, and gender identity. Hate speech and legislative initiatives against the LGBT community shrink the space for LGBTI politics to participate in fair elections.

In 2022, Russia adopted new version of “anti LGBT propaganda law”, where sharing positive and even neutral information about LGBT people is prohibited.<sup>34</sup> That makes LGBTI women participation in decision making process impossible. But the consequences of these actions extend much wider than the territory of one country. Russia reinforces anti-gender movement in the region. Nine countries in the EECA attempted to pass “LGBTI propaganda” laws in past decade and some of them succeeded. Kyrgyzstan, Moldova, Belarus and Kazakhstan were inspired by Russian legislation and copied some norms from previous version of Russian “anti LGBT” law in their drafts.<sup>35</sup>

In Georgia, the first queer and feminist party was formed in 2022. The party will participate in the Parliamentary election in 2024, but at the same time, the legislative initiative to ban LGBT demonstrations

was submitted to the Georgian Parliament. If the initiative will be adopted, queer women's politics and parties would not have a space to promote their agenda during elections.

Even with some progress in some countries, **there is still a long way to intersectional representation of LGBT persons in politics, including aspects related to gender, gender identity, sexual orientation, race and ethnicity.** A study of the election in Peru shows, for example, that gay men have had greater political recognition than lesbian women. The study also revealed the tendency to masculinize politics in the exercise of public office.<sup>36</sup> The research conducted by Reynolds also showed discrepancy between representation of the different LGBT legislators' identities. The study identified a total of 151 openly LGBT MPs elected to the national assemblies of 27 countries between 1976 and 2011. Of these, 111 were gay men, 32 lesbian women, 5 bisexual persons, and only 3 transgender persons.<sup>37</sup> The data collected by the LGBTQ Victory institute in the USA, similarly demonstrate that the majority of the candidates were gay men (55%), with lesbian women amounting to only 18.2%. The number of LGBTQ candidates in 2022 who did not identify as cisgender increased significantly since 2020, representing 13.9% of LGBTQ candidates. Of those, the number of trans candidates increased slightly from 4.4% of LGBTQ candidates in 2020 to 6.3% in 2022.<sup>38</sup> Notably, LGBTQ elected officials are significantly more racially and ethnically diverse than the overall elected official population but are less diverse than the USA population. Overall, LGBTQ people are still severely underrepresented among elected officials, needing to elect 35'854 more to achieve equitable representation.<sup>39</sup>

Another problem is **the lack of consultations with LGBTI women in the development of laws, policies, programmes and other measures affecting their lives.**

According to ECOM, when discussing government programs and policies, state bodies or civil society organizations do not always consider the needs and recommendations of LGBTI women. Often, queer women do not participate in such discussions.

The government of Georgia has adopted the new Human Rights Strategy for 2022-2030 and forwarded it to the Parliament for final approval. The government had failed to involve community leaders in the drafting process properly — and ignored feedback anyway. Despite recommendations and appeals from the queer community and civil society organizations, steps to tackle intolerance and discrimination towards queer people were excluded from the final document. LGBTQ issues were fully removed from the Parliament's Gender Equality Concept, and the final version of the document was adopted without any communication with civil society organizations.

**Trans people, including trans women, face additional challenges in accessing political processes.**

According to ECOM, the impossibility of changing gender marker or complicated procedures in Eastern Europe and Central Asia means that trans people cannot participate in political processes since they cannot change the gender marker in documents. In the Country Coordinating Mechanisms (CCMs) for combating HIV/AIDS, tuberculosis, and malaria, the participation of trans women is also low. In Georgia, the Kyrgyz Republic, and Armenia, trans people participate in CCM activities.

On the other hand, **in all parts of the world politicians still use anti-LGBTI rhetoric, frequently amounting to hate speech and remained unpunished, for their political gains.** Concerns about this, as well as recommendations to States have been formulated by a number of UN human rights mechanisms, including the Human Rights Committee,<sup>40</sup> the Working Group on discrimination against women,<sup>41</sup> and the Independent Expert on sexual orientation and gender identity.<sup>42</sup>

According to ECOM, in 2020 and 2021, the LGBT community and the societal prejudices against them were used during parliamentary elections in Kyrgyzstan. In the first case, mobile operators sent messages that the opposition party supports LGBT people, and in the second case, that LGBT people support the opposition coalition. In both cases, the authors of the message and video clips were anonymous and were not associated with the opposition itself. Later, the opposition party made a refutation of those statements.

This problem has been even further **exacerbated during the COVID-19 pandemic.** Almost half of the lesbian-led organizations who took part in the survey by the EuroCentralAsian Lesbian\* Community reported that there have been incidents of lesbophobic statements by political parties, religious groups or media in their country during the COVID-19 crisis.<sup>43</sup> The Independent Expert on sexual orientation and gender identity, in his report on the COVID-19 impact, noted that

The weight of official State discourse is of great importance and the Independent Expert has received concerning reports of the exacerbation of hate and discriminatory speech, as well as fallacious attribution of responsibility for the pandemic to the advancement of LGBT rights. Government measures to combat the pandemic must be limited to the protection of public health and not to the advancement of anti-LGBT agendas. Governments and political and religious

leaders must not amplify the toxicity of COVID-19 with a mix of misinformation and hatred, and the boundaries between protected and hate speech need to be strictly recognized and enforced by State authorities.<sup>44</sup>

Moreover, politicians used COVID-19 to promote anti-LBTI initiatives without public hearings. For instance, according to ECOM, in Kyrgyzstan, the Parliament changed the “Civil Status Act” law in 2020, without public hearings due to COVID restrictions. The clause guaranteeing the possibility of changing the gender marker was removed. Now trans people cannot change their gender in documents.

Finally, openly LGBTI politicians, particularly LBTI women, are **disproportionately affected by violence and harassment**, and societal prejudices are used to eliminate undesirable candidates or attack LGBTI politicians fighting for social justice.

On 14 March 2018, Marielle Franco and her driver were shot dead in a car while returning from a public event. Marielle Franco was an elected member of the City Council of Rio de Janeiro, an Afro-Brazilian human rights defender working for the rights of women, people of African descent, LGBT people, and populations from the favelas. Marielle identified herself as a woman, as a feminist, as black, as *favelada*, as bisexual and as married to another woman. Through her political work she was committed to fighting racial discrimination, in particular in the context of the ‘war on drugs’ and the disproportionate impact on black people living in favelas.<sup>45</sup>

In January 2023, Brazilian LGBTQ lawmakers, including Thainara Faria, a Black bisexual woman, a member of the Workers’ Party and São Paulo Legislative Assemblywoman-elect, and transgender Congresswomen Erika Hilton and Duda Salabert, were threatened during conference in Brasília. They received threats, racist and LGBT-phobic messages indicating that their physical integrity of the was at risk.<sup>46</sup>

## Quotas

Ensuring equal participation of LBTI women may require temporary special measures.<sup>47</sup> For political representation and public appointment, quota systems are frequently used as such measures.<sup>48</sup>

At least two political parties in different countries have adopted **quotas in their candidate lists aimed at ensuring sexual and gender diversity**. The Peoples’ Democratic Party in Turkey adopted a 50% quota for women and a 10% quota for LGBT candidates in the 2015 legislative elections,<sup>49</sup> and in Queensland, Australia the Labor Party established a minimum quota of 5% in winnable seats for LGBTIQ persons in their party rules.<sup>50</sup>

Argentina and Uruguay have **laws establishing quotas in public sector jobs for transgender people**. A law adopted in 2021 in Argentina, reserves 1% of public sector jobs for transgender people. The quota applies to the state bodies and agencies, non-state public entities, state enterprises and corporations. In addition, there should be measures to promote participation of transgender persons representing trade union and civil society organizations throughout the country in relation to the law for the follow-up and monitoring of its implementation, and for the development of mechanisms and policies to accompany transgender persons in their labor inclusion process.<sup>51</sup> Uruguay introduced a 1% public sector staff quota for transgender people in 2018. The law requires that 1% of staff at most government agencies be held by transgender people and mandates a 1% quota for transgender people in programs at the National Institute of Employment and Vocational Training.<sup>52</sup>

## Legal gender recognition and participation in voting and elections

Transgender people may face specific barriers when exercising their right to vote and to participate in elections. **Voter registration and identification are two particular areas of concern, especially when there is no access to legal gender recognition, or such access is significantly impeded.**

The 2017 European Union Election Observation Missions’ report on Honduras provides concrete examples of discrimination faced by transgender persons, particularly women, in relation to the country election. Rihanna Ferrera Sánchez, a trans candidate to the National Congress, submitted an appeal to the Supreme Electoral Tribunal, requesting that they change her name on the ballot paper, printed alongside her photograph, to her chosen name. The appeal was rejected on the basis that there was no law allowing change of name as part of legal gender recognition. In addition, according to a survey by SOMOS CD, 36% of trans people were unable to exercise their right to vote because polling station staff did not recognise their identity because of the mismatch in their national identity cards.<sup>53</sup>

The CEDAW Committee has developed **extensive standards on legal gender recognition** since 2014.<sup>54</sup> The Committee has expressed its concerns over situations where there were no procedures or

laws regulating legal gender recognition,<sup>55</sup> where such laws and procedures precluded transgender persons, including women, from changing the gender marker on their identity documents,<sup>56</sup> and where the legal gender recognition procedures were lengthy and burdensome.<sup>57</sup> The Committee has repeatedly expressed concerns and called for the abolishment of restrictive and abusive requirements for legal gender recognition, including psychiatric assessment and psychopathologization,<sup>58</sup> as well as mandatory, compulsory or involuntary medical treatment and procedures,<sup>59</sup> in particular gender reassignment surgery,<sup>60</sup> hormonal or surgical sterilization.<sup>61</sup> The States parties were called on to guarantee, in law and in practice, the right of transgender persons, including women, to change their legal gender,<sup>62</sup> through an expeditious, transparent and accessible procedure.<sup>63</sup> Legal gender recognition procedures should comply with international standards of non-discrimination,<sup>64</sup> guarantee the rights of transgender women to bodily integrity, autonomy and self-determination,<sup>65</sup> and be carried out without requiring transgender persons to conform to stereotypical ideas of masculine or feminine appearance or behavior.<sup>66</sup>

Several countries have taken **specific measures aimed at ensuring participation of transgender people in voting and election.**

For example, in Brazil, the Superior Electoral Court ruled that trans candidates were eligible to run for election with their self-identifying name.<sup>67</sup> Mexico's National Electoral Institute adopted a protocol establishing that all trainings for polling officers should integrate content on trans people's right to vote, implemented for the first time in the 2018 federal elections. In Guatemala, in the lead up to the 2015 elections, the Supreme Electoral Tribunal developed a handbook for polling station members that included a section on trans voters, and provided trainings to relevant staff on the topic.<sup>68</sup>

#### **4. Non-governmental organizations and associations concerned with the public and political life: Article 7 (c) of the CEDAW Convention**

LBTI women human rights defenders and activists are affected by the **intersection of patriarchy and heteronormativity.** As observed by the Special Rapporteur on the situation of human rights defenders,

Social constructions of gender are shaped by patriarchy and heteronormativity. Patriarchy—the privileging of men in social relations – often results in the disempowerment of women and their exclusion from decision-making processes. Patriarchal ideas circumscribe how and when women exercise voice and agency in the private and the public spheres. Similarly, heteronormativity—the privileging of heterosexuality and the rigid definition of gender identities, sexualities, and gender relations – reinforces clear distinctions between men and women. Heteronormative ideas render gender non-conforming persons invisible and reproduce expectations about how women and men should express their sexuality and gender; those who do not conform are cast as ‘deviant’, ‘abnormal’ or ‘wicked’. Human rights defenders whose actions are perceived as challenging patriarchal and heteronormative systems tend to face threats and attacks, as they question understandings of women's identity and their place and role that are taken for granted and disrupt gendered power relations.<sup>69</sup>

As noted by the Working Group on discrimination against women in its report on women's political representation and women's participation in political and public life, ‘women who belong to vulnerable groups, based on ... sexual orientation and gender identity, are **effectively barred from political and public life based on multiple stereotyping.**’<sup>70</sup> LBT women who defend their human rights are **vulnerable to attacks on their civil rights and personhood where there is a climate of intolerance** arising from their perceived challenge to established norms of gender identity, gender roles and sexuality.<sup>71</sup>

LBTI women activists and human rights defenders are **frequently targeted by ‘anti-gender’ groups and individuals.** As noted by the Working Group on discrimination against women, “of deep concern is the rise of the concept of “gender ideology” as posited by religious leaders, politicians and members of conservative groups, who, misunderstanding and misusing gender matters, describe the “ideology” as a threat to religious values, the family and morals in society.<sup>72</sup> Further, as observed by the Special Rapporteur on the situation of human rights defenders, ‘in this view, put forward with particular vehemence in Latin America and Eastern Europe, “gender ideology” is positioned as the attempt by defenders of the human rights of [LGBT] persons and those of other diverse orientations and gender identities, and by feminists, to destabilize the political and social order; the supposed threat is being used to shape political outcomes and justify discrimination.’<sup>73</sup> In its recent report on girls' and young women's activism, the Working Group on discrimination against women expressed concerns over the **increased risks of harassment and violence, in the context of backlashes against gender equality,** faced by girls and young women when engaging on themes related to gender equality, particularly sexual and reproductive rights, equality in marriage and LGBTIQ issues.<sup>74</sup>



As recognized by the Working Group on discrimination against women, ‘a distinct set of obstacles consists in the **legal barriers to freedom of expression on sexual orientation and gender identity** that have been introduced in various countries across the world.’ At the end of 2020, legal barriers to freedom of expression on issues related to sexual and gender diversity existed in at least 42 Member States, including in the form of bans on the dissemination of so-called “gender ideology”.<sup>75</sup>

## Specific factors affecting LGBTI women activists

### Criminalization

Laws criminalizing LGBTIQ persons pose formidable threats to the activism of girls and young women belonging to that community, forcing many of them to remain silent or impeding them from creating their own organizations and movements.<sup>76</sup>

More than 40 countries still criminalise same-sex sexual activity between women.<sup>77</sup> Some countries also criminalize cross-dressing, and have in place other laws and policies of a more indirect nature, which might also be negatively applied against certain groups and persons in relation to sexual orientation and gender identity.<sup>78</sup> In addition, binary and essentialist notions of gender make trans and gender-diverse people prone to being targeted for consensual same-sex sexual acts.<sup>79</sup>

The links between criminalization of same-sex sexualities and women’s activism have been analysed by the CEDAW Committee in its recent decision in the case *Flamer-Caldera v Sri Lanka*.<sup>80</sup> The Committee found a violation of the author’s right to participate in NGOs and associations (Article 7(c) of the CEDAW Convention). The decision highlighted threats and abuse faced by the author in connection with her activism—particularly, that she and her organisation had been placed under surveillance, and their materials had been considered pornography. The CEDAW Committee recalled that States parties should encourage women’s NGOs and support ‘women’s ability to participate as active members of civil society.’<sup>81</sup> The decision was considered extremely important for the development of women’s human rights standards in the context of intersectionality. As noted by Loveday Hodson and Kseniya Kirichenko,

The message from the Committee is unambiguous: criminalisation facilitates and fuels discrimination and violence against women. Yet, no passive victims here: Flamer-Caldera’s activism and leadership was emphasized in the Committee’s telling and centered in its analysis. The Committee adopted an intersectional approach that acknowledged the various aspects of Flamer-Caldera’s identity, including her activism and gender expression. This is a refreshing and important take on LGB/TI rights that distinguishes the Committee’s approach from the single-lensed approach taken by other human rights bodies.<sup>82</sup>

Laws criminalizing same-sex sexual activities between men can also lead to human rights violation against queer women. In Uzbekistan and Turkmenistan, same-sex relationships between adult men are still criminalized. Because there is also no clear procedure for legal gender recognition, trans women lack access to document change, and can be imprisoned under their male documents. For these reasons, trans women are forced to hide their identity and cannot participate in decision-making processes in these countries. Moreover, the criminalizing laws affect all LGBT communities, including lesbian and bisexual women. There is no opportunity to register LGBT organizations, promote queer rights and raise awareness about sexual orientation and gender identity. In 2022, there was an ad campaign, where two women kissed, in Uzbekistan. The Consumer Rights Protection Agency sent a request to the Ministry of Internal Affairs in connection with such “immoral behavior.” The two women were forced to make a public apology and found guilty under the article “petty hooliganism”.<sup>83</sup>

### ‘Conversion therapies’

As observed by the Special Rapporteur on the situation of human rights defenders, ‘some women are **held against their will for their activism, for example in immigration detention centres or psychiatric institutions**. Young lesbian defenders have been incarcerated and forced to undergo treatment to ‘correct’ their homosexuality.’<sup>84</sup>

Practices of the so-called ‘conversion therapies’ have been addressed in detail by the Independent Expert on sexual orientation and gender identity in his report on the topic.<sup>85</sup> The Independent Expert provided, in particular, definition of the term:

“**Conversion therapy**” is used as an umbrella term to describe interventions of a wide-ranging nature, all of which are premised on the belief that a person’s sexual orientation and gender identity, including gender expression, can and should be changed or suppressed when they do not fall under what other actors in a given setting and time perceive as the desirable norm, in particular when the person is [LGBT] or gender diverse. Such practices are therefore consistently aimed at effecting a change from

non-heterosexual to heterosexual and from trans or gender diverse to cisgender. Depending on the context, the term is used for a multitude of practices and methods, some of which are clandestine and therefore poorly documented.<sup>86</sup>

Practices of ‘conversion therapy’ are rooted in the incorrect and harmful idea that sexual and gender diversity are disorders to be corrected, and therefore are discriminatory in nature. Furthermore, such actions are degrading, inhuman and cruel and create a significant risk of torture.<sup>87</sup>

The CEDAW Committee has already expressed its concerns over the persistence of the practice of so-called ‘conversion therapy’ to change the sexual orientation or gender identity of LBT women, and called on the States parties to prohibit such practices and other forced, involuntary or otherwise coercive or abusive treatments against LGBTI women.<sup>88</sup>

## **Institutional environment of LGBTI women’s activism**

### **Funding**

Restrictive donor policies impact women defenders distinctively, including adverse impact on women defenders working on sexual and reproductive rights, HIV, sexual orientation and gender identity rights and sex workers’ rights. It has reduced access to services for marginalized women, threatened the integration of health services and created division in civil society around the world.<sup>89</sup>

In 2019-2020, of all SOGIESC funding from United States-based foundations only 2% went to lesbian / queer women, and intersex communities received less than 1%.<sup>90</sup>

A research study from the Astraea Lesbian Foundation for Justice and Mama Cash revealed a number of challenges faced by **LBQ activist groups** globally: they have extremely small budgets and very little access to external funding; most of them have no savings or assets; funding for LBQ groups is sparse everywhere, but particularly in Europe and Central Asia, as well as Asia and the Pacific; LBQ groups receive insufficient support to fully implement their strategies; LBQ groups face multiple barriers to accessing and implementing funds; and they receive primarily short-term and restricted funding.<sup>91</sup>

Another report focused on the state of **intersex funding** demonstrated that Intersex funding is an incredibly small percentage of total global LGBTI grantmaking; intersex organizations are working with little financial resources and few paid staff; less than 10% of funders of global LGBTI issues support intersex organizations; funding is limited across the entire world – however, intersex groups in the Global South and East experience the greatest challenge in accessing resources; intersex organizations are working at multiple levels but are not being funded to do so; intersex organizations identify the need for increased resources for community organizing and movement building; and very few children and youth rights funders are funding intersex organizations.<sup>92</sup>

A similar report focused on the state of **trans funding** revealed that the rapidly expanding international trans movement is significantly under-resourced and continues to receive only a small amount of total global funding on LGBTI issues; too few funders are reaching trans organizations, and the limited funding that is given to trans organizations is not evenly distributed across the globe; trans organizations receive smaller grants compared to other types of organizations that are funded on LGBTI issues; government and multilateral funders have not yet scaled up funding to trans organizations; while foundations are the leading funders for trans organizations, funding is concentrated among a small number of foundations; only a quarter of total funding for work with trans communities outside of the USA was awarded to trans organizations; outside of the USA, there is a significant gap between the number of trans organizations working at the local level and those being funded to do so; trans organizations working at the international level are doing so with little funding; trans organizations are at the front lines of the HIV response within their communities but receive a very small amount of global HIV funding.<sup>93</sup>

Laws and regulations **disproportionately restricting certain type of funding**, particularly foreign funding, for civil society organizations, even when formulated in neutral terms, **particularly affect LGBTI an LGBTI women’s groups and organizations**. For example, in Russia, LGBT organizations were among first ones subjected to inspections and following charges under the so-called ‘foreign agent’ law.<sup>94</sup> When there is no domestic funding available for LGBTI women’s groups—which is frequently the case for countries with specifically strong anti-LGBTI climate—such groups may be left without any budget.

### **Registration of organizations**

According to a research study by the Astraea Lesbian Foundation for Justice and Mama Cash, the majority of LBQ groups are registered; however, there are **significant differences across regions**. In North America, where 80% of LBQ groups report being registered, minimal legal impediments likely make

it easier for groups to register. At 50%, registration of LBQ groups is lowest in Asia and the Pacific, likely because of the factors such as complex registration processes, costs of registration, and local political contexts.<sup>95</sup>

Homophobic and transphobic bias in regulatory frameworks is an important factor in how many LBQ groups are registered. A study on the right to register by OutRight International showed that in 55 countries, LGBTQI organizations **cannot legally register as LGBTQI organizations**.<sup>96</sup> In Sub-Saharan Africa, 39% of LGBTIQ groups legally registered **on the basis of focusing on other issues** or have not been explicit about a focus on LGBTIQ people in documents produced for registration.<sup>97</sup>

According to ECOM, despite the existence of registration procedures for NGOs in the Eastern Europe and Central Asia, **many LGBT organizations prefer or forced to work as non-registered initiative groups**. For example, no LGBT organization is registered in Tajikistan or Uzbekistan. Some organizations provide services in the field of HIV, including for LGBT people. The Kazakhstan Feminist Initiative 'Feminita' has been trying to register as a legal entity in Kazakhstan since December 2017. The Ministry of Justice denied the organization registration, and the complaints were not satisfied in the courts.

### **Restrictions on freedom of peaceful assembly and freedom of expression**

LBTI women's activism frequently involves street protests and demonstration. In 1969, Marsha P Johnson and Sylvia Rivera, two trans women, became prominent at Stonewall riots in New York City as leaders in the Gay Liberation Movement.<sup>98</sup> Today, gay pride parades in many countries turned into commercialized entertainment events, and for this reason trans and lesbian activists organize their own parallel marches to support intersectional struggles still affecting the lives of marginalized groups within LGBTI communities.<sup>99</sup>

In organizing street demonstrations and protests, **LBTI women human rights defenders, however, face different obstacles**, including prohibition of such events by authorities, the lack of protection and physical and verbal violence.

Street demonstrations organized by LBTI women may be banned under the pretext of the 'propaganda of homosexuality and transgenerness.' As has been decided recently by the Human Rights Committee—for the first time specifically in the context of trans activism—such prohibitions violate the right to non-discrimination and freedom of peaceful assembly. According to the Human Rights Committee, 'a public **call for respect for the rights of transgender, transsexual persons and other gender minorities, drawing attention to the discrimination faced by such persons in society, could not have a negative effect on minors' rights and freedoms**.'<sup>100</sup>

In Eastern Europe in Central Asia, according to ECOM, holding meetings, rallies, events, or protests is not safe, and there may be **various barriers from the side of the state**. In Kyrgyzstan, government officials used hate speeches to describe the participation of queer women in the 8<sup>th</sup> of March rallies, and the police department banned the March in 2020, justifying this ban in the court by participation of queer women in previous marches. Holding a peaceful assembly, which the LGBT community can organize, can lead not only to a ban on its holding but also to repressive measures by the government. Perhaps these factors have led to the fact that, at the moment, the LGBT community in Tajikistan **has not taken advantage of this opportunity**. In Kazakhstan, the local authority of Almaty City refused to allow feminists to hold a rally and march scheduled for 8 March 2023.

## **5. International representation and the work of international organizations: Article 8 of the CEDAW Convention**

The **groundwork for an intersectional approach to women's human rights on the international arena** has been laid at the 1995 World Conference on Women in Beijing. The Beijing Declaration and Platform for Action, the outcome documents of the Conference, recognized the multiplicity of women's experiences and additional vulnerabilities of certain groups of women.<sup>101</sup> The Beijing Conference was also **one of the very first international platforms where lesbian groups were able to participate and voice their concerns**. During the preparation to the Beijing Conference at the Commission on the Status of Women in New York, thanks to the work of a lesbian caucus, references to 'sexual orientation' appeared four times in the draft Platform. In Beijing, lesbian activists continued active participation through the Beijing Non-Governmental Forum, organized a demonstration and several workshops. However, the question of whether 'sexual orientation' should be acknowledged as an aspect of women's diversity and an actionable ground of discrimination, was subjected to heated discussions. At the end, **all references to 'sexual orientation' in the Conference documents were deleted**.<sup>102</sup>

Since the Beijing Conference, **LBTI women’s groups have been active at the United Nations spaces, particularly when engaging with the CEDAW Committee. This engagement has been reflected in the growing attention of the CEDAW Committee to human rights violations faced by LBTI women,** as can be seen from Annex. During the period 2014-2021, the CEDAW Committee has conducted 172 country periodic reviews, with 55% of them having concluded with references to SOGIESC in the concluding observations. The percentage of country periodic review during this period amounted to 67%, meaning that there were still cases where the CEDAW Committee did not reflect civil society’s concern regarding SOGIESC human rights, in its concluding observations.

The working methods of the CEDAW Committee has been developed during the years to allow more active participation of civil society. However, a number of structural barriers still prevent LBTI women from being fully represented.

**LBTI women activists, especially those based outside of the Global North, are disproportionately affected by migration and visa rules up to the point of being denied the opportunity to participate in sessions of international human rights bodies.** As shown in the section 4 of this submission, LBTI groups are severely underfunded, many LBTI activists are volunteers, and some of them cannot obtain official registration of their groups. Their personal relationships and families are frequently not recognized in their home countries, and their socio-economic conditions are defined by colonial, patriarchal and homophobic dynamics thus leaving many of them without any savings or property. These circumstances lead visa officers to consider that LBTI applicants have no reasons to come back to their home countries, do not have valid reasons and means to go abroad—all this ultimately reproducing colonial and racist bias.

Exemplary, in the beginning of 2023, a Human Rights Officer of ECOM, a member organization of ILGA World working in the region of Eastern Europe and Central Asia (EECA), was denied Swiss visa to attend the CEDAW review of Georgia and present the report ‘Human Rights Violations Based on Sexual Orientation and Gender Identity in Georgia’ submitted to the CEDAW Committee.<sup>103</sup> This was the second time she was denied visa, last time in relation to the Human Rights Committee’s review of Kyrgyzstan in October 2022. The only alternative she was given was to appeal the decision of the Swiss Embassy. However, the process of appeal leaves the opportunity to participate in the CEDAW session practically impossible. Such an appeal must be written in French, German or Italian (and even English is already the third or second language for many grassroots LBT activists in the EECA region), the fee amounts to approx. 200 CHF (or around two third of a medium monthly salary in Kyrgyzstan), the appeal process took one to three months (meaning, the decision on appeal would be received long after the CEDAW session ends), and the chances of success are very low.

Another problem is **violence, intimidations and reprisals faced by LBTI women engaging with international human rights mechanisms.**

In April 2019, during a hearing on human rights in connection with the universal periodic review, Lilit Martirosyan—a transgender woman human rights defender and president of the ‘Right Side’ human rights organization—addressed the parliament of Armenia to highlight issues of equality, non-discrimination, the human rights situation and attacks against LGBTI persons. A member of the parliament publicly called for her to be burned alive.<sup>104</sup>

In 2013, the Anti-Discrimination Centre ‘Memorial’ has been officially declared a ‘foreign agent’ by Russian authorities for, inter alia, producing and submitting to the UN Committee against Torture a shadow report titled ‘Roma, Migrants, Activists: Victims of Police Abuse.’<sup>105</sup> The report described, among other topics, multiple human rights violations faced by LGBT activists.<sup>106</sup>

Figure 1. SOGIESC-inclusive concluding observations by the CEDAW Committee (2014-2021)

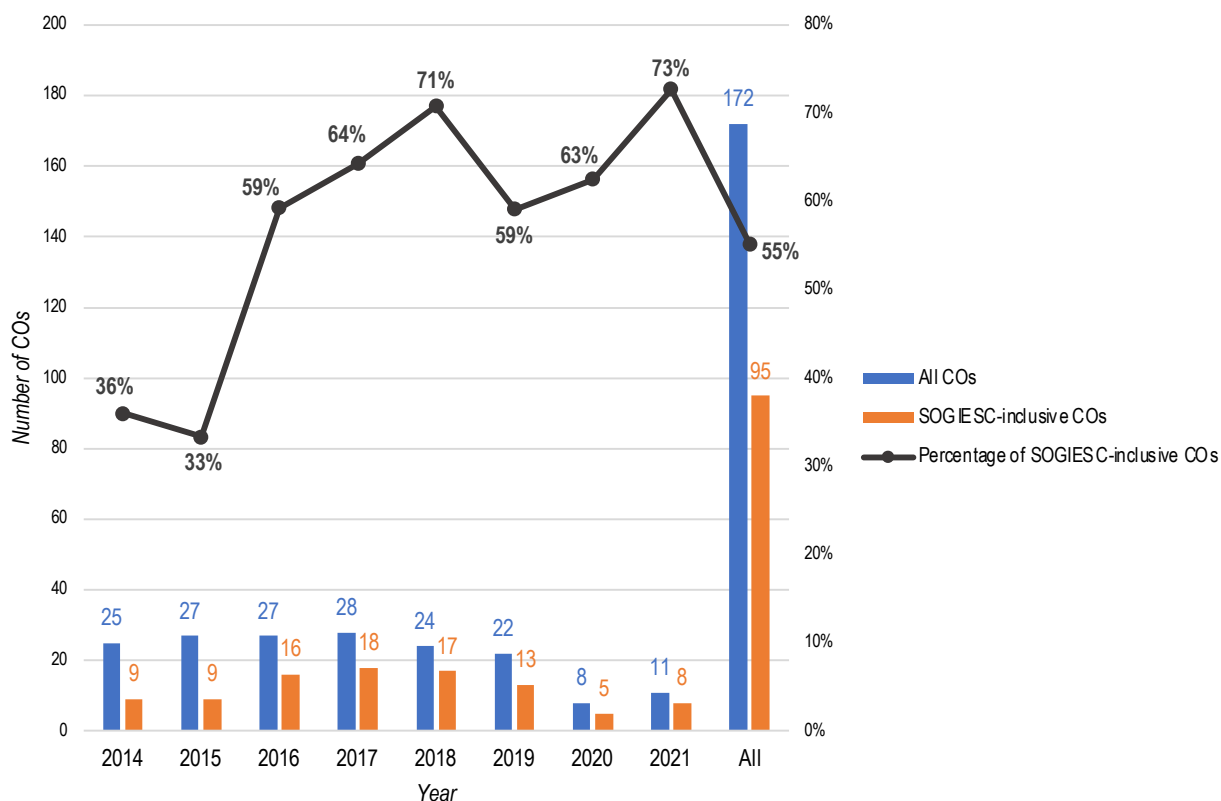
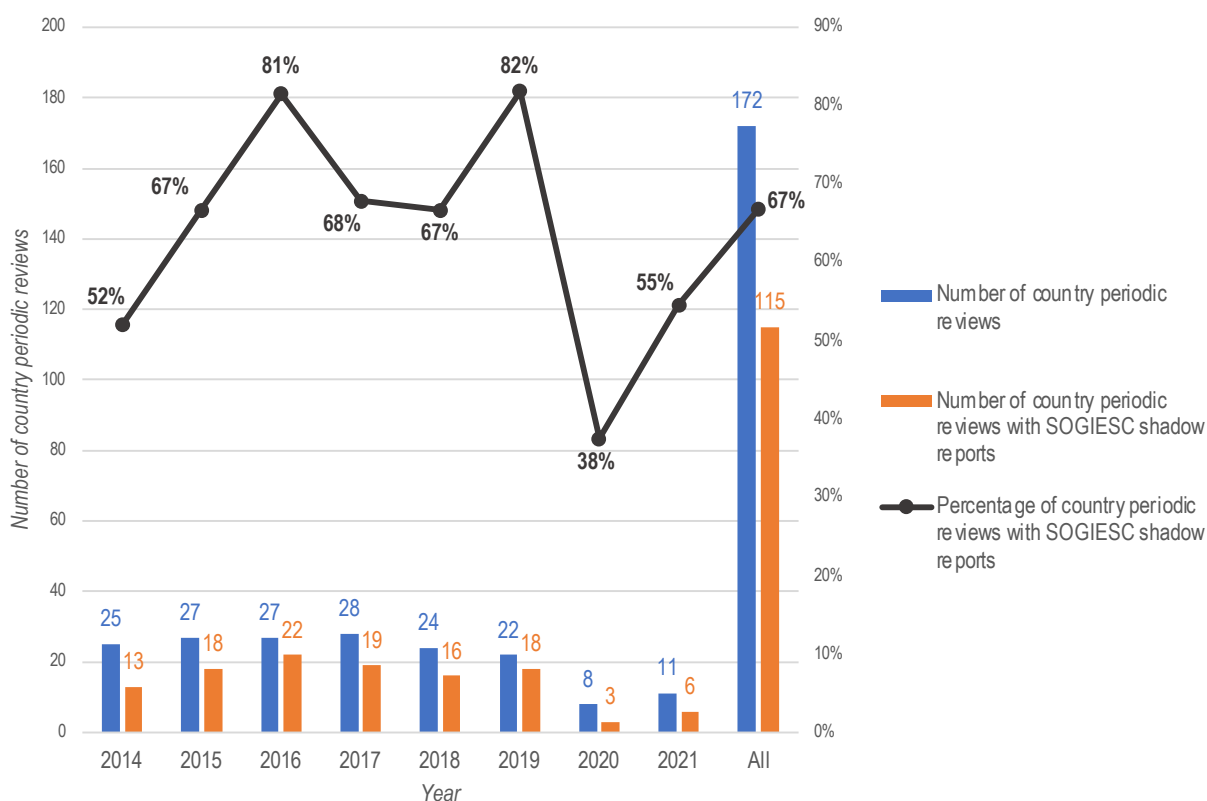


Figure 2. SOGIESC shadow reports in the CEDAW Committee's country periodic reviews (2014-2021)<sup>107</sup>



- <sup>1</sup> UN GA, Strengthening the role of the United Nations in the promotion of democratization and enhancing periodic and genuine elections: Resolution adopted on 16 December 2021, [A/RES/76/176](#).
- <sup>2</sup> Available at <https://www.ohchr.org/en/events/events/2023/half-day-general-discussion-equal-and-inclusive-representation-women-decision> (accessed 12 February 2023).
- <sup>3</sup> *Ibid* 16.
- <sup>4</sup> *Ibid* 13-14.
- <sup>5</sup> Report of the Special Rapporteur on the situation of human rights defenders: Situation of women human rights defenders (2019), UN Doc [A/HRC/40/60](#), para 89.
- <sup>6</sup> In this submission, references to LBTI women are meant to cover lesbian and bisexual women, as well as transgender and intersex persons, including women.
- <sup>7</sup> CEDAW, Concluding Observations: Sweden (2021), [CRPD/C/SWE/CO/10](#), para 28 (a).
- <sup>8</sup> CEDAW, Concluding Observations: Ecuador (2021), [CEDAW/C/ECU/CO/10](#), para 26 (c).
- <sup>9</sup> CEDAW, Concluding Observations: Sweden (2021), [CRPD/C/SWE/CO/10](#), para 20.
- <sup>10</sup> Kseniya Kirichenko and Agnieszka Król, 'Intersectionality and the CRPD: an analysis of the CRPD committee's discourse and civil society advocacy at the intersections of disability and LGBTI' (2022) 17 *Glob Public Health* 3230.
- <sup>11</sup> CRPD, General comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention, [CRPD/C/GC/7](#), para 16.
- <sup>12</sup> *Ibid* 50.
- <sup>13</sup> *Ibid* 94 (g).
- <sup>14</sup> CRPD, Concluding Observations: Italy (2016), [CRPD/C/ITA/CO/1](#), para 8.
- <sup>15</sup> CRPD, Concluding Observations: Armenia (2017), [CRPD/C/ARM/CO/1](#), para 6.
- <sup>16</sup> CRPD, Concluding Observations: United Kingdom of Great Britain and Northern Ireland (2017), [CRPD/C/GBR/CO/1](#), para 11 (a).
- <sup>17</sup> CRPD, Concluding Observations: Poland (2018), [CRPD/C/POL/CO/1](#), para 6 (d).
- <sup>18</sup> Linda M Saleh and Neha Sood, Vibrant Yet Under-Resourced: The State of Lesbian, Bisexual and Queer Movements (Mama Cash and Astraea Lesbian Foundation for Justice 2020) 38-39, available at [https://fundlbg.org/wp-content/uploads/2020/06/Astraea\\_MamaCash\\_LBQ\\_Report\\_VDEF-v2-SPREADS.pdf](https://fundlbg.org/wp-content/uploads/2020/06/Astraea_MamaCash_LBQ_Report_VDEF-v2-SPREADS.pdf) (accessed 11 February 2023).
- <sup>19</sup> See eg CESCR, General Comment No. 20 (2009) on article 2 of the ICESCR (Non-discrimination), [E/C.12/GC/20](#), para 20; CEDAW, General recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the CEDAW, [CEDAW/C/GC/28](#), para 5; Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context (2011), [A/HRC/19/53](#), para 4; CRPD, General comment No. 3 (2016) on women and girls with disabilities, [CRPD/C/GC/3](#), para 4(b); Report of the Working Group on the issue of discrimination against women in law and in practice (2018), [A/HRC/38/46](#), para 25; Report of the Special Rapporteur on the situation of human rights defenders: Situation of women human rights defenders (2019), [A/HRC/40/60](#), paras 12 and 29.
- <sup>20</sup> Available at <http://yogyakartaprinciples.org> (accessed 12 February 2023).
- <sup>21</sup> The Yogyakarta Principles were created by the agreement of 16 experts in international human rights law, including several special procedures mandate holders and members of treaty bodies, gathered in Yogyakarta, Indonesia. For more information, see Annex to the Yogyakarta Principles, pp. 34-35, available at [http://yogyakartaprinciples.org/wp-content/uploads/2016/08/principles\\_en.pdf](http://yogyakartaprinciples.org/wp-content/uploads/2016/08/principles_en.pdf) (accessed 12 February 2023).
- <sup>22</sup> OHCHR, Born Free and Equal: Sexual Orientation, Gender Identity and Sex Characteristics in International Human Rights Law, 2<sup>nd</sup> ed (2019) 11, available at [https://www.ohchr.org/sites/default/files/Documents/Publications/Born\\_Free\\_and\\_Equal\\_WEB.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/Born_Free_and_Equal_WEB.pdf) (accessed 12 February 2023).
- <sup>23</sup> Report of the Special Rapporteur on the situation of human rights defenders (2019), [A/74/159](#), para 111.
- <sup>24</sup> See eg CESCR, General comment No. 20 (2009): Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights), [E/C.12/GC/20](#), fn 25; CAT, Concluding Observations: Finland (2011), [CAT/C/FIN/CO/5-6](#), para 24; CAT, Concluding Observations: Mongolia (2016), [CAT/C/MNG/CO/2](#), para 30 (b).
- <sup>25</sup> See eg Report of the United Nations Special Rapporteur on the right to education (2010), [A/65/152](#), paras 23 and 67; Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (2013), [A/HRC/22/53](#), para 38; Report of the Special Rapporteur on the situation of human rights defenders (2019), [A/74/159](#), para 111; Report of the Special Rapporteur on the right to privacy (2020), [A/HRC/43/52](#), paras 25, 37 (l).
- <sup>26</sup> Andrew Reynolds, 'Representation and Rights: The Impact of LGBT Legislator in Comparative Perspective' (2013) 107 *AmPolSciRev*.
- <sup>27</sup> Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (2019), [A/74/181](#), para 69.
- <sup>28</sup> 'New Zealand's new LGBTQ MPs make Parliament most rainbow in world' (21 October 2020) Radio New Zealand, available at <https://www.nz.co.nz/news/political/428800/new-zealand-s-new-lgbtq-mps-make-parliament-most-rainbow-in-world> (accessed 12 February 2023).
- <sup>29</sup> Available at <https://victoryfund.org/out-on-the-trail-2022/> (accessed 12 February 2023).
- <sup>30</sup> Report of the Special Rapporteur on the situation of human rights in Myanmar (2021), [A/76/314](#), para 86.
- <sup>31</sup> Carlos Araque, 'First trans deputy in Venezuela' (14 December 2015), *Corresponsales Clave*, available at <https://corresponsalesclave.org/first-trans-deputy-in-venezuela/> (accessed 12 February 2023).
- <sup>32</sup> Carlos Alza et al, Igualdad para construir democracia: Análisis de candidaturas LGBTI en los procesos electorales de 2006 a 2016 (2017) 16, available at <https://promsex.org/wp-content/uploads/2018/03/IgualdadParaConstruirDemocracia.pdf> (accessed 11 February 2023).
- <sup>33</sup> Carlos Alza et al, Igualdad para construir democracia: Análisis de candidaturas LGBTI en los procesos electorales de 2006 a 2016 (2017) 16, available at <https://promsex.org/wp-content/uploads/2018/03/IgualdadParaConstruirDemocracia.pdf> (accessed 11 February 2023).
- <sup>34</sup> Human rights Watch, available at: <https://www.hrw.org/news/2022/11/25/russia-expanded-gay-propaganda-ban-progresses-toward-law>.
- <sup>35</sup> IGLYO "A legal analysis of anti LGBT propaganda laws", available at: [https://www.iglyo.com/wp-content/uploads/2018/04/IGLYO-Report\\_A4\\_digital.pdf](https://www.iglyo.com/wp-content/uploads/2018/04/IGLYO-Report_A4_digital.pdf).
- <sup>36</sup> Carlos Alza et al, Igualdad para construir democracia: Análisis de candidaturas LGBTI en los procesos electorales de 2006 a 2016 (2017) 122, available at <https://promsex.org/wp-content/uploads/2018/03/IgualdadParaConstruirDemocracia.pdf> (accessed 11 February 2023).
- <sup>37</sup> Andrew Reynolds, 'Representation and Rights: The Impact of LGBT Legislator in Comparative Perspective' (2013) 107 *AmPolSciRev* 260-261.
- <sup>38</sup> Available at <https://victoryfund.org/out-on-the-trail-2022/> (accessed 12 February 2023).
- <sup>39</sup> Available at <https://victoryinstitute.org/out-for-america-2022/> (accessed 12 February 2023).
- <sup>40</sup> See eg HRCtee, Concluding Observations: Bulgaria (2018), [CCPR/C/BGR/CO/4](#), paras 13-14; HRCtee, List of Issues prior to reporting: Fiji (2021), [CCPR/C/FJI/QPR/1](#), para 7; HRCtee, Concluding Observations: Kyrgyzstan (2022), [CCPR/C/KGZ/CO/3](#), paras 13-14.
- <sup>41</sup> Report of the Working Group on the issue of discrimination against women in law and in practice on its mission to Hungary (2017), [A/HRC/35/29/Add.1](#), para 100 (d).
- <sup>42</sup> Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (2018), [A/HRC/38/43](#), para 93.
- <sup>43</sup> EL\*C, Resistance as a Way of Living: Lesbian lives through the COVID-19 Pandemic (2021) 28, available at <https://europeanlesbianconference.org/wp-content/uploads/2021/06/Covid-Report-final-1.pdf> (accessed 11 February 2023).
- <sup>44</sup> Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Victor Madrigal-Borloz: Violence and discrimination based on sexual orientation and gender identity during the coronavirus disease (COVID-19) pandemic (2020), [A/75/258](#), para 66.
- <sup>45</sup> See eg Special procedures' communications [AL BRA 3/2018](#) (22 March 2018), [AL BRA 15/2018](#) (31 December 2018).
- <sup>46</sup> Michael K Lavers, 'Brazilian LGBTQ lawmakers threatened during conference: VoteLGBT organized Brasilia gathering' (24 January 2023) *Washington Blade*, available at <https://www.washingtonblade.com/2023/01/24/brazilian-lgbtq-lawmakers-threatened-during-conference/> (accessed 12 February 2023).
- <sup>47</sup> CEDAW, Concluding Observations: Sweden (2021), [CRPD/C/SWE/CO/10](#), para 20.
- <sup>48</sup> Marsha A Freeman, Christine Chinkin and Beate Rudolf (eds), *The UN Convention on the Elimination of All Forms of Discrimination against Women: A Commentary* (OUP 2012) 132.
- <sup>49</sup> Mona Tajali, 'The promise of gender parity: Turkey's People's Democratic Party (HDP)' (29 October 2015) *openDemocracy*, available at <https://www.opendemocracy.net/en/5050/promise-of-gender-parity-turkey-s-people-s-democratic-party-hdp/> (accessed 12 February 2023).

- <sup>50</sup> Queensland Labor Rules 2022, para J1.4.1, available at <https://queenslandlabor.org/wp-content/uploads/2022/12/2022-Rules.pdf> (accessed 12 February 2023).
- <sup>51</sup> Ley N° 27.636 de Acceso al Empleo Formal para personas Travestis, Transexuales y Transgéneros, available at: <https://www.boletinoficial.gob.ar/detalleAviso/primera/246655/20210708> (accessed 11 February 2023).
- <sup>52</sup> Ley Integral para Personas Trans N° 19.684, 16 de octubre de 2018, available at: <https://www.impo.com.uy/bases/leyes/19684-2018> (accessed 11 February 2023).
- <sup>53</sup> EU Election Observation Mission, Honduras: Final Report, General Elections 2017, p 34, available at [https://www.europarl.europa.eu/cmsdata/212559/Honduras-general-elections\\_26-November-2017\\_EU-EOM-report\\_EN.PDF](https://www.europarl.europa.eu/cmsdata/212559/Honduras-general-elections_26-November-2017_EU-EOM-report_EN.PDF) (accessed 12 February 2023).
- <sup>54</sup> CEDAW, Concluding Observations: Georgia (2014), [CEDAW/C/GE0/CO/4-5](#), para. 35 (e); CEDAW, Concluding Observations: Finland (2014), [CEDAW/C/FIN/CO/7](#), paras. 28-29.
- <sup>55</sup> CEDAW, Concluding Observations: Armenia (2022), [CEDAW/C/ARM/CO/7](#), paras 49-50; CEDAW, Concluding Observations: Fiji (2018), [CEDAW/C/FJI/CO/5](#), paras. 51-52; CEDAW, Concluding Observations: Monaco (2017), [CEDAW/C/MCO/CO/1-3](#), paras. 45-46.
- <sup>56</sup> CEDAW, Concluding Observations: Kyrgyzstan (2021), [CEDAW/C/KGZ/CO/5](#), paras 47-48.
- <sup>57</sup> CEDAW, Concluding Observations: Belgium (2014), [CEDAW/C/BEL/CO/7](#), paras. 44-45.
- <sup>58</sup> CEDAW, Concluding Observations: Germany (2017), [CEDAW/C/DEU/CO/7-8](#), paras. 45-46; CEDAW, Concluding Observations: Belgium (2014), [CEDAW/C/BEL/CO/7](#), paras. 44-45.
- <sup>59</sup> CEDAW, Concluding Observations: Australia (2018), [CEDAW/C/AUS/CO/8](#), paras. 49-50; CEDAW, Concluding Observations: Slovakia (2015), [CEDAW/C/SVK/CO/5-6](#), paras. 36-37; CEDAW, Concluding Observations: Switzerland (2016), [CEDAW/C/CHE/CO/4-5](#), paras. 38-39.
- <sup>60</sup> CEDAW, Concluding Observations: Kazakhstan (2019), [CEDAW/C/KAZ/CO/5](#), paras. 25, 26 and 48 (b) (i); CEDAW, Concluding Observations: Montenegro (2017), [CEDAW/C/MNE/CO/2](#), paras. 46-47; CEDAW, Concluding Observations: Slovakia (2015), [CEDAW/C/SVK/CO/5-6](#), paras. 36-37; CEDAW, Concluding Observations: Belgium (2014), [CEDAW/C/BEL/CO/7](#), paras. 28-29.
- <sup>61</sup> CEDAW, List of Issues Prior to Reporting: Slovakia (2020), [CEDAW/C/SVK/QPR/7](#), para. 25; CEDAW, Concluding Observations: Montenegro (2017), [CEDAW/C/MNE/CO/2](#), paras. 46-47; CEDAW, Concluding Observations: Switzerland (2016), [CEDAW/C/CHE/CO/4-5](#), paras. 38-39; CEDAW, Concluding Observations: Slovakia (2015), [CEDAW/C/SVK/CO/5-6](#), paras. 36-37; CEDAW, Concluding Observations: Belgium (2014), [CEDAW/C/BEL/CO/7](#), paras. 44-45; CEDAW, Concluding Observations: Finland (2014), [CEDAW/C/FIN/CO/7](#), paras. 28-29.
- <sup>62</sup> CEDAW, Concluding Observations: Armenia (2022), [CEDAW/C/ARM/CO/7](#), paras 49-50; CEDAW, Concluding Observations: Belgium (2022), [CEDAW/C/BEL/CO/8](#), paras 57-58; CEDAW, Concluding Observations: Bolivia (2022), [CEDAW/C/BOL/CO/7](#), paras 39-40; CEDAW, Concluding Observations: Kyrgyzstan (2021), [CEDAW/C/KGZ/CO/5](#), paras 47-48; CEDAW, Concluding Observations: Fiji (2018), [CEDAW/C/FJI/CO/5](#), paras. 51-52; CEDAW, Concluding Observations: Monaco (2017), [CEDAW/C/MCO/CO/1-3](#), paras. 45-46.
- <sup>63</sup> CEDAW, Concluding Observations: Kyrgyzstan (2015), [CEDAW/C/KGZ/CO/4](#), para. 34 (d); CEDAW, Concluding Observations: Belgium (2014), [CEDAW/C/BEL/CO/7](#), paras. 44-45.
- <sup>64</sup> CEDAW, Concluding Observations: Germany (2017), [CEDAW/C/DEU/CO/7-8](#), paras. 45-46.
- <sup>65</sup> CEDAW, Concluding Observations: Australia (2018), [CEDAW/C/AUS/CO/8](#), paras. 49-50.
- <sup>66</sup> CEDAW, Concluding Observations: Finland (2014), [CEDAW/C/FIN/CO/7](#), paras. 28-29.
- <sup>67</sup> Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (2018), [A/HRC/38/43](#), para 82.
- <sup>68</sup> Luiza Veado, 'How Access To Elections Affects LGBTIQ People' (2023) OutRight International, available at <https://outrightinternational.org/insights/how-access-elections-affects-lgbtqi-people> (accessed 11 February 2023).
- <sup>69</sup> Report of the Special Rapporteur on the situation of human rights defenders: Situation of women human rights defenders (2019), [A/HRC/40/60](#), para 29.
- <sup>70</sup> Report of the Working Group on the issue of discrimination against women in law and in practice (2013), [A/HRC/23/50](#), para 70.
- <sup>71</sup> Report of the Working Group on the issue of discrimination against women in law and in practice (2013), [A/HRC/23/50](#), para 47.
- <sup>72</sup> Report of the Working Group on the issue of discrimination against women in law and in practice (2018), [A/HRC/38/46](#), para 14.
- <sup>73</sup> Report of the Special Rapporteur on the situation of human rights defenders: Situation of women human rights defenders (2019), [A/HRC/40/60](#), para 31.
- <sup>74</sup> Report of the Working Group on the issue of discrimination against women in law and in practice: Girls' and young women's activism (2022), [A/HRC/50/25](#), para 38.
- <sup>75</sup> Report of the Working Group on the issue of discrimination against women in law and in practice: Girls' and young women's activism (2022), [A/HRC/50/25](#), para 46.
- <sup>76</sup> Report of the Working Group on the issue of discrimination against women in law and in practice: Girls' and young women's activism (2022), [A/HRC/50/25](#), para 46.
- <sup>77</sup> See eg Human Dignity Trust, Breaking the Silence: Criminalisation of Lesbians and Bisexual Women and its Impacts (2016), available at <https://www.equalrightstrust.org/sites/default/files/ertdocs/Breaking%20the%20Silence.pdf> (accessed 11 February 2023); Lucas Ramon Mendos, State-Sponsored Homophobia 2019 (ILGA World 2019), available at [https://ilga.org/downloads/ILGA\\_State\\_Sponsored\\_Homophobia\\_2019.pdf](https://ilga.org/downloads/ILGA_State_Sponsored_Homophobia_2019.pdf) (accessed 11 February 2023).
- <sup>78</sup> Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (2017), [A/HRC/35/36](#), para 52.
- <sup>79</sup> Kellyn Botha, Our identities under arrest: A global overview on the enforcement of laws criminalising consensual same-sex sexual acts between adults and diverse gender expressions (ILGA World 2021) 23, available at [https://ilga.org/downloads/Our\\_Identities\\_Under\\_Arrest\\_2021.pdf](https://ilga.org/downloads/Our_Identities_Under_Arrest_2021.pdf) (accessed 11 February 2023).
- <sup>80</sup> Flamer-Caldera v Sri Lanka (21 February 2021) [CEDAW/C/81/D/134/2018](#).
- <sup>81</sup> *Ibid* 9.5.
- <sup>82</sup> Loveday Hodson and Kseniya Kirichenko, 'Rosanna Flamer-Caldera v Sri Lanka (CEDAW, 2022): The First International Case on Lesbian Criminalisation' (2022) Oxford Human Rights Hub, available at <https://ohrh.law.ox.ac.uk/rosanna-flamer-caldera-v-sri-lanka-cedaw-2022-the-first-international-case-on-lesbian-criminalisation/> (accessed 11 February 2023).
- <sup>83</sup> Available at: <https://upl.uz/incidents/28752-news.html>.
- <sup>84</sup> Report of the Special Rapporteur on the situation of human rights defenders: Situation of women human rights defenders (2019), [A/HRC/40/60](#), para 54.
- <sup>85</sup> Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity: Practices of so-called 'conversion therapy' (2020), [A/HRC/44/53](#), para 17.
- <sup>86</sup> *Ibid* 17.
- <sup>87</sup> *Ibid* 83.
- <sup>88</sup> See eg CEDAW, Concluding observations: Malaysia (2018), [CEDAW/C/MYS/CO/3-5](#), para 48 (c); CEDAW, Concluding observations: Indonesia (2021), [CEDAW/C/IDN/CO/8](#), paras 25 (e) and 26 (e).
- <sup>89</sup> Report of the Special Rapporteur on the situation of human rights defenders: Situation of women human rights defenders (2019), [A/HRC/40/60](#), para 26.
- <sup>90</sup> Funders for LGBTQ Issues, 2019-2020 Resource Tracking Report: LGBTQ Grantmaking by US Foundations (2022) 17, available at <https://lgbtfunders.org/wp-content/uploads/2022/06/2019-2020-Tracking-Report.pdf> (accessed 11 February 2023).
- <sup>91</sup> Linda M Saleh and Neha Sood, Vibrant Yet Under-Resourced: The State of Lesbian, Bisexual and Queer Movements (Mama Cash and Astraea Lesbian Foundation for Justice 2020), available at [https://fundlbg.org/wp-content/uploads/2020/06/Astraea\\_MamaCash\\_LBQ\\_Report\\_VDEF-v2-SPREADS.pdf](https://fundlbg.org/wp-content/uploads/2020/06/Astraea_MamaCash_LBQ_Report_VDEF-v2-SPREADS.pdf) (accessed 11 February 2023).
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- <sup>94</sup> LGBT Organization 'Coming Out', Transgender Legal Defense Project and the Russian LGBT Network, Implementation of the International Covenant on Civil and Political Rights in the Russian Federation: Sexual Orientation and Gender Identity Issues: Alternative report (2014) 30-31, available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCOIPR%2FIC02%2FRUS%2F17137&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCOIPR%2FIC02%2FRUS%2F17137&Lang=en) (accessed 12 February 2023).
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- <sup>96</sup> Felicity Daly, The Global State of LGBTIQ Organising: The Right to Register (OutRight Action International 2018) 16, available at <https://outrightinternational.org/sites/default/files/2022-10/RighttoRegister.pdf> (accessed 11 February 2023).
- <sup>97</sup> Felicity Daly, The Global State of LGBTIQ Organising: The Right to Register (OutRight Action International 2018) 20-21, available at <https://outrightinternational.org/sites/default/files/2022-10/RighttoRegister.pdf> (accessed 11 February 2023).
- <sup>98</sup> See eg Alexandra Burgos, 'Marsha P. Johnson & Sylvia Rivera: Stonewall National Monument', available at <https://www.nps.gov/articles/000/marsha-p-johnson-sylvia-rivera.htm> (accessed 12 February 2023).
- <sup>99</sup> See eg The New York City Dyke March: 'The March is a demonstration of our First Amendment right to protest and takes place without permits or sponsors. We recognize that we must organize among ourselves to fight for our rights, safety, and visibility. Thousands of Dykes take the streets each year in celebration of our beautiful and diverse Dyke lives, to highlight the presence of Dykes within our community, and in protest of the discrimination, harassment, and violence we face in schools, on the job, and in our communities. Any person who identifies as a dyke is welcome to march regardless of gender expression or identity, sex assigned at birth, sexual orientation, race, age, political affiliation, religious identity, ability, class, or immigration status.' Available at <https://www.nydykemarch.com> (accessed 12 February 2023).
- <sup>100</sup> Savolainen v Russian Federation (19 July 2022) [CCPR/C/135/D/2830/2016](https://www.cpr.org/cases/135/D/2830/2016), para 7.9.
- <sup>101</sup> See eg Johanna Bond, *Global Intersectionality and Contemporary Human Rights* (OUP 2021) 61-62.
- <sup>102</sup> Dianne Otto, 'Lesbians? Not in my country: Sexual orientation at the Beijing World Conference on Women' (1995) 20 *Alternative LJ*. See also Julie Dorf and Gloria Careaga Pérez, 'Discrimination and the Tolerance of Difference: International Lesbian Human Rights' in Julie Peters and Andrea Wolper (eds), *Women's Rights, Human Rights: International Feminist Perspectives* (Routledge 1995) 330.
- <sup>103</sup> Available at [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCEDAW%2FICO%2FGEO%2F45060&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCEDAW%2FICO%2FGEO%2F45060&Lang=en) (accessed 12 February 2023).
- <sup>104</sup> <https://www.frontlinedefenders.org/en/case/armenia-death-threats-against-lgbt-rights-defender-lilit-martirosyan> (accessed 11 February 2023).
- <sup>105</sup> OMCT, 'ADC "Memorial" officially declared a "foreign agent" by the court' (12 December 2013), available at <https://www.omct.org/en/resources/urgent-interventions/adc-memorial-officially-declared-a-foreign-agent-by-the-court> (accessed 12 February 2023). The shadow report by ADC 'Memorial' is available at [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FNGO%2FRUS%2F13007&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FNGO%2FRUS%2F13007&Lang=en) (accessed 12 February 2023).
- <sup>106</sup> ADC 'Memorial', *Roma, Migrants, Activists: Victims of Police Abuse*, 43-45.
- <sup>107</sup> The figure only reflects calculation based on the reports published on the OHCHR website, and therefore confidential submissions are excluded from the analysis.