

**38<sup>th</sup> Human Rights Council Session**  
**July 4, 2018**  
**Item 10 – General Debate**  
**Statement by the International Lesbian and Gay Association**

*Delivered by: Diana Carolina Prado Mosquera*

Thank you, Mr. President,

We have seen progressive measures taken to protect lesbian, gay, bisexual and transgender (LGBT) persons in past months. In the capacity-building spirit of Item 10, we would like to share some of those best practices.

**New Zealand** has passed a law to clear historical gay sex convictions. This law will allow hundreds of men to have convictions for homosexual offences erased from their criminal records.<sup>1</sup> This bill sends a clear signal that discrimination against gay people is no longer acceptable and that the government is committed to righting its wrongs from the past.

In **Trinidad & Tobago**, the High Court of Justice declared unconstitutional the criminalization of consensual sexual relations between same-sex adults.<sup>2</sup> With this historic decision, Trinidad & Tobago becomes the third country in the English-speaking Caribbean, together with the Bahamas and Belize, to repeal laws that criminalize consensual sex between adults of the same-sex that originated from its region's past. We call on the remaining 37 Commonwealth countries to follow suit. In **Tunisia** a presidential commission recommended to the president of Tunisia to decriminalise same-sex activity.

In **El Salvador**, the government approved the Institutional Policy for the Care of the LGBT Population to make sure legal and administrative processes are carried out without discrimination,<sup>3</sup> In a similar way in the **Philippines**, the cities of Mandaluyong and Ilo-Ilo approved an ordinance to protect the rights of LGBT people from discrimination.<sup>4</sup> In **Japan**, schools are introducing uniforms designed less around traditional gender stereotypes and with more respect to gender expression by allowing students to choose their attire – a major benefit for LGBT youth with diverse identities and expressions.<sup>5</sup> **Eswatini** organized and hosted its first pride. This was a historic milestone for the Eswatini and southern African LGBTI community.

In **Pakistan**, the National Assembly, which includes the Parliament and the Senate, passed the Transgender Persons (Protection of Rights) Act giving non-binary persons, including both trans as well as gender non-conforming individuals and intersex persons, the ability to self-declare their gender and obtain national IDs and passports, as well as the right to vote and run for office.<sup>6</sup> In a historic move, the **WHO** removed all trans related categories from the mental and behavioral disorders chapter of the International Classification.<sup>7</sup> While trans-related categories have been deleted from the mental disorders chapters, new categories

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<sup>1</sup> New Zealand Herald, 'We're sorry: Parliament passes law to allow wiping of convictions for gay men' (3 April 2018). <<https://bit.ly/2MvHX1n>>

<sup>2</sup> NBC News, 'Trinidad and Tobago set to decriminalize homosexuality' (12 April 2018). <<https://nbcnews.to/2HkOrBh>>

<sup>3</sup> El Nuevo Diario, 'El Salvador lanza política para garantizar respeto a derechos de sector LGBTI' (16 April 2018). <<https://bit.ly/2H3bHQO>>

<sup>4</sup> Human Rights Watch, 'Philippine City Passes Law Against LGBT Discrimination' (5 June 2018). <<https://bit.ly/2xXrxN0>>

<sup>5</sup> The Japan Times, 'School uniforms go unisex as Japanese schools seek better fit for LGBT students' (21 June 2018). <<https://bit.ly/2IDY5IZ>>

<sup>6</sup> The Nation, 'NA passes Transgender Persons Protection of Rights Bill 2018' (8 May 2018). <<https://bit.ly/2yWA2li>>

<sup>7</sup> The Guardian, 'WHO takes transgenderism out of mental illness category' (20 June 2018). <<https://bit.ly/2METD2F>>

(Gender Incongruence of Adolescence and Adulthood and Gender Incongruence of Childhood) were introduced under a chapter on 'conditions related to sexual health'.

In **Sweden**, the Parliament made the decision to include trans persons in hate crime and hate speech legislation.<sup>8</sup> In **Argentina**, a historic sentence was delivered: the murder of human rights defenders Diana Sacayan has been considered as a hate crime based on the gender identity.<sup>9</sup> **Austria** the Constitutional Court just officially recognized the non-binary alternative gender. In the **Netherlands**, a court – which referenced precedent in India and Nepal – suggested that the Dutch legislature should provide a way for citizens to legally identify as neither male nor female if they prefer

We hope that governments continue to engage in constructive dialogue and share their best practices in this arena to ensure that the momentum surrounding sexual orientation, gender identity and expression and sex characteristics (SOGIESC) issues continues to grow.

I thank you, Mr. President.

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<sup>8</sup> Equal Eyes, 'Sweden adopts hate crime legislation protecting trans people' (17 May 2018). <<https://bit.ly/2N5QKbu>>

<sup>9</sup> Clarin, 'El caso Diana Sacayán: perpetua en la primera condena por un travestimiento' (18 June 2018). <<https://clar.in/2KeM8SI>>