

**37<sup>th</sup> Human Rights Council Session**  
**March 21, 2018**  
**Item 10 – General Debate**  
**Statement by the International Lesbian and Gay Association**

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Thank you, Mr. President,

We have seen progressive measures taken to protect lesbian, gay, bisexual, transgender and intersex (LGBTI) persons in past months. We would like to share some recent best practices of governments and other entities across the world in the capacity-building spirit of Item 10 of the Human Rights Council.

There have been positive developments with regards to legal gender recognition. In **Brazil**, the Supreme Court has stated that transgender persons must be able to change their name and gender through an autonomous administrative procedure, without any judicial processes nor medical interventions.<sup>1</sup> In **Botswana**, the courts have also issued rulings to allow transgender persons to have their self-defined gender identity reflected on official documents.<sup>2</sup> The Ministry of Health of **Russia** has made similar strides and has issued an order which establishes a procedure for transgender persons to officially change their gender marker.<sup>3</sup> These advances are notable steps towards full respect for the rights to dignity, privacy and self-determination.

A number of governments have pledged to end harmful and invasive practices against persons on the grounds of their sexual orientation. **Kenya** and **Tunisia** have vowed to stop forced anal examinations, carried out on the false pretence of 'proving' sexual orientation, which will ultimately ensure bodily-integrity and freedom from torture.<sup>4</sup>

We have seen respect for LGBTI persons from religious institutions. The **Roman Catholic Church** hierarchy has withdrawn its appeal of the 2017 decision legalising consensual same-sex relations in **Belize**.<sup>5</sup> This demonstrates visually that Catholic teaching does not condone the criminalisation of people either for their sexual orientation or indeed for consensual sexual behaviour between adults.

We have also witnessed support for LGBT persons from public officials. The Prime Minister of **Timor-Leste** made a stand against discrimination on the basis of sexual orientation or gender identity in a statement last year.<sup>6</sup> Likewise, the President of **Colombia** recently signed and promoted a decree which aims to create open environments free of discrimination based on sexual orientation or gender identity.<sup>7</sup> This form of awareness-raising and support from the government helps to dispel harmful values and views in society.

We have seen regional human rights institutions sparking progress on LGBTI issues. The **Inter-American Court of Human Rights** recently said in an Advisory Opinion that the right to marriage must apply to same-sex couples. It also asserted that all individuals should be able to change their name and

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<sup>1</sup> Estadão, 'STF decide que transgêneros poderão mudar nome no registro civil sem necessidade de cirurgia' (1 March 2018). <<http://bit.ly/2HVytLb>>

<sup>2</sup> Mmegi Online, 'Transgender man's identity document changed from female to male' (12 January 2018). <<http://bit.ly/2DDhv0T>>

<sup>3</sup> Think Progress, 'It's now easier for trans people to update birth certificates in Russia than in many U.S. states' (25 January 2018). <<http://bit.ly/2FJV8Nc>>

<sup>4</sup> Human Rights Watch, 'Beginning of End for Forced Anal Exams' (September 26 2017). <<http://bit.ly/2fQJ1yU>>

<sup>5</sup> 7 News Belize, 'Court-us Interruptus' (5 March 2018). <<http://bit.ly/2FTcRxM>>

<sup>6</sup> YouTube, 'Mensajen S.E. Primeiro-Ministro RDTL Kona-ba "Familia Simu Joven LGBT iha Timor-Leste' (28 June 2017). <<http://bit.ly/2FK8qt6>>

<sup>7</sup> El Espectador, 'Santos firma decreto para evitar discriminación por orientación sexual' (2 March 2018). <<http://bit.ly/2t6caiw>>

gender marker on official documents through a cost-free and efficient process.<sup>8</sup> This Advisory Opinion is a landmark decision and paves the way for marriage equality and legal gender recognition across the Americas.

Similarly, the **Council of Europe** has issued a specific resolution on the rights of intersex persons, calling for awareness-raising programmes and condemning non-medically necessary genital 'normalising' surgeries.<sup>9</sup> These guidelines are a step towards combatting discrimination and stigma in society and respecting the bodily autonomy and integrity and self-determination of intersex persons.

The Gender Identity Law in **Chile** is an important development for the transgender community, but to truly guarantee rights it must explicitly include transgender children and adolescents.<sup>10</sup> The new government of Sebastián Piñera must accept this demand in order to respect the autonomy of children and adolescents and to comply with its international obligations, with respect to the Convention on the Rights of the Child.

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> The Inter-American Court of Human Rights, 'IDENTIDAD DE GÉNERO, E IGUALDAD Y NO DISCRIMINACIÓN A PAREJAS DEL MISMO SEXO – OPINIÓN CONSULTIVA OC-24/17' (24 November 2017). <<http://bit.ly/2DcJp5p>>

<sup>9</sup> Council of Europe Parliamentary Committee, 'PACE calls for a ban on 'sex-normalising' surgery for intersex children' (12 October 2017). <<http://bit.ly/2lzUorC>>

<sup>10</sup> Cooperativa, 'Diputados aprobaron la Ley de Identidad de Género' (23 January 2018). <<http://bit.ly/2tUDele>>