

Human Rights Council 53rd Session

ID with Independent Expert on violence and discrimination on the basis of sexual orientation and gender identity

Speaker: Ivy Werimba

Thank you Mr President. This is a joint statement.¹

This June marks 12 years since the first resolution on protection against violence and discrimination based on sexual orientation and gender identity. It is also the last time Victor Madrigal-Borloz will present to this Council as the holder of this important mandate.

We welcome this report's focus on *the right to freedom of religion and belief, analysed within a human rights framework; the Expert's commitment to adopting an intersectional approach; and the Report's conclusion that freedom of religion and belief and freedom from violence and discrimination based on SOGI are fully compatible under international human rights law.*

Despite this, *the Expert acknowledged that State and non-State actors perpetrate violence against persons based on their actual or perceived SOGI, invoking religion or belief. We are particularly concerned about the passage of laws - some which criminalise both the identities of LGBT communities and restrict the activities of LGBT human rights defenders; and the impact this has in other national contexts and other national laws.*

On this we ask you, what do you consider to be the role of the Special Procedures in responding to these early warning scenarios? Especially in the context of growing anti-rights movements seeking to roll back progress on gender equality, including the rights of LGBTQ+ persons and defenders.

As civil society, we welcome examples of good practices in the report, and encourage States to be led by these examples.

We also echo some of the report's recommendations, for States to:

- work collaboratively with feminist and LGBT-led civil society and LGBT-serving civil society, including religious groups who work on an inclusive basis, applying principles of inclusion and intersectionality, and challenge essentialist conceptions around sexual and gender identities under both the FoRB and SOGI frameworks;
- create a safe environment where **all** persons who manifest their religion or belief, including LGBT and other gender diverse persons, are free from fear of violence and discrimination and are aware of the distinction between protected speech and hate speech;

Turning to your communications, you have sent various communications related to civil society space and human rights defenders; what are key elements you consider when highlighting specific experiences of threats and attacks against LGBT human rights defenders?

Finally, we are sincerely grateful for your work for the last 6 years. You've been essential in connecting the lived realities of LGBT people, communities and defenders with the UN.

Thank you

¹ ECOSOC Accredited organisations: ASEAN SOGIE CAUCUS