

## Human Rights Council, 23<sup>rd</sup> Session

### Statement submitted by Canadian HIV/AIDS Legal Network

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Murder, beatings, kidnappings, rape and sexual assault. These are just a few ways in which transgender and intersex people are subjected to violence in different parts of the world every day.

The continued and systematic violations of the rights of transgender and intersex people highlight the urgent need for collective action to free us from this violence and address our particular needs.

We acknowledge the leadership of the Secretary General and High Commissioner for Human Rights on sexual orientation and gender identity issues, and the integration of LGBTI issues into the agenda of United Nations agencies. We reiterate their call for an end to violence and discrimination against all LGBTI people.

In many parts of the world, indeed the majority of countries, transgender and intersex people lack legal protections from discrimination. In some cases, laws cover discrimination on the basis of gender or sexual orientation, but not gender identity, expression and/or intersex status. Transgender and intersex people need explicit recognition and protection under domestic discrimination laws. The absence of such protections contravenes the obligation of States under international human rights law to protect all people from discrimination.

Fundamental to protecting transgender people from discrimination and violence is their ability to be recognised as their affirmed gender. While there are examples of good practice in States such as Argentina and Nepal, for the vast majority of transgender people the inability to reassign their sex condemns them to a life of stigma, marginalisation, danger and violence.

Intersex infants and people are routinely subjected to intrusive and irreversible treatments, including forced genital-normalising surgery, involuntary sterilization, unethical experimentation and medical display.

Instead, States should learn from the more progressive and respectful approach of countries such as Australia where intersex and transgender persons are able to use an 'X' marker, or not specify their gender, on their passports and be recognised as their affirmed gender without the need for surgery or hormonal therapy.

Schools are a dangerous place for non-gender conforming young people. Trans, intersex and gender questioning young people face bullying and harassment from peers and rejection and discrimination from authorities. Isolation and stigma generate depression and other health problems and contribute to truancy, absenteeism, children being forced out of school and, in extreme cases, attempted and actual suicide. In turn, poorer education outcomes lead to and compound disadvantage and discrimination in the workplace for trans and intersex people.

The need to address this disadvantage and discrimination is acute. We acknowledge that presence of many friends of trans and intersex people here in the Council. We urge the Human Rights Council to undertake more systematic reporting on the violations experienced by trans and intersex persons. How long will it take for the Human Rights Council to fulfil its mandate and recognise its responsibility to promote and protect the rights of all persons, including trans and intersex people.