UNGA 73 3rd committee

Interactive Dialogue with the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity

Mr. Victor Madrigal-Borloz
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Statement delivered by
H.E. Ms. Elinor Hammarskjöld, Director-General for Legal Affairs
Swedish Ministry for Foreign Affairs

Delivered by Sweden on behalf of the Nordic and Baltic countries

Thank you Mr./Mme. Chair,

I have the honor to make this statement on behalf of Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway and my own country Sweden.

We welcome the Independent Expert to the 3rd Committee and thank him for his latest report. We would like to express our full support for the mandate and work of the Independent Expert.

Mr. Madrigal-Borloz,

A person’s right to be recognized as unique and distinguishable from others is at the very basis of individual rights. In your report you highlight states’ obligation to respect and promote respect of gender recognition as a component of identity. You also stress that states’ lack of recognition of sexual orientation and gender identity may lead to human rights violations and abuses.

Transphobic violence occurs in all regions, including ours. Every day, trans and gender diverse persons around the world are attacked, harassed or arbitrary detained due to their sexual orientation and gender identity. Situations where violence and discrimination against trans and gender diverse persons are permitted, encouraged and rewarded must come to a definite end.

To address violence and discrimination based on sexual orientation and gender identity, you recommend States to adopt laws, policies and judicial decisions. Further, you strongly recommend that States involve civil society organizations in the design and implementation of such measures. Although equal recognition before the law is a central tenet of international human rights treaties, laws and policies cannot only exist on paper, they must also be implemented in reality.
Therefore, could you share any best practices on how States, working closely together with civil society actors, could ensure legal and other measures have a real impact on the ground in preventing and combatting transphobic violence and discrimination?

Mr./Mme. Chair,

70 years after the adoption of the Universal Declaration of Human Rights, large proportions of the world’s population continue to be denied the safety, dignity and protection they are entitled to, without discrimination. The crackdown on LGBTI persons and organizations working to promote and protect LGBTI persons enjoyment of human rights, sometimes State-sanctioned, continues unabated and impunity for such violations remains widespread.

We would like to express our welcome of the recent decision by the Supreme Court of India to legalize gay sex. At the same time, in over 70 other countries, consensual same-sex relationships are still criminalized, and some States even continue to apply the death penalty.

Countries may have different cultural traditions and political histories. This can however never be used as a justification for human rights violations and abuses – human rights are universal and indivisible, regardless of whom we love, our sexual orientation or our gender identity.

We thank you.