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## Call for input to a thematic report: Gender, sexual orientation and gender identity

<b>Deadline:</b>	28 February 2021
<b>Issued by:</b>	Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity
<b>Purpose:</b>	To inform the Independent Expert's report to be presented to the 47 <sup>th</sup> session of the Human Rights Council

### Background

Gender theory informed approaches recognize gender as inextricably linked with social construct - that the meanings attached to sex (and other) differences are socially created. They challenge the assumption that gender identity necessarily correlates with biological sex and recognize the validity of a wide range of sexual orientations and gender identities. The recognition of gender as determined by social construct is common to many feminisms, as well as LGBT theory, as is the recognition that gender, sex and sexuality interconnect with other axes of power and identification such as race, age, ethnicity, religion, [dis]ability and health status among others. This approach provides for recognition of how race is gendered and gender is raced, as well as the many other factors which affect how one is allocated rights, privileges or deficits and limits to rights through the regulation of gender.

Comprehensive and intersectional gender analysis has influenced the interpretation of rights recognized in international human rights law, and many States have adopted gender as a key concept in laws and policies aimed at protecting women and LGBT persons against violence and discrimination. Nevertheless, within multilateral and regional organisations, among other fora, there are currently narratives that, under different lines of characterization (including the accusation of so-called "gender ideology"), seek to eliminate the gender framework from international human rights law instruments and processes, and national legislative and policy documents. These attempts could impact progress achieved over the last four decades on gender equality and the recognition of sexual and gender-based violence and violence and discrimination based on sexual orientation and gender identity.

### Objectives of the report

The report seeks to document how these narratives are being used to fuel violence and discrimination based on sexual orientation and gender identity and their particular impact on sexual and reproductive rights; as well as the impact of feminist thinking in the analysis of these phenomena and its contributions to possible solutions. In the report, I will also examine how the incorporation of comprehensive gender theory enables more accurate and appropriate consideration of dynamics of negation and stigma, and the key role of law, public policy and access to justice in promoting either continuity of injustice or social change.

The report will also highlight the position of the mandate in relation to current narratives and constructions through which the application of gender frameworks, especially its promise for gender equality across diverse persons, is challenged. To this end, it seeks to build on gender concepts and feminist analysis to further substantiate the mandate's understanding of root causes and dynamics of violence and discrimination based on sexual orientation and gender identity, as well as efforts to resist gender stereotype, and their relationship to the material and cultural conditions which determine the enjoyment of rights in persons' lives.

#### Special Procedures

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#### Independent Expert on sexual orientation and gender identity

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#### Recent thematic reports

[Impact of COVID-19 on LGBT persons \(2020\)](#)

[So-called "conversion therapy" \(2020\)](#)

[Social, cultural and economic inclusion \(2019\)](#)

[Data collection and management \(2019\)](#)

[Legal recognition of gender identity and depathologisation \(2018\)](#)

[Overview of violence and discrimination \(2018\)](#)

[Diversity in humanity, humanity in diversity \(2017\)](#)

[Decriminalisation and anti-discrimination measures \(2017\)](#)

#### Issues in focus

[COVID-19](#)

The report will situate itself within efforts to minimize protection gaps and to reflect the rich understandings of gender that social movements, human rights defenders and scholars alike have identified, documented and articulated. Therefore, many different groups working at the intersections between gender and rights are invited to contribute.

## Key questions and types of input sought

To inform his report the Independent Expert would like to receive contributions and views from States, regional and national human rights institutions, non-governmental organisation, UN agencies, academic institutions, local governments and other relevant stakeholders.

1. Has the State adopted, in public policy, legislation or jurisprudence, working definitions of gender and related concepts (for example gender theory, gender-based approaches, gender perspective, gender mainstreaming) aiming to address violence and discrimination based on sexual orientation and gender identity? If so, please give examples, with commentary as needed to explain context, scope and application.
  - a. if that is the case, has the State carried out evaluations, assessments or evidence-gathering about the impact of the implementation of such actions and, if so, what are the main trends identified?
  - b. if that is not the case, please provide information as to the reasons.
2. Has the State ratified, signed, or adhered regional or international human rights treaties, declarations, programs or policies or any other international instruments aiming to address violence and discrimination based on sexual orientation and gender identity that involve the implementation of a gender framework (for example gender theory, gender-based approaches, gender perspective, gender mainstreaming)?
  - a. if that is the case, has the State carried out evaluations, assessments or evidence-gathering about the impact of the implementation of such actions and, if so, what are the main trends identified?
  - b. if that is not the case, please provide information as to the reasons.
3. What kinds of information and data are collected by States to identify forms of violence and discrimination faced by people based on sexual orientation and gender identity? Is the data designed to capture causes and patterns of violence and discrimination against lesbians, gay men, bisexual women, bisexual men, trans women, trans men, and gender diverse persons?
  - a. does this data collection take an intersectional approach (for example, connecting an individual's multiple social categories to enable more precise analysis (e.g. collecting data about LGBT persons by identities such as race, age, national status and ethnicity)?
  - b. does the data include information on the relationship between victims and perpetrators?
4. Is comprehensive sexuality education taught in schools?
  - a. if yes, please provide information as to the respective programs. Please provide examples (e.g. copies of curricula, citations to policies).
  - b. if not, are there efforts deployed by the State to establish and promote comprehensive sexual education, which incorporates diverse sexual orientation and gender identity perspectives? What have been the obstacles to adopt such policies or programs? Also, is the State adopting any alternative measures?
5. Are there examples where the concept of gender has been used in religious narratives or narratives of tradition, traditional values or protection of the family to hinder the adoption of legislative or policy measures aimed at addressing or eradicating violence and discrimination based on sex, gender, sexual orientation and gender identity?
6. Are there examples where a concept of gender has been used in religious, traditional, or indigenous narratives or values in a manner which promotes the acceptance of persons with diverse sexual orientations or gender identity, or protects LGBT individuals from violence and discrimination as well as covering a wider range of persons (for relevant examples, see para. 3 of [the Independent Expert's Report to the 73rd Session of the United Nations General Assembly](#))?
7. Are there examples in which narratives or "gender ideology," "genderism" or other gender-related concepts have been used to introduce regressive measures, in particular but not limited to LGBT persons or communities?
8. Are there initiatives taken by States in connection with the right to freedom of religion, belief or conscience (including the figure of conscientious objection) that have had the practical impact of limiting the enjoyment of human rights (including sexual and reproductive rights) of LGBT persons?
9. Have there been public expressions or statements by political and/or religious leaders that have led to indefinite extension, modification or suppression of actions, activities, projects, public policies or application of gender frameworks?
10. Who are main actors who argue that the defenders of human rights of LGBT individuals are furthering a so-called "gender ideology"? What are their main arguments? Have they been effective in regressing the human rights of LGBT individuals? Have their strategies directly or indirectly also impacted on the human rights of women and girls?

## Effective inclusion of LGBT persons

### Contact information

Victor Madrigal-Borloz,  
Independent Expert on  
sexual orientation and  
gender identity  
OHCHR-UNOG  
8-14 Avenue de la Paix  
1211 Genève 10,  
Switzerland

Fax: (+41) 22 917 90 06

E-mail: [ie-sogi@ohchr.org](mailto:ie-sogi@ohchr.org)  
or [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org)

Personal social media of  
the Independent Expert:  
[Facebook](#)  
[Instagram](#)  
[LinkedIn](#)  
[Twitter](#)

### Others involved

[OHCHR and the human rights of LGBTI people](#)

### External Links

[Free & Equal: United Nations for LGBT Equality](#)

11. Can you provide examples of coalitions working together on resisting attacks on gender ideology? Please share examples of feminist and LGBT and other groups working together and with what kinds of frameworks, arguments and results?
12. What policies, programs and/or practices has the State adopted to meet Sustainable Development Goals 5 (gender equality) and 10 (reduced inequalities)? Do these rely on gender frameworks inclusive to diverse sexual orientations and gender identities and/or aiming to address violence and discrimination based on sexual orientation and gender identity? Please identify relevant examples.

Questionnaire available in [English](#) | [Français](#) | [Español](#)

## How and where to submit inputs

Inputs must be sent electronically and received by **28 February 2021**.

<b>E-mail address:</b>	<a href="mailto:ie-sogi@ohchr.org">ie-sogi@ohchr.org</a> ; <a href="mailto:registry@ohchr.org">registry@ohchr.org</a>
<b>E-mail subject line:</b>	Submission to the report on gender, sexual orientation and gender identity
<b>File formats:</b>	Word
<b>Accepted languages:</b>	English, French, Spanish

## How inputs will be used

All responses and submissions received in accessible format *will be published online, except if confidentiality of the submission is explicitly requested*.

Submissions received in non-accessible PDF format will not be published, but will be made available upon request.

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