**Call for Inputs**

**Deadline extended until 14 March 2021**

**Report of the Independent Expert on protection against violence and discrimination**

**based on sexual orientation and gender identity**

**Gender, sexual orientation and gender identity**

**Introduction**

In accordance with my mandate as Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, pursuant to Human Rights Council resolutions 32/2 and 41/18, I intend to present a thematic report at the 47th session of the Human Rights Council (HRC 47) with focus on the concept of gender as it describes relational power hierarchies which situate people, communities and populations as targets of violence and discrimination and limit the enjoyment of human rights by lesbian, gay, bisexual, trans and gender diverse (LGBT) persons.

The report will examine how gender frameworks and protection from violence and discrimination based on sexual orientation and gender identity intersect in international law and State practice, in order to assess to what extent economic, cultural and political factors establish norms which in turn legitimate the re-allocation of rights, resources and access to participation in economic, cultural and political life across gender lines. The report aims at further reinforcing feminist thinking as a cornerstone of the mandate, taking into account the different ways in which gender norms and structures relate to human rights violations against LGBT persons.

The report will also consider the role of gender in international law and State practice in light of current backlash around the world against rights related to gender, sexuality, and identity. This pushback often refers to biology and nature as the foundation for denying human rights recognition and protection to diverse gender/sexuality practices and identities seen as “non-conforming” in a particular context, yet it is precisely the feminist insight that difference and variation are neither given, nor binary but occur along an interpretive continuum that has paved the way for expansive human rights protection. The report will introduce best practices and recommendations and cross-fertilize with the Beijing follow-up process and Plan of Action, in which the gendered nature of violence and discrimination is a cross-cutting approach.

This call for inputs will serve as one of the channels through which I will collect information to inform the preparation of my report to the HRC 47. The information-gathering process will also include a literature review, an expert meeting, and a consultation.

**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.

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.

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.

**Call for inputs**

To inform my report, I am seeking inputs with information, data and views from all relevant stakeholders (among others Member States, civil society organizations, National Human Rights Institutions, United Nations agencies, regional institutions, corporate entities, individuals). I kindly invite you to consider the following questions:

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.
   1. 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?
   2. 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)?
   1. 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?
   2. 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?
   1. 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)?
   2. does the data include information on the relationship between victims and perpetrators?
4. Is comprehensive sexuality education taught in schools?
   1. if yes, please provide information as to the respective programs. Please provide examples (e.g. copies of curricula, citations to polices).
   2. 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?[[1]](#footnote-1)
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?

1. 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?
2. 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?
3. 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?
4. 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?

1. 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.

Responses to the questions above can be submitted in **English, French or Spanish**, and **in Word format**.

**If you wish your submissions to be kept confidential, you are kindly required to make an explicit request in your submission. Otherwise information will be published online,[[2]](#footnote-2) and may be referenced in the report.**

I would be particularly grateful to receive the information requested at your earliest convenience, and preferably by **14 March 2021**. Kindly note that inputs received after this deadline will not be disregarded, but the Independent Expert may not be able to take them fully into consideration given the planning process for the drafting of the report. Responses may be addressed to the Independent Expert at the Office of the UN High Commissioner for Human Rights and can be submitted by email (ie-sogi@ohchr.org), with the heading “Submission to the report on gender.”

For any further question or clarification, please do not hesitate to contact me through the Office of the United Nations High Commissioner for Human Rights (Catherine de Preux De Baets, cdepreuxdebaets@ohchr.org or Taro Tanaka, [ttanaka@ohchr.org](about:blank)).

1. For relevant examples, see para. 3 of the Independent Expert’s Report to the 73rd Session of the United Nations General Assembly, available at <https://undocs.org/A/73/152>. [↑](#footnote-ref-1)
2. Submissions are published in the Web page prepared for each report, at <https://www.ohchr.org/EN/Issues/SexualOrientationGender/Pages/AnnualReports.aspx> [↑](#footnote-ref-2)