



“Weave industriously. Listen deeply. Speak kindly.”

**Address by
VICTOR MADRIGAL-BORLOZ
United Nations Independent Expert against Violence and
Discrimination based on Sexual Orientation and Gender Identity**

Sydney World Pride
Human Rights Conference

1 March 2023

*[Under embargo until 1 March 2023; 00:00 Central European Time]
[Check against delivery]*

I pay my respects to Elders past and present.
To the Aboriginal and Torres Strait Islander people of Australia.
I acknowledge the Traditional Owners of the land on which we meet today,
the Gadigal people of the Eora nation.

Excellencies,
Distinguished attendees,
Dear friends,

Buenos días. Bonjour. Good morning.

1. 559 days ago, only a few hours after the Copenhagen World Pride Human Rights Conference wrapped up, my United Nations colleagues and I met a then-small Sydney World Pride team over a glass of wine. It took only a few seconds to dawn on me that our friends here had been dreaming already of every aspect of the frame we are meeting today. Dreaming *hard*. Over the last 559 days they have made their dreams manifest in this extraordinary meeting that unites us today – a first for us in the Southern Hemisphere and one during which we hope to reinforce our commitment to equality and inclusion. Thank you, dear friends, for your extraordinary work.
2. I was appointed by the United Nations Human Rights Council five years ago to gather evidence on how violence and discrimination are perpetrated based on sexual orientation and gender identity, to analyze that evidence, and provide visibility to that analysis. Some of you have heard me before comparing this work with fabric weaving: every story, every image, every piece of evidence conveyed to me a thread that I need to decide to place in my loom. I draw inspiration from the historian-weavers of the *Huétar* and Mayan peoples, ancestral rulers of my lands, to combine thread after thread in the hope that the pains of the past will be the source of the future's wisdom.
3. I was therefore delighted to learn of the work on Indigenous Language, by Indigenous Australian researchers Anjilkurri Radley, Tess Ryan and Kylie Dowse, through which they propose an ancestral understanding of weaving and *djuyaliyn* (*talking*) and *dadirri* (*deep listening*) as “method and cultural process as our individual strands weave together with collective ways of knowing, being, and doing openly and freely.” Weaving described as “conceptual framework building in its most resonant form.”
4. Sadly, the first threads in my hand are often red, dripping with blood. And stained yellow from dried tears of unspeakable pain and suffering. I must use them, I cannot not do so as they are often given to me so, through them, I strive to speak truth to power. But as they reflect pain that might feel very close they might be triggering for some of you, survivors in the audience, so please understand that I strive to use them with great respect, with a notion of purpose.

Dear friends,

5. Dignity and rights are the foundation of a theory of discrimination solidly entwined over the last five decades through international and regional human rights law. In 2017, in his inaugural report to the Human Rights Council, my predecessor Independent Expert Muntabhorn noted the connection of this historical process with this land through the seminal case of *Toonen*, in which in 1994 Australia was found in breach of the right to privacy due to criminalization of same-sex intimacy. Over the last 30 years, a robust body of jurisprudence from the United Nations Treaty Bodies and doctrine from the Special Procedures has shown that criminalization, pathologization and stigmatization are in breach of all fundamental human rights. As we are now in the Asia Pacific region we look forward to learn about this, with so many countries that have at its core the concept of laws v. lore or cultural norms that are in themselves law in governing the daily lived realities of their communities.
6. In 2019, at the ILGA World Conference in Wellington, I stood before you while we all committed to working toward a world free of criminalization by 2030, a global call that was later complemented by my calls for a world free of practices of conversion and a world of legal recognition of gender identity based on self-identification.
7. For those travails, the giants of international human rights law have given us, strategic litigants and advocates, the purple threads of equality and dignity. With those threads firmly tied up to the precedent of *Toonen* you have gone to all corners of the world and, thanks to your tenacity, your conviction, and your sagacity, all LGBT persons living under the jurisdictions of Antigua and Barbuda, Barbados, Singapore, and Saint Kitts and Nevis are no longer made criminals at birth. Sri Lanka too has announced that it will decriminalize. Legal recognition of gender identity is a reality in an array of countries. Until last Wednesday, 350 million persons lived in systems of self-identification; that day, Spain, which just passed a law on self-attestation this past week, added some 47 million persons to that tally. The Spanish legislation also bans surgeries on intersex infants and children, reminding us to embroider purple circles in our fabric and that without them, our movement will never be complete. Others among you have untangled the webs of pathologisation, and during the last two years, awareness of the nature of conversion therapy as a form of cruel, inhuman, and degrading treatment has increased. Every day, we hear reports of your work to advocate for measures to end it through regulations, laws, and judicial rulings, and I am delighted that it is currently being considered in this State of New South Wales. We have tribute today to all of you.
8. We converge today in this hall for a reason, each of us holding blue threads of hope in our hands. What each one of us chooses to do with them over the next three days is *vital* for our siblings around the world. Our Australian friends have committed best efforts to promote inclusion and the attendance in this hall is proof of their success; we thank you. But some who should be here are not here. Some remain in hiding or detained. Some lacked access in economic, linguistic, or logistical terms. Some may not even imagine (yet) that this powerful movement exists. In December 2019, at the Outright International Conference in New York, I shared my concern that some among us have been propelled infinitely forward by the dynamics of respectability,

and privilege; some of us are being left infinitely behind without access to health, education, housing, or employment and left wholly exposed to violence.

9. Only 12 weeks after that Conference, the pandemic would provide us with a concrete example of that divide: isolation, economic vulnerability, increased stress and exposure to domestic violence were some of how LGBTQAI+ peoples felt the differentiated impact of pandemic-related response. The lessons learnt from Covid are perfect examples of why we must not abandon our resolve to demand that States adopt all necessary measures to operationalize the pledge to “leave no one behind” in line with human rights principles of substantive equality and non-discrimination in the 2030 Sustainable Development Goals.
10. We must also redouble our efforts to end criminalization in the 67 countries in which it is still the law of the land. Criminal laws on abortion, sex-work and HIV transmission/non-disclosure also have discriminatory effects based on sexual orientation and gender identity. Without exception, successful decriminalization strategies have always relied on three basic principles: being driven locally, having relied on context-specific strategic and tactical approaches to litigation, law reform, and public policy; and having been the result of a long-term understanding of legal conviction and social change rather than the language of coercive sanctions. First, we change the laws. Then the rest will follow. That act of law reform creates an environment of equality, that fosters and nurtures the removal of discrimination, which in turn helps to change minds and attitudes towards and within our communities.
11. Other challenges might be more elusive. According to consistent findings by my mandate, at the spike of every electoral cycle, in the global south and global north alike, media sectors cultivate the image of LGTBIQ+ persons as criminal, antisocial, and perverted, and carve deep grooves between us and everyone else. We are fed to wide publics through processes that seek to galvanize political constituencies by eliciting easy moral outrage and a sense of moral panic. The result is the dehumanization or delegitimization of our communities through a loop in which it is irrelevant whether criminal charges exist: our antisocial nature is implied.
12. The resulting spiral of violence expresses itself through murder, sexual assault, stabbings, beatings, and kidnapping. Violence can also be psychological: coercion and arbitrary deprivation of liberty, including forced psychiatric incarceration, or bullying, and constant threats of violence and exclusion. All lead to depression, anxiety disorders, addiction, suicidal thoughts, and attempts, and may also contribute to the symptoms of post-traumatic stress disorder. Think for a minute of which of the number of your queer friends who encountered a premature death; think for how many of us being sexually or gender diverse has been the single most determinant fact in the pain that we work to overcome. This is why we recognise the pain and strength of all survivors among us today.

Dear friends,

13. We will best address these challenges when we seek to understand how our political demands relate to wider social justice considerations. Or, let me correct. We will *only*

address these challenges when we place our political demands at the service of wider social justice. I pay tribute to feminist thinking for that most extraordinary of contributions to our movements, the orange thread of intersectional approaches. I know that most asymmetries of power that affect LGTBIQ+ persons gravitate around intersections between sexual orientation and gender identity and race, migratory status, and national or social origin. At the 2022 ILGA World Conference in Los Angeles, Special Rapporteur on Racism Tendayi Achiume, reminded us that it is vital that advocates, law-makers, *everybody*, turn to those on the front lines of living and fighting racial oppression as superior experts on the nature of their oppression, and on what the priorities ought to be in the approach and execution of the strategies to fight this oppression.

14. Black and brown threads must therefore be placed in our loom, as Tendayi also reminded us that condemning explicit prejudice must be accompanied by vigorous opposition to structures that facilitate racialized exclusion, as is the case of international migration law and so many national immigration policies around the world that are structured precisely to exclude African, Afro-descendant, Asian, Latin America and Arab world persons in ways that simply are not the case for migrants from the global north: I remember clearly that the first day I took up my mandate I made myself the promise that it would be a feminist mandate; today I also know that it is equally essential that it be an anti-racist mandate.
15. I also hope that my mandate has provided our movement with useful evidence as to the importance of the inclusionary nature of non-discrimination. The ferocity of the attack against our trans and gender diverse siblings calls us to urgent reflection about the importance of restocking our white, pink, and light blue threads. We must stand firm in the understanding that exclusion of any one of us immediately means exclusion of all of us. In one of my travels through Latin America, I recently heard the testimony of a latino trans man having escaped certain-death in his village and made his way through deserts, jungles, cities; sometimes crossing rivers tied up to a cord so as not to be carried by the currents; twice seeing a person next to him plummet to their death from a mountain ridge. Before leaving his friends, they had trained him on what to do when the certainty of rape would materialize – a training that he was compelled to use twice. As a result he became pregnant and, while suffering a miscarriage, was expelled from the door of a local health center. “*You make a travesty of nature,*” were the words spat on his face. For three days he underwent the miscarriage by himself in a small tent, where he remains today after three thwarted attempts to seek asylum in a northern neighbor, being returned after each one under a third country assessment scheme.
16. That certain politicians should work so hard as portraying asylum seekers such as this man as “others,” as not quite belonging to the same tribe that we must protect with every fiber of our being, is an excellent example of the observations of Darius Rejali in his seminal work on Torture and Democracy: “[t]he inexpressibility that matters politically is not the gap between the brain and the tongue, but between victims and their communities, a gap that is cynically calculated, a gap that shelter’s a state legitimacy.”

17. Another urgent conversation that our movement will hold during the next few months relates to climate change's catastrophic and looming threat. Any social movement today that does not include climate change in its priorities is ubuesque. Despite the urgency of the Climate Crisis, little is known about the specific vulnerabilities of LGBTQ populations, and the absence of both a clear evidence base and a process for developing best practices for LGBTQ issues related to climate change is of great concern, and I hope to receive the wisdom of our Pacific and Caribbean siblings to bring those to the forefront of our discourses. One lesson from the Covid impact on LGBTI people I mentioned earlier is that our vulnerability to shocks cannot be overstated.

Dear friends,

18. Over time, the movements that support our rights worldwide, many of whom are represented here today, have developed extraordinary capacities. They have created trust within and with the persons with lived experience, and they have developed the methodologies that ensure proper risk management and empowerment. They have crafted the approaches that will ensure that, through participation, the human rights interventions that they carry out will be relevant. They deeply understand what works in terms of advocacy. Just look at how much has been achieved in terms of decriminalization, depathologisation and legal recognition of gender identity.
19. These are also movements that are demanding that we acknowledge their capacity and their maturity. Movements for which it is no longer valid to accept reliance on volunteerism when their members give us their expertise, and that their strategic and tactical capacities be recognized, that asymmetries in access between global north and global south be questioned and reexamined. Movements that demand that cooperation frameworks be themselves decolonized, and that green threads be placed *only* in the hands of those who add value. That is why, as I celebrate the creation of the Australian Fund for LGTBIQ+ issues, I exhort the Australian State to ensure the full participation of LGTBIQ+ led and serving organizations in its design, implementation, and evaluation.
20. I have witnessed far too many persons in our movement working under hardship and uncertainty. I repeat here today that, in a world in which many want to exterminate us, self-care is a political response for which we are responsible. I have also seem far too many organizations loose control of their research and intellectual property, and victims loosing ownership of their own life stories. We must do better and, for those reasons, I am making a call to our movements, civil society, advocates, States, donors, and scholars alike, to commit to reflection process on the ethical frameworks that must guide the work in our field. I am certain that this is one of our next frontiers, and I am sure that its development and implementation will give us the edge over the laziness that are the trademark of bigoted and exclusionary narratives all over the world today. Faced with their self-indulgence and entitlement, let's renew our quest for excellence.

Dear friends,

21. I heard many moving stories during my recent visit to Cambodia last January, my second last as the Independent Expert. One of them was conveyed to me by a 72-years old trans man from the provinces. Starting in 1973, when they first met, he and his wife went through dozens of separations and reunions effectuated by their parents, families, communities, and State regimes, all based on incomprehension and prejudice. For the last few decades, they have been living together in a house built on a small patch of land that they cultivate and provides their sustenance. The story conveyed to me tied together Cambodian and intimate history with the thread of one great conviction: “we always knew that we would rather be dead than not loving each other,” he said to me.
22. Free and Equal in dignity and rights. Unfathomable that this most basic of propositions made in the Universal Declaration of Human Rights, these diminutive 28 characters in the English language and their correlative in a myriad of languages around the world, can encapsulate the constellations of suffering, courage, resilience, ingenuity, grief, and happiness that led that man to speak those words, and me to be in a position to listen to them.
23. We hold on to those connections through our struggles because they are what remind us that we were never *not* part of humanity, and that we will never *not* be a part of humanity. That we share the same quest for love, dignity, and the freedom to be of service and to understand meaning. For the next three days, we have the chance of finding out what it is that we can create together. To explore our purpose. In that journey, I urge each of us to listen deep, to speak kindly, and to dare to dream with others.
24. In other words, weave industriously.

Thank you.