



Ministry of Human Rights and Citizenship
National Secretariat for the Rights of LGBTQIA+ People
National Council for the Rights of Lesbians, Gays, Bisexuals, Travestis,
Transsexuals, Queers, Intersex, Asexuals and Other People - CNLGBTQIA+

PUBLIC NOTE

Subject: Public note from the National Council for the Rights of LGBTQIA+ People on the positions of the UN Special Rapporteur on Violence Against Women and Girls in relation to trans rights aligned with the global far right.

The National Council for the Rights of Lesbians, Gays, Bisexuals, Travestis, Transsexuals, Queers, Intersex, Asexuals and Other People - CNLGBTQIA+, expresses its deep concern at the instrumentalization of the mandate of the UN Special Rapporteur on Violence Against Women and Girls, Ms. Reem Alsalem, and the adoption of positions aligned with what is advocated by the extreme right and radical social segments that flirt with transphobia and the demonization of trans bodies and subjectivities. Such a stance contributes to maintaining harmful effects in relation to the rights of trans people, thus contributing to the growing escalation of discrimination, attacks on rights, disinformation and hate speech around the world.

The Universal Declaration of Human Rights (UDHR) affirms that all people are born free and equal in dignity and rights, thus emphasizing the principle of fraternity and the fundamental recognition of isonomy as the basis for guaranteeing human rights. The UDHR is an imperative pillar of the UN's work and any position contrary to it seriously jeopardizes the lives and physical and emotional integrity of trans people, in particular Articles 1, 2, 3, 6 and 7 of the UDHR.

In addition, since the adoption of the declaration in 1948, especially since the 1990s, the jurisprudence of human rights monitoring committees, recommendations of special rapporteurs, as well as decisions and opinions issued by international human rights courts have broadened the definitions of the UDHR, and conventions derived from it, to incorporate the concept of gender as a parameter for the full realization of human rights, in a perspective that broadens the understanding of "sex" as an unjustifiable basis for discrimination and violence. Among other referential documents that are based on this broader perspective, we



can mention the two reports prepared in 2021 by the UN Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity: The Law of Inclusion and Practices of Exclusion and, more especially, Advisory Opinion 24/2017 of the Inter-American Court of Human Rights (IACHR), which in its paragraph 92 provides the following definition: “Additionally, the most relevant implications and scope of the right to identity and, therefore, the right to a sexual and gender identity, are that it constitutes an autonomous right based on the provisions of international law and those derived from the cultural elements considered in the domestic legal systems of the States, in order therefore to satisfy the specificity of the individual, with his or her rights that are unique, singular and identifiable.”

In other words, the United Nations and other international human rights bodies have consistent normative definitions regarding the right to self-determination of gender identity and expression, a right that must be protected by states as part of the constitutional and human rights principles of respect for human dignity, freedom, happiness, non-discrimination and the guarantee of civil, social, economic and political rights as a human person in all their diversity. The United Nations system is committed, through its mechanisms and procedures, to combating all forms of gender discrimination and violence, and it is therefore in this expectation that special rapporteurs and members of human rights monitoring committees must act.

We are therefore very surprised that a UN human rights expert would use her mandate to disseminate and promote views that oppose the concept of gender and the right of trans people to self-determination. We emphasize that this way of proceeding is all the more worrying because the mandate for Violence Against Women and Girls resulted from the persistent efforts of the feminist struggle for equality, equity and non-discrimination, and the mandate is responsible for protecting and promoting the rights of all women, regardless of their gender identity.

As we well know, conceptions and ideologies that crystallize differences and hierarchies based on anatomical characteristics or sexual conduct have been an unequivocal source of violence and brutality against black and indigenous people, as well as those whose sexual orientation or gender identity differs from the dominant cisgender and heterosexual norms. The history of the 20th century, in particular, has taught us how these conceptions



have sustained barbarism and hatred, and have become instruments of subalternization, the abolition of civil and social rights and, ultimately, the systematic elimination of groups and people marked by these "differences".

The absence of a position from rapporteur Reem Alsalem on transphobia is striking, as is the failure to explicitly condemn the attacks on the rights of trans people that are taking place in various parts of the world, contributing to the maintenance of stigmas and violence against trans people, including an increase in lethal violence against this population.

It is important to note that being trans is still considered a crime in many countries, and even in those where transgenderism is not criminalized, there are many other forms of discrimination and symbolic and social punishment of trans people. For example, difficulties in accessing the city, difficulties in being included in the formal job market, family abandonment, exclusion from school, lack of medical care and even murder. Transphobia is an unacceptable practice that causes widespread suffering and discrimination and, precisely for this reason, is now condemned by international instruments established by the UN and other international human rights bodies.

The positions taken by Ms. Alsalem negatively affect the rights of trans people, especially travestis and trans women. It also has a deleterious impact on young people and children whose gender identity differs from the dominant norm and whose rights are still under construction. Above all, we reject views that establish differences and incite conflict between the rights of cis women and trans women, as rapporteur Reem Alsalem has done throughout her mandate.

On more than one occasion, the rapporteur has proposed and defended "sex-based" protection policies for girls and women, as well as defending the creation of "segregated spaces based on sex" and the imposition of various barriers to gender self-determination. Her statements have contributed to perpetuating myths (and lies) about the concept of gender, spreading misinformation about "surgeries for trans children" which, as we know, are banned in Brazil and have never been defended by LGBTQIA+ movements.

In a recent interview granted exclusively to a portal openly aligned with the Brazilian extreme right, the rapporteur conjures up the scarecrow of "gender ideology" - a phantasmagoria gestated in the sphere of religious ultra-conservatism and widely used by



right-wing forces to incite de-democratization and reverse achievements in the field of human rights in general and more specifically for women and LGBTQIA+ people.

We consider it necessary and urgent that Ms. Reem Alsalem be questioned about these positions and conducts, in order to adopt a respectful, humanized approach that is consistent with the ethical parameters that guide her mandate, especially with regard to travestis, trans women and the LGBTQIA+ community more broadly. It is imperative that the concept of gender and respect for gender diversity is incorporated into the mandate's work and that the rapporteur makes a public commitment to defending the rights and, above all, the right to life of trans people around the world.

Finally, we recommend that the Brazilian state, which has made an international commitment to the protection of LGBTQIA+ people and has guaranteed the right to gender self-determination for trans people for at least five years since the judgment of ADI 4275 by the Federal Supreme Court (STF), take measures to protect the trans population, contain and reverse the effects of the actions of the aforementioned rapporteur, and maintain firm action against transphobia and all forms of violence directed at trans people. In the same vein, we recommend the same to all diplomatic representations effectively committed to guaranteeing the right to dignity, life and non-discrimination.

Brasília-DF, November 1st, 2023.

National Council for the Rights of LGBTQIA+ People of Brazil