



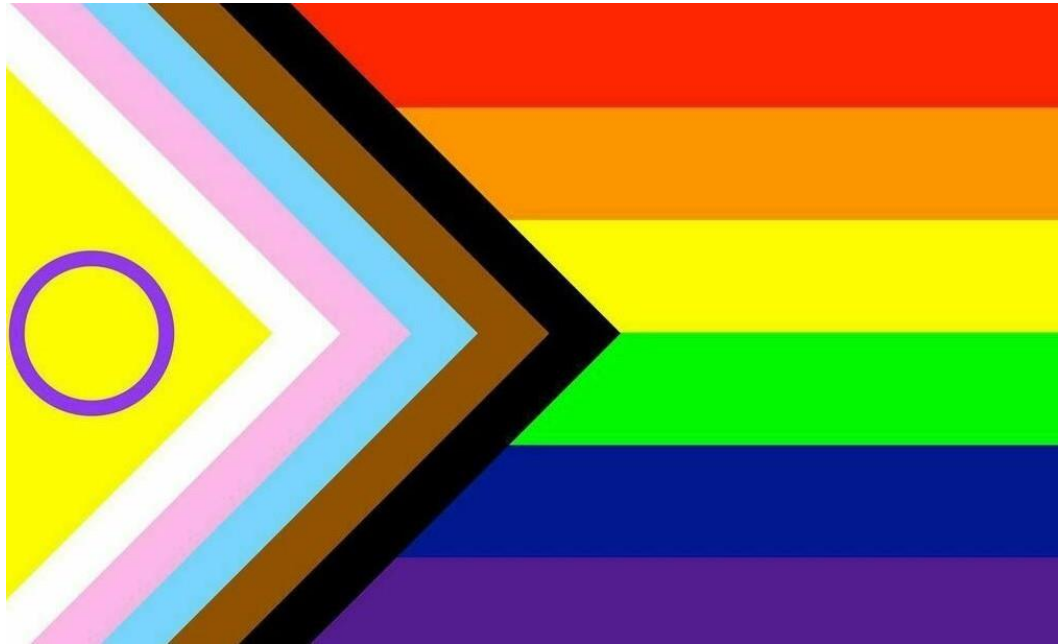
Foreign, Commonwealth  
& Development Office



Ministerio de Relaciones Exteriores,  
Comercio Internacional y Culto  
**Argentina**



**Wilton Park**



Report

## **The Global Launch of the Equal Rights Coalition Strategy**

Tuesday 6 – Wednesday 7 July 2021 | WP1953V

With support from:



**AFDA**  
Asociación Familias Diversas de Argentina



**KALEIDOSCOPE**  
INTERNATIONAL TRUST





## Report

# The Global Launch of the Equal Rights Coalition Strategy

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In partnership with the UK Foreign, Commonwealth and Development Office (FCDO) and the Argentine Ministry of Foreign Affairs, International Trade and Worship. With support from Stonewall, Kaleidoscope International Trust and AFDA.

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## 1. Executive Summary

### Overview

The Equal Rights Coalition (ERC) launched in Montevideo in July 2016, with the aim to be a multilateral and multi-stakeholder coalition through which member states would cooperate closely with civil society, multilateral agencies, and other stakeholders to advance LGBTI human rights and inclusive development. Following its founding in Montevideo by the Netherlands and Uruguay, Canada and Chile assumed a two- year term as ERC co-chairs from June 2017 until June 2019, when the UK and Argentina took over until June 2022.

The purpose of the ERC was to promote innovative, effective diplomacy and inclusive development in support of the human rights of LGBTI persons.

The majority of the ERC's work was to be accomplished through its four Thematic Groups:

1. International and regional diplomacy (current co-chairs: Netherlands, Outright International)

2. LGBTI inclusion in the 2030 Agenda for Sustainable Development (current co-chairs: Mexico, RFSL)
3. Coordination of donor funding (current co-chairs: USA, Synergía)
4. National laws, policies and practices (current co-chairs: Canada, GATE)

In June 2019 the UK and Argentina, on accession as ERC co-chairs, committed to deliver the ERC's first Strategy and Implementation Plan to guide and shape the ERC's work to help it meet its potential to deliver LGBTI equality with a clear five-year work plan. The Strategy's Five-Year Implementation Plan would build on the ERC's [Vancouver 2018 declaration](#) to advance the ERC's original purpose, notably: to tackle violence and discrimination; to address the ongoing criminalisation of same sex conduct in 69 countries; and to effectively share best practice among ERC Member States. The Five-Year Strategy would set out key measurable actions that Member States would take to advance ERC goals and provide a work plan for the four Thematic Groups.

The global response to the Covid-19 pandemic of 2020/21 caused delays to the completion of the Five-Year Strategy, which finally launched at the virtual conference on 6 and 7 July 2021. The UK will host a Global LGBT Equality conference on 27-29 June 2022, which will include the next full global ERC conference.

### **Objectives of the global launch of the ERC Strategy**

The formal launch of the ERC's Five-Year Strategy (2021-2026) took place at a virtual ERC conference planned by the co-chairs in close collaboration with Wilton Park on 6 and 7 July at 13:00 to 17:30 UK time. The conference objectives were:

- **Improve collaboration:**
  - To improve collaboration between ERC Member States by reaffirming high level commitment to the original principles of the ERC;
  - To demonstrate our shared commitment to work as a genuine coalition;
  - To commit to share best practice and to proactively tackle violence, discrimination, and the ongoing criminalisation of same sex conduct.
- **Formal launch of the Strategy:**
  - To commit to adopting the new ERC strategy and its Five-Year Implementation Plan.
- **Agree to closer working within the ERC:**
  - To agree on the need for closer engagement by all ERC Member States;
  - To commit to joining the ERC's Thematic Groups and increased collaboration with their work.

### **Outcomes of the global launch event**

- A majority of the 42 ERC Member States responded positively to the Strategy and Five-Year Implementation Plan.
- Ministers and high-level representatives from 31 ERC Member States and the World Bank delivered statements, in person or by video during the Ministerial segment. Given the overwhelming response by Member States, there was no time to hear the statements of support from the Baring Foundation and Global Philanthropy Project in this session.
- ERC Member States committed to closer collaboration with the ERC and to joining at least one of the ERC's Four Thematic Groups.

## **2. Plenary Sessions**

**Session 1** - The conference was opened on 6 July by speeches from the ERC's government and CSO co-chairs:

1. Wendy Morton, UK Minister for European Neighbourhood and the Americas, UK Foreign, Commonwealth and Development Office (FCDO)
2. Pablo Anselmo Tettamanti, Secretary of Foreign Affairs, Argentina's Ministry of Foreign Affairs, International Trade and Worship
3. Phyll Opoku-Gyimah, Executive Director, Kaleidoscope Trust (CSO Co-Chair)

4. Andrea Rivas, President, Asociación Familias Diversas de Argentina (CSO Co-Chair)

Key points from their speeches are below:

Speaker	Key Points / Summary
Minister Morton, UK	<ul style="list-style-type: none"> <li>• The new strategy will focus collective efforts and provide a clear roadmap to guide and shape the ERC's work.</li> <li>• Minister Morton noted that the UN Independent Expert for Sexual Orientation and Gender Identity's latest report on Gender Theory states, "the right to self-determine one's gender is a fundamental part of a person's freedom and a cornerstone of the person's identity".</li> <li>• Minister Morton was fully aware of the global divisions around the Gender Theory debate, particularly in the UK, but hoped that the ERC could discuss the challenges without judgement. As the UK said at the Human Rights Council two weeks ago, the UK is fully committed to advancing rights and protections for all trans and gender-diverse people, both in the UK and around the world.</li> <li>• Minister Morton was delighted that the Prime Minister recently announced Lord Herbert as his new special envoy on LGBT+ rights.</li> <li>• The Prime Minister also announced a major global conference on LGBT+ rights for next year.</li> <li>• Minister Morton was confident that that with the new Strategy, the ERC was on track to become a formidable coalition to end the violence, discrimination, and unacceptable criminalisation of LGBTI people, for good.</li> </ul>
Secretary Tettamanti, Argentina	<ul style="list-style-type: none"> <li>• Secretary Tettamanti stated that international human rights are key to Argentinian foreign policy, including a strong commitment to the protection and promotion of LGTBIQ+ rights. Argentina has ratified all human rights instruments, while incorporating the main ones into the domestic legal order with constitutional hierarchy.</li> <li>• Argentina was the first country in Latin America to legislate for same sex marriage in 2010 and became a pioneer in 2012 with the sanction of the Gender Identity Law, which recognizes the self-perceived identity of each person and their right to dignified treatment, regardless of the sex assigned at birth and their identification records.</li> <li>• At the end of 2019, with the creation of the Ministry of Women, Gender and Diversity we further hierarchized this agenda. Argentina recently passed legislation that ensures a quota of no less than 1% of positions and contracts in the national public national sector are reserved for trans people.</li> </ul>

	<ul style="list-style-type: none"> <li>• Secretary Tettamanti recognised the importance of the ERC to overcome challenges. Argentina is committed to the 2021-2026 Strategy and Implementation Plan. The ERC is a young alliance, and it needs to be revitalised. The Strategy is a step forward in the right direction.</li> <li>• These documents were developed in consultation with civil society and will build the transparency and efficiency of the ERC. We need to take concrete steps to take the coalition forward to make it more diverse and stronger.</li> </ul>
Phyll Opoku-Gyimah, Kaleidoscope Trust	<ul style="list-style-type: none"> <li>• We have all faced a challenging year because of COVID-19. This has shown how interconnected the world is. Global challenges require global responses.</li> <li>• Discrimination against LGBT+ people is well known and well documented. Criminalisation still exists in dozens of countries. This intersects with other forms of exclusion such as race, religion, and migration status.</li> <li>• The ERC is playing an important role connecting all the dots on LGBT rights. The critical next step is to put momentum behind the coalition. We need sustained engagement.</li> <li>• The five-year Strategy is the conclusion of consultation and set clear standards to enable us all to move in the direction</li> <li>• The Thematic Groups are an opportunity for those with knowledge and expertise to identify how to take the strategy forward.</li> <li>• Government representatives need to recognise that civil society is ready to collaborate to ensure the strategy is effective. There is still a long way to go. Resources are needed to deliver the strategy. Civil society is willing and able to take this forward</li> </ul>
Andre Rivas, President of Familias Diversas (AFDA)	<ul style="list-style-type: none"> <li>• The ERC enables a united approach to improve human rights around the world. We need to work together - the state both internationally and with civil society.</li> <li>• COVID-19 has aggravated the problems.</li> <li>• It is important to have coalitions to enable direct dialogue to change relationships.</li> <li>• Civil society has been able to work effectively with the state in Argentina to find solutions to tackle the roots of inequality.</li> <li>• The new ERC strategy will enable alliances to be built to build equality around the world.</li> <li>• We need to fight for rights, achieve those rights and generate new language.</li> </ul>

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|--|---|
|  | <ul style="list-style-type: none"><li>• We will consolidate the coalition to build a fairer more equal world.</li></ul> |
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## **Session 2 - Plenary discussion: protecting and promoting LGBTI rights globally**

**Lord Herbert, the UK's Special Envoy on LGBT rights** chaired a plenary discussion with **Victor Madrigal- Borloz, the UN's Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.**

A summary/key points of the discussion are below:

### **Lord Herbert**

- In May this year I was appointed by the PM to be his Special Envoy on LGBT+ rights. This is the first time the UK has had such an envoy.
- My role is to support the UK's Foreign, Commonwealth and Development Office on the global promotion of LGBT+ rights.
- On the UK's domestic agenda, I will ensure the UK can continue to make progress.
- I am Chair of planning for the UK's Safe to Be Me conference which will be in London on 27-29 June 2022. It is an opportunity to bring together governments, civil society, parliamentarians, and experts. It will focus on ending violence and discrimination, decriminalisation, and equal access to healthcare.
- Engagement from CSOs will be crucial to the success and ambition of the conference.
- The ERC has an important role to play as an alliance of nations.
- I look forward to working with allies around the world to demonstrate that the UK is committed to the LGBT+ agenda.

### **Victor Madrigal-Borloz, UN IE- SOGI**

- I welcome the ERC's new Five-Year Strategy.
- The ERC is more important than ever, and a review of the last seven days is enough to make that point:
  - Tbilisi Pride saw the attack of a journalist- the police did not intervene. They did not implement my recommendations following my country visit to Georgia in 2019.
  - In Spain a man was beaten to death.
  - In Africa, in Ghana the Speaker of Parliament said that LGBT+ was worse than COVID.
  - The Open for Business report noted \$4.4bn a year in lost tourism and immigration in 12 Caribbean countries.
  - Crimes against trans people are increasing but reporting is poor, with poor quality data, that is often misrecorded or misgendered.
- A dynamic ERC will help to address some of these challenges, supporting efforts for legislative protections/measures to address discrimination.
- In 2019 I launched a call to eliminate discrimination based on SOGI by 2030.
- Sadly 69 countries continue to criminalise LGBT+ people, some include the death penalty.

- These facts underline the importance of coalitions such as the ERC and the role they will play in addressing these challenges. Coalitions will play an important role in addressing criminalisation, ensuring local CSOs are at the helm in responding to opportunities to reporting their work back.

#### Conversion Therapy

- On banning Conversion Therapy. I have called for all states to end the cruel and degrading practice of Conversion Therapy, which may in some cases amount to torture. At the time of my call only three countries had adopted nationwide bans. Some states have already taken steps, others have implemented legislation. While still having a long way to go, these achievements show what we can achieve together.

#### Gender Theory

- On Gender Theory, I issued a third global call for all states to establish legal recognition of Self-ID.
- We are in difficult times, there are questions around the concept of gender.
- States must recognise that failure to recognise variations in gender encourages violence and stifles freedom of expression.
- My three global calls play an important role in addressing the issues facing LGBT+ people.
- We need to address stigma, and the perceptions that LGBT+ people are harmful to everyday life. We need to address the media which is perpetuating violence and discrimination in society.
- We should look for fellowships between radical religious, political and social causes.

#### Impact of COVID-19

- The impact of COVID-19 measures has had a disproportionate effect on LGBT+ individuals. It is difficult to maintain information on the realities of LGBT+ people. We are limited to data and information from the media. We must resist the temptation to consider this as business as usual.
- There are persons in hiding, people with limited technology and activists under threat. We need to be aware of these gaps as we consider the current situation. How do we tap into their wealth of knowledge?

#### Social inclusion

- On Social inclusion we must assess how LGBT+ people are at a disadvantage in all indicators.
- On SDGs 1, 8, 10 and 11, all men and women have equal access to economic resources and basic services.
- LGBTI people are often excluded from adequate education (SDG 4). Bullying based on real or perceived SOGI is commonplace. This deepens exclusion from economic opportunity and access to employment.
- LGBTI people are more likely to be turned away from shelters. When living in them, they are forced to hide their identity to protect their safety.
- On HIV/AIDS. Key populations of MSM and Trans women are affected, but very few education or training programmes have incorporated a comprehensive approach to LGBTI healthcare.

As Oscar Wilde said: "an optimist is a badly informed pessimist", but it not all bad news:



- 50 countries have adopted anti-discrimination legislation. Many states have now made progress on gender recognition.
- Last week in review: the UK's FCDO apologised for its historic ban on the employment of LGBT staff; the US announced gender-neutral passports; Argentina passed legislation on the inclusion of Trans people; France opened medical support for lesbian women; Mexico now has a Trans woman in Congress.
- On Youth I am working closely with the Office for Refugees and support for LGBTI youth.
- During my visit to Tunisia, I was struck by the determination of Tunisian youth to have a voice in building the future.
- I believe that reaching out to other coalitions can bring an added perspective of a truly global force for change.
- I am looking at intersectional challenges: race, ethnicity, age, disability, refugee status, location, etc. How can we look at the whole picture to address challenges?
- I am certain that the ERC can provide a political platform for all of this work. Until we are free, none of us are free. I look forward to creating a world that is just, free and equal.
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#### Q&A session

*Q1. What does COVID 19 mean for tackling discrimination against LGBT+ communities?*

#### **Victor**

- COVID 19 was the object of research last year up at UNGA. In very broad strokes there are three areas of fundamental concern as a result of consultation which had over 1,000 responses:
  - 1) It was an excuse for State action to curtail the rights of LGBTI people (Hungary – registration; Uganda - raid on a shelter).
  - 2) The impact of measures designed without taking into account participation of concerned populations, e.g., gender-based quarantines/curfews particularly in Latin America. Most were lifted after concerns by human rights defenders. It is essential to consider these issues in the development of public policy.
  - 3) LGBTI populations didn't come to the pandemic with a level playing field - they already had a structural disadvantage with lower access to credit/savings/reliance on informal work. Every aspect of their lives was impacted.
- The secondary impact was access to healthcare/retroviral facilities that were taken over for dealing with COVID
- We are all living with the pandemic, learning how to make sure its impact does not lead to fragmentation.

*Q2. How can we gain international traction to make the connection between Conversion Therapy and torture?*



**Victor**

- On CT. I am not keen on the conclusion that all forms of Conversion Therapy amount to torture (as stated in the report). However, because the premise of CT is that LGBTI people are inferior/disordered I have concluded that forms of CT are by definition cruel, inhuman and degrading practices. Torture creates an environment that facilitates cruel and degrading practices.
- We must enhance mechanisms to ensure that non-state actors can't practice torture and ensure we can access all related data and information.

Q3. *It is apparent that UK/US anti gender movements are influencing anti-gender movement in Canada. How can those countries address the challenge?*

**Victor**

- I hope that the IE-SOGI research on anti-gender, anti-rights and anti-legislation will help to move towards eradicating violence and discrimination.
- Under International Human Rights Law it is clear that the legal understanding is that gender should be received and protected under IHR law.
- I am working on the second part of research studying the interconnectivity of anti-gender arguments. Understanding the building blocks that risk such damage to feminism and LGBTI and gender diverse movements.
- The way to success in addressing the challenges facing LGBTI people. Remember the six points of the A.S.P.I.R.E. framework:
  - 1) Acknowledge existence and who is not in the room;
  - 2) Support LGBT CSOs;
  - 3) Protect HRDs;
  - 4) Indirect discrimination – recognise it as always a risk;
  - 5) Representation is key - voices from the community are fundamental - if not heard then public policy is doomed to fail;
  - 6) Evidence based approaches are needed to deconstruct stigma.

**3.(a) Closed high level/ ministerial session**

**Objectives of the session**

1. Improve collaboration between ERC Member States by reaffirming high-level support for the original principles of the ERC and demonstrating our shared commitment to work as a genuine coalition to share best practice and proactively tackle violence, discrimination, and the criminalisation of LGBTI individuals.
2. The formal adoption by all ERC Member States of the ERC Strategy and Five-Year Implementation Plan.
3. Agreement on the need for closer engagement by all ERC Member States in the workings of the Coalition.

Julia Purcell chaired the ministerial meeting and opened with:

*“Ministers/very senior representatives will be reaffirming support for the original commitments, confirming our collaborative work, and marking the launch of the new 5-year strategy.”* Followed by opening comments from the UK and Argentina’s ministers:

UK, Minister Morton	Warm welcome. UK proud co-chair with Argentina. ERC has potential to deliver real change.
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	<p>Grown from 33 to 42 Member States and over 120 CS partners. UK and Argentina committed to delivering the first strategy when we took over as co-chairs in 2019.</p> <p>Today – pledging support for the strategy. Key areas – the four thematic working groups, which are integral to driving progress.</p> <p>Encourage all Member States to join at least one of the thematic working groups – integral to the success of the strategy.</p> <p>ERC has key role in tackling violence everywhere and advancing decriminalisation.</p>
<p>Argentina, Victoria Donda, Head of National Institute Against Discrimination, Xenophobia and Racism</p>	<p>Strategy and the action plan are vital and reflect the commitment of both states and civil society.</p> <p>Commitment from states is crucial alongside the activism of civil society – inclusive and democratic principles.</p> <p>Committed to working jointly on best practice in tackling violence, criminalisation and rights of LGBTQI+ people.</p> <p>It is in everyone’s interests to be inclusive of everyone.</p> <p>Argentina recently adopted the first law on quotas on employment for trans people.</p> <p>It is important that the states get involved and collaborates in finding solutions and responses in defending the rights of LGBTQI+.</p> <p>Also need to address cultural reasons that cause structural discrimination.</p> <p>The state and society both need to response to break down the barriers that LGBTQI+ communities face.</p> <p>Hate crimes linked to discrimination very high for trans people, despite progress.</p> <p>Work on commitments from all member states to improve the quality of life for all people.</p>

All participating ministers and high-level representatives at this event voiced their acceptance of the new Strategy and Five Year Implementation Plan, with broad consensus on the need for an ERC Strategy at this point in the ERC’s development. There was consistent re-commitment to the founding principles of the ERC from the speakers with broad agreement that, with the Strategy, the ERC now had the potential to deliver real change to the lives of LGBTI individuals. Ministers and high-level representatives agreed with the need for greater engagement with the ERC and with the ERC’s Thematic Groups and committed to doing this.

In addition to Argentina and the UK, the following member states participated in the closed high level/ministerial session: Albania, Austria, Belgium, Canada, Chile, Cyprus, Ecuador, Estonia, Finland, Germany, Greece, Iceland, Ireland, Israel, Italy, Luxembourg, Malta, Mexico, The Netherlands, North Macedonia, Norway, Portugal, Serbia, Slovenia, Spain, Sweden, Switzerland, USA, and Uruguay.

**3.(b) The closed civil society event, which ran consecutively to the Ministerial session, produced the following statement:**

**ERC 2021 CONVENING CIVIL SOCIETY STATEMENT**

We, the undersigned civil society organizations participating in the Equal Rights Coalition, present this Statement on the occasion of the ERC Meeting held July 6-7, 2021.

The meeting is taking place in a challenging time for LGBTBI+ people, affected by COVID-19 and its consequences, as well as by the aggravation of political situations in several countries, the persistence of stigma, discrimination, and violence, and the impact of climate change.

We celebrate the new ERC Strategy and express our support of its Five-Year Implementation Plan. They have the potential to provide a shared framework for Member States and multilateral institutions, in collaboration with each other and with stakeholders in civil society and other sectors, to progress human rights and inclusive development for LGBTBI+ people globally. At the same time, we consider it necessary to highlight those issues that persistently challenge the ERC's role and the achievement of its aims. Those issues are:

1. Around the world, LGBTBI+ people are still subjected to criminalization, pathologization, "conversion" or "reparative" treatments, as well as harassment, persecution, torture and killings. In many cases, anti-LGBTBI+ movements, political parties, religious institutions and/or governments are consistently promoting human rights violations against our communities as a strategic tool to access and keep power and dismantle resistance.
2. Human rights violations against LGBTBI+ persons and, in particular, against trans and intersex people, keep taking place within ERC Member States, whose national laws and policies openly contradict human rights standards related to gender identity, gender expression and sex characteristics. The intersection of patriarchy, homophobia and transphobia also heighten the vulnerabilities of all LBTIQ women. The rise of conservative/traditional and radical/critical anti-gender movements is worsening this situation by interfering with legal reform processes, justifying discriminatory policies, and multiplying fear and hate at all levels of social and institutional life.
3. Around the globe, LGBTBI+ people are facing terrible socio-economic exclusion as a consequence of the pandemic, aggravated by climate change and other natural and human-made disasters, the scarcity of resources and their unfair distribution across regions. In several countries, those socio-economic issues are worsened by their combination with oppressive and repressive political regimes and their explicit contempt for basic human rights. This situation is particularly affecting refugees and asylum seekers, migrants and displaced people, persons of afro-descent, indigenous persons and/or those belonging to ethnic, religious and/or linguistic minorities, those living with HIV and other chronic conditions, disabled people, women, as well as those living in poverty.
4. LGBTBI+ communities and their activists, organizations and networks are still severely underfunded. This situation characterizes our entire sector but affects disproportionately trans-led and intersex-led initiatives, LBQ-led organizing, as well as those coordinated from the Global South and/or from Global South leaders. As a direct result, our movements are facing increasing difficulties in organizing, mobilizing and influencing developments at the national, regional and international levels in a context that requires, more than ever, strong and resilient advocates to ensure human rights for all.
5. Irregular and limited engagement of many Member States within the ERC structures themselves, in particular the Thematic Groups, has impeded the mechanism's ability to fully and effectively deliver on its aims and commitments, as articulated in the Founding Principles, and subsequent communiqués.

We believe that the Equal Rights Coalition has the capacity to respond to those challenges. Based on that belief, we urge Member States to:

1. Establish effective mechanisms for international diplomacy to advance and protect LGBTBI+ people's human rights everywhere, including decriminalization, banning all

forms of “conversion” or “reparative” treatments, and banning all forms of imposed interventions on innate sex characteristics.

2. Take decisive steps to domesticate and mainstream human rights standards among the ERC Member States and, in particular, ensure full access of all persons to legal gender recognition based on self-determination, and ensure all intersex children and persons are protected from all forms of imposed intervention on innate sex characteristics.
3. Confront anti-gender movements and affirm the centrality of gender theory and a women’s rights and gender justice framework to democratic societies, as well as the universality of human rights.
4. Adopt and institutionalize an intersectional perspective on development and commit to work collaboratively to address the material causes and consequences of stigma, discrimination and violence affecting LGBTI+ people.
5. Commit to adopting laws and policies that advance LGBTI+ rights and hold Member States accountable when they adopt or propose potentially regressive legislation that put LGBTI+ persons at risk.
6. Commit to drastically increase funding for LGBTI+ movements, to prioritize LGBTI+ organizations for LGBTI+ grants, and, in particular, to support activists, organizations and networks led by those more vulnerable among us, to ensure that LGBTI+ civil society can operate with adequate financial and political resources as well as free from violence or intimidation.
7. Develop policies for diverse LGBTI+ inclusion in ODA and humanitarian assistance, with active monitoring of implementation to ensure that the broadest range of thematic programs include substantive steps toward inclusion of LGBTI+ people and coordinate the development of an economic framework with International Financial Institutions that address livelihoods at the national level.
8. Endorse all three goals the UN IE-SOGI has made to:
  - i. End all criminalization on grounds of SOGI by 2030.
  - ii. End all conversion therapy by 2030.
  - iii. Recognise gender diversity based on self-determination everywhere.
9. Address the lack of state participation, and ensure consistent, sustained representation and participation by States in all relevant ERC structures and spaces, in particular the Thematic Groups and Coordinating Committee.
10. Expand the opportunities for civil society engagement within the ERC and ensure transparency, accessibility, and accountability for all, including annual Member State updates on progress against specific indicators aligned to the Five-Year Strategy.
11. Make stronger efforts to increase participation of Global South actors in the ERC, including increasing membership in the ERC from the Global South and other underrepresented regions, whilst ensuring that the ERC does not duplicate existing mechanisms, but rather focuses on the creation of new tools to fill protection gaps and seize opportunities.

#### **4. Thematic Working Group 1: SDGs and 2030 agenda**

##### **Panellists**

##### **Impact of Covid-19 on LGBTI Persons and on the Achievement of the SDGs**

- **Ryan Joseph Figueiredo**, Executive Director, Equal Asia Foundation

##### **Importance of Data and Indicators for Measuring LGBTI inclusion**

- **Edgar Esquinca**, Coordinator of the Training and Education for Inclusion Project, UNDP Mexico.

- **Genesis Rafael López**, President of Fundación Hombres XX (Mexican CSO)

### **Discussion on Stakeholder Engagement for Voluntary National Reviews (VNRs)**

**Biljana Givnova**, Advocacy Officer, ERA - LGBTI Equal Rights Association for the Western Balkans and Turkey.

#### **Objectives for session:**

The objectives of this session were to discuss the inclusion of LGBTI populations within the development framework, focusing on: the impact of Covid on the achievement of the SDGs and in response efforts, the continued need for data collection and disaggregation, and good practices on stakeholder engagement for the Voluntary National Review process; highlighting needs and recommendations for governments and civil society on increasing inclusion of LGBTI populations in development policies and programming, with a focus on the role of the ERC in enabling greater progress in this goal.

<b>Key Points / Takeaways</b>
1. Its main focus of this Working Group is to investigate how the Global 2030 Agenda for Sustainable Development can be used to benefit lesbian, gay, bisexual, transgender, and intersex communities across the globe, and ensure that no one is left behind.
2. The ongoing public health crisis caused by the COVID-19 pandemic has had devastating impacts on the global community and heightened effects on populations who face multiple and intersecting forms of discrimination, including LGBTI persons. These impacts have been visibly pronounced on these populations' access to health and health services and on their overall wellbeing, unveiling deeper structural injustices that expose the reality that in practice LGBTI populations have been left behind.
3. Human rights organizations and activists have been proving through reports and other sources of data the need to further the human rights and social inclusion of LGBTI people, given the evidence of inequality and violations that these populations suffer in every country in the world. However, there is relatively little systematic research on the lives of LGBTI people, particularly in developing countries. Better measures of inclusion could advance public policy and development programming related to LGBTI people, addressing urgent needs and revealing good practices.
4. The voluntary national reviews (VNRs) aim to facilitate the sharing of experiences, including successes, challenges and lessons learned, with a view to accelerating the implementation of the 2030 Agenda. In order to ensure full delivery of the 2030 Agenda, a key principle is to enable 'Whole of Society' engagement as part of national review processes. In that regard, increasing engagement with the Voluntary National Reviews by ERC Member States has been identified as a priority by the SDG Thematic Group, specifically to ensure inclusion of sexual orientation, gender identity and expression and sex characteristics issues and LGBTI populations in such reports.
5. It is necessary to encourage and support ERC Member States to include an LGBTI perspective in formal statements made at the High-Level Political Forums.

#### **Brief summary**

Each speaker highlighted needs and recommendations for governments and civil society on increasing inclusion of LGBTI populations in development policies and programming, with a focus on the role of the ERC in enabling greater progress in this goal and answering specific questions from the moderator.

## Key messages per speaker

**Rodolfo Osorio**, Director of the Civil Society Liaison Office, Ministry of Foreign Affairs of Mexico – I would like to vindicate Mexico's commitment by co-chairing this Working Group on SDG and Agenda 2030, alongside the civil society organization: the Swedish Federation, or RFSL (for its acronym in Swedish). Together we will seek to influence discussions on the implementation of the 2030 Agenda to ensure that LGBTQI people are included in its advancement and benefit from its achievement. To ensure that effectively "no one is left behind"

**Ryan Joseph Figueiredo** – In recent years, democratic institutions in Asia like in almost in any other countries in the world, have been threatened by extremisms that have radicalized both physical and online violence.

The Covid-19 pandemic just increased the tension on these social issues with an obvious impact on LGBTQI populations and their rights. The pandemic also had an impact on the supply of hormonal and antiretroviral treatments. This happened in addition to the psychological trauma generated by the same social tensions and the ones happenings at home due to the lockdowns.

**Edgar Esquinca** – When collecting information regarding LGBTI+ population, it is necessary to take into account how we make this information useful, because data per se is not going to show us all the details in order to have a full picture on LGBTI+ inclusion. Creativity is needed when analyzing the data, but also constancy because it allows us the possibility to find mistakes in our methodologies.

However, it is necessary to invest more on LGBTI issues research, because today there is an average of 6% of the funds in the world allocated to it.

**Génesis Rafael López** – It is not the same to collect data in the cities or urban areas than in the periphery. The same thing happens in terms of guaranteeing the protection of human rights.

In the analysis of the information: the ideal is to disaggregate the data of each SOGIESCC populations, since the needs are different. But the analysis of data and the presentation of reports have to come together with real inclusion practices, because the data is not a guarantee of inclusion

**Biljana Givnova** – The commitment, between civil society and government, must go beyond speeches and formalities, it must be continued in practice. We have always to ensure a peer-to-peer support in order to share best practices and knowledge.

Approach between organizations. The small ones shall look to the big ones that have the data and the information. You have to learn to count on the other.

## Day 2

### 5. Lord Herbert, UK's Special Envoy for LGBT+ Rights, provided a recap of day one and welcome to day two

#### Session objective:

- Recap the outcomes of the first day, including ministerial support for the strategy and the engagement of civil society.
- Welcome attendees to the second day and encourage their participation in the thematic working groups.



## Key points:

Lord Herbert reflected on key areas from the previous day. This included highlighting pockets of progress, particularly on areas like same sex marriage and adoption rights but highlighted how rights are being rolled back for people across the world, including in Europe. He highlighted how trans and gender-diverse people, in particular, are getting caught in the crossfire. He flagged how the pandemic has made everything worse.

Lord Herbert then talked about the 2022 conference in London as a key milestone and opportunity, and how the ERC will be integral to the success of this.

## 6. Thematic Working Group: Donor Co-ordination

### Panellists

**Cecilia Meirovich**, Human Rights Director, Argentina's Ministry of Foreign Affairs, International Trade and Worship, and **Mada El Dibs**, Government of Canada, **Midnight Poonkasetwattana**, APCOM, **Mark Bromley**, Council for Global Equality, US State Department and Synergia

### Objectives for the session

This session highlighted how the working group has improved and developed donor coordination and how it plans to progress towards strategic objectives: SO1, SO2, and SO3 identified in the ERC Strategy 2021 – 2026.

Five Key Points / Takeaways
1. Establish financing and resource level goals as a metric that will benefit both donor Governments, CSOs, and Philanthropy to better work together.
2. Encourage ERC members to submit to the Global Resources Report (allows governments and CSO to share strategic discussions and identify funding opportunities. ERC governments are encouraged to submit data.)
3. Deepen and develop aligned work between SDG and DCWG.
4. Develop specific recommendations to integrate LGBTI financing across development and aid functions.
5. The working group recommits to the ERC Strategy 2021 – 2026, especially: SO1, SO2 to work together better, and SO3.

### Key messages per speaker

#### Jessica Huber, U.S. State Department

Introduced the Donor Co-ordination Working Group (DCWG) and how the table works and encourages participants to work and present as equals to the donors and CSO. Non-solicitation space. Introduce highlights from the Vancouver event and looking forward to June 22, 2022, for the main session. Jessica introduced the review of the WG Covid19 Webinar. And some forward-looking agenda and asks for inputs.

#### Mark Bromley, Council for Global Equality

- Vancouver key points
- Encourages the Vancouver report to be posted on the ERC website
- Encourage through specific opportunities to increase funding
- Review of existing funding and identify some gaps to LTI led groups and their particular and unique needs.
- Organisational development and leadership development for LGBTI led groups
- Strategic and target funding is key to specific LTI led groups
- Economic inclusion and livelihood funding IE: Rights +Plus funding



- Flexible non-program-related funding was prioritized.
- The complexity of funding in middle and higher-income countries
- 3 commitments:
  - Integration of LGBTI funding across development instruments/commitments.
  - Non-Discrimination in funding across development platforms and implementation at the country level.
  - Agree to Data Collection through submission to the Global Resources report and more.

Cecilia Meirovich, Director of Human Rights, Ministry of Foreign Affairs, International Trade and Worship

- Meirovich referred to the process of eradicating impunity for crimes against humanity committed during the last Argentine civic-military dictatorship (1976-1983) as a catalyst for a new agenda and a strong commitment to human rights.
- Since March, a couple of issues of great importance happened in Argentina that I wanted to share here. First, the trans quota became Law: the Argentine congress sanctioned the Trans quota Law in June, which determines that a proportion of not less than 1% of the total national state plan is for trans people. Second, she referred to the recent National Plan for Equality in Diversity 2021-2023.

Mada El Dibs, Government of Canada

- Discussed the March event on COVID-19's COVID19 webinarFlexible.
- Explored the webinar session/panel discussion.
- Provided a review of the Canadian partnership. 10m for Canadian Organizations. 15m geographic window. 5m global partnership window.
- The next phase will include incorporating a broader definition of gender equality.
- Announced a community of practice.

Midnight Poonkasetwattana, APCOM

- Reviewed the impact of COVID-19
- Denial of medication, transportation restrictions
- Uganda had a threefold impact- restrictive movement, restrictive/non-flexible resources.
- Data collection at the local level was essential.
- Vaccine access and long-haul recovery of COVID -19 people
- Local regrating was crucial for quick money.
- from PPEs, livelihoods will continue to discover new needs
- Local APCOM survey had significant implementing and operationalizing participation
- HIV and health delivery are essential to support local/community-based organisations.
- Mental health services are difficult to access.
- OAD commitments to resourcing LGBTI orgs worldwide.

Stefano Fabeni

- Report from the ministerial session.
- Call to join the working group.
- Apply the weight of all financing and development mechanisms/ platforms to fund and provide access to LGBTI communities.

## **7. Thematic Working Group: National Laws and Policies**

### **Panellists**

#### **Gender Recognition**

- **Maria Pia Ceballos**, National Coordinator for the employment of trans people, Ministry of Women, Genders and Diversity, Argentina

- **Cianán Russell**, ILGA Europe

**LGBTQI Refugees**

- **Christine Hébert**, Deputy Director, Resettlement Policy and Programs, Immigration, Refugees and Citizenship Canada
- **Kimahli Powell**, Executive Director, Rainbow Railroad

**Intersex Issues**

- **Gabriella Calleja**, Head LGBTIQ Unit, Human Rights Directorate, Ministry for Justice, Equality and Governance, Malta
- **Michael van Gelderen**, Human Rights Officer, Women's Human Rights and Gender Section Office of the United Nations High Commissioner for Human Rights

**Objectives for the session:**

The objectives of this session were to present to the full ERC the issues the Thematic Group on National Laws and Policies work on, how the group will take forward relevant actions in the ERC Strategy, and to encourage greater membership from ERC Member States.

<b>Key points/takeaways from the session</b>
1. This thematic working group exists to encourage Members States to design and advance national laws and policies that protect, promote and allow full access to human rights for LGBTQI populations, to share best practices between Member States, and to hold our members accountable.
2. Civil society, while fully committed and engaged, cannot do this without the enthusiastic participation of the Member States of the ERC – there is currently only one out of 42 states that actively engage in our thematic working group. Please join us.
3. In order to focus our efforts, the thematic working group has identified three priority areas from the ERC Strategic Plan – these include gender identity and full protection of trans, gender diverse, gender nonconforming and intersex people; how to better protect and support LGBTQI refugees; and ensuring full protections for intersex people.
4. There are many examples of outstanding laws and policies that countries have adopted – and the thematic working group would like to ensure that Member States have access to them and are able to use the forum of the ERC to discuss and share these best practices among each other.
5. The session included powerful examples of best practices from governments—for example, Malta’s ground-breaking law that spells out in great specificity protections based on gender identity, gender expression and sex characteristics, Argentina’s bold law providing for quotas in government employment for transgender people, and Canada’s innovative program to collaborate with and support civil society efforts to protect LGBTQI refugees. Civil society representatives presented examples of innovative programs that Sweden and the Netherlands are doing in regard to gender markers, how Rainbow Railroad is leveraging its efforts in Canada to expand protections for LGBTQI refugees around the world, and how bodies such as the UN can help expand global cooperation to protect intersex people.
6. Going forward, the working group will collect and disseminate more examples of best practices from among our Member States and create ways for you all to engage with each other and with civil society about how best to work together to advance the rights of LGBTQI people.

### **Key messages from the speakers:**

**Sara Fortin (Government of Canada)** - Canada is committed to working with this Thematic Group to develop its mechanisms and help Member States develop laws and policies to improve the lives of LGBTQ people worldwide.

**Tony Joe Lebbos (Government of Canada/World Bank)** - The thematic working group has selected priority policy questions to encourage and guide Member States in sharing exchanges of ideas and experience, development and refinement of policies with civil society and sharing of best practices. These are in the areas of gender recognition, refugees, and intersex rights.

**Mauro Cabral Grinspan** - the group faces two key challenges: resistance from Member States to active participation and the severity of the issues facing the coalition. But with leadership from Canada and the determination of the civil society members of the group, we have created a realistic and achievable workplan. While Member States react strongly about abuses in other countries, they are less willing to look critically at concerns in their own countries, and we are seeing delays in some Member States aligning their own laws with the ERC priorities. Priority areas of the group were selected according to the commitment of Member States to the topic, the urgency of adopting best practices, and the capacity of states to address these matters.

**Maria Pia Ceballos** – The group is looking to ERC Member States to mainstream transgender issues in their national laws and policies, as Argentina has done in the case of the law on quotas. This law provides funding for production programs involving trans people, support for local engagement of provinces, and seeks to reverse the trend of structural violence against transgender people.

**Cianán Russell** – In countries across Europe there are bold conversations about how to improve the lives of transgender people. In Sweden and the Netherlands, for example, there is a focus on reparations as a means of acknowledging harm inflicted at the insistence of the state to trans people, who have undergone forced and unnecessary medical procedures including sterilization. In the Netherlands there is a move to remove gender markers from official documents altogether, which are no longer useful for identification purposes, and only serve to enhance stigma, and Denmark is exploring removing the deferral period. Governments, e.g., Spain, are also seeking ways to push back against anti-trans sentiment.

**Christine Hébert** - Canada has leveraged its resettlement program to support LGBTQ refugees, through its government assisted, privately sponsored and blended programs. Through this latter program, it has partnered with Rainbow Railroad to offset costs for up to 50 LGBTQ refugees per year, and to engage with a coalition of refugee organizations to support LGBTQ refugees.

**Kimahli Powell** - There is a massive global refugee crisis, and governments are not responding adequately. While there are definitely some positive steps, ERC Member States need to do more to address it, especially the needs of LGBTQ refugees. Most refugees are being resettled in countries that put LGBTQI+ persons and refugees at risk. ERC Member States must adopt proactive laws and policies that provide options for LGBTQI+ refugees and displaced persons, especially those fleeing state sponsored violence such as in Chechnya, Uganda and Ghana. Women and transgender people face particular risk.

**Gabriela Calleja** - Since 2014 Malta has been discussing how to include intersex in its gender recognition laws, and its ground-breaking legislation includes a description of sex characteristics and the first reference to bodily integrity and physical autonomy. It allows for the possibility for all parents of non-declaration of gender at birth and added sex characteristics to bias crimes.

**Michael van Gelderen** - Out of all groups within the LGBTI community, there have been the least advances in relation to intersex people. Even though there have been some advances in laws and practices, there still needs to be effective implementation of them. There are sometimes large loopholes in legislation that allow practices to continue, and the intersex community is not always consulted on the drafting of legislation and policy.

## 8. Thematic Working Group: International Diplomacy

### Panellists

Génesis Rafael Lopez Ramirez, Catherine de Preux de Baets, Julie Dorf, Wesley J. Reisser, Marina Sande.

### Brief event summary:

Panellists reflected on the following questions:

1. What change is needed for the thematic working group to better achieve alignment between the ERC strategy and its working methods?
2. Which tools do thematic working group members have (or should have) to successfully implement the ERC Strategy?
3. How can cooperation between ERC members and other relevant actors, such as the UN LGBTI+ Core Group, OHCHR and the Independent Expert on SOGI be increased? How should such increased cooperation ideally look?

In reference to the **first question** of the panel, panellists identified the need for clearer and more two-way communication between Member States and civil society organizations. One problem that was highlighted included the opaqueness with which states report discussing the implementation of strategies or policies that promote LGBTIQ+ inclusion within their international diplomacy efforts and if and how the ERC international diplomacy thematic working group and the mechanism in itself have an added value for these efforts.

Panellists called for more open channels of communication from ERC Member States in order for civil society to better understand what is being done in terms of international diplomacy efforts and where needs and gaps are that may or may not be filled by ERC joint action and coordination. Panellists voiced the need to expand the membership to the thematic working group with more and structural Member State engagement and participation.

Regarding the **second question**, each panellist highlighted the importance of working with civil society organizations to influence policy and legislation on all levels: nationally, regionally and in multilateral spaces. Panellists highlighted the need to involve local civil society in the countries where international LGBTI diplomacy efforts are taking place to avoid duplication, counter-productive action or compromising the safety and security of LGBTI people. Panellists reiterated the need to have a safe channel of information sharing between civil society organization and member states and stakeholders and that is what the thematic working group meetings provide.

But coordination and swifter action can be improved to build on diplomacy efforts being undertaken for example by the IE SOGI. A concrete example could be that the ERC works together to advance the situation for LGBTI in Tunisia, as the recent visit of the IE to Tunisia has delivered some opening with the Tunisian government.

The panel also highlighted that the toolbox being used currently by the thematic working group can be expanded, be more creative, bold and action oriented. A concrete example is to work less on issuing joint statements and more on building a coalition and momentum by ERC members for joint demarches. It was suggested to develop a standard operating procedure for joint demarches with ERC Member States (in countries of concern / case of emergencies).

It was also suggested to look into new ways of addressing country situations and direct more attention to countries where there is room for progress, with a potential positive regional impact. Additionally, Génesis Ramirez highlighted the need for budget allocations by Member States for ERC work. The impression is that only few Member States dedicate resources to ERC work, and for the implementation of the strategy a structural resources investment is needed by all members to successfully achieve the strategic objectives on a national and international level, both within ERC Member States and non-members to advance LGBTI human rights.

On the **third question**, panellists again highlighted the need for increased coordination, cooperation and joint action between civil society, Member States, stakeholders, and UN agencies. Panellists mentioned that the exchange of successful experiences between states in international diplomacy efforts must be quicker and more efficient so that other agencies and Member States can implement or adjust their own strategies accordingly. Coordination with other mechanisms such as the UN LGBTI Core Group and the recently launched Group of Friends (GoF) of the IE in Geneva is needed without duplicating the effort, but as ERC fill the protection gaps and develop new diplomacy tools and strategies that can be used in the aforementioned spaces and beyond. Another idea could be to co-host a side event with the GoF of the IE around key meetings such as the HRC in Geneva and the UNGA in New York.

### **Key messages per speaker**

**Sande:** Marina highlighted the achievements and progress Uruguay has made to promote LGBTIQ+ rights both nationally and in multilateral forum. She cited examples of Uruguay's civil society advocating and promoting LGBTIQ+ rights and their cooperation with the national government, which resulted in public policy and legislation. She stressed the need to continue to work closely with civil society and create spaces for civil society to bring issues of high priority to the ERC Thematic Group in order for Member States to enact proper legislative and/or policy changes to address LGBTIQ+ equality.

**Ramirez:** Génesis answered the first question by stating that clear, accessible lines of action and communication must be created between states, civil society, and donor organizations. He suggested creating regional and national round tables including ministries of Foreign Affairs and civil society to encourage dialogues. He responded to the second question by stressing the need for a dedicated budget to support the implementation of the ERC strategy by both Member States and civil society organizations. Third, Génesis encouraged the creation and maintenance of safe channels of information sharing between states and civil society, to exchange successful experiences with implementing LGBTI policies or strategies, as we have in the thematic working group, and closer alignment with the national laws and policies thematic working group. He gave an example of how international medical professionals could support the law and policy development and implementation nationally on trans and intersex issues, but that all kinds of regulations prohibited the entry. International diplomacy efforts could have sorted these issues.

**de Preux de Baets:** Catherine provided details from an OHCHR perspective on the actions of the Independent Expert on SOGI. She encouraged the ERC to work more closely together in the follow-up of the reports and work of the Independent Expert on SOGI. She marked that the ERC strategy and the goals, recommendations, and Work Plan of the IE SOGI are closely aligned. For ERC diplomacy engagement in Geneva, she suggested increased engagement and coordination with the new Group of Friends of the IE.



**Dorf:** Julie responded to the question of how to make the Thematic Group more effective, highlighting the positive influence the ERC has by providing a direct exchange between civil society and diplomats in foreign affairs ministries. She called for more robust participation from Member States, more transparency between governments and civil society in the Thematic Groups, and perhaps strengthened confidentiality procedures to assure states that they can engage and dialogue safely in the ERC mechanism with civil society. She also suggested a change in the working methods to be more action oriented. A concrete suggestion would be to put less energy in issuing public joint statements but work on ERC joint demarches as a collective or group of states. Julie stressed the importance of involvement, and close cooperation between, embassies of ERC Member States. Finally, she stressed that information-sharing between civil societies and states must be improved.

**Reisser:** Wesley advocated for more ERC Member State embassies and mission's cooperation within countries that have or are developing laws, policies and practices of concern, but to also work more closely together in countries where there is opportunity for progress. He also stressed the need to amplify the communication channels for any statements that the ERC releases and echoed the suggestion by Julie Dorf of working more with other, more-action oriented tools such as joint demarches instead of joint statements. He concluded by suggesting that the ERC could engage more within the UN system to advance the strategy for example by 1) co-hosting a side event with the GoF of the IE SOGI at the General Assembly or the Human Rights Council, 2) using the coordinating role of the ERC to push ERC Member States to advocate for inclusive language in UN documents, and 3) to widely support, preferably as a block, resolutions in the HRC that include inclusive language.

## 9. Conference closing comments

<p>Nancy Kelley Chief Executive, Stonewall</p>	<ul style="list-style-type: none"> <li>• Thank UN Independent Expert for shocking examples as clarion call for leadership and support and to resolve the gaps in protection.</li> <li>• Alarming to be in a world where self-determination rights are under threat.</li> <li>• Heartened to hear of support of his work from members.</li> <li>• Recognise cross-cutting challenges which have been amplified by COVID.</li> <li>• LGBTI+ people denied healthcare, and subject to violence.</li> <li>• Anti-gender movement and threats to CSOs and individuals.</li> <li>• Must bring in self-identification.</li> <li>• Importance of decriminalisation.</li> <li>• SDGs and 2030 is vital. 0.04% go to LGBTI needs.</li> <li>• Welcome opportunities of ERC and access to legislative processes.</li> <li>• Much to be proud of with the launch of the strategy. Important achievement and opportunity to tackle shared challenges.</li> <li>• Thanks to co-chairs for finding a path we can all follow.</li> <li>• CSOs are committed to provided level playing field for all organisations in ERC.</li> <li>• Underline requirements for ERC Member States to make the ERC a success.</li> <li>• International work must be backed by domestic laws and policies.</li> </ul>
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<p>Wendy Morton Minister for European Neighbourhood and the Americas, Foreign, Commonwealth and Development Office (FCDO), London</p>	<ul style="list-style-type: none"> <li>• Thanks to all participants and especially Victor Madrigal-Borloz.</li> <li>• Thanks to Ministers, delighted to see large turn out and energy. Delighted to hear commitment to ERC and strategy</li> <li>• Thank you for the CSO events and Thematic Group sessions.</li> <li>• Thematic groups will start 12-month actions plans.</li> <li>• We will be in contact about the London Safe to Be Me global conference and the interim year of action.</li> <li>• We are on track to be a formidable coalition.</li> </ul>
<p>Victoria Donda Head of the National Institute Against Discrimination, Xenophobia and Racism</p>	<ul style="list-style-type: none"> <li>• Thanks to Minister Morton and all participants at the conference.</li> <li>• Proud to be part of and co-chair of the ERC. Exciting to have this meeting with participation from all around the world.</li> <li>• States should guarantee the human rights of everyone.</li> <li>• Thanks to the Thematic Groups.</li> <li>• Everything we've done will have an impact.</li> <li>• Member States must be committed, not just CSOs. We need concrete policies to improve the lives of everyone.</li> <li>• The call for Member States to be involved is of great importance.</li> <li>• UDHR says all have same rights. Still discrimination on SOGI. Progress but not enough and not fast enough.</li> <li>• Urgent progress and change needed to include people in democratic processes and society. Concrete actions and reparations are needed.</li> <li>• Call to future co-chairs to keep pushing forward knowing that there can only be success with commitment. We are here to help.</li> <li>• Fully committed to and proud of ERC. Thanks to Argentine CSOs.</li> </ul>

## 10. Next steps

1. ERC Member States should now approach the chairs of the Thematic Groups to secure their place.
2. The chairs of the Thematic Groups will create their 12-month action plans from the five-year Implementation Plan.
3. The ERC co-chairs will contact you over the coming months about the events in the run up to the next ERC conference, which will form part of the global LGBT+ conference in London on 27-29 June 2022.

Wilton Park | August 2021

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## **Annex: 1**

**Statement by  
VICTOR MADRIGAL-BORLOZ**

**INDEPENDENT EXPERT ON PROTECTION AGAINST VIOLENCE AND DISCRIMINATION  
BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY**

**Wilton Park virtual event  
The Global Launch of the Equal Rights Coalition Strategy  
6 and 7 July 2021**

**24 June 2021**



## Excellencies,

### Distinguished persons;

It is a pleasure to be able to address all of you today. Building and launching a new strategy is a great moment to get reenergized and to renew faith in shared visions. Today, I hope to urge you to do so with a keen awareness that mobilizing your energy, your resources and your political determination is more urgent than ever.

The movement, or rather movements, that constitute the complex system that is addressing violence and discrimination based on sexual orientation around the world (and of which each one of you is a key component) has created significant achievements. So significant, I daresay, that sometimes we are tempted to call the defining battle and ask for the armistice to sign. Alas, that moment is far. A review of the last seven days ought to suffice to make my point:

- On Sunday, July 04, far-right demonstrators stormed the headquarters of Tbilisi Pride and attacked journalists, leaving twenty people injured at the incident. Police were reported to be at the scene but did not intervene. Public authorities spoke about the occurrence but did not show support for the march organizers. The Prime Minister stated it was an “unreasonable plan to hold a demonstration in a public place that could lead to civil confrontation”. The parade, scheduled to take place yesterday, was cancelled. Those of you who follow my work might suspect how much, and why, this outrages me: I had hoped that my recommendations of May 2019, to ascertain the measures necessary to enable the safe and peaceful celebration of similar events, would prevent this recurrence.
- I was recently talking with High Commissioner Bachelet and, in a moment of informal exchange, we both reflected on the horrible suffering that had placed certain names in our collective memories: Matthew Shepperd, Sara Hegazi, Staff Sergeant Byun Hui-Su, Phelokazi Ndlwana, Daniel Zamudio. On Saturday, July 03, 24-year-old Samuel Luiz was beaten to death in Spain, after leaving a nightclub. As authorities investigate the crime, witnesses report that the last word he heard in his life was “maricón” (faggot);
- Last year the mandate, along with many other stakeholders including GATE, ILGA and Outright issued reports on the cruel, inhuman, and degrading practices of conversion. On Thursday, July 1st, an open democracy investigation denounced that, in Uganda, Tanzania and Kenya, some of the world’s biggest donors have funded clinics that perpetrate it;
- On Wednesday, June 30, Ghana’s speaker of parliament stated that the “LGBT pandemic is worse than COVID-19” while showing support for proposed legislation that would criminalise the “promotion, advocacy, funding and act of homosexuality in all its forms”. Other lawmakers have backed the bill which, according to civil society representatives, also seeks to promote conversion therapy. Earlier this year in Ghana, 21 human rights defenders were arbitrarily arrested for “unlawful assembly” as they were participating in a training programme addressing LGBTI issues. After three weeks of detention, they were released on bail. Criminal charges against them have still not been dropped.
- On Monday, June 28, Open for Business reported that anti-gay laws are estimated to cost the 12 English-speaking nations in the Caribbean region up to \$4.4 billion a year in lost tourism and emigration.

Some of you, particularly those who like me like neat and tidy lists, might have noticed that I did not mention Friday or Tuesday. I did not forget; those days, like every day of the week of every month of every year, a trans woman was most likely killed somewhere in the world because she is a trans woman. Most likely, her name will be lost to history; most likely, it will be reported as the killing of a man; when her body is reclaimed, it will most likely not be by her biological family.

Pick a week, pick any week, and a similar picture will have been painted before our eyes.

Of course, there will be good news too, most of them because of the visionary and indefatigable work of human rights defenders, victims, and persons with lived experience who take that raw matter and place it into legislation, public policy and access to justice. What a great picture and what breath of fresh air their work gives

us: the dignity created by apologies and reparation, the announced joy of access to fertility treatment and the celebration of access to public office, the judgement that – for once – addresses impunity or exclusion. Positive outcomes are celebrated, and rightfully so; but the sobering reality that I see before me is that our work only begins.

I read the new Equal Rights Coalition Strategy through that lens today. Its dynamic and overarching design will allow adapting to new realities while maintaining a clear point in the horizon, determined by freedom and equality. One of its objectives set out in ERC's strategy is contributing to a world where discrimination and violence based on sexual orientation and gender identity are not institutionalized, by working with different stakeholders to eradicating harmful legislation, establishing progressive public policies and other necessary legal protections. My mandate has worked for this common objective since it was established, and I have issued three global calls during my tenure to that effect, all of which – I am delighted to see – coincide with thematic areas of ERC's strategy.

1. In 2019, I launched the first global call of my mandate: for a world free of criminalization of sexual orientation and gender identity by 2030. As we all know, there are 68 countries that, without any plausible justification under international human rights law, continue to criminalize same-sex relationships or forms of gender expression, with some even prescribing the death penalty for same-sex consensual activity. Answering the global call for decriminalisation is a human rights imperative and a prerequisite for efficient and effective development programming capable of addressing issues impacting the LGBTI populations.
2. In 2020, to give consequence to the findings of my Report on practices of so-called "Conversion Therapy", I launched the global call for all States to end efforts of conversion, which I point out constitute inhuman, cruel or degrading treatment and, in certain circumstances, may amount to torture. Before the announcement of the report, only three countries had adopted nationwide bans on efforts of conversion. Since then, some states have already established prohibitive legislation and many others have taken steps towards banning such practices. Several of them have engaged the mandate to require its technical opinion on the legislative and public policy processes conducive to this end. While we still have a long way to go, these achievements show what we can accomplish together, as public adherence to the call from member states has been instrumental in taking this goal forward.
3. Recently, on June 25, when presenting my report on Gender Theory to the Human Rights Council, I issued the third global call of the mandate: for all states to establish legal gender recognition based on self-identification. We are now living at a time when the very concept of gender is being challenged, with several organized groups and some countries stepping up persecution of trans and gender diverse people. States must acknowledge that lack of legal provisions to recognize a person's gender identity is a factor that enables much violence against gender-diverse persons around the globe and stifles their ability to enjoy basic human rights. It will negatively impact all aspects of their social life, including access to health, employment, education and housing.

The three global calls aim at addressing some of the issues that lie at the basis of the marginalization of LGBTI persons. While they are an important first step, the work to deconstruct violence and discrimination based on sexual orientation and gender identity needs to also consider how stigma and misconceptions about these populations permeate society's collective consciousness. For a long time, social institutions have perpetuated the notion that LGBTI persons are somehow inferior or harmful to social life. Extremely negative and inaccurate characterizations continue to be pervasive in media, political campaigns, parliamentary debates and other public manifestations from state or religious authorities, fuelling a vicious cycle of hatred against LGBTI populations.

Criminalization, demonization and pathologization play a definitive role in perpetuating violence and discrimination on the basis of sexual orientation and identity, enabling the exposure of LGBTI persons to abuses from different social actors. Because stigma and intolerance are so ingrained in society, it is necessary to go beyond legal prohibitions and adopt initiatives that aim at enhancing social inclusion and actively seek to counter this worrying trend of narratives that deem LGBTI persons as immoral, criminal or sick. This is ever more important now that anti-rights and anti-gender narratives and practices have prompted the most unlikely of bed-fellowships between radical religious, political, social and economic groups and forces. As you know, this year I have dedicated my research efforts to the study of the incorporation of gender and gender-based approaches within international human rights law and it is now more clear to me than ever that these forces aim at the defence of established patriarchal systems, the economic and political subjugation of women, particularly women of colour, and the policing of the bodies and desires of women and LGBTI and gender diverse persons.

In order to successfully implement the strategic goals you are now setting for this Coalition, it is necessary to have a mechanisms of feedback, monitoring and evaluation allowing for the detailed understanding of the facts to remain relevant during its implementation. This is one of the great challenges of my mandate and I will be so thrilled to continue a conversation with you to understand how we can take this work forward. We know, clearly, that we must acknowledge the constraints brought by the current state of the world. For the last 15 months, I have experienced the impact of restraining measures first-hand, given that travelling and meeting people face-to-face has always been a staple of my working methods. The last months have made it harder to obtain information on the realities of LGBTI populations around the world. Nowadays, our grasp of the global picture is informed by the scant data that is available or by what we are exposed to in the media, which limits the diversity of voices we can hear and the quality of information to which we have access.

This is not 'Business As Usual', and we must resist any temptation to so consider. We have a responsibility to ensure that those who are not visible in traditional spaces and channels are not excluded. Some are in hiding; others with limited access to technology for communication; there are activists under immediate threat. Being aware of these limitations means we need to stay vigilant and constantly reevaluate the scenario in which we are placed, asking ourselves: "how can we tap into the wealth of knowledge, resources and lived experiences of those persons whose lives we want to improve?" Having their interests at heart will always bring us closer to achieving our vision.

On the topic of social inclusion, the mandate has provided ample evidence of how LGBTI persons are at a disadvantage in all social indicators determining quality of life, including education and political and civic participation, and other factors contributing to economic instability, homelessness, and ill health. The development commitments of the international community, placed in the frame of the Sustainable Development Goals, demands that immediate attention be given to ensuring that the systematic exclusion of these populations is addressed and to making sure that no one is left behind.

The rates of poverty, homelessness and food insecurity are higher among LGBTI individuals than in the wider community, a situation that bears direct relation with SDGs 1, 8, 10 and 11, the targets of which include ensuring that all human beings, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services; and creating sound policy frameworks at the national, regional and international levels, based on pro-poor and gender-sensitive development strategies.

LGBTI persons are also systematically excluded from quality education, the subject matter of SDG 4, as a result of harassment, abuse and even being thrown out of schools. In all regions of the world, bullying based on real or perceived sexual orientation and gender identity is commonplace, resulting in significantly higher desertion rates for LGBTI persons. This, in turn, deepens exclusion from economic opportunities and access to employment. For these reasons, States need to start designing educational policies to modify social patterns and cultural behaviour, counteract prejudice and customs, and to eradicate practices based on stereotypes related to LGBTI persons that can legitimise or exacerbate discrimination and violence.

These exclusionary processes also lead to a disproportionate representation of LGBTI people, as well as their dependents and children, within the homeless population, which must be observed in connection to SDG 11. LGBTI persons are more likely to be turned away from shelters serving the general population; or when living in such facilities, they are often subject to further discrimination or forced to conceal their identity or sexuality. As with all other social indicators, this has a rebound effect, as studies show that almost two-thirds of LGBTI youth experiencing homelessness grapple with mental health issues and suggest they are more likely to report depression, bipolar disorder and suicidal ideation and attempts.

In relation to the right to health and SDG 3, several specific targets are especially relevant to LGBTI populations, such as target 3.3 on HIV/AIDS, target 3.4 on mental health and well-being, target 3.5 on drug and alcohol use, target 3.7 on sexual and reproductive health and target 3.8 on universal health coverage. Very few medical education curricula, health standards and professional training programmes have incorporated a comprehensive approach to LGBTI health care. LGBTI persons often encounter rejection, humiliation, derision or substandard services when accessing health care, which deters them from seeking services and may lead to the denial of care or to an absence of services that respond to their specific health needs.

While many aspects of the picture portrayed so far seem to be rather bleak, it is important to emphasize that immense progress has been made in the last decades to deconstruct institutionalized discriminatory systems, myths and stereotypes and to foster the inclusion of LGBTI individuals. I am often asked if I am optimistic – any of you who has heard me speak more than once knows that my first instinct is to answer with my favourite quote from Oscar Wilde: “an optimist is a badly informed pessimist.” But you also will know that I immediately correct myself. In the past 20 years, more than 30 countries from all regions have taken steps to decriminalize same-sex relationships between consenting adults and more than 50 countries have adopted comprehensive anti-discrimination legislations. Many States also made important strides with respect to legal gender recognition based and removal of abusive requirements.

Only in the last few days, Britain’s Foreign Office officially apologised for a decades-old ban on employing LGBT+ people in its diplomatic service; a few days before the United States announced a gender-neutral option in passports; Argentina has passed legislation proactively promoting the inclusion of trans women in employment; France opened medically assisted reproduction (MAR) services to lesbian couples and single women; and Mexico swore in its first two newly elected transgender members of Congress. More importantly, June has treated us to images of LGBTI and gender diverse persons taking the streets in many countries around the world. Good news are also everywhere, and we know that they are produced by joint work.

Even if States have the primary responsibility in adopting effective measures to eradicate violence and discrimination based on sexual orientation and gender identity, partnerships play a vital role in the successful social inclusion of these populations. Within the UN system, for example, my mandate is working closely with the office of the High Commissioner for Refugees to find solutions for LGBTI displaced persons and with the Secretary General’s Special Envoy on Youth to address challenges related to LGBTI youth.

Reaching out to other movements and coalitions that represent the interests of other identity groups can bring an added perspective to create the necessary energy of a truly global force of change. The lived realities of LGBTI persons are a necessary point of entry to address the violence and discrimination to which they are subjected, but it cannot be the only one. The experiences of many LGBTI persons are also informed by their race and ethnicity, their mental and physical disabilities, their status as refugees or asylum seekers, their history as torture survivors, their young or older age.

We need to be able to look at the whole picture and understand how can we install proactive structures through which the value and the contribution of all LGBTI persons to society can be supported and promoted. I am certain that the Equal Rights Coalition can also provide a political platform for these alliances to be forged, enhancing its capacity to create solutions that are grounded in the lived realities of all LGBTI individuals. This understanding must permeate the implementation of this new strategy at every step of the way. In the words of Emma Lazarus, another distinguished member of the LGBTI community with an invaluable contribution to art and politics, “until we are all free, we are none of us free”.

I want to congratulate you once again on the development of this new strategy, express my enthusiasm in working together to achieve our common goals and restate my belief in your commitment to creating a world that is more just, free and equal.

Thank you.