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Statement on the occasion of International Transgender Day of Visibility, the IACHR and a UN expert urge States to guarantee the full exercise of the human rights of transgender persons

Washington, D.C./Geneva (29 March 2018) - In connection with International Transgender Day of Visibility, the Inter-American Commission on Human Rights (IACHR) and the UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity urge States to guarantee the full exercise of all the human rights for trans and gender diverse people. Therefore, the IACHR and the UN expert underscore the importance of immediately adopting comprehensive and transparent laws and policies aimed at recognizing self-defined gender identity and providing legal and social guarantees promoting the observance of all the human rights of trans and gender diverse persons.

The IACHR and the UN expert avail themselves of this opportunity to affirm -- in line with Advisory Opinion 24/17 of the Inter-American Court -- that gender identity is a core part of every individual's personality. That being so, it is vital that States fully recognize gender diversity in order to guarantee full exercise of all the human rights of everyone, including trans and gender diverse persons, including protection against violence and unfettered access to health care, education, employment, and housing.

The IACHR and the UN expert underscore that recognizing the right to have identification documents aligned with a person's self-defined gender identity is a major step forward on the path toward respect and full guarantees for the rights of trans persons. Yet, more needs to be done to address the violence against trans and gender diverse persons, which is particularly brutal, and often reaches a level of cruelty exceeding that of other hate crimes. The Commission and the UN Independent Expert also observe with concern the risk of certain types of violence, poverty, and exclusion to which trans persons are especially exposed to because of gender inequality and power relations and which, alarmingly, reduce the average life expectancy of trans women to 35 years in the Americas.

Commissioner Flavia Piovesan, the Rapporteur on the Rights of LGBTI persons, has stated that "there is an urgent need for States to make headway with providing comprehensive protection of the rights of trans and gender diverse persons and combating the discrimination based on sexual orientation, real or perceived gender identity, and physical diversity, which impairs their right to exist as human beings. Moreover, it is essential that States guarantee the integral, free, autonomous, and full development of every human being and act diligently to promote respect and guarantees for the rights of transgender persons."

"The courage of trans and gender diverse people to come forward and challenge the prejudices in our societies is remarkable", said the UN Independent Expert Madrigal-Borloz. "Their struggle for a more inclusive world where the dignity of trans and gender diverse persons is upheld and their rights respected should inspire all of us. I call on everyone to reciprocate that courage, challenge rigid social constructions of gender, and embrace diversity".

The Inter-American Commission and the UN Independent Expert urge States to take prompt steps to ensure swift, transparent, and accessible legal recognition of gender identity, thereby guaranteeing the human rights of all trans and gender diverse persons and respecting their physical autonomy.

States must also ensure that no coercive medical interventions or procedures are undertaken or abusive conditions imposed, such as sterilization, forced medical treatment or divorce, in order to recognize gender identity. States are, at all times, duty-bound to ensure, legislation, policies, and programs compatible with trans persons' rights to live free from discrimination and violence and to take free and informed decisions. Finally, States must act with due diligence to prevent, investigate, punish, and make reparation for any acts of violence perpetrated against transgender persons.

The IACHR is a principal and autonomous organ of the Organization of American States (OAS), and derives its mandate from the OAS Charter and from the American Convention on Human Rights. The Inter-American Commission has a mandate to promote the observance and defense of human rights in the region and acts as a consultative body to the OAS in this matter. The IACHR is composed of seven independent members who are elected by the OAS General Assembly in their personal capacity and do not represent their countries of origin or residence.

Mr. Victor Madrigal-Borloz (Costa Rica) assumed the role of UN Independent Expert on Protection against violence and discrimination based on sexual orientation and gender identity for a three years period starting on 1 January 2018. The Special Rapporteurs are part of what is known as the Special Procedures of the Human Rights Council. Special Procedures, the largest body of independent experts in the UN Human Rights system, is the general name of the Council's independent fact-finding and monitoring mechanisms that address either specific country situations or thematic issues in all parts of the world. Special Procedures' experts work on a voluntary basis; they are not UN staff and do not receive a salary for their work. They are independent from any government or organization and serve in their individual capacity. For inquiries and media requests, please contact Ms. Catherine de Preux De Baets (+41 22 917 93 27 / cdepreuxdebaets@ohchr.org).

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