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**Statement by  
GRAEME REID**

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

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**Chair,**

**Excellencies and delegates,**

**Distinguished persons,**

It is an honor for me to present my first report to the Human Rights Council as Independent Expert. I will also introduce three country reports compiled by my predecessor, Victor Madrigal.

For this report, I am grateful for the generous response to a call for input and the extensive submissions received from governments, as well as non-governmental and intergovernmental organizations, and from independent scholars and advocates. It is heartening to see the depth and scope of engagement. I am indebted to my host institutions, the Yale Jackson School of Global Affairs and the Center for Human Rights at the University of Pretoria.

Today I address an area of serious concern. Namely, the ever-expanding restrictions on the human rights to freedom of expression, of peaceful assembly and of association, based on sexual orientation and gender identity. These freedoms are fundamental and indispensable to democracy and are essential to the effective functioning of civil society. Yet many people are denied these rights and risk being ostracized, subjected to violence, discrimination or imprisonment based solely on their sexual orientation or gender identity.

A directly related concern is the disturbing rise in hostile rhetoric used to justify these restrictions, and often deployed for perceived political advantage.

This combination, of widespread restrictions on fundamental freedoms, coupled with hostile rhetoric, makes it more difficult for already marginalized people to advocate for themselves in increasingly inhospitable environments, where they face additional risk of discrimination and violence.

The issue I am addressing today is one that directly affects lesbian, gay, bisexual, transgender and other gender-diverse individuals. The focus of this report is on the impact of these laws on people due to their sexual orientation or gender identity. But it would be naive to ignore the wider reach of these restrictions. The human rights implications go way beyond the necessary protection of the rights of LGBT persons. These discriminatory laws are very often a precursor to other serious human rights violations.

These restrictions are cause for alarm both because they encroach on fundamental rights and freedoms *and* because they have much broader implications for human rights writ large.

Restrictive laws have proliferated in recent years with at least 60 member States restricting freedom of expression and 59 restricting peaceful assembly and association. The report is particularly concerned with so-called “propaganda” laws, “promotion of homosexuality” laws, “foreign agent” laws, and other laws, policies and practices that serve to restrict the legitimate work of human rights defenders and their organizations. These are disparate laws, but they all seek to restrict public expression of identities for lesbian, gay, bisexual and transgender individuals.

In 2013 the Russian Federation passed the “gay propaganda” law. This made any neutral or positive expression of so-called nontraditional sexual relations in the presence of children, an offense. The political purpose of this law was to consolidate a domestic support base and to position the current government of the Russian Federation as the defender of so-called “traditional values.” The direct consequence of the law was an uptick in violence, and restrictions placed on civil society groups – and even their closure in some instances. (A situation that has become dramatically worse, since then.) In the years following the passage of the anti-gay “propaganda” law, several similar laws have been either proposed or enacted in Eastern Europe, Central Asia, and beyond.

An odious law that was passed in Uganda in 2023 – the Anti-Homosexuality Act – provides for the death penalty for what the law terms “aggravated homosexuality”, a category that includes “repeat offenders”. The law forbids the so-called “promotion of homosexuality”. What promotion means here is essentially the public expression of difference.

Similar legislation is pending in the form of a bill in Ghana, which was passed by parliament, but has not been signed into law. It would criminalize the mere expression of identity, as well as any individual advocating for equality based on sexual orientation or gender identity, and outlaw all LGBT groups. I use this as an example of the extremity of the thinking behind some of these restrictive measures, and how far lawmakers seem prepared to go in trampling on fundamental human rights for short-term political gain.

In many jurisdictions, laws – including “foreign agent laws” – have been used to restrict the ability of civil society groups, including LGBT groups, to register and operate or access funding. Their work or even public presence is subject to criminal penalty.

Hostile and inflammatory political rhetoric is often used to justify the imposition of restrictive laws.

The “gay propaganda” law rests on the outlandish premise that LGBT people represent a threat to children. This is a spurious idea, and a dangerous one that has led to instances of discrimination and violence against children and adults alike. Another related justification is to protect “the family” – willfully ignoring the fact that LGBT people are part of families, come from families, and have families of their own. A particularly extravagant claim is that LGBT people represent a threat to the nation, so that restricting the human rights of individuals based on sexual orientation and gender identity is cast in terms of national sovereignty.

The rhetoric of foreignness is often applied to LGBT people, suggesting that natural variation in sexual orientation and gender identity, which is present across the world and throughout history, represent a foreign influence. The rhetorical effect is to situate LGBT people outside the parameters of society and culture. The practical effect is to prevent civil society groups from operating.

Cumulatively what this misleading rhetoric means is that LGBT people come to stand in for something else. They become, in this rendition, not individuals who express some variation from the perceived norm, but rather a symbol. And this symbol – as a danger, a risk, or a threat – is manipulated for political purpose. In many situations this serves to create moral panics, whereby LGBT people are turned into scapegoats for unrelated social, political and economic ills. In these environments, discrimination and even violence thrive.

Negative, misleading, and false messaging by politicians can also be amplified by the media – and often social media – so that misinformation and disinformation spread very rapidly.

Legal restrictions and the hostile rhetoric that accompanies them are part of the routine playbook of authoritarian populists seeking to achieve or to consolidate power, and to erode democratic norms and institutions. In this sense these discriminatory laws are very often a means to an authoritarian end.

The restrictions described in this report violate universally accepted human rights around the globe and undermine democratic norms at a moment of increasing authoritarianism. This should be of serious concern to the Human Rights Council and should prompt concerted multilateral actions by all member States to remedy such violations.

On the positive side, many States *have* taken steps to ensure nondiscrimination, and to protect freedoms of expression, peaceful assembly and association across the board. Civil society groups can and do function without unjustified restrictions in numerous jurisdictions. Many States have fulfilled their obligations to protect public-facing events, including Pride marches, from predictable, hostile attacks.

The report includes recommendations to States to help prevent the further erosion of fundamental rights and freedoms and, in particular, to protect the freedoms of expression, peaceful assembly and association.

**Distinguished attendees,**

I now turn to country visits.

Firstly, I would like to extend a formal thank you to Albania for having accepted my request for a country visit which will take place in July. I look forward to engaging with all stakeholders, including representatives of the State and civil society, to recognize progress and identify areas of opportunity to strength human rights protections.

I would also like to thank those States who are currently considering my country visit requests, or who may be motivated to do so.

It is my privilege today to briefly introduce three country reports compiled by my predecessor, Victor Madrigal-Borloz.

In April and May 2023, my predecessor undertook a country visit to the United Kingdom. In the context of a general overview of the rights of LGBT people, the report focuses on widespread concerns over toxic political discourse, and the specific impact on the rights of transgender people, among others, including in relation to access to services and comprehensive sexuality education. As the report notes: “abusive rhetoric by politicians had trickled down and facilitated hateful speech in social media, which in turn seemed to have spurred rapid increases in the frequency of bias-motivated incidents of harassment, threats and violence, including hate crimes.”

In January 2023, the mandate undertook a country visit to Cambodia. The report hones in on the social rejection faced by LGBT people in the context of families, as well as bullying in school, discrimination at work, and challenges accessing health care.

In August 2022, the Independent Expert undertook a visit to the United States of America. His report noted protection gaps at the federal level and in aspects of social inclusion in relation to health, employment, education and housing. It also noted the negative effects of a plethora of regressive laws, proposed or enacted, at the state level. Among those regressive laws were the so-called “Don’t Say Gay or Trans” laws that have been proposed or enacted in several states, which create significant obstacles to comprehensive education, and send negative messages about LGBT identities.

Thank you.