



Permanent Mission of the
Republic of Malta
to the United Nations



Permanent Mission of the
Argentine Republic
United Nations
Ministry of Foreign Affairs and Worship



Legal Reforms to Protect the Human Rights of Trans, Intersex and Gender Variant People

Concept note

Date: 13 March 2017

Location: Conference Room 2, at the United Nations Headquarters

Time: 18.30 – 19.45

Panellists:

- **Hon Helena Dalli**, Minister for Social Dialogue, Consumer Affairs and Civil Liberties of the Republic of Malta
- **HE Martín García Moritán**, Permanent Representative of Argentina to the United Nations
- **Purna Sen**, Policy Director, UN Women
- **Silvan Agius**, Director, Human Rights & Integration Directorate, Republic of Malta
- **Micah Grzywnowicz**, International Advocacy Advisor, The Swedish Federation for Lesbian, Gay, Bisexual, Transgender and Queer Rights (RFSL)
- **Zhan Chiam**, Gender Identity and Expression Programme Officer, International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA)

Moderator: **Michelle Nichols**, Reuters

“All human beings are born free and equal in dignity and rights”

Article 1 of the Universal Declaration of Human Rights

Combating violence and discrimination based on gender identity, gender expression and sex characteristics through legislative reform

The lack of adequate legal protection against discrimination and violence on grounds of gender identity, gender expression and sex characteristics expose trans, intersex and gender variant people to grievous violations of their human rights. They face high levels of discrimination on several occasions and situations, on basic civil rights such as the right to be recognised by law on citizenship documents, and to be protected against involuntary medical and surgical interventions.

States are legally obligated to safeguard the human rights of all people, as established in international human rights law on the basis of the Universal Declaration of Human Rights

and other subsequent international human rights treaties. Irrespective of sex, sexual orientation or gender identity, all people are entitled to enjoy the protections provided by international human rights law, which include the right to life, security of person and privacy, the right to be free from torture, arbitrary arrest and detention, the right to be free from discrimination and the right to freedom of expression, association and peaceful assembly.

Recent Advances

In recent years, a number of States have made significant advances in strengthening the protection of the human rights of trans, intersex and gender variant people. In 2012, Argentina was the first country in the world to fully break free from a medicalised approach to legal gender recognition through the Law on Gender Identity, that established a right to gender identity for all persons. In 2015, Malta adopted a law entitled The Gender Identity, Gender Expression and Sex Characteristics Act, which went further and introduced a right to bodily integrity and physical autonomy which effectively ended involuntary medical interventions on intersex infants in the country.

Further to this, various other countries have adopted legislation and/or are in the process of amending national legislation to ensure that trans, intersex and gender variant people are protected against discrimination and hate crimes and speech. Likewise a number of countries are adopting legislation intended to facilitate the process for trans persons to obtain official documents that reflect their preferred gender.

Why is this relevant during CSW61?

Issues that revolve around the rights of trans, intersex and gender variant people are often overlooked in gender equality discussions, even though the reasons for the discrimination suffered by such persons are often related to patriarchy and privilege. The intention is thus to raise awareness of the gender stereotypes related to this area, shed light on the rights of these people and indicate what actions Member States can take to respect the human rights of these persons. This side-event provides the chance to engage in dialogue and consult with States and other relevant stakeholders on actions required in order to protect the human rights of trans, intersex and gender variant people