

s22(1)(a)(ii)

From: Eva Homolkova <e.homolkova@ishr.ch>
Sent: Saturday, 7 December 2019 1:24 AM
To: s22(1)(a)(ii)
Cc: s22(1)(a)(ii)
Subject: Fwd: ISHR final report 2017
Attachments: image002.jpg; ISHR_2017_final_report.pdf; ISHR_2017_financial_report_Australia.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear s22(1)(a)(ii)

I looked at the past reports provided to the Mission for our project in 2017 and here is the final narrative and financial report that we have shared with your colleagues.

It has a slightly different format, but we have not received an indication that it should be changed.

Please let me know whether this format suffice or whether you would need something else in order to close the project.

Many thanks and kind regards,

Eva

Forwarded message -----

From: Eva Homolkova <e.homolkova@ishr.ch>
Date: Thu, May 17, 2018 at 2:59 PM
Subject: ISHR final report 2017
To: <s22(1)(a)(ii) @dfat.gov.au>, <s22(1)(a)(ii) @dfat.gov.au>
Cc: <s22(1)(a)(ii) @dfat.gov.au>, Vincent Ploton <v.ploton@ishr.ch>

Dear s22(1)(a)(ii) and s22(1)(a)(ii)

Hope this email finds you well.

With apologies on our side for the delay, please find attached the final report of our project supported by the Australian Mission in Geneva in 2017.

Both me and Vincent stay at your disposal for any questions or additional information.

Thank you and kind regards,

Eva Homolkova

Eva Homolkova | Fundraising Officer

International Service For Human Rights (ISHR)

e.homolkova@ishr.ch | Tel: +41 22 919 71 11

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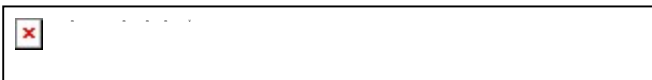
Eva Homolkova | Fundraising Officer

International Service For Human Rights (ISHR)

e.homolkova@ishr.ch | Tel: +41 22 919 71 04

www.ishr.ch | www.facebook.com/ISHRglobal | www.twitter.com/ISHRglobal

Out of office on Wednesdays



Yogyakarta principles at ten: enhancing the normative recognition and protection of LGBTI persons

Final report to donors May 2018

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Context & key outcomes

ISHR is immensely grateful to the Permanent Mission of Australia to the UN in Geneva and the City of Geneva for their financial support to the above-mentioned initiative, which led to the successful expansion of a major standard in the legal protection and recognition of LGBTIQ persons: the Yogyakarta Principles. The project was successfully implemented by ISHR and resulted in the adoption of the [Yogyakarta Principles plus ten](http://yogyakartaprinciples.org/introduction-yp10/)¹ (YP+10). The YP+10 supplement the original [29 Yogyakarta Principles](http://yogyakartaprinciples.org/)² and set out nine additional principles covering a range of rights dealing with information and communication technologies, poverty, and cultural diversity, to name a few. The YP+10 also include 111 additional State obligations, a number of which have arisen over the past decade with regards to the original 29 Principles, including in areas such as torture, asylum, privacy, health and the protection of human rights defenders.

The expert meeting

The YP plus 10 experts meeting brought together 25 human rights experts from around the world in Geneva on 16-18 September 2017, with the objective of taking stock of developments in international human rights law over the past decade since the adoption of the Yogyakarta Principles in 2007. Together, they produced the ***“Additional Principles and State Obligations on the application of international human rights law in relation to sexual orientation, gender identity, gender expression and sex characteristics to complement the Yogyakarta Principles”***.

¹ <http://yogyakartaprinciples.org/introduction-yp10/>

² <http://yogyakartaprinciples.org/>



Additional principles and State obligations

The Experts at the meeting formulated nine Additional Principles, namely:

1. Principle 30: The Right to State Protection
2. Principle 31: The Right to Legal Recognition
3. Principle 32: The Right to Bodily and Mental Integrity
4. Principle 33: The Right to Freedom from Criminalisation and Sanction on the Basis of Sexual Orientation, Gender Identity, Gender Expression or Sex Characteristics
5. Principle 34: The Right to Protection from Poverty
6. Principle 35: The Right to Sanitation
7. Principle 36: The Right to the Enjoyment of Human Rights in Relation to Information and Communication Technologies
8. Principle 37: The Right to Truth
9. Principle 38: The Right to Practice, Protect, Preserve and Revive Cultural Diversity

As well as the following Additional State Obligations to the original Yogyakarta Principles:

1. Principle 2: Relating to the Rights to Equality and Non-Discrimination
2. Principle 6: Relating to the Right to Privacy
3. Principle 9: Relating to the Right to Treatment with Humanity while in Detention

4. Principle 10: Relating to the Right to Freedom from Torture and Cruel, Inhuman or Degrading Treatment or Punishment
5. Principle 16: Relating to the Right to Education
6. Principle 17: Relating to the Right to the Highest Attainable Standard of Health
7. Principle 19: Relating to the Right to Information
8. Principle 20: Relating to the Right to Freedom of Peaceful Assembly and Association
9. Principle 23: Relating to the Right to Seek Asylum
10. Principle 24: Relating to the Right to Found a Family
11. Principle 25: Relating to the Right to Participate in Public Life
12. Principle 27: Relating to the Right to Promote Human Rights



Immediate results and next steps

a) Process:

- The document was created on the basis of an [open call for submissions](http://www.ishr.ch/news/call-submissions-10-year-review-yogyakarta-principles)³, where individuals and groups sent up to 22 submissions that highlighted the main gaps and development areas a YP plus 10 process ought to consider
- A drafting committee comprised of [8 experts](https://www.facebook.com/ISHRglobal/posts/1684232691609116)⁴ from diverse regions working in the area of human rights and sexual orientation, gender identity, gender expression and sex

³ <http://www.ishr.ch/news/call-submissions-10-year-review-yogyakarta-principles>

⁴ <https://www.facebook.com/ISHRglobal/posts/1684232691609116>

characteristics (SOGIESC) developed the initial draft text collaboratively on the basis of the submissions and additional materials from the UN human rights system

- An **Experts Meeting**⁵ then deliberated on the draft text and further refined and strengthened the provisions. Experts were selected with careful consideration of regional balance, expertise in human rights law and expertise in the key areas provided for in the draft
- Experts included members of a UN treaty body, UN Special Procedures, experts in regional human rights arrangements, as well as experts in substantive areas concerning human rights and trans and intersex issues, sexual and reproductive health and rights, rights of sex workers, internet rights and governance, torture, among others.
- A key development in terms of participation is the more central role that human rights defenders working in the area of SOGIESC had in the framing and formulation of the text, indicating the clear development in expertise, participation and representation among this group on international human rights law and frameworks.



b) Outcomes

While the Yogyakarta Principles focuses on the application of international human rights law in relation to sexual orientation and gender identity, the YP plus 10 document extends protections to intersex persons and makes provisions relating to trans persons more meaningful. The 9 Additional Principles encapsulate elements either implied or missing from the original Yogyakarta Principles. Principle 36, for example, covers the issue of rights on the internet, an area that was not covered ten years ago but has now been the subject of normative developments by UN Special Procedures and Treaty Bodies. Principle 37 on the Right to the Truth extends the right to establish the facts and seek accountability

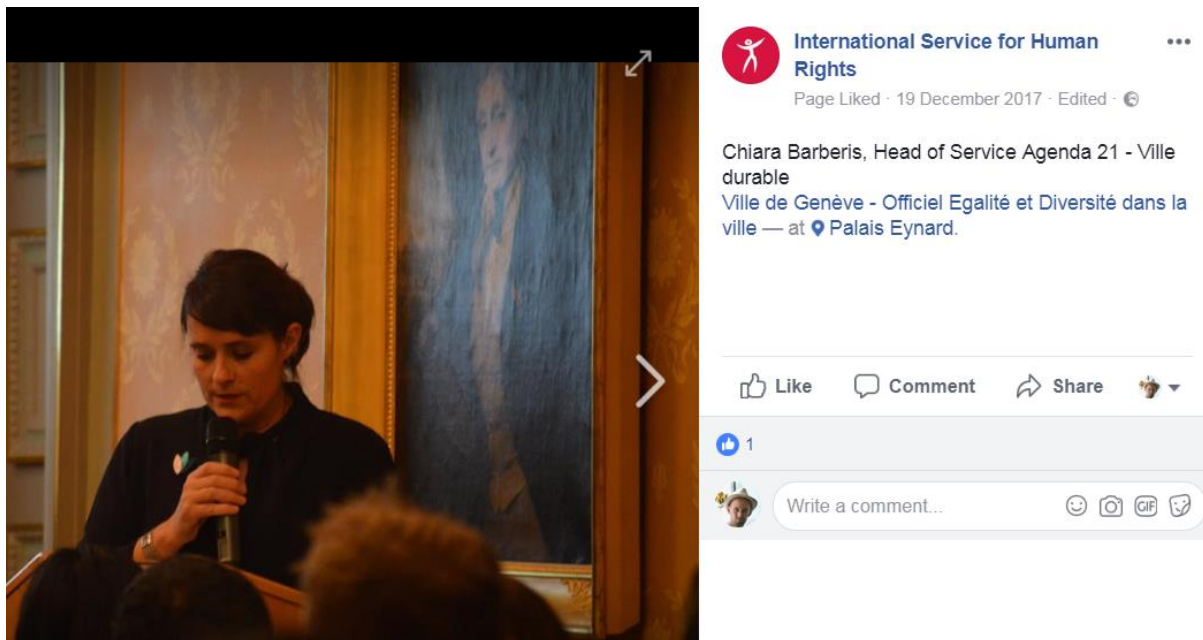
⁵ <http://arc-international.net/yogyakarta-principles/yp-are-now-stronger/>

for violations related to SOGIESC, including ensuring access to medical histories and truth-seeking mechanisms in this regard

The additional principles were adopted by a group of [33 international human rights experts](#)⁶ and officially [launched online](#)⁷ in November 2017.

Various launch events followed including:

- A launch at Palais Eynard on 13 December 2017 with the support from City of Geneva



- Webinars on [16 January 2018](#)⁸ and [15 February 2018](#)⁹ hosted by Williams Institute, RFSL, OutRight Action International, ARC International

Impact

Although it is too early to assess the proper impact of the YP+10, ISHR and our partners were delighted to see that the new principles were rapidly picked up and utilized in key proceedings and processes relating to the protection of LGBTIQ persons:

- Within days of their launch in November, a landmark decision of the Inter-American Court of Human Rights relied on the YP+10 in a case regarding gender identity and freedom of expression. See more on this at: <https://www.ishr.ch/news/lgbti-rights-inter-american-court-relies-yogyakarta-principles-and-yp10-landmark-decision>
- In March 2018, a member of the British Parliament [asked](#)¹⁰ whether the Government would commit to implement the Yogyakarta Principles plus 10 - with particular reference to ending the detention of LGBTI asylum seekers

⁶ <http://yogyakartaprinciples.org/signatories-yp10/>

⁷ <https://www.ishr.ch/news/yogyakarta-principles-experts-release-authoritative-new-guidelines-lgbti-rights>

⁸ <https://cc.readytalk.com/cc/s/meetingArchive?eventId=efd68iplhwgc>

⁹ <https://cc.readytalk.com/cc/s/meetingArchive?eventId=660nj3ylddpn>

¹⁰ <https://twitter.com/LibDemLords/status/978996899322658822>

Financial Report to Australia IDF
 (Yogyakarta +10)

Activity by Cost Category	IDF contribution (Non personnel cost)	IDF Actuals (CHF).	Available Budget (CHF)	% Utilisation of Budget
1 - Personnel resources	0	0	0	
1.1 - ISHR project manager (70%)	0	0	0	0%
1.2 - Consultant (50% part-time basis)	0	0	0	0%
1.3 - ISHR communications Manager	0	0	0	0%
2 - Non personnel cost by activities (Expert consultation on commentary to Yog. Principles)	45,310	45,334	-24	100%
2.1 Travel cost (including flight tickets, transfers to/from airport, visas)	30,000	20,768	9,232	69%
2.2 - Accommodation (3 days)	5,400	13,629	-8,229	252%
2.3 - Participants DSA (3 days)	2,700	3,720	-1,020	138%
2.4 Conference room and catering cost, incl. coffee breaks & lunch (2 days)	5,000	4,937	63	99%
2.5 - Translation of expert commentary (french-spanish)	2,210	2,280	-70	103%
Sub total	45,310	45,334	-24	100%
Overheads, administrative & financial oversight costs 8 %	3,625	3,625	-0	100%
Total	48,935	48,959	-24	100%

Title: Thailand: Australia's participation in workshop on same sex marriage legislation
MRN: s47E(d) 10/07/2018 04:05:12 PM ZE7
To: Canberra
Cc: RR : Europe Posts, Indo-Pacific Posts
From: Bangkok
From File:
EDRMS
Files:
References: s47E(d)
Response: Routine, Information Only

Summary

At the request of the Thai Ministry of Justice (MoJ), Post participated in a public workshop on legal issues related to same sex marriage legislation. Deputy Prime Minister and Minister of Justice Prajin Junthong and senior MoJ members attended and engaged positively. The Rights and Liberties Protection Department of the MoJ is driving the civil partnership agenda. Post (s22(1)(a)(ii)) presented a factual account of Australia's experience. Many obstacles remain to the passing of civil partnership legislation for same-sex couples in Thailand.

Post was invited by the Rights and Liberties Protection Department (RLPD) of the Thai Ministry of Justice (MoJ) to participate in a workshop called "Gender Matters" on 7 July, s33(a)(iii). The RLPD's objective was to share international experiences on the enactment of civil partnership/same sex marriage legislation and gather Thai experts to inform Deputy Prime Minister and Justice Minister Air Chief Marshall Prajin Junthong about ongoing work to promote same sex civil partnership legislation in Thailand.

2. Prajin's remarks highlighted a range of work Thailand was doing to protect and promote LGBTI rights, including its commitments under the ICCPR, its Third National Human Rights Plan and the importance of the Yogyakarta Principles. He was non-committal about the Government's position with regard to same sex civil partnerships or marriage, but noted the work of the RLPD to draft a Civil Partnership Act.

3. Second Secretary (s22(1)(a)(ii)) joined Ambassadors from s33(a)(iii) to share countries' experiences in passing same sex marriage legislation. Post noted the Australian Ambassador was currently working on Australia's assistance to the Thai Government to evacuate the Thai soccer players trapped in Tham Luang Cave in Chiang Rai, for which there was wide-spread appreciation.

4. Post drew from talking points provided (thanks) and spoke factually about Australia's path to marriage equality, the protection of religious freedoms, including in relation to marriage, and our domestic implementation process. Other Ambassadors advocated for Thailand to

enact same sex marriage legislation. s33(a)(iii)

5. The Director-General of the RLPD, Pitikan Sithidej, noted RLPD's plans to submit the draft Civil Partnership Act to Cabinet later this year before passing to the National Legislative Assembly. Professor Vitit Munthabhorn, former UN Expert on Sexual Orientation and Gender Identity, focused his comments on legal issues that Thailand would need to consider, particularly recognition of foreign partnerships, protection of religious freedoms and domestic implementation. President of the Rainbow Sky Association of Thailand, Kittinun Daramadhaj, and former National Human Rights Commissioner Amara Pongsapich, supported RLPD's efforts.

Comment:

6. s33(a)(iii)

The RLPD's objective was to build momentum to support it passing civil partnership legislation.

7. Prajin (and Permanent Secretary of MoJ) appeared genuinely interested in the presentations and were open to discussing LGBTI issues. With Prajin visiting Australia on 15–20 July, Canberra could consider offering the Minister further information about our experience.

s33(a)(iii)

9. Australia's participation in the workshop struck the right tone. Without being prescriptive, we were able to outline how Australia addressed a range of legal questions, including the protection of religious freedoms. Our participation offered the opportunity to highlight our cooperation with Thailand on the cave rescue operation with the Minister and further cement Australia's reputation as a reliable partner with the MoJ. This week, Post (s47E(d)) will brief the International Department of MoJ on our bilateral relationship and judicial cooperation.

10. The Bangkok Post reported Post's involvement in the event, with a few factual errors (a common occurrence here). Post has clarified to MoJ some of these facts.

text ends

Sent by: s22(1)(a)(ii)

Prepared s22(1)(a)(ii)

by:

Approved HOM

by:

Topics: HUMAN RIGHTS/General

▼ New Distribution

s22(1)(a)(ii)

From: Elizabeth Wilde
Sent: Saturday, 13 January 2018 2:32 AM
To: Phil Lynch; s22(1)(a)(ii)
Cc: Vincent Ploton; Pooja Patel; Helen Nolan; Theresa Mcevoy
Subject: RE: Impact of YP+10 and Australia's support [SEC=UNCLASSIFIED]

UNCLASSIFIED

Happy New Year Phil

Quite a landmark decision given it applies to some 20 or so countries. Also very heartening to see the tangible impact of the Yogyakarta Principles + 10.

Thanks for passing the news.

Elizabeth

Elizabeth Wilde
T: s22(1)(a)(ii) M: s22(1)(a)(ii)

From: Phil Lynch [mailto:p.lynch@ishr.ch]
Sent: Friday, 12 January 2018 10:38 AM
To: s22(1)(a)(ii) <s22(1)(a)(ii)@dfat.gov.au>; Wilde, Elizabeth <Elizabeth.Wilde@dfat.gov.au>
Cc: Vincent Ploton <v.ploton@ishr.ch>; Pooja Patel <p.patel@ishr.ch>; Helen Nolan <h.nolan@ishr.ch>; Theresa Mcevoy <t.mcevoy@ishr.ch>
Subject: Impact of YP+10 and Australia's support

Hi Elizabeth and s22(1)(a)(ii)

I hope this finds you both really well.

As you well know, Australia recently supported ISHR to develop the Yogyakarta Principles Plus 10, an authoritative statement of international law and State obligations in the areas of sexual orientation, gender identity and expression, and sex characteristics.

I'm very pleased to advise that YP+10 are already having an impact, being relied upon and cited extensively and approvingly by the Inter-American Court of Human Rights in a landmark decision on LGBTI rights, particularly as they relate to gender identity and non-discrimination: see <https://www.ishr.ch/news/lgbti-rights-inter-american-court-relies-yogyakarta-principles-and-yp10-landmark-decision>. Costa Rica, which requested the Court's opinion, has indicated that it will implement the Court's views.

The new UN Independent Expert on Sexual Orientation and Gender Identity has also indicated that YP+10 will be a key reference point for his normative work.

Thanks again for supporting this important project, which is already having significant impacts at the international, regional and national levels.

Best wishes

Phil

Philip Lynch | Director

International Service for Human Rights (ISHR)

p.lynch@ishr.ch | Tel: [+41 22 919 71 00](tel:+41229197100) | Mobile: [+41 76 708 4738](tel:+41767084738)

www.ishr.ch | www.facebook.com/ISHRglobal | www.twitter.com/ISHRglobal

Title: UN: Human Rights - 2017 LGBTI Advocacy Week
MRN: s47E(d) 12/12/2017 05:39:50 PM EST
To: Canberra
Cc: RR : ASEAN Posts, Bangkok, Geneva UN, Hanoi, Manila, Phnom Penh, Singapore, Taipei, Yangon
From: UN New York
From File: s47E(d)
EDRMS
Files:
References: s47E(d)
 The cable has the following attachment/s -
 YPplus10.pdf
Response: Routine, Information Only

Summary

Australia participated in a number of events during LGBTI Advocacy Week in New York, including hosting the second roundtable with ASEAN countries and LGBTI activists. ASEAN States (Cambodia, Myanmar, Thailand, Singapore and Vietnam) engaged more actively in the roundtable this year, providing national updates. Progress on LGBTI issues through ASEAN itself will remain slow. Australian activists are focused on gaps in national law for medical procedures related to intersex characteristics. We expect an ongoing focus on LGBTI issues, including intersex issues, at the 62nd session of the Commission of the Status of Women in March 2018.

From 4 - 7 December 2017, approximately forty international LGBTI activists participated in Advocacy Week in New York, an annual event facilitated by Outright Action International (Outright), where activists from around the world, including Australia, participate in a range of thematic and regional meetings focused on sexual orientation and gender identity (SOGI) in the UN context.

Engagement with Australian Activists

2. On 6 December, Post (DHOM Wilson) participated in a lunch with activists and members of the New York-based LGBTI Core Group of Member States (thanks HRI for talking points). The event largely reiterated the Core Group's support for progressing SOGI issues at the UN. In discussions between DHOM (and separately s22(1)(a)(ii)) and the Australian chapter of the Organisation Intersex International (OII) (Morgan Carpenter), the OII praised domestic efforts to remove discrimination against intersex persons but criticised Australia's lack of legal protections against involuntary and coercive modifications of the sex characteristics of infants, children and adolescents. Such procedures were known to have long term, irreversible, effects including lifelong medical complications and reduced sexual function (eg sterilisation results in a need for lifelong hormone replacement from puberty). Malta was the only State that had enacted legal protections against such medical procedures.

3. The OII pointed to Australian Family Court decisions to demonstrate that such interventions violated the rights of the child, taking place before the child could provide

informed consent and with limited information provided to parents. It suggested that Australia's positive advocacy on intersex issues in the General Assembly and the Human Rights Council's Universal Periodic Review process could be undermined by the gap under national law related to such medical procedures. It would continue to raise these issues in UN fora, as it did in relation to Australia's appearance before the Human Rights Committee in 2017. International intersex organisations would also continue to lobby the World Health Organisation (WHO) and other relevant UN bodies to update policies related to intersex characteristics, currently still considered from a 'disorder' perspective.

ASEAN Roundtable

4. Further to reftel (2016 Roundtable), on 8 December Post hosted the second annual Roundtable between ASEAN Permanent Missions in New York and activists from the South-East Asian region. Representatives from the Permanent Missions of Thailand, Singapore, Myanmar, Cambodia and Vietnam participated in the Roundtable.

5. The activist from **Thailand** said the tourism industry had contributed to increased awareness and acceptance of LGBTI individuals and their rights. Civil society and the National Human Rights Commission were working closely with the government to address discrimination against LGBTI individuals. Cases were progressing through Thailand's Unfair Gender Discrimination Committee. Two exceptions of concern related to national security provisions and a ban on same-sex couples from utilising assisted reproductive technology (surrogacy). The representative from the Thai Permanent Mission (s47F(1)) said Thailand took pride in its policy of inclusive engagement with LGBTI individuals. It was confident in progress related to addressing violence but still had work to do to remove some forms of discrimination, noting efforts on legal recognition for intersex people and equal inheritance and financial rights for same-sex couples. Thailand was working with the justice sector to reduce violence against individuals in prisons. It was also working with UNESCO to raise awareness of different sexuality and gender identities in primary schools. At the UN, Thailand noted its positive support for SOGI agendas, including the Independent Expert on SOGI (the first of which was a Thai national).

6. Activists from the **Philippines** noted ongoing work with law enforcement agencies on addressing violence and discrimination. Civil society, including s47G(1), was working to increase awareness of LGBTI issues at the local level in partnership with village leaders. The activist from **Taiwan** noted a recent court decision in favour of marriage equality, amongst growing public support. The Permanent Mission of **Vietnam** said Vietnam's 2015 Civil Code had been changed to recognise transgender individuals and a draft law on transgender rights was planned for submission to its parliament in 2018. The representative from Myanmar's Permanent Mission (s47F(1)) said **Myanmar** recognised LGBTI rights as human rights. The first national LGBTI film had been released in Myanmar in 2016. Trans women were engaged in the peace progress and the media was free to report on LGBTI issues.

7. Cambodia's Permanent Mission (s47F(1)) said **Cambodia** opposed discrimination but generally, public views remained conservative. Its national constitution provided some protections. The representative from the **Singapore** Mission (s47F(1)) noted Singapore had continued a relationship with the activist from Singapore that had participated in the 2016 Roundtable hosted by Australia (reftel) and said the way forward was through dialogue with civil society. Singapore remained a conservative society but laws were evolving and it was prepared to change as societal views evolved s33(a)(iii)

s33(a)(iii)

8. The roundtable was more focused on national updates this year, s33(a)(iii)

The Philippines emphasised that not all ASEAN States were against LGBTI rights. s33(a)(iii)

s33(a)(iii)

Activists highlighted that it was difficult for LGBTI civil society groups to engage directly in ASEAN activities when their own countries refused to enable them to obtain national registration (a requirement under ASEAN participation rules).

s33(a)(iii)

Comment

9. While the annual roundtable does not deliver immediate concrete outcomes, the activists and Permanent Missions are highly positive about the engagement, as a unique and important information-sharing and networking opportunity. The event increases awareness of LGBTI issues among South-east Asian Permanent Missions and has delivered increased engagement between these Missions and civil society. Post would recommend supporting the roundtable again during Advocacy Week in 2018.

Next Steps - Engagement in the Commission of the Status of Women in 2018

10. Outright International advised that many of the LGBTI activists would return to New York in March 2018 to continue their advocacy at the **62nd session of the Commission on the Status of Women (CSW62)** and to launch the "Yogyakarta Principles Plus 10" (attached). The Yogyakarta Principles were developed by LGBTI activists in 2006 in response to patterns of abuse against people on the basis of their SOGI. The Principles are based on existing international obligations.

11. In 2017, ten new elements (Plus 10) were adopted. The additional elements aim to broaden anti-discrimination measures on the basis of gender expression and sex characteristics (as well as sexual orientation and gender identity eg SOGIESC); to protect intersex people from invasive or irreversible medical procedures, including those done without free, prior and informed consent; and calls on States to include persecution on the basis of SOGIESC as a grounds for recognition of refugee status (**Comment:** Post has not yet been approached to participate in the launch of the Principles Plus 10 event at CSW62. We would recommend consideration of the Principles in anticipation of either a direct request or a request through the LGBTI Core Group, of which Australia is a member, to cosponsor the launch).

text ends

Sent by: s22(1)(a)(ii)

Prepared by: s22(1)(a)(ii)

by:

Approved

by:

Topics: GENDER EQUALITY AND WOMENS EMPOWERMENT/General, HUMAN RIGHTS/General, UN & COMMONWEALTH/UN Discussions

▼ New Distribution

s47E(d)

THE YOGYAKARTA PRINCIPLES *plus 10*

**ADDITIONAL PRINCIPLES AND STATE OBLIGATIONS
ON THE APPLICATION OF INTERNATIONAL HUMAN
RIGHTS LAW IN RELATION TO SEXUAL ORIENTATION,
GENDER IDENTITY, GENDER EXPRESSION AND
SEX CHARACTERISTICS TO COMPLEMENT THE
YOGYAKARTA PRINCIPLES**

As adopted on 10 November 2017, Geneva

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INTRODUCTION

Since the Yogyakarta Principles were adopted in 2006, they have developed into an authoritative statement of the human rights of persons of 'diverse sexual orientations and gender identities'. The period since then, has seen significant developments both in the field of international human rights law and in the understanding of violations affecting persons of 'diverse sexual orientations and gender identities', as well as a recognition of the often distinct violations affecting persons on grounds of 'gender expression' and 'sex characteristics'.

The Yogyakarta Principles plus 10 (YP+10) aims to document and elaborate these developments through a set of Additional Principles and State Obligations. YP+10 should be read alongside the original 29 Yogyakarta Principles. Together, these documents provide an authoritative, expert exposition of international human rights law as it currently applies to the grounds of sexual orientation, gender identity, gender expression and sex characteristics.

The YP+10 document supplements the original 29 Yogyakarta Principles and, in fact, derives its *raison d'être* from preambular paragraph 9 of those Principles:

“ACKNOWLEDGING that this articulation must rely on the current state of international human rights law and will require revision on a regular basis in order to take account of developments in that law and its application to the particular lives and experiences of persons of diverse sexual orientations and gender identities over time and in diverse regions and countries.”

This set of nine Additional Principles and 111 Additional State Obligations cover a range of rights whose articulation has emerged from the intersection of the developments in international human rights law with the emerging understanding of violations suffered by persons on grounds of sexual orientation and gender identity and the recognition of the distinct and intersectional grounds of gender expression and sex characteristics.

On the occasion of the tenth anniversary of the Yogyakarta Principles, the International Service for Human Rights and ARC International in consultation with experts and civil society stakeholders, established a Drafting Committee tasked with developing the YP+10 document.

The entire process was aided by a Secretariat comprised of civil society representatives and institutions. The Drafting Committee, once constituted, put out an open call for submissions in order to ensure that the output would be informed both by developments in international human rights law and by lived experience. Drawing both on the submissions received, as well as relevant research and expertise, the Drafting Committee prepared a Draft Document which was then discussed, substantially elaborated and adopted following an Experts' Meeting held in Geneva from 18-20 September 2017. The experts included persons from all regions, from multiple legal traditions, and of diverse sexual orientations, gender identities, gender expressions and sex characteristics.

The YP +10 document was thus informed by an open consultation among multiple stakeholders in the field and hence reflects some of the key issues and developments relating to the specific forms of rights violations experienced by persons on grounds of sexual orientation, gender identity, gender expression and sex characteristics.

The YP+10 document is an affirmation of existing international legal standards as they apply to all persons on grounds of their sexual orientation, gender identity, gender expression and sex characteristics. States must comply with these principles both as a legal obligation and as an aspect of their commitment to universal human rights.

Members of the Drafting Committee:

Mauro Cabral Grinspan

Morgan Carpenter

Julia Ehrt

Sheherezade Kara

Arvind Narrain

Pooja Patel

Chris Sidoti

Monica Tabengwa

WE, THE SECOND INTERNATIONAL PANEL OF EXPERTS IN INTERNATIONAL HUMAN RIGHTS LAW, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION AND SEX CHARACTERISTICS

PREAMBLE

RECALLING that the Yogyakarta Principles on the application of international human rights law in relation to sexual orientation and gender identity, adopted in November 2006, provided in a preambular paragraph that the Yogyakarta Principles must rely on the current state of international law and will require revision on a regular basis in order to take account of developments in that law and its application to the particular lives and experiences of persons of diverse sexual orientations and gender identities over time and in diverse regions and countries;

NOTING that there have been significant developments in international human rights law and jurisprudence on issues relating to sexual orientation, gender identity, gender expression and sex characteristics, since the adoption of the Yogyakarta Principles;

RECALLING the Yogyakarta Principles' definitions of 'sexual orientation' and 'gender identity';

UNDERSTANDING 'gender expression' as each person's presentation of the person's gender through physical appearance – including dress, hairstyles, accessories, cosmetics – and mannerisms, speech, behavioural patterns, names and personal references, and noting further that gender expression may or may not conform to a person's gender identity;

NOTING that 'gender expression' is included in the definition of gender identity in the Yogyakarta Principles and, as such, all references to gender identity should be understood to be inclusive of gender expression as a ground for protection;

UNDERSTANDING 'sex characteristics' as each person's physical features relating to sex, including genitalia and other sexual and reproductive anatomy, chromosomes, hormones, and secondary physical features emerging from puberty;

NOTING that 'sex characteristics' as an explicit ground for protection from violations of human rights has evolved in international jurisprudence, and recognising that the Yogyakarta Principles apply equally to the ground of sex characteristics as to the grounds of sexual orientation, gender identity and gender expression;

INCLUDING, in sexual orientation, gender identity, gender expression and sex characteristics, actual, perceived and attributed sexual orientation, gender identity, gender expression and sex characteristics as the case may be;

RECOGNISING that the needs, characteristics and human rights situations of persons and populations of diverse sexual orientations, gender identities, gender expressions and sex characteristics are distinct from each other;

NOTING that sexual orientation, gender identity, gender expression and sex characteristics are each distinct and intersectional grounds of discrimination, and that they may be, and commonly are, compounded by discrimination on other grounds including race, ethnicity, indigeneity, sex, gender, language, religion, belief, political or other opinion, nationality, national or social origin, economic and social situation, birth, age, disability, health (including HIV status), migration, marital or family status, being a human rights defender or other status;

NOTING that violence, discrimination, and other harm based on sexual orientation, gender identity, gender expression and sex characteristics manifests in a continuum of multiple, interrelated and recurring forms, in a range of settings, from private to public, including technology-mediated settings, and in the contemporary globalised world it transcends national boundaries;

RECOGNISING that violence, discrimination and other harm based on sexual orientation, gender identity, gender expression and sex characteristics have an individual as well as a collective dimension and that acts of violence and discrimination which target the individual person are also an attack on human diversity, and on the universality and indivisibility of human rights;

ACKNOWLEDGING that the following Additional Principles, State Obligations and Recommendations are based on the current state of international human rights law and will require revision on a regular basis in order to take account of legal, scientific and societal developments and their application to the particular lives and experiences of persons of diverse sexual orientations, gender identities, gender expressions and sex characteristics over time and in diverse regions and countries.

**FOLLOWING CONSULTATION WITH EXPERTS AND AN
EXPERTS' MEETING HELD IN GENEVA, SWITZERLAND,
FROM 18 TO 20 SEPTEMBER 2017, HEREBY ADOPT THESE
PRINCIPLES AND, IN DOING SO:**

AFFIRM the continuing validity of the original 29 Yogyakarta Principles of 2006;
DECLARE these Additional Principles, State Obligations and Recommendations as
supplementary to the original Yogyakarta Principles.

ADDITIONAL PRINCIPLES

PRINCIPLE

30

THE RIGHT TO STATE PROTECTION

Everyone, regardless of sexual orientation, gender identity, gender expression or sex characteristics, has the right to State protection from violence, discrimination and other harm, whether by government officials or by any individual or group.

STATES SHALL:

- A. Exercise due diligence to prevent, investigate, prosecute, punish and provide remedies for discrimination, violence and other harm, whether committed by State or non-State actors;
- B. Take appropriate and effective measures to eradicate all forms of violence, discrimination and other harm, including any advocacy of hatred that constitutes incitement to discrimination, hostility, or violence on grounds of sexual orientation, gender identity, gender expression or sex characteristics, whether by public or private actors;
- C. Compile statistics and research on the extent, causes and effects of violence, discrimination and other harm, and on the effectiveness of measures to prevent, prosecute and provide reparation for such harm on grounds of sexual orientation, gender identity, gender expression and sex characteristics;
- D. Identify the nature and extent of attitudes, beliefs, customs and practices that perpetuate violence, discrimination and other harm on grounds of sexual orientation, gender identity, gender expression and sex characteristics, and report on the measures undertaken, and their effectiveness, in eradicating such harm;
- E. Develop, implement and support education and public information programmes to promote human rights and to eliminate prejudices on grounds of sexual orientation, gender identity, gender expression and sex characteristics;
- F. Ensure sensitivity training of judicial and law enforcement officers and other public officials on issues relating to sexual orientation, gender identity, gender expression and sex characteristics;
- G. Ensure that laws against rape, sexual assault and sexual harassment protect all persons regardless of their sexual orientation, gender identity, gender expression and sex characteristics;
- H. Establish support services for victims of rape, sexual assault and harassment, and other forms of violence and harm on grounds of sexual orientation, gender identity, gender expression, and sex characteristics;

- I. Ensure that human rights violations are vigorously investigated and, where evidence is found, those responsible are prosecuted and, if convicted, punished as appropriate;
- J. Ensure access to effective complaints procedures and remedies, including reparation, for victims of violence, discrimination and other harm on grounds of sexual orientation, gender identity, gender expression and sex characteristics.

THE RIGHT TO LEGAL RECOGNITION

PRINCIPLE 31

Everyone has the right to legal recognition without reference to, or requiring assignment or disclosure of, sex, gender, sexual orientation, gender identity, gender expression or sex characteristics. Everyone has the right to obtain identity documents, including birth certificates, regardless of sexual orientation, gender identity, gender expression or sex characteristics. Everyone has the right to change gendered information in such documents while gendered information is included in them.

STATES SHALL:

- A. Ensure that official identity documents only include personal information that is relevant, reasonable and necessary as required by the law for a legitimate purpose, and thereby end the registration of the sex and gender of the person in identity documents such as birth certificates, identification cards, passports and driver licences, and as part of their legal personality;
- B. Ensure access to a quick, transparent and accessible mechanism to change names, including to gender-neutral names, based on the self-determination of the person;
- C. While sex or gender continues to be registered:
 - i. Ensure a quick, transparent, and accessible mechanism that legally recognises and affirms each person's self-defined gender identity;
 - ii. Make available a multiplicity of gender marker options;
 - iii. Ensure that no eligibility criteria, such as medical or psychological interventions, a psycho-medical diagnosis, minimum or maximum age, economic status, health, marital or parental status, or any other third party opinion, shall be a prerequisite to change one's name, legal sex or gender;
 - iv. Ensure that a person's criminal record, immigration status or other status is not used to prevent a change of name, legal sex or gender.

PRINCIPLE

32 THE RIGHT TO BODILY AND MENTAL INTEGRITY

Everyone has the right to bodily and mental integrity, autonomy and self-determination irrespective of sexual orientation, gender identity, gender expression or sex characteristics. Everyone has the right to be free from torture and cruel, inhuman and degrading treatment or punishment on the basis of sexual orientation, gender identity, gender expression and sex characteristics. No one shall be subjected to invasive or irreversible medical procedures that modify sex characteristics without their free, prior and informed consent, unless necessary to avoid serious, urgent and irreparable harm to the concerned person.

STATES SHALL:

- A. Guarantee and protect the rights of everyone, including all children, to bodily and mental integrity, autonomy and self-determination;
- B. Ensure that legislation protects everyone, including all children, from all forms of forced, coercive or otherwise involuntary modification of their sex characteristics;
- C. Take measures to address stigma, discrimination and stereotypes based on sex and gender, and combat the use of such stereotypes, as well as marriage prospects and other social, religious and cultural rationales, to justify modifications to sex characteristics, including of children;
- D. Bearing in mind the child's right to life, non-discrimination, the best interests of the child, and respect for the child's views, ensure that children are fully consulted and informed regarding any modifications to their sex characteristics necessary to avoid or remedy proven, serious physical harm, and ensure that any such modifications are consented to by the child concerned in a manner consistent with the child's evolving capacity;
- E. Ensure that the concept of the best interest of the child is not manipulated to justify practices that conflict with the child's right to bodily integrity;
- F. Provide adequate, independent counselling and support to victims of violations, their families and communities, to enable victims to exercise and affirm rights to bodily and mental integrity, autonomy and self-determination;
- G. Prohibit the use of anal and genital examinations in legal and administrative proceedings and criminal prosecutions unless required by law, as relevant, reasonable, and necessary for a legitimate purpose.

THE RIGHT TO FREEDOM FROM CRIMINALISATION AND SANCTION ON THE BASIS OF SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, OR SEX CHARACTERISTICS

Everyone has the right to be free from criminalisation and any form of sanction arising directly or indirectly from that person's actual or perceived sexual orientation, gender identity, gender expression or sex characteristics.

STATES SHALL:

- A. Ensure that legal provisions, including in customary, religious and indigenous laws, whether explicit provisions, or the application of general punitive provisions such as acts against nature, morality, public decency, vagrancy, sodomy and propaganda laws, do not criminalise sexual orientation, gender identity and expression, or establish any form of sanction relating to them;
- B. Repeal other forms of criminalisation and sanction impacting on rights and freedoms on the basis of sexual orientation, gender identity, gender expression or sex characteristics, including the criminalisation of sex work, abortion, unintentional transmission of HIV, adultery, nuisance, loitering and begging;
- C. Pending repeal, cease to apply discriminatory laws criminalising or applying general punitive sanctions on the basis of sexual orientation, gender identity, gender expression or sex characteristics;
- D. Expunge any convictions and erase any criminal records for past offences associated with laws arbitrarily criminalising persons on the basis of sexual orientation, gender identity, gender expression and sex characteristics;
- E. Ensure training for the judiciary, law enforcement officers and healthcare providers in relation to their human rights obligations regarding sexual orientation, gender identity, gender expression and sex characteristics;
- F. Ensure that law enforcement officers and other individuals and groups are held accountable for any act of violence, intimidation or abuse based on the criminalisation of sexual orientation, gender identity, gender expression and sex characteristics;
- G. Ensure effective access to legal support systems, justice and remedies for those who are affected by criminalisation and penalisation on grounds of sexual orientation, gender identity, gender expression and sex characteristics;
- H. Decriminalise body modification procedures and treatments that are carried out with prior, free and informed consent of the person.

PRINCIPLE

34

THE RIGHT TO PROTECTION FROM POVERTY

Everyone has the right to protection from all forms of poverty and social exclusion associated with sexual orientation, gender identity, gender expression and sex characteristics. Poverty is incompatible with respect for the equal rights and dignity of all persons, and can be compounded by discrimination on the grounds of sexual orientation, gender identity, gender expression and sex characteristics.

STATES SHALL:

- A. Take all necessary legislative, administrative, budgetary and other measures, including economic policies, to ensure the progressive reduction and elimination of all forms of poverty associated with or exacerbated by sexual orientation, gender identity, gender expression or sex characteristics;
- B. Promote social and economic inclusion of persons marginalised on the basis of sexual orientation, gender identity, gender expression and sex characteristics;
- C. Ensure the participation and inclusion of those experiencing poverty on grounds of sexual orientation, gender identity, gender expression and sex characteristics in the adoption and implementation of legislative, administrative, budgetary and other measures to combat poverty;
- D. Ensure appropriate institutional arrangements and data collection with the view to reduce poverty and social exclusion related to sexual orientation, gender identity, gender expression and sex characteristics;
- E. Ensure access to effective remedies for violations of human rights, including those caused by non-State actors, that result in poverty and exclusion, and that adversely affect persons on the grounds of sexual orientation, gender identity, gender expression and sex characteristics.

PRINCIPLE

35

THE RIGHT TO SANITATION

Everyone has the right to equitable, adequate, safe and secure sanitation and hygiene, in circumstances that are consistent with human dignity, without discrimination, including on the basis of sexual orientation, gender identity, gender expression or sex characteristics.

STATES SHALL:

- A. Ensure that there are adequate public sanitation facilities which can be accessed safely and with dignity by all persons regardless of their sexual orientation, gender identity, gender expression or sex characteristics;

- B. Ensure that all schools and other institutional settings provide safe access to sanitation facilities to staff, students and visitors without discrimination on grounds of sexual orientation, gender identity, gender expression or sex characteristics;
- C. Ensure that both public and private employers provide safe access to sanitation without discrimination on grounds of sexual orientation, gender identity, gender expression or sex characteristics;
- D. Ensure that entities offering services to the public provide adequate sanitation without discrimination, including on grounds of sexual orientation, gender identity, gender expression or sex characteristics;
- E. Ensure that places of detention have adequate sanitation facilities which can be accessed safely and with dignity by all detainees, staff and visitors without discrimination on grounds of sexual orientation, gender identity, gender expression or sex characteristics.

THE RIGHT TO THE ENJOYMENT OF HUMAN RIGHTS IN RELATION TO INFORMATION AND COMMUNICATION TECHNOLOGIES

PRINCIPLE 36

Everyone is entitled to the same protection of rights online as they are offline. Everyone has the right to access and use information and communication technologies, including the internet, without violence, discrimination or other harm based on sexual orientation, gender identity, gender expression or sex characteristics. Secure digital communications, including the use of encryption, anonymity and pseudonymity tools are essential for the full realisation of human rights, in particular the rights to life, bodily and mental integrity, health, privacy, due process, freedom of opinion and expression, peaceful assembly and association.

STATES SHALL:

- A. Take all necessary measures to ensure that all persons enjoy universal, affordable, open, safe, secure and equal access to information and communication technologies, including the internet, without discrimination based on sexual orientation, gender identity, gender expression or sex characteristics;
- B. Ensure the right of all individuals, without discrimination based on sexual orientation, gender identity, gender expression or sex characteristics, to seek, receive and impart information and ideas of all kinds, including those concerning sexual orientation, gender identity, gender expression and sex characteristics, through information and communication technologies;

- C. Ensure that any restrictions to the right to access and use information and communication technologies and the internet are provided for by law and are necessary and proportionate to protect the human dignity, equality and freedoms of others, without discrimination on the basis of sexual orientation, gender identity, gender expression or sex characteristics;
- D. Respect and protect the privacy and security of digital communications, including the use by individuals of encryption, pseudonyms and anonymity technology;
- E. Ensure that any restrictions on the right to privacy, including through mass or targeted surveillance, requests for access to personal data, or through limitations on the use of encryption, pseudonymity and anonymity tools, are on a case specific basis, and are reasonable, necessary and proportionate as required by the law for a legitimate purpose and ordered by a court;
- F. Take measures to ensure that the processing of personal data for individual profiling is consistent with relevant human rights standards including personal data protection and does not lead to discrimination, including on the grounds of sexual orientation, gender identity, gender expression and sex characteristics;
- G. Take all necessary legislative, administrative, technical and other measures, including ensuring private sector accountability, as outlined by relevant international standards, in consultation with relevant stakeholders, to seek to prevent, remedy and eliminate online hate speech, harassment and technology-related violence against persons on the basis of sexual orientation, gender identity, gender expression or sex characteristics under the framework of international human rights law.

PRINCIPLE

37

THE RIGHT TO TRUTH

Every victim of a human rights violation on the basis of sexual orientation, gender identity, gender expression or sex characteristics has the right to know the truth about the facts, circumstances and reasons why the violation occurred. The right to truth includes effective, independent and impartial investigation to establish the facts, and includes all forms of reparation recognised by international law. The right to truth is not subject to statute of limitations and its application must bear in mind its dual nature as an individual right and the right of the society at large to know the truth about past events.

STATES SHALL:

- A. Adopt legal provisions to provide redress to victims of violations on the basis of sexual orientation, gender identity, gender expression and sex characteristics, including public apology, expungement of relevant criminal convictions and records, rehabilitation and recovery services, adequate compensation and guarantees of non-recurrence;

- B. Ensure, in cases of violations of the right to mental and bodily integrity, effective access to remedies, redress, reparation and, where appropriate, psychological support and restorative treatments;
- C. Protect individuals' right to know the truth about their medical histories, including through full access to accurate medical records;
- D. Adopt and fully implement procedures to establish the truth concerning violations based on sexual orientation, gender identity, gender expression and sex characteristics;
- E. Establish a truth-seeking mechanism and process in regard to human rights violations based on sexual orientation, gender identity, gender expression and sex characteristics;
- F. Ensure that, in addition to individual victims and their families, communities and society at large can realise the right to the truth about systemic human rights violations based on sexual orientation, gender identity, gender expression and sex characteristics, while respecting and protecting the right to privacy of individuals;
- G. Preserve documentary evidence of human rights violations based on sexual orientation, gender identity, gender expression and sex characteristics, and ensure adequate access to archives with information on violations based on sexual orientation, gender identity, gender expression and sex characteristics;
- H. Ensure that the facts and truth of the history, causes, nature and consequences of discrimination and violence on grounds of sexual orientation, gender identity, gender expression and sex characteristics are disseminated and added to educational curricula with a view to achieving a comprehensive and objective awareness of past treatment of persons on grounds of sexual orientation, gender identity, gender expression and sex characteristics;
- I. Commemorate the suffering of victims of violations on the basis of sexual orientation, gender identity, gender expression and sex characteristics through public events, museums and other social and cultural activities.

PRINCIPLE

38

THE RIGHT TO PRACTISE, PROTECT, PRESERVE
AND REVIVE CULTURAL DIVERSITY

Everyone, individually or in association with others, where consistent with the provisions of international human rights law, has the right to practise, protect, preserve and revive cultures, traditions, languages, rituals and festivals, and protect cultural sites of significance, associated with sexual orientation, gender identity, gender expression and sex characteristics. Everyone, individually or in association with others, has the right to manifest cultural diversity through artistic creation, production, dissemination, distribution and enjoyment, whatever the means and technologies used, without discrimination based on sexual orientation, gender identity, gender expression or sex characteristics. Everyone, individually or in association with others, has the right to seek, receive, provide and utilise resources for these purposes without discrimination on the basis of sexual orientation, gender identity, gender expression or sex characteristics.

STATES SHALL:

- A . Ensure the right to practice, protect, preserve and revive the diversity of cultural expressions of persons of all sexual orientations, gender identities, gender expressions and sex characteristics on the basis of the equal dignity of and respect for all.

ADDITIONAL STATE OBLIGATIONS

RELATING TO THE RIGHTS TO EQUALITY AND NON-DISCRIMINATION (PRINCIPLE 2)

STATES SHALL:

- G. Take all appropriate steps to ensure that reasonable accommodation is provided, where needed, in order to promote equality and eliminate discrimination on the basis of sexual orientation, gender identity, gender expression or sex characteristics, including in education, employment, and access to services;
- H. Ensure that HIV status is not used as a pretext to isolate, marginalise or exclude persons of diverse sexual orientations, gender identities, gender expressions or sex characteristics, or prevent them from accessing goods, commodities and services;
- I. Ensure that all individuals can participate in sport in line with the gender with which they identify, subject only to reasonable, proportionate and non-arbitrary requirements;
- J. Ensure that all individuals can participate in sport without discrimination on the grounds of sexual orientation, gender identity, gender expression or sex characteristics;
- K. Adopt legislative, policy and other measures in line with international human rights norms and standards to eliminate bullying and discriminatory behaviour at all levels of sports, on the basis of sexual orientation, gender identity, gender expression and sex characteristics;
- L. Combat the practice of prenatal selection on the basis of sex characteristics, including by addressing the root causes of discrimination against persons on the basis of sex, gender, sexual orientation, gender identity, gender expression and sex characteristics, and by carrying out awareness-raising activities on the detrimental impact of prenatal selection on these grounds;
- M. Take measures to address discriminatory attitudes and practices on the basis of sex, gender, sexual orientation, gender identity, gender expression and sex characteristics in relation to the application of prenatal treatments and genetic modification technologies.

RELATING TO THE RIGHT TO PRIVACY (PRINCIPLE 6)

STATES SHALL:

- G. Ensure that requirements for individuals to provide information on their sex or gender are relevant, reasonable and necessary as required by the law for a legitimate purpose in the circumstances where it is sought, and that such requirements respect all persons' right to self-determination of gender;
- H. Ensure that changes of the name or gender marker, as long as the latter exists, is not disclosed without the prior, free, and informed consent of the person concerned, unless ordered by a court.

RELATING TO THE RIGHT TO TREATMENT WITH HUMANITY WHILE IN DETENTION (PRINCIPLE 9)

STATES SHALL:

- H. Adopt and implement policies to combat violence, discrimination and other harm on grounds of sexual orientation, gender identity, gender expression or sex characteristics faced by persons who are deprived of their liberty, including with respect to such issues as placement, body or other searches, items to express gender, access to and continuation of gender affirming treatment and medical care, and "protective" solitary confinement;
- I. Adopt and implement policies on placement and treatment of persons who are deprived of their liberty that reflect the needs and rights of persons of all sexual orientations, gender identities, gender expressions, and sex characteristics and ensure that persons are able to participate in decisions regarding the facilities in which they are placed;
- J. Provide for effective oversight of detention facilities, both with regard to public and private custodial care, with a view to ensuring the safety and security of all persons, and addressing the specific vulnerabilities associated with sexual orientation, gender identity, gender expression and sex characteristics.

RELATING TO THE RIGHT TO FREEDOM FROM TORTURE AND CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (PRINCIPLE 10)

STATES SHALL:

- D. Recognise that forced, coercive and otherwise involuntary modification of a person's sex characteristics may amount to torture, or other cruel, inhuman or degrading treatment;
- E. Prohibit any practice, and repeal any laws and policies, allowing intrusive and irreversible treatments on the basis of sexual orientation, gender identity, gender expression or sex characteristics, including forced genital-normalising surgery, involuntary sterilisation, unethical experimentation, medical display, "reparative" or "conversion" therapies, when enforced or administered without the free, prior, and informed consent of the person concerned.

RELATING TO THE RIGHT TO EDUCATION (PRINCIPLE 16)

STATES SHALL:

- I. Ensure inclusion of comprehensive, affirmative and accurate material on sexual, biological, physical and psychological diversity, and the human rights of people of diverse sexual orientations, gender identities, gender expressions and sex characteristics, in curricula, taking into consideration the evolving capacity of the child;
- J. Ensure inclusion of comprehensive, affirmative and accurate material on sexual, biological, physical and psychological diversity, and the human rights of people of diverse sexual orientations, gender identities, gender expressions and sex characteristics, in teacher training and continuing professional development programmes.

RELATING TO THE RIGHT TO THE HIGHEST ATTAINABLE STANDARD OF HEALTH (PRINCIPLE 17)

STATES SHALL:

- J. Protect all persons from discrimination, violence and other harm on the basis of sexual orientation, gender identity, gender expression and sex characteristics in healthcare settings;
- K. Ensure access to the highest attainable standard of gender affirming healthcare, on the basis of an individual's free, prior and informed consent;
- L. Ensure that gender affirming healthcare is provided by the public health system or, if not so provided, that the costs are covered or reimbursable under private and public health insurance schemes;
- M. Take all necessary measures to eliminate all forms of sexual and reproductive violence on the basis of sexual orientation, gender identity, gender expression and sex characteristics, including forced marriage, rape and forced pregnancy;
- N. Ensure access, without discrimination on the grounds of sexual orientation, gender identity, gender expression, or sex characteristics, to pre and post-exposure prophylaxis (PrEP and PEP);
- O. Ensure access to a range of safe, affordable and effective contraceptives, including emergency contraception, and to information and education on family planning and sexual and reproductive health, without discrimination based on sexual orientation, gender identity, gender expression and sex characteristics;
- P. Take all necessary legislative and other measures to ensure access to quality post abortion care, and remove any barriers that may hinder timely access to affordable and quality abortion services, without discrimination based on sexual orientation, gender identity, gender expression or sex characteristics;
- Q. Prevent the disclosure of HIV status, as well as personal health and medical information related to sexual orientation, gender identity, gender expression and sex characteristics, such as gender affirming treatment, without the free, prior and informed consent of the person;
- R. Ensure that legal provisions, regulations or any other administrative measures on the donation of blood, gametes, embryos, organs, cells or other tissues do not discriminate on grounds of sexual orientation, gender identity, gender expression or sex characteristics;
- S. Ensure inclusion of affirmative material on sexual, biological, physical and psychological diversity and the human rights of people of diverse sexual orientations, gender identities, gender expressions and sex characteristics in medical curricula and continuing professional development programmes.

RELATING TO THE RIGHT TO INFORMATION (PRINCIPLE 19)

STATES SHALL:

- G. Take legislative, administrative, and other appropriate measures to ensure that all persons have access to information about their civil, political, economic, social and cultural rights, including how these rights apply in relation to sexual orientation, gender identity, gender expression and sex characteristics;
- H. Make freely available and accessible, both online and otherwise, international and regional treaties and instruments; the national constitution, national laws and regulations; research studies, reports, data, archives; reports and information submitted by the State to international and regional bodies and mechanisms; and all other information as may be necessary to secure or enable the exercise of any human rights or fundamental freedoms or access to remedy for a violation of any such right;
- I. Recognise that the needs, characteristics and human rights situations of populations of diverse sexual orientations, gender identities, gender expressions and sex characteristics are distinct from each other, and ensure that data on each population is collected and managed in a manner consistent with ethical, scientific and human rights standards and made available in a disaggregated form.

RELATING TO THE RIGHT TO THE FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION (PRINCIPLE 20)

STATES SHALL:

- F. Respect, protect and facilitate the formation of associations for the purpose of promoting the rights of all persons, including on the basis of sexual orientation, gender identity, gender expression or sex characteristics;
- G. Ensure that associations which seek to promote human rights related to sexual orientation, gender identity, gender expression or sex characteristics can seek, receive and use funding and other resources from individuals, associations, foundations or other civil society organisations, governments, aid agencies, the private sector, the United Nations and other entities, domestic or foreign;
- H. Ensure that requirements and procedures to register associations, where they exist, are not burdensome or impose unjustifiable limitations, including on grounds of morality and public order;

- I. Ensure that the right to freedom of association applies equally to associations that are not registered, including associations working on issues related to sexual orientation, gender identity, gender expression or sex characteristics;
- J. Take positive measures, including affirmative action measures, to overcome specific challenges to the enjoyment of the freedom of association of groups that are marginalised and made vulnerable on grounds of sexual orientation, gender identity, gender expression or sex characteristics;
- K. Take positive measures to protect the right to association of service providers working with those discriminated against on grounds of sexual orientation, gender identity, gender expression or sex characteristics.

RELATING TO THE RIGHT TO SEEK ASYLUM (PRINCIPLE 23)

STATES SHALL:

- D. Ensure that a well-founded fear of persecution on the basis of sexual orientation, gender identity, gender expression or sex characteristics is accepted as a ground for the recognition of refugee status, including where sexual orientation, gender identity, gender expression or sex characteristics are criminalised and such laws, directly or indirectly, create or contribute to an oppressive environment of intolerance and a climate of discrimination and violence;
- E. Ensure that persons seeking asylum are protected from violence, discrimination and other harm committed on grounds of sexual orientation, gender identity, gender expression or sex characteristics, including during the determination of their claims and in reception conditions;
- F. Ensure that no person is denied asylum on the basis that a person may conceal or change their sexual orientation, gender identity, gender expression or sex characteristics in order to avoid persecution;
- G. Accept the self-identification of a person seeking asylum on the basis of sexual orientation, gender identity, gender expression or sexual characteristics as the starting point for consideration of their asylum claim;
- H. Ensure that persons seeking asylum are not refused asylum because they did not set out their sexual orientation, gender identity, gender expression or sexual characteristics as a ground for persecution on the first occasion they were given to do so;
- I. Ensure sensitive and culturally appropriate guidelines and training on sexual orientation, gender identity, gender expression and sexual characteristics for agents involved in the process of determination of refugee status and in managing reception conditions;

- J. Ensure respect for the dignity and privacy of persons seeking asylum at all times, including by recording information about a person's sexual orientation, gender identity, gender expression and sex characteristics only where it is lawful, reasonable, necessary and proportionate to do so, by storing it securely and by prohibiting its release to any person other than a person directly involved in the refugee determination process;
- K. Develop and implement guidelines on assessing credibility in relation to establishing a person's sexual orientation, gender identity, gender expression and sex characteristics when seeking asylum, and ensure such assessments are determined in an objective and sensitive manner, unhindered by stereotyping and cultural bias;
- L. Ensure that inappropriate, invasive, unnecessary or coercive medical or psychological testing or evidence is not utilised to assess a person's self-declared sexual orientation, gender identity, gender expression or sex characteristics when seeking asylum;
- M. Provide access to medical care and counselling appropriate to those seeking asylum, recognising any particular needs of persons on the basis of their sexual orientation, gender identity, gender expression or sex characteristics, including with regard to reproductive health, HIV information and therapy, hormonal or other therapy, and gender affirming treatment;
- N. Ensure that the detention of asylum seekers is avoided, and is only used as a measure of last resort and for the shortest possible time;
- O. Ensure that placement in detention, where used, avoids further marginalising persons on the basis of sexual orientation, gender identity, gender expression or sex characteristics or subjecting them to violence, discrimination or other harm;
- P. Ensure that solitary confinement is not used to manage or to protect persons at risk of discrimination, violence or other harm on the basis of sexual orientation, gender identity, gender expression or sex characteristics, and release or refer asylum seekers to alternatives to detention, if effective protection cannot be provided.

RELATING TO THE RIGHT TO FOUND A FAMILY (PRINCIPLE 24)

STATES SHALL:

- H. Protect children from discrimination, violence or other harm due to the sexual orientation, gender identity, gender expression or sex characteristics of their parents, guardians, or other family members;
- I. Issue birth certificates for children upon birth that reflect the self-defined gender identity of the parents;
- J. Enable access to methods to preserve fertility, such as the preservation of gametes and tissues for any person without discrimination on grounds of sexual orientation, gender identity, gender expression, or sex characteristics, including before hormonal treatment or surgeries;
- K. Ensure that surrogacy, where legal, is provided without discrimination based on sexual orientation, gender identity, gender expression or sex characteristics.

RELATING TO THE RIGHT TO PARTICIPATE IN PUBLIC LIFE (PRINCIPLE 25)

STATES SHALL:

- D. Take measures to ensure that sexual orientation, gender identity, gender expression and sex characteristics are not used as grounds to prevent a person from exercising their right to vote;
- E. Develop and implement affirmative action programmes to promote public and political participation for persons marginalised on the basis of sexual orientation, gender identity, gender expression or sex characteristics.

RELATING TO THE RIGHT TO PROMOTE HUMAN RIGHTS (PRINCIPLE 27)

STATES SHALL:

- F. Enact a law, including to establish, designate or maintain an adequately resourced mechanism, for the protection of defenders of the rights of persons who experience or are at risk of violations on the basis of sexual orientation, gender identity, gender expression or sex characteristics;
- G. Ensure the participation of individuals and organisations working on human rights issues related to sexual orientation, gender identity, gender expression or sex characteristics in public and political decision-making processes that affect them.

ADDITIONAL RECOMMENDATIONS

All members of society and of the international community have responsibilities regarding the realisation of human rights. We therefore further recommend that:

- Q.** National human rights institutions ensure that in their programmes and activities they take action on human rights issues relating to sexual orientation, gender identity, gender expression and sex characteristics, mainstream those issues in all their functions, including complaint handling and human rights education, and promote the inclusion of persons of diverse sexual orientation, gender identity, gender expression and sex characteristics in their leadership and staff;
- R.** Sporting organisations integrate the Yogyakarta Principles (2006) and these Additional Principles (2017), as well as all relevant human rights norms and standards, in their policies and practices, in particular:
- i. Take practical steps to create welcoming spaces for participation in sport and physical activity, including installation of appropriate changing rooms, and sensitisation of the sporting community on the implementation of anti-discrimination laws in the sporting context for persons of diverse sexual orientations, gender identities, gender expressions, and sex characteristics;
 - ii. Ensure that all individuals who wish to participate in sport are supported to do so irrespective of sexual orientation, gender identity, gender expression and sex characteristics, and that all individuals are able to participate, without restriction, subject only to reasonable, proportionate and non-arbitrary requirements to participate in line with their self-declared gender;
 - iii. Remove, or refrain from introducing, policies that force, coerce or otherwise pressure women athletes into undergoing unnecessary, irreversible and harmful medical examinations, testing and/or procedures in order to participate as women in sport;
 - iv. Take measures to encourage the general public to respect diversity based on sexual orientation, gender identity, gender expression and sex characteristics in sports, including measures to eliminate hate speech, harassment, and violence at sports events.

THESE ADDITIONAL PRINCIPLES, STATE OBLIGATIONS AND RECOMMENDATIONS reflect the application of international human rights law to the lives and experiences of persons of diverse sexual orientations, gender identities, gender expressions and sex characteristics, and nothing herein should be interpreted as restricting or in any way limiting the rights and freedoms of such persons as recognised in international, regional or national laws or standards.

SIGNATORIES TO THE ADDITIONAL PRINCIPLES AND STATE OBLIGATIONS

- Philip Alston** (*Australia*), UN Special Rapporteur on extreme poverty and human rights
- Ilze Kehris Brands** (*Latvia and Sweden*), Member, UN Human Rights Committee; Senior research fellow, Raoul Wallenberg Institute of Human Rights and Humanitarian Law
- Deborah Brown** (*United States of America*), Association for Progressive Communications
- Mauro Cabral Grinspan** (*Argentina*), Executive Director, GATE
- Edwin Cameron** (*South Africa*), Judge, Constitutional Court of South Africa
- Morgan Carpenter** (*Australia*), Founder, Intersex Day Project; Co-executive director, Organisation Intersex International Australia; Consultant, GATE
- Kamala Chandrakirana** (*Indonesia*), Urgent Action Fund for Women's Human Rights - Asia-Pacific; member of the UN Working Group on the issue of discrimination against women in law and practice (2011-2017)
- Sonia Onufer Corrêa** (*Brazil*), Research Associate, Brazilian Interdisciplinary AIDS Association (ABIA); Co-chair, Sexuality Policy Watch
- Paul Dillane** (*United Kingdom*), Executive Director, Kaleidoscope Trust
- Julia Ehrh** (*Germany*), Executive Director, Transgender Europe (TGEU)
- Sheherezade Kara** (*United Kingdom and Zimbabwe*), International Human Rights Law Expert, Advocate and Consultant
- David Kaye** (*United States of America*), UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression
- Maina Kiai** (*Kenya*), InformAction and Human Rights Defender; UN Special Rapporteur on the rights to freedom of peaceful assembly and association (2011-2017)
- Eszter Kismodi** (*Hungary and Switzerland*), International human rights lawyer
- Eleanora Lamm** (*Argentina*), Human Rights Director at the Supreme Court of Justice of Mendoza; Member of the National Committee on Ethics in Science and Technologies
- Victor Madrigal-Borloz** (*Costa Rica*) Secretary- General of the International Rehabilitation Council for Torture Victims (IRCT)
- Monica Mbaru** (*Kenya*), Judge, Employment and Labour Relations Court
- Sanji Mmasenono Monageng** (*Botswana*), Judge, International Criminal Court, The Hague; Commissioner, International Commission of Jurists
- Vitit Muntarbhorn** (*Thailand*), Professor Emeritus, Chulalongkorn University; UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (2016-2017)
- Arvind Narrain** (*India*), Geneva Director, ARC International; Alternative Law Forum (2000-2014)

Sunil Pant (*Nepal*), Member of Parliament (2008-2012), Nepal

Pooja Patel (*India and Switzerland*), LGBT & Women's Rights Programme Manager, International Service for Human Rights (ISHR)

Dainius Puras (*Lithuania*), UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of health

Alecs Recher (*Switzerland*), Head legal advice service, Transgender Network Switzerland; Researcher, Swiss Centre of Expertise in Human Rights

Cianán B. Russell (*United States of America and Thailand*), Human Rights & Advocacy Officer, Asia Pacific Transgender Network

Macarena Saez (*United States of America*), Centre for Human Rights & Humanitarian Law, American University Washington College of Law

Meena Saraswati Seshu (*India*), General Secretary, Sampada Grameen Mahila Sanstha (SANGRAM)

Ajit Prakash Shah (*India*), Chief Justice (2008-2010), High Court of Delhi

Chris Sidoti (*Australia*), International human rights specialist; Australian Human Rights Commissioner (1995-2000)

Monica Tabengwa (*Botswana*), Executive Director, Pan-Africa ILGA

Sylvia Tamale (*Uganda*), Makerere University Law School

Frans Viljoen (*South Africa*); Professor of International Human Rights Law and Director, Centre for Human Rights, Faculty of Law, University of Pretoria

Kimberly Zieselman (*United States of America*), Executive Director, interACT: Advocates for Intersex Youth

s22(1)(a)(ii)

From: s22(1)(a)(ii)
Sent: Tuesday, 12 December 2017 10:06 PM
To: Pooja Patel
Subject: RE: INVITATION: Launching the Yogyakarta Principles plus 10: LGBTI persons and international human rights law [DLM=For-Official-Use-Only]
Attachments: PLAYFORD_Talking Points_Yogyakarta Principles.docx

For-Official-Use-Only

Excellent. That was what I thought, but with the similar names wanted to check.

Revised points for translators attached.

Regards

s22(1)(a)(ii)

Counsellor (Human Rights)
Australian Permanent Mission to the United Nations
Phone +41 22 799 9132 | Mobile +41 (0)79 240 8658

From: Pooja Patel [mailto:p.patel@ishr.ch]
Sent: Tuesday, 12 December 2017 12:04 PM
To: s22(1)(a)(ii) <s22(1)(a)(ii)@dfat.gov.au>
Subject: Re: INVITATION: Launching the Yogyakarta Principles plus 10: LGBTI persons and international human rights law [DLM=For-Official-Use-Only]

Hi s22(1)(a)(ii)

Yes indeed, Arcus Foundation and the Ville de Genève in addition to the Australian government, have supported the project by providing funding. ARC International is an NGO working on LGBTI rights with whom we have partnered for the activities of the project.

Pooja

Pooja Patel | Human Rights Programme & Advocacy Manager

International Service For Human Rights (ISHR)

p.patel@ishr.ch | Tel: [+41 22 919 71 00](tel:+41229197100) | Mobile: [+41 76 787 39 28](tel:+41767873928)

www.ishr.ch | www.facebook.com/ISHRglobal | www.twitter.com/ISHRglobal

I do not work on Fridays

On Tue, Dec 12, 2017 at 11:53 AM, s22(1)(a)(ii) <s22(1)(a)(ii)@dfat.gov.au> wrote:

For-Official-Use-Only

Pooja

Can I just check – I don't want to confuse my NGOs.

Was it Arcus Foundation who provided funding, and ARC International who co-led the project

Cheers

s22(1)(a)(ii)

Counsellor (Human Rights)

Australian Permanent Mission to the United Nations

Phone **s22(1)(a)(ii)** | Mobile **s22(1)(a)(ii)**

From: Pooja Patel [mailto:p.patel@ishr.ch]

Sent: Tuesday, 12 December 2017 11:17 AM

To: **s22(1)(a)(ii)** <**s22(1)(a)(ii)** [@dfat.gov.au](mailto:s22(1)(a)(ii)@dfat.gov.au)>

Subject: Re: INVITATION: Launching the Yogyakarta Principles plus 10: LGBTI persons and international human rights law [DLM=For-Official-Use-Only]

Dear **s22(1)(a)(ii)**

Many thanks for these remarks in advance! The only one change I would like to suggest is that ARC International, in addition to ISHR, is credited for leadership on this project.

Many thanks, and look forward to seeing you tomorrow night! It looks to be an interesting event with a mix of local Genevan LGBTI NGOs, international NGOs, HRDs from the national level along with academics, diplomats and UN agencies.

Pooja

Pooja Patel | Human Rights Programme & Advocacy Manager

International Service For Human Rights (ISHR)

p.patel@ishr.ch | Tel: [+41 22 919 71 00](tel:+41229197100) | Mobile: [+41 76 787 39 28](tel:+41767873928)

www.ishr.ch | www.facebook.com/ISHRglobal | www.twitter.com/ISHRglobal

I do not work on Fridays

On Mon, Dec 11, 2017 at 6:42 PM, s22(1)(a)(ii) <s22(1)(a)(ii) @dfat.gov.au> wrote:

For-Official-Use-Only

Sorry – wrong version attached.

Please use this one.

Cheers

s22(1)(a)(ii)

From: s22(1)(a)(ii)

Sent: Monday, 11 December 2017 6:40 PM

To: 'Pooja Patel' <p.patel@ishr.ch>

Subject: RE: INVITATION: Launching the Yogyakarta Principles plus 10: LGBTI persons and international human rights law [DLM=For-Official-Use-Only]

For-Official-Use-Only

Pooja

Please see draft remarks for Wednesday. I may try to adjust on the night to pick up any particular themes that emerge. And if you have any points you particularly want me to make, please let me know.

Regards

s22(1)(a)(ii)

s22(1)(a)(ii)

Counsellor (Human Rights)

Australian Permanent Mission to the United Nations

Phone s22(1)(a)(ii) | Mobile s22(1)(a)(ii)

From: Pooja Patel [<mailto:p.patel@ishr.ch>]

Sent: Monday, 11 December 2017 10:53 AM

To: s22(1)(a)(ii) <s22(1)(a)(ii)@dfat.gov.au>

Subject: Fwd: INVITATION: Launching the Yogyakarta Principles plus 10: LGBTI persons and international human rights law

Dear s22(1)(a)(ii)

Hoping that you already received this invitation. We are really excited for this launch, and again, thank you for agreeing to provide some closing remarks. For the purposes of interpretation, it would be great if possible to provide the text of your remarks in advance (but no pressure!) We are happy that the new Independent Expert on SOGI will also be attending and participating as a panelist, as Victor was also one of the experts involved in developing the YP+10.

I know I am late to respond to your email asking for a short text for the generic invite to your mailing list, but if there is a possibility to send today or tomorrow it would be appreciated. The text as per our invite is in line with the official press release and can be used. Most importantly, we have just learned that there is a need to RSVP as the venue has a maximum capacity - our invitation provides a link to this Google form and if there is a way to hyperlink this that would be great (https://docs.google.com/forms/d/e/1FAIpQLSd-3xEddvEmJC7NI0OShUvBtmHNS5Q_FY3Q6lLulD3aoQN54Q/viewform). Another option is to provide my email address.

Kind regards,

Pooja

Pooja Patel | Human Rights Programme & Advocacy Manager

International Service For Human Rights (ISHR)

p.patel@ishr.ch | Tel: [+41 22 919 71 00](tel:+41229197100) | Mobile: [+41 76 787 39 28](tel:+41767873928)

www.ishr.ch | www.facebook.com/ISHRglobal | www.twitter.com/ISHRglobal

I do not work on Fridays

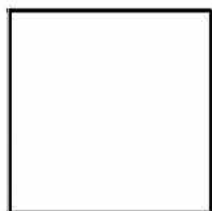
----- Forwarded message -----

From: **International Service for Human Rights** <information@ishr.ch>

Date: 8 December 2017 at 13:53

Subject: INVITATION: Launching the Yogyakarta Principles plus 10: LGBTI persons and international human rights law

To: [s47F\(1\)](#)

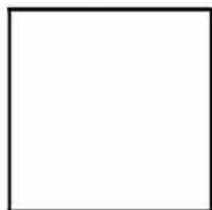
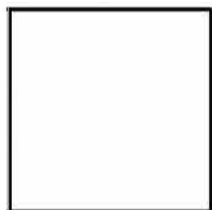


Dear Colleagues,

You are cordially invited to join us for the launch of the Yogyakarta Principles plus 10.

It's an exciting moment!

The anticipated set of new principles relating to sexual orientation, gender identity, gender expression and sex characteristics sets out nine Additional Principles covering a range of rights dealing with information and communication technologies, poverty, and cultural diversity, to name a few. There are also 111 Additional State Obligations, including in areas such as torture, asylum, privacy, health and the protection of human rights defenders.



Wednesday 13 December

6pm - 8pm (followed by a reception)

Palais Eynard, [Rue de la Croix-Rouge 4, Geneva](#)**Programme:**

- Introduction & Welcome: Pooja Patel, ISHR
- Opening remarks: Sandrine Salerno, Conseillère Administrative de la Ville de Genève

Panel:

- Mauro Cabral Grinspan, Global Alliance for Trans Equality
- Sheherezade Kara, independent human rights expert
- Paul Dillane, Kaleidoscope Trust
- Arvind Narrain, ARC International
- Victor Madrigal, International Rehabilitation Council for Torture Victims

Closing remark: [s22\(1\)\(a\)\(ii\)](#) , Permanent Mission of Australia

RSVP deadline: before 12 December, 12:00PM.

[Please click here to RSVP](#)

Languages: English and French (interpretation provided)

This event is sponsored by Ville de Genève.

For more information on the Yogyakarta Principles plus 10, check out <http://www.yogyakartaprinciples.org>

International Service for Human Rights (ISHR)

www.ishr.ch

www.facebook.com/ishrglobal

www.twitter.com/ISHRglobal

www.youtube.com/user/ISHRGlobal

SHR

[Rue de Varembe 1](#)

Geneva, 1202

SWITZERLAND

Unsubscribe [here](#)

Launching the Yogyakarta Principles plus 10: LGBTI persons and international human rights law

Closing Remarks – s22(1)(a)(ii)

Distinguished panellists, I am delighted to be here tonight on behalf of the Australian Government.

Human rights are universal, indivisible and interdependent.

All people are entitled to respect, dignity and legal protection regardless of their sexual orientation or gender identity (SOGI).

Reflecting this, Australia is committed to promoting human rights, non-discrimination and non-violence for LGBTI individuals globally.

The tenth anniversary of the Yogyakarta Principles provides a unique opportunity to reflect on progress over the last decade to implement equal rights for all persons, including LGBTI individuals.

The past decade has witnessed marked improvements in the treatment and perception of LGBTI human rights globally.

For my own country, in 2013 our federal Sex Discrimination Act was amended to introduce new protections from discrimination on the grounds of sexual orientation, gender identity and intersex status in many areas of public life.

Australia remains one of only a handful of countries with specific legislative non-discrimination protections for intersex persons.

And just last week the Australian parliament legislated to provide for same-sex marriage.

However, globally there is no denying that the situation remains dire, with over 70 countries continuing to criminalise consensual same-sex relations.

The *Yogyakarta Principles plus 10* help us in the journey to a time where all people are born free and equal in dignity and human rights.

These Principles are an invaluable tool for anyone working towards greater recognition of equal human rights for LGBTI persons.

By articulating how existing human rights protections should apply to LGBTI persons, the Principles help break down any notion that advocating for non-discrimination, non-violence and equal rights on the grounds of sexual orientation or gender identity means the creation of new rights.

LGBTI rights are not new rights. They are not superior rights. They are the same equal rights articulated through human rights treaties and applicable to all.

Australia was pleased to provide financial support to the International Service for Human Rights in developing the *Yogyakarta Principles plus ten*, along with the Arcus Foundation and City of Geneva.

The open, collaborative, and inter-regional process for developing, revising and adopting the *Yogyakarta Principles plus 10* is to be commended.

I thank ISHR and Arc International for their leadership in organising this project, the experts who participated in drafting, and the many individuals and civil society groups who made submissions to the process.

At this launch of the *Yogyakarta Principles plus 10*, I join with you all in looking forward to a world where we can simply take it for granted that everyone is free and equal. And that that discrimination, violence and intolerance are a think of the past.

s22(1)(a)(ii)

From: s22(1)(a)(ii)
Sent: Wednesday, 6 December 2017 3:21 PM
To: s22(1)(a)(ii)
Cc: s22(1)(a)(ii)
Subject: RE: Advance copy and invitation to speak at launch of YP+10 [DLM=For-Official-Use-Only]
Attachments: Attachment to IDAHOT 2017 Cable - Talking Points Yogyakarta Principles a....docx
Follow Up Flag: Follow up
Flag Status: Flagged

For-Official-Use-Only

Hey s22(1)(a)(ii)

It's great to see this come to fruition! A great product for us to have supported.

Please see attached the TPs from IDAHOT 2017, which (as you correctly recalled) covered the Yogyakarta Principles. If you need anything else please let me know.

Very grateful for a cable read-out of the event after the fact!

Cheers,

s22(1)(a)(ii)

Human Rights and Indigenous Issues Section
 Human Rights Branch | Multilateral Policy Division
 Department of Foreign Affairs and Trade
 Phone s22(1)(a)(ii)



—
 Candidate for the
 United Nations Human Rights Council

From: s22(1)(a)(ii)
Sent: Thursday, 30 November 2017 4:26 AM
To: s22(1)(a)(ii) <s22(1)(a)(ii)@dfat.gov.au>; s22(1)(a)(ii) <s22(1)(a)(ii)@dfat.gov.au>
Cc: s22(1)(a)(ii) <s22(1)(a)(ii)@dfat.gov.au>; s22(1)(a)(ii) <s22(1)(a)(ii)@dfat.gov.au>; s22(1)(a)(ii) <s22(1)(a)(ii)@dfat.gov.au>
Subject: FW: Advance copy and invitation to speak at launch of YP+10 [DLM=For-Official-Use-Only]
Importance: High

For-Official-Use-Only

s22(1)(a)(ii)

I have advised ISHR what would be pleased to make closing remarks. Could you resend at some point the TPs circulated to posts for this year's IDAHOT day – which I recall referenced the Yogyakarta Principles – will draw on these for remarks

Regards

s22(1)(a)(ii)

Counsellor (Human Rights)
Australian Permanent Mission to the United Nations
Phone s22(1)(a)(ii) | Mobile s22(1)(a)(ii)

From: Phil Lynch [<mailto:p.lynch@ishr.ch>]
Sent: Monday, 27 November 2017 11:13 AM
To: s22(1)(a)(ii) <s22(1)(a)(ii)@dfat.gov.au>
Cc: Pooja Patel <p.patel@ishr.ch>
Subject: Advance copy and invitation to speak at launch of YP+10
Importance: High

Dear s22(1)(a)(ii)

I hope this finds you really well.

We're really excited to let you know that later today we will be putting the 'Yogyakarta Principles plus 10' online, a copy of which are attached. As you are aware, Australia strongly supported the development of YP+10, along with the Arcus Foundation and the Ville de Genève.

We are planning a formal launch of YP+10 on 13 December, hosted by Ville de Genève. We would be delighted if you were available to make closing remarks at that event and I copy Pooja Patel of ISHR to provide more details in that regard.

As we articulated in our project proposal, we aimed to mark the 10 year anniversary of the YPs by taking stock of developments in international human rights law to 'update' the document. The result is a set of additional principles and State obligations.

We began the year with an open call for submissions to this process and constituted a drafting committee. The drafting committee consolidated submissions, and undertook further research and consultations to develop a first draft. This was then reviewed, revised and adopted by a group of experts at a meeting in Geneva on 18-20 September. The full list of expert signatories, including a number of eminent Australians, is impressive and is on the last page of the document.

Among the innovations the YP+10 makes is the expansion of the scope of the YPs to more comprehensively address issues as to gender identity, gender expression and sex characteristics, together with the protection of defenders working on LGBTI rights issues. There is also an increase in the number of trans and intersex signatories this time around.

French, Spanish and Chinese versions of YP+10 will be rolled out in the coming weeks, with Russian and Arabic versions available in the early part of 2018.

In addition to the formal launch in Genève on 13 December, we aim for a series of launches into 2018, including in New York around CSW, at the African Commission on Human and Peoples' Rights in April, and also at some of the forthcoming ILGA regional conferences.

Thanks again for the support to make this project happen and I hope you can join us on 13 December.

Best wishes

Phil

Philip Lynch | Director

International Service For Human Rights (ISHR)

p.lynch@ishr.ch | Tel: [+41 22 919 71 00](tel:+41229197100) | Mobile: [+41 76 708 4738](tel:+41767084738)

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Yogyakarta Principles Tenth Anniversary

Handling Note:

These talking points cover the tenth anniversary of the Yogyakarta Principles.

They are intended as an *additional resource* for Posts marking the International Day Against Homophobia and Transphobia (IDHAOT) in 2017.

Post's are not required to engage on the Yogyakarta Principles in their advocacy or outreach for IDAHOT day. However, the tenth anniversary provides a useful theme for those Posts that wish to engage on a more substantial issue.

These talking points do not cover general background on Australia's approach to LGBTI human rights at home or internationally. For more general background see: [s47E\(d\)](#)

Contact HRB for more detailed support on these issues (via [s47E\(d\)](#)).

Talking Points: Yogyakarta Principles

- The Australian Government believes that human rights are universal, indivisible and interdependent and that all people are entitled to respect, dignity and legal protection regardless of their sexual orientation or gender identity (SOGI).
- Australia is committed to promoting human rights, non-discrimination and non-violence for LGBTI individuals globally
 - this advocacy goes to the heart of our shared belief in the fundamental notion of equal rights and protections for all.

Talking Points: Yogyakarta Principles

- The *Yogyakarta Principles* are a set of principles on the application of international human rights law in relation to sexual orientation and gender identity
 - they promise a different future where all people are born free and equal in dignity and human rights.
- These Principles are an invaluable tool for anyone working towards greater recognition of equal human rights for LGBTI persons.
- While non-binding, the Principles affirm the application of binding international legal standards to LGBTI persons.
- By articulating how existing human rights protections should apply to LGBTI persons, the *Yogyakarta Principles* help break down any notion that advocating for non-discrimination, non-violence and equal rights on the grounds of SOGI means the creation of new rights.
- LGBTI rights are not new rights, they are not superior rights, they are the same equal rights articulated through human rights treaties and applied equally for all individuals
 - treaties including the International Covenant on Civil Political Rights, which has almost universal status.

Talking Points: Tenth Anniversary

- The tenth anniversary of the *Yogyakarta Principles* provides a unique opportunity to reflect on progress over the last decade to implement equal rights for all persons, including LGBTI individuals.
- There is no denying that the situation remains dire
 - over 70 countries continue to criminalise consensual same-sex relations
 - at least 14 apply the death penalty to these offences.
- However, the past ten years has also witnessed marked improvements in the treatment and perception of LGBTI human rights globally.
- In Australia in 2013 our federal *Sex Discrimination Act* was amended to introduce new protections from discrimination on the grounds of sexual orientation, gender identity and intersex status in many areas of public life
 - in 2015 these protections were recognised as world leading by the UN Office of the High Commissioner for Human Rights (OHCHR)
 - Australia remains one of only a handful of countries with specific legislative non-discrimination protections for intersex persons.
- In 2011 the Human Rights Council adopted its first resolution on *Human rights, sexual orientation and gender identity*
 - like the *Yogyakarta Principles*, this landmark resolution recalled the commitment made in the Universal Declaration of Human Rights that all are born free and equal in dignity and rights and that everyone is entitled to protection of their all the rights and freedoms.
- In 2016 a further resolution of the Human Rights Council created the first ever mandate for an *Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity*.
- We have indeed come far since the *Yogyakarta Principles* were drafted in 2007
 - yet we still have a long way to go.
- We would welcome the opportunity to hear from you [civil society, government, like-minded missions, National Human Rights Institutions] on
 - your reflections of how the protection of LGBTI human rights has evolved since 2007
 - your experience of how the global debate has, or has not, impacted on local experiences
 - your goals and priorities for action over the next ten years
 - your suggestions how can civil society, National Human Rights Institutions, the UN, and States can work together more effectively to progress LGBTI rights further in line with the spirit of the *Yogyakarta Principles*.

Background: Domestic Issues*The Yogyakarta Principles*

In 2006/2007, in response to well-documented patterns of abuse, a distinguished group of international human rights experts met in Yogyakarta, Indonesia to outline a set of international principles relating to sexual orientation and gender identity. The result was *the Yogyakarta Principles*: a guide to universal human rights which affirm binding international legal standards with which all States should comply.

The *Yogyakarta Principles* aims to reinforce that the human rights articulated at international law should be applied to all individuals regardless of their sexual orientation or gender identity (SOGI).

Australia considers that all individuals are entitled to equal enjoyment of universal human rights. In practice, this means that whatever our sexual orientation, gender identity, nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status, we are all equally entitled to our human rights without discrimination. These rights—interrelated, interdependent, and universal—are shared by each one of us.

While non-binding the *Yogyakarta Principles* has proven a useful tool for States, the UN, National Human Rights Institutions, civil society and human rights defenders seeking to combat violence and discrimination against LGBTI persons.

Their preparation ten years ago was one of a number of key shifts in the international discourse on LGBTI human rights. They contributed to the growth of expertise and resources on the equal application of human rights to all, and provided a platform for advocacy and outreach on these issues including by the former Secretary-General Ban Ki-Moon and at the Human Rights Council.

Further resources can be found at:

- <http://www.ishr.ch/news/yogyakarta-principles-application-human-rights-law-relation-sexual-orientation-and-gender>
- <http://arc-international.net/yogyakarta-principles/>
- <https://www.hrw.org/news/2007/03/26/yogyakarta-principles-milestone-lesbian-gay-bisexual-and-transgender-rights>
- <http://www.ypinaction.org/>
- <http://www.ohchr.org/EN/Issues/Discrimination/Pages/LGBTUNResolutions.aspx>

Australia is providing financial support to the International Service for Human Rights to develop a *10 year review of the Yogyakarta Principles* publication. Further information on this, including the Call for Submissions, can be found at:

- <http://www.ishr.ch/news/call-submissions-10-year-review-yogyakarta-principles>

**UN Mission Geneva – International Development Fund (IDF)
Allocation of funding 2017-2018**

29 November 2017 – IDF Committee Meeting

Present: s 22(1)(a)(ii)

UN Geneva IDF allocation for 2017-2018 is AUD 400,000.00. IDF Committee decided, on the basis of the high quality of project proposals submitted and post efficiency, to allocate 100% of the funds at this meeting with the intention of bidding additional IDF funds in March/April 2018 if other quality project proposals were submitted. In recommending project proposals for funding, the IDF Committee took into consideration:

- national priorities and interests criteria;
- time critical requests for funding;
- IDF 2017-2018 funding cycle;
- Geneva UN IDF Strategy and Guidelines; and
- DFAT's policy on managing terrorism financing risk.

s 22(1)(a)(ii)

s 22(1)(a)(ii)

3). International Service for Human Rights (ISHR) – LGBTI project

ISHR is seeking funding to organise and host a series of expert panel discussions and workshops on the Yogyakarta Principles +10. This project seeks to strengthen advocacy skills, enhance access and participation to decision-making bodies, and facilitate the strategic actions of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons and groups; and contribute to good governance by providing a powerful advocacy tool and authoritative technical guidance on respecting and protecting the rights of LGBTI persons.

Consideration (guided by development/public policy/ national interest criteria and Post's IDF Strategy)

This proposal was not considered a priority. The IDF Committee was already supporting another project by the ISHR in developing and dissemination of the Yogyakarta Principles +10 (2016-17). It was determined that this project should not be funded.

Recommendation: Given the number of high quality applications Post received for the 2017-2018 IDF cycle, it was determined that this project should not be funded.

s 22(1)(a)(ii)

s 22(1)(a)(ii)

IDF Committee Attendance and Confirmation of Allocation

s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

Approval of allocation of IDF Funds for 2017-2018

John Quinn

Ambassador and Permanent Representative to the United Nations in Geneva

Date