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JOINT PUBLIC STATEMENT

by CREA, Amnesty international, IWRAP-Asia Pacific, and the Global Health Justice Partnership of Yale Law School and the Yale School of Public Health on the release of the “Practices of exclusion” report by the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity

On [26 October 2021](#), the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity presented his report “Practices of exclusion” to the United Nations General Assembly.

Having [welcomed the Independent Expert’s “The Law of inclusion”](#) report, we write now to call attention to the importance of issues raised in the second report. Given escalating attacks on those advancing a broad understanding of gender in its social context, the concepts of gender, gender identity and expression continue to be subject to political debate. Repeatedly, the legitimacy of the concept of gender as a recognised and well-established legal concept under international human rights law is challenged by some states and different interest groups.

We call particular attention to the report’s insistence that a broad understanding of gender is meaningful for all human rights work in order to effectively address the multiple barriers to full enjoyment of rights. This report demonstrates that no issue is free of a gendered aspect, and its analysis is relevant to human rights groups working across the globe.

The first report – [“The Law of inclusion”](#) – provided a comprehensive analysis of the use of gender, gender identity and expression within international and regional human rights frameworks and refutes allegations that their implementation has a negative impact on the protection of certain groups such as women and to the contrary, these are areas of concern that overlap and reinforce each other.

The second report – [“Practices of exclusion”](#) – provides an analysis of the backlash against the integration of gender analysis into the international human rights legal framework. It also demonstrates that exclusionary narratives and practices exploiting gender stereotypes, stigma and prejudice around gender and gender identity pose risk to the rights of all women and people facing discrimination on the grounds of sexual orientation and gender identity (SOGI).

We welcome the opportunity, invited by the reports, to engage in a meaningful dialogue with governments, UN experts and civil society partners on the importance of the gender-based approach provided by the international human rights framework to address the existing protection gaps and ensure all women and people facing discrimination based on SOGI can enjoy the full range of human rights.

See the Independent Expert's reports "[The law of inclusion](#)" and "[Practices of exclusion](#)". See also our [Joint NGO Submission](#) in response to the call for input by the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.