

Statement by Ms. Reem Alsalem

Special Rapporteur on violence against women and girls *

I am deeply concerned at the escalation of intimidation and threats against women and girls for expressing their opinions and beliefs regarding their needs and rights based on their sex and/or sexual orientation. Disagreement with the views of women/girls including politicians, academics, and women rights advocates should never be used as grounds to justify violence and intimidation. In addition, discrimination based on sex and sexual orientation is prohibited in international and regional instruments.

I am concerned about the decreasing space available for women and women's organizations to organize and/or express their opinion peacefully in several countries in the Global North. Women coming together to demand the respect for their needs based on their sex and/or sexual orientation have been threatened, attacked, and vilified.

Law enforcement has an important role and responsibility to protect lawful gatherings by women. Law enforcement agencies should ensure women's safety and rights to freedom of assembly and speech without intimidation or coercion. Whereas counter-protesters also have the right to freedom of expression and assembly, law enforcement must ensure that this is not exercised in a manner that prevents women from exercising their rights to freedom of assembly and speech, whether through threats, intimidation, or use of violence, where women's speech is effectively silenced by loud counter-protests. There is a positive legal obligation to protect women in such circumstances, including by keeping counter-protesters at a distance that is safe, and enables women's speech to be audible. The impact of law enforcement failing to provide the necessary safeguards has been observed in some countries. Women and girls have been exposed to verbal and physical intimidation and attacks and/or been drowned out by the noise of counter-protesters in attempts, frequently successful, to derail these events. Threats and acts of violence, suppression of speech should not deprive individuals of their right to freedom of peaceful assembly. Law enforcement should therefore ensure the full protection of the rights of women, girls, and their allies to express their views, including women politicians, women rights advocates, sportswomen, "de-transitioners" and academics to ensure that those that have perpetrated violence are brought to account.

I also note with concern the frequent tactic of smearing women, girls and their allies who hold lawful and protected beliefs on non-discrimination based on sex and same sex attraction as "Nazis," "genocidaires" and "extremists" to intimidate women, instill fear into them and shame them into silence. They also have been made with the specific objective of inciting violence and hatred against women based on their beliefs. According to international human rights law, freedom of expression should be protected unless it incites violence and hatred. The victims of these sort of attacks on freedom of speech and expression who call for respectful and transparent discussions around the definition of "sex", "gender" and "gender identity" and the interaction of rights derived from these for rights holders in any given society.

The duty not to discriminate based on sex and associated stereotypes regarding the roles of men, women, boys, and girls is a tenet of international human rights law that States are obliged to adhere to and that they have codified into most national laws. Concerns around

the continued adherence to these obligations should therefore not be delegitimized, trivialized, and criminalized. Women and girls who emphasize the specific needs of women born female and who call for and engage in discussions around the definitions of sex gender, and gender identity and the interaction of rights derived from these for rights holders in any given society should therefore be able to express themselves and their concerns on these issues in safety and in dignity.

Moreover, it is important that people, including researchers and academic, who express their views on “gender affirming” interventions including for children are not silenced, threatened, or intimidated simply for holding and articulating such views. This is particularly important given the implications for vital issues such as safeguarding, participation and consent by children, and sex education.

Measures that I find particularly concerning include reprisals such as censorship, legal harassment, loss of jobs, loss of income, removal from social media platforms, speaking engagements and the refusal to publish research conclusions and articles. These tactics have affected the ability to discuss issues related to sex, gender, and gender identity within universities and in society. I am furthermore aware of women politicians who have been sanctioned by their political parties, including through the threat of dismissal or actual dismissal. These actions have been accompanied by attacks and integrity, both online and offline, via smear campaigns and the incitement of hatred.

According to international human rights law, any restriction on freedom of expression should be carried out strictly in accordance with the human rights standards of legality, necessity, proportionality and to serve a legitimate aim. Those disagreeing with the views of women and girls expressing concerns related to gender identity and sex also have a right to express their opinion. However, in doing so they must not threaten the safety and integrity of those they are protesting against and disagreeing with. Sweeping restrictions on the ability of women and men to raise concerns regarding the scope of rights based on gender identity and sex are in violation of the fundamentals of freedom of thought and freedom of belief and expression and amounts to unjustified or blanket censorship.

In addition, I note with concern the way in which provisions that criminalize hate speech based on a number of grounds, including gender expression or gender identity, in countries in the Global North have been interpreted. Some such provisions are being taken to mean that any interrogation of the scope of rights based on gender identity amount to hate speech against non-binary persons and perhaps even incitement of hatred and genocide.

I would like to emphasize that the rights to free expression and peaceful assembly are crucial to ensuring that societies can develop their priorities and policies democratically and balance the rights of diverse groups in a pluralistic society. Attempts to silence women based on the views they hold regarding the scope of gender identity and sex in law and in practice and the rights associated with these, severely affects their participation in society in dignity and in safety, as well as their country’s prosperity and development.

**** The Special Rapporteur on violence against women and girls, as a Special Procedures mandate of the Human Rights Council, serves in her individual capacity independent from any government or organization***