

29th session of the Human Rights Council

Item 3 - Interactive dialogue with the Special Rapporteur on freedom of opinion and expression

Joint statement by the International Gay and Lesbian Human Rights Commission, the International Lesbian and Gay Association and the Association for Progressive Communications

Delivered by Helen Nolan

Mr. President,

We welcome the report of the Special Rapporteur on freedom of opinion and expression on the use of encryption and anonymity in digital communication. Strong encryption and anonymity are fundamental for the protection of human rights in the digital age and are critical to individuals who face persecution because of their sexual orientation or gender identity. Anonymity has been a crucial tool for women and sexual minorities for self-expression, connecting, and mobilizing and the use of anonymity online supports the most vulnerable groups.

We highlight the Special Rapporteur report's assertion that the internet is a critical space for users to explore identity and access information in relation to gender and sexuality, and that individuals, such as those who face discrimination and persecution based on their sexual orientation and gender identity, may be forced to rely on encryption and anonymity in order to circumvent restrictions and exercise the right to seek, receive and impart information. Importantly, the report contends that anonymity, including conducting and saving searches anonymously, is fundamental for the full realization of the right to develop and hold opinions.

Mr. President

We express grave concern over the prevalence of state and institutional censorship of sexual content - and the blanket tagging of all sexual expressions as "harmful" in some nations. These restrictions disproportionately violate the rights of young people, women, persons who are discriminated against on the basis of sexual orientation and gender identity and expression, and other marginalised people, as they attempt to seek and receive scientific and cultural information on sexual health, safety, and reproductive rights. Such censorship also violates their right to exercise freedom of association through online support groups and forums. Furthermore, we assert that the moves of corporations to shift to real-name policies - requiring users to use their real names on online platforms - is a clear violation of the right to anonymity, as well as some trans and gender non-conforming persons' right to self-expression.

Mr President,

We call on Member States to uphold human rights and fundamental freedoms online, including freedom of expression, and to revoke censorship and blocking of websites in their countries containing information on sexual orientation, gender identity and expression, particularly the websites of sexual rights organizations and magazines. The Council and Member States must uphold human rights principles in this new online environment, just as they are required to do offline.

Thank you.