

Universal Declaration of Transgender Rights

(Expanded Version with Legal Grounding)

Proclaimed by Civil Society and Human Rights Advocates

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Abstract

This Declaration affirms the inalienable rights of all transgender, nonbinary, and gender-diverse individuals to dignity, equality, and full participation in society. Rooted in universal human rights principles and mindful of historical and ongoing injustices, it serves as a global framework for legal, social, and cultural recognition and protection of transgender people. The articles herein are intended to guide governments, institutions, and communities in implementing inclusive, affirming, and just policies and practices worldwide, *building upon and interpreting existing international human rights law and standards.*

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Preamble

Recognizing that all human beings are born free and equal in dignity and rights, as enshrined in the Universal Declaration of Human Rights and reaffirmed in subsequent international human rights treaties;

Affirming that gender diversity is a natural and valuable part of human experience and a fundamental aspect of human identity;

Acknowledging the systemic discrimination, violence, marginalization, and pathologization faced by transgender, nonbinary, and gender-diverse people across cultures and histories, which constitute grave violations of their human rights;

Reaffirming the principle of non-discrimination on any ground, and recognizing that "sex," "gender," and "other status" grounds in international law prohibit discrimination based on gender identity and expression;

Drawing upon existing international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, and the Convention on the Rights of Persons with Disabilities;

Interpreting and applying these universal human rights principles in the specific context of transgender, nonbinary, and gender-diverse individuals, consistent with the spirit and text of documents such as the Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity (YP) and the Yogyakarta Principles plus 10 (YP+10);

Determined to ensure the universal recognition, protection, and fulfillment of the human rights of transgender people in all spheres of life;

This Declaration is proclaimed as a common standard of achievement for all peoples and institutions, to promote respect, justice, and dignity for transgender individuals worldwide, by clarifying how existing human rights obligations apply to their lives.

1 Right to Dignity and Equality

All transgender, nonbinary, and gender-diverse people are born free and equal in dignity and rights. They are entitled to live with dignity and enjoy all human rights and fundamental freedoms without discrimination of any kind, including on the basis of gender identity or expression.

Legal Grounding:

- **Universal Declaration of Human Rights (UDHR):** Article 1 proclaims all human beings are born free and equal in dignity and rights. Article 2 states everyone is entitled to all rights and freedoms without distinction of any kind. Article 7 affirms equality before the law and equal protection without discrimination.
- **International Covenant on Civil and Political Rights (ICCPR):** Article 2 requires States Parties to respect and ensure rights without distinction. Article 3 affirms the equal right of men and women to enjoy all rights. Article 26 guarantees equality before the law and prohibits discrimination on "any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or *other status*." UN treaty bodies and human rights mechanisms increasingly interpret "sex" and "other status" to include gender identity and expression.
- **International Covenant on Economic, Social and Cultural Rights (ICESCR):** Article 2(2) requires States Parties to guarantee rights without discrimination on any ground, including "sex" and "other status," which includes gender identity and expression.
- **Yogyakarta Principles (YP):** Principle 1 explicitly states the right to the universal enjoyment of human rights without distinction on grounds including gender identity.

2 Right to Legal Recognition

Everyone has the right to recognition everywhere as a person before the law. This includes the right to legal recognition of one's gender identity through simple, accessible, transparent, and non-discriminatory admin-

istrative procedures, without requirements such as medical treatment, diagnosis, psychological evaluation, sterilization, or divorce.

Legal Grounding:

- **ICCPR:** Article 16 affirms the right to recognition everywhere as a person before the law. The Human Rights Committee (HRC), in various concluding observations and cases (e.g., *Toonen v Australia*, while focused on sexual orientation, established "sex" in ICCPR Art 2 includes sexual orientation, setting a precedent for broader interpretations of discrimination grounds; more recently, HRC concluding observations on various states specifically address the need for legal gender recognition based on self-determination), has linked this to the right to privacy and the full realization of identity.
- **YP & YP+10:** Principle 3 (Right to Recognition before the Law) specifically details the right to legal gender recognition based on self-determination, without abusive requirements like forced medical interventions or pathologization. YP+10 further strengthens this, calling for procedures based on self-declaration.
- **European Court of Human Rights (ECtHR):** Case law (e.g., *Goodwin v. UK*) has evolved to require states to provide legal recognition of gender identity as part of the right to private life (Article 8 ECHR), moving away from intrusive requirements.

3 Right to Bodily Autonomy and Integrity

Transgender, nonbinary, and gender-diverse individuals have the right to make decisions about their own bodies and health, free from coercion and unwanted medical interventions. This includes the right to access gender-affirming healthcare based on informed consent and the right to refuse any medical procedure related to their gender identity or expression. Forced sterilization or other non-consensual medical procedures based on gender identity constitute torture or cruel, inhuman, or degrading treatment.

Legal Grounding:

- **ICCPR:** Article 7 prohibits torture and cruel, inhuman or degrading treatment or punishment. Forced medical procedures, including sterilization or unnecessary medical gatekeeping for legal recognition, can constitute such ill-treatment. Article 9 guarantees the right to liberty and security of person, which includes bodily integrity. Article 17 protects the right to privacy, encompassing personal autonomy and decision-making regarding one's body and medical choices.
- **CAT:** Article 16 prohibits cruel, inhuman or degrading treatment or punishment. The Committee against Torture has expressed concern over forced sterilization and pathologization of transgender individuals.
- **ICESCR:** Article 12 affirms the right to health, which includes access to necessary medical services based on informed consent (see also Article 5 below).
- **CRPD:** Article 17 affirms the right to respect for physical and mental integrity on an equal basis with others. Article 25 requires states to provide necessary healthcare, explicitly stating that services should not be refused on the basis of disability (interpreted to include perceived medical conditions related to being trans) and that healthcare professionals require consent.
- **YP & YP+10:** Principle 4 (Right to Personal Security) addresses freedom from violence, including forced medical procedures. Principle 9 (Right to Treatment with Humanity) reinforces protection from mistreatment. Principle 17 (Right to the Highest Attainable Standard of Health) covers access to gender-affirming care based on informed consent.

4 Freedom from Violence and Discrimination

All forms of violence, harassment, discrimination, and hate speech based on gender identity or expression are violations of human rights. States must take all necessary legislative, administrative, and other measures to prevent, investigate, prosecute, and punish such acts, whether committed by state or non-state actors, and provide effective remedies and protection for victims.

Legal Grounding:

- **UDHR:** Article 3 (right to life, liberty, security), Article 5 (freedom from torture or cruel, inhuman or degrading treatment), Article 7 (equality before the law, equal protection against discrimination).
- **ICCPR:** Article 2 and 26 (non-discrimination), Article 3 (equality of men and women), Article 6 (right to life), Article 7 (freedom from torture/ill-treatment), Article 9 (right to liberty and security). State obligations under Article 2 include the duty to protect individuals from human rights abuses by private actors.
- **CAT:** Preamble and Article 16 underscore the obligation to prevent and punish acts of torture and cruel, inhuman or degrading treatment.
- **YP & YP+10:** Principle 2 (Right to Life), Principle 4 (Right to Personal Security), Principle 6 (Right to Privacy), Principle 12 (Right to Freedom from Arbitrary Detention), Principle 14 (Right to Justice) specifically address violence and discrimination based on SOGI, including state duties to protect and provide remedies.
- **UN Special Rapporteur Reports:** Numerous reports from Special Rapporteurs, particularly on Torture, Violence Against Women, and SOGI, have detailed violence against transgender people and called for state action.

5 Right to Healthcare

Transgender, nonbinary, and gender-diverse people have the right to the highest attainable standard of physical and mental health, including access to gender-affirming healthcare. This includes timely, respectful, affordable, and competent access to necessary medical and psychological services without discrimination, pathologization, or gatekeeping, based on informed consent.

Legal Grounding:

- **ICESCR:** Article 12 guarantees the right to the highest attainable standard of physical and mental health. The Committee on ESCR (CESCR), in General Comment No. 14 on the Right to the Highest Attainable Standard of Health, clarifies that states must ensure health facilities, goods, and services are available, accessible (physically, financially, informationally, and without discrimination), acceptable (respectful of medical ethics, culturally appropriate, sensitive to gender), and of good quality. Non-discrimination under Article 2(2) applies to healthcare access.
- **ICCPR:** Article 17 (Privacy) is relevant as healthcare decisions are inherently private.
- **CRPD:** Article 25 requires states to provide health services needed specifically because of disabilities and other health conditions, and to prevent discriminatory denial of healthcare.
- **YP & YP+10:** Principle 17 (Right to the Highest Attainable Standard of Health) calls for access to necessary healthcare, including transition-related care, without discrimination and based on informed consent, free from pathologization.

6 Right to Education

Transgender, nonbinary, and gender-diverse individuals have the right to education in safe, inclusive, respectful, and affirming environments, free from bullying, harassment, exclusion, violence, or erasure of identity, including in curricula and school policies.

Legal Grounding:

- **ICESCR:** Article 13 guarantees the right to education. Article 2(2) prohibits discrimination in the enjoyment of this right. Education should be directed to the full development of the human personality and the sense of its dignity.

- **CRC:** Article 2 ensures rights without discrimination. Article 28 recognizes the right to education. Article 29 outlines the aims of education, including developing respect for human rights and one’s own cultural identity. Article 19 calls for protection from violence, injury, abuse, neglect, or negligent treatment while in the care of parents or others, applicable also in schools.
- **YP & YP+10:** Principle 16 (Right to Education) explicitly calls for safe, inclusive, and non-discriminatory educational environments for all, including on grounds of gender identity.

7 Right to Work and Economic Inclusion

Everyone has the right to work, to fair and equal employment opportunities, and to just and favorable conditions of work, including protection against discrimination on the basis of gender identity in recruitment, employment terms, promotion, and access to vocational training.

Legal Grounding:

- **ICESCR:** Article 6 recognizes the right to work. Article 7 recognizes the right to just and favourable conditions of work. Article 2(2) prohibits discrimination in the enjoyment of these rights.
- **UDHR:** Article 23 covers the right to work, equal pay, and protection against unemployment.
- **YP & YP+10:** Principle 18 (Right to Work) specifically prohibits discrimination based on gender identity in all aspects of employment and labour.

8 Right to Privacy

Transgender, nonbinary, and gender-diverse people have the right to privacy, including in matters related to their gender identity, expression, medical history, and personal decisions. This includes the right to confidentiality, protection from arbitrary or unlawful interference with their privacy, family, home, or correspondence, and protection from involuntary disclosure of private information, including previous names or gender markers.

Legal Grounding:

- **ICCPR:** Article 17 guarantees the right to protection against arbitrary or unlawful interference with privacy, family, home or correspondence, as well as against unlawful attacks on honour and reputation. The HRC has interpreted this broadly to protect personal autonomy and identity.
- **UDHR:** Article 12 contains similar protections for privacy, family, home, and honour.
- **YP & YP+10:** Principle 6 (Right to Privacy) applies this right to matters of sexual orientation and gender identity, including the right not to disclose one’s identity and the right to confidentiality of personal information.

9 Freedom of Expression and Identity

All people have the right to freedom of opinion and expression, which includes the right to express their gender identity and presentation freely, including through name, pronouns, clothing, hairstyle, voice, and behavior, without censorship, punishment, or discrimination.

Legal Grounding:

- **ICCPR:** Article 18 (freedom of thought, conscience, and religion) and Article 19 (freedom of opinion and expression) are relevant. The Human Rights Committee has noted that freedom of expression includes modes of dress. The right to express one’s identity is closely linked to freedom of expression and privacy (Article 17).
- **UDHR:** Article 18 and 19 provide for freedom of thought, conscience, religion, opinion, and expression.

- **YP & YP+10:** Principle 19 (Right to Freedom of Opinion and Expression) and Principle 20 (Right to Freedom of Peaceful Assembly and Association) apply specifically to expressing SOGI identities and related advocacy. The right to self-expression of gender identity is covered under these principles and the broader right to dignity and identity.

10 Cultural and Community Belonging

Transgender, nonbinary, and gender-diverse individuals have the right to participate freely in cultural, spiritual, and community life without discrimination, and to see their identities, histories, and contributions affirmed and included within cultural narratives and societal structures.

Legal Grounding:

- **ICESCR:** Article 15 recognizes the right to participate in cultural life. Non-discrimination under Article 2(2) applies to cultural participation.
- **UDHR:** Article 27 recognizes the right freely to participate in the cultural life of the community.
- **ICCPR:** Article 27 (Minority Rights) guarantees persons belonging to minorities the right to enjoy their own culture, which can be relevant for cultural practices within trans communities, though trans people are not exclusively a "minority" in this sense.
- **YP & YP+10:** Principle 22 (Right to Participate in Cultural Life) addresses the inclusion of diverse SOGI experiences in cultural life and freedom from discrimination in access to cultural spaces and expressions.

11 Intersectional Protection

States and institutions must recognize that transgender, nonbinary, and gender-diverse people may face intersecting forms of discrimination and marginalization based on grounds such as race, ethnicity, disability, age, class, religion, immigration status, Indigeneity, or other characteristics. They must adopt comprehensive measures to address these compounded forms of discrimination and ensure equality for all trans people in all their diversity.

Legal Grounding:

- **UDHR, ICCPR, ICESCR:** The general non-discrimination clauses (UDHR Art 2, ICCPR Art 2 & 26, ICESCR Art 2) prohibit discrimination on a range of grounds. While these articles list grounds separately, human rights bodies increasingly recognize that discrimination can occur based on a combination of grounds.
- **CEDAW, CRC, CRPD:** These treaties address specific grounds of discrimination (sex/gender, age, disability) and reinforce the need for intersectional approaches to ensure their rights are realized, particularly for women, children, and persons with disabilities facing multiple disadvantages.
- **YP+10:** Principle 31 (Right to Intersectional Protection) is explicitly dedicated to this concept, recognizing that SOGI status interacts with other identity factors to create unique forms of disadvantage and discrimination requiring specific attention.

12 Implementation and Accountability

Governments, institutions, and relevant stakeholders must take immediate and effective legislative, administrative, and other measures to uphold and give effect to the rights in this Declaration. This includes:

- Enacting and enforcing laws that explicitly prohibit discrimination based on gender identity and expression in all spheres and provide effective remedies.
- Establishing simple, accessible, and non-discriminatory administrative procedures for legal gender recognition based on self-determination.

- Ensuring sufficient funding and infrastructure for accessible, affirming, and non-discriminatory health-care, including gender-affirming care.
- Developing and implementing training programs for professionals (e.g., healthcare providers, educators, law enforcement, judiciary) on trans-competent and inclusive practices.
- Promoting public awareness and conducting anti-stigma education campaigns to combat prejudice and violence.
- Collecting disaggregated data (while ensuring privacy) to monitor the situation of trans people and inform policy.
- Creating effective, independent, and accessible mechanisms for reporting, investigating, and redressing human rights violations against transgender people.
- Ensuring meaningful participation of transgender communities in the development and implementation of laws and policies that affect them.

Legal Grounding:

- **ICCPR & ICESCR:** Article 2(1) of both Covenants requires States Parties to take steps, individually and through international assistance and co-operation, to the maximum of their available resources, with a view to achieving progressively the full realization of the rights recognized. For civil and political rights (ICCPR), some obligations are immediate. This article forms the basis for the *obligation to implement* human rights. States have duties to *respect* (not violate rights), *protect* (prevent violations by others), and *fulfill* (take positive measures to ensure rights are enjoyed).
- **Specific Articles:** Obligations to implement specific rights (e.g., non-discrimination under ICCPR Art 26, right to health under ICESCR Art 12, right to education under ICESCR Art 13) require legislative, policy, and programmatic actions.
- **UDHR:** Article 28 states everyone is entitled to a social and international order in which rights and freedoms can be fully realized.
- **YP & YP+10:** These principles detail state obligations corresponding to each specific right, including concrete implementation measures and accountability mechanisms (Principle 27: Right to Found Associations and Peaceful Assembly, Principle 28: Effective Remedies, Principle 29: Criminal and Disciplinary Matters, Principle 30: Monitoring).

13 Global Solidarity

All nations, international organizations, civil society, and individuals, regardless of economic or political context, are called upon to recognize and promote transgender rights as universal human rights. They should collaborate in sharing best practices, providing mutual support, and supporting trans communities and advocates worldwide to ensure the full realization of these rights.

Legal Grounding:

- **UDHR:** The Preamble calls for "every individual and every organ of society" to promote respect for these rights and freedoms. Article 28 speaks of the right to a social and international order in which rights can be realized.
- **ICCPR & ICESCR:** Article 2(1) of both covenants mentions *international assistance and co-operation* as a means of progressively realizing rights. The Preamble of both covenants emphasizes the importance of international co-operation.
- **UN Charter:** Article 1(3) lists "promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion" as a purpose of the UN, implying a duty of international cooperation towards this end.

- **YP & YP+10:** Principle 32 (Right to International Cooperation and Solidarity) specifically addresses the responsibilities of states and international actors to cooperate to promote and protect SOGI rights globally.

Conclusion

This Universal Declaration of Transgender Rights, grounded firmly in established international human rights law and its evolving interpretation, serves as a vital tool for advocacy, policy development, and accountability. By articulating how universal human rights apply specifically to transgender, nonbinary, and gender-diverse individuals, it provides a roadmap for creating a world where all people can live with dignity, equality, and freedom. The realization of these rights requires the commitment and concerted efforts of governments, institutions, and individuals worldwide.