17 May 2021

English only

International Day against Homophobia, Transphobia, and Biphobia

Throughout history and across Europe, people have endured multiple forms of discrimination due to their identification as lesbian, gay, bisexual, transgender, queer, or intersex: unequal access to fundamental rights, such as the rights to education, employment, participation, health systems, freedom of speech and expression, marriage – to name just a few – are barriers that obstruct the fundamental principles of equality for all citizens.

The International Day Against Homophobia, Transphobia, and Biphobia (IDAHOBIT) was established to raise awareness of violations of LGBTQI rights, to highlight the work done to ensure global and universal respect for LGBTQI rights, engage people in dialogue, and stimulate action to combat discrimination against LGBTQI people and communities around the world.

On this International Day Against Homophobia, Transphobia, and Biphobia (IDAHOBIT), **the Advisory Council on Youth condemns any kind of violence or discrimination against LGBTQI individuals. We call on governments to implement Recommendation CM/Rec(2010)5 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation and gender equality**.

The struggle of LGBTQI individuals is particularly intense at a younger age. In many countries, hostility against LGBTQI individuals is widespread, both in the public and private spheres. As a result, young people who experience such discrimination or violence do not have anyone to turn to. Consequently, young people may experience mental health issues that are further exacerbated by the fact that the mental health of young people is often overlooked in health policies. The lockdown measures have aggravated the already precarious situation of many LGBTQI individuals, especially in terms of domestic violence, lack of access to safe spaces, and limited access to employment.[1]

The Advisory Council invites member states to address the root causes of these issues and **design tailored measures to assist young LGBTQI people in their struggles**. The Council of Europe is leading by example by inviting young LGBTQI people to the table to hear their needs, thus empowering them to co-design and co-decide on policies affecting them directly or indirectly.

With the proliferation of new technologies based on artificial intelligence, we see an increase in attempts at automated recognition of gender and sexual orientation based on people's names, visual appearance, and gesticulation. Automated gender recognition is based on a mistaken premise that you can predict character from appearance, and it works to reinforce fixed notions of gender and the stereotypes and biases that accompany them.[2] Automated gender recognition can pose a serious threat to LGBTQI individuals. For example, authorities could use facial recognition or social media profiles to track down people assumed to be LGBTQI and incarcerate them or oppress otherwise them. Moreover, such

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[1] Madrigal-Borloz, V. (2021). *Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity: Violence and discrimination based on sexual orientation and gender identity during the coronavirus disease (COVID-19) pandemic* (Report Nr. A/75/150). New York, NY: United Nations.

[2] Cockerell, I. (2021, 12 April). *Facial recognition systems decide your gender for you. Activists say it needs to stop*, .coda. https://www.codastory.com/authoritarian-tech/facial-recognition-automated-gender/

technologies are prone to misgendering, which can have a serious impact on trans people who already struggle with gender dysphoria by exacerbating "the emotional distress associated with an individual's experience with their gendered body or social experiences".[3] It should be noted that these are not hypothetical scenarios, examples of their use are plenty.[4] Unfortunately, current legislation at European and national levels does not sufficiently address the issues related to the automated recognition of gender and sexual orientation.

The Advisory Council on Youth welcomes the work of the Ad hoc Committee on Artificial Intelligence (CAHAI) and its endeavours to offer a framework for regulation and assessment of artificial intelligence based on the principles of human rights, democracy and the rule of law, **and hopes that these efforts will contribute to a more inclusive and caring legislation**.

The Advisory Council on Youth stands together with the LGBTQI community and we will continue to highlight the challenges young people face until we have truly inclusive and just societies.

The opinions expressed in this statement are those of the Advisory Council on Youth and
do not necessarily reflect the official position of the Council of Europe or its member states.

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[3] Scheuerman, M. K., Paul, J. M., & Brubaker, J. R. (2019). How Computers See Gender. *Proceedings of the ACM on Human-Computer Interaction*, *3*(CSCW), 1–33. https://doi.org/10.1145/3359246

[4] Leufer, D. (2021, 6 April). *Computers are binary, people are not: how AI systems undermine LGBTQ identity*. Access Now. https://www.accessnow.org/how-ai-systems-undermine-lgbtq-identity/