

## **LGBTI rights | UN experts push for better protection across a range of topics**

19.12.2020

**An updated series of factsheets by ILGA World and ISHR show that throughout 2020 the UN Special Procedures have regularly raised concerns regarding human rights related to sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC).**



An analysis prepared by ILGA and ISHR indicates that over the past year thematic UN Special Procedures mandate holders have consistently pushed for better protection of the human rights of LGBTI persons. This analysis stems from an update of a series of [factsheets prepared by ILGA and ISHRs](#), which list the references and recommendations made regarding LGBTI persons and SOGIESC in communications, thematic reports and country visits by mandate holders.

Overall, in relation to LGBTI topics, the thematic Special Procedures sent **19 new communications, issued 28 reports on country visits and published 39 thematic reports.**

We welcome the ongoing attention these experts are paying to SOGIESC human rights issues, including particular attention to the situation of LGBTI rights defenders. In that vein we acknowledge the references made by the Special Rapporteur on human rights defenders, the Special Rapporteur on cultural rights and the Special Rapporteur on freedom of assembly and association. We also commend the strong LGBTI focus adopted by the Special Rapporteur on truth, justice and reparation, as well as good reference to LGBTQI indigenous people by the Special Rapporteur on Indigenous peoples. We encourage mandate holders to further strengthen their analysis of specific populations within LGBTI communities, such as LBQ women, trans or intersex persons.

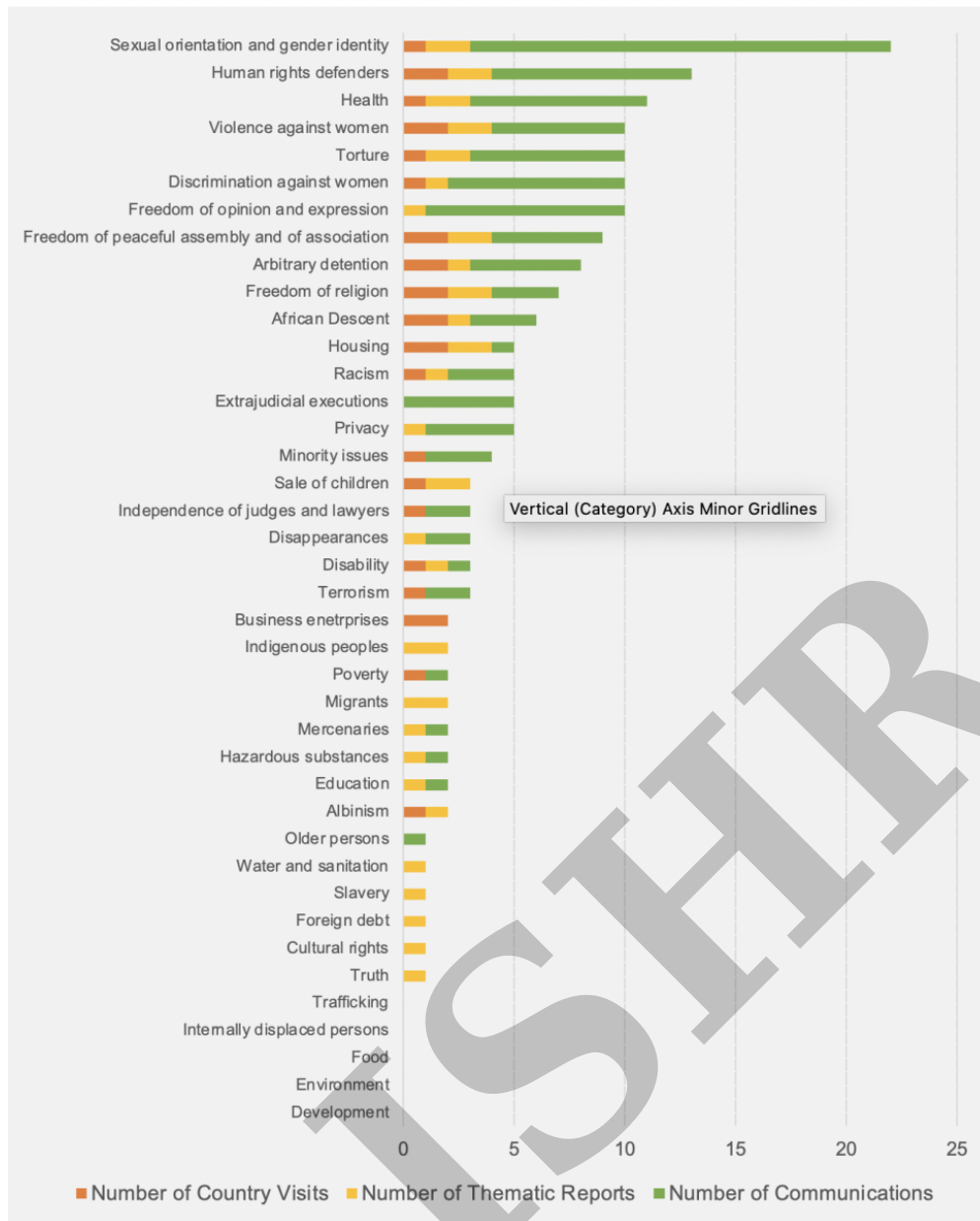
Find out more about the trends in 2020 below! **You can find the updated factsheets [here](#).**

**Which experts include LGBTI issues most regularly?**

The mandates that made the most regular references to SOGIESC issues were:

- the Independent Expert on violence and discrimination on the basis of SOGI (22 items: 2 SOGIESC-inclusive thematic reports, 1 country report and 19 communications on LGBTI relevant topics);
- the Special Rapporteur on human rights defenders (13 items);
- the Special Rapporteur on health (11 items);
- the Special Rapporteur on freedom of expression (10 items);
- the Working Group on discrimination against women (10 items);
- the Special Rapporteur on torture (10 items);
- the Special Rapporteur on violence against women (10 items).

*2020 SOGIESC thematic reports, country visits and communications by mandates:*



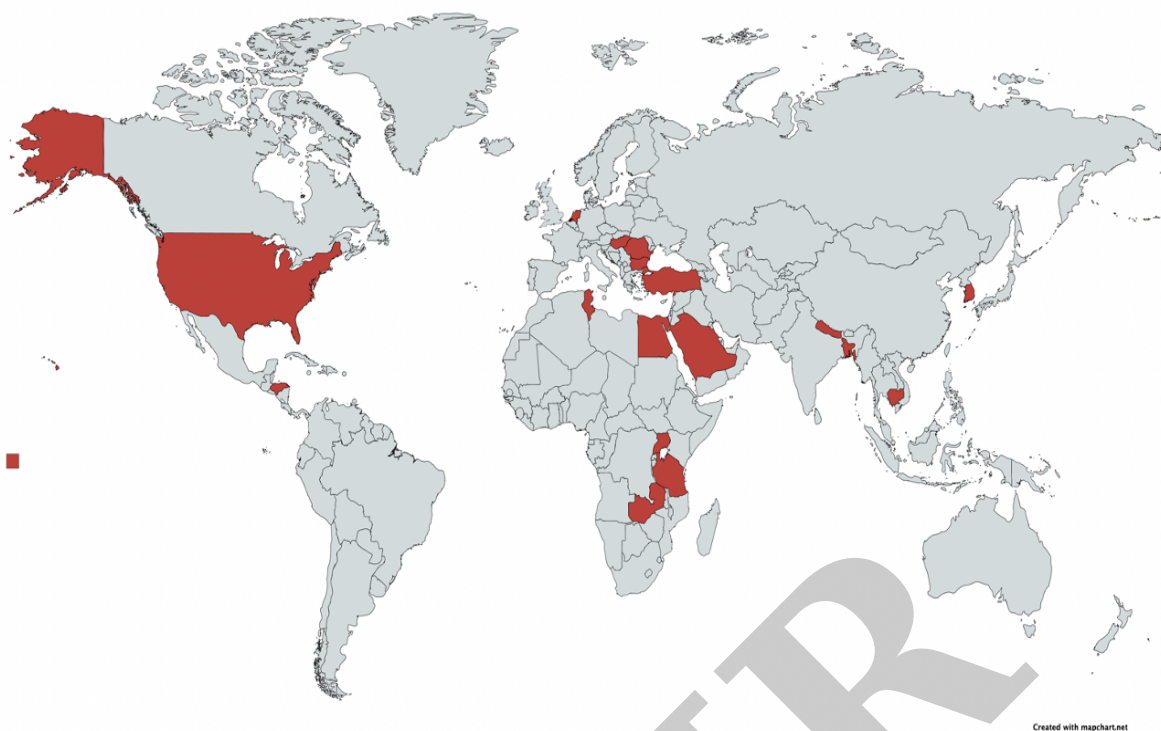
## Communications

**19 new communications** on SOGIESC – letters concerning allegations of human rights violations – were sent by thematic mandates for the period from 17 December 2019 to 20 November 2020.

All 19 communications were made with the Independent expert on SOGI. The other top mandates were the Special Rapporteur on human rights defenders and the Special Rapporteur on freedom of expression (9 communications each), the Working Group on discrimination against women and the Special Rapporteur on health (8 communications each). In a welcome advance, four mandates (disappearance, minority issues, older persons and mercenaries) made their first communications covering LGBTI topics.

Communications covering SOGIESC issues were **sent to 17 states from all UN geographical clusters**: Bangladesh, Bulgaria, Cambodia, Egypt, Honduras, Hungary, Nepal, Netherlands, Republic of Korea, Romania, Saudi Arabia, Tunisia, Turkey, Uganda, United Republic of Tanzania, United States of America, and Zambia.

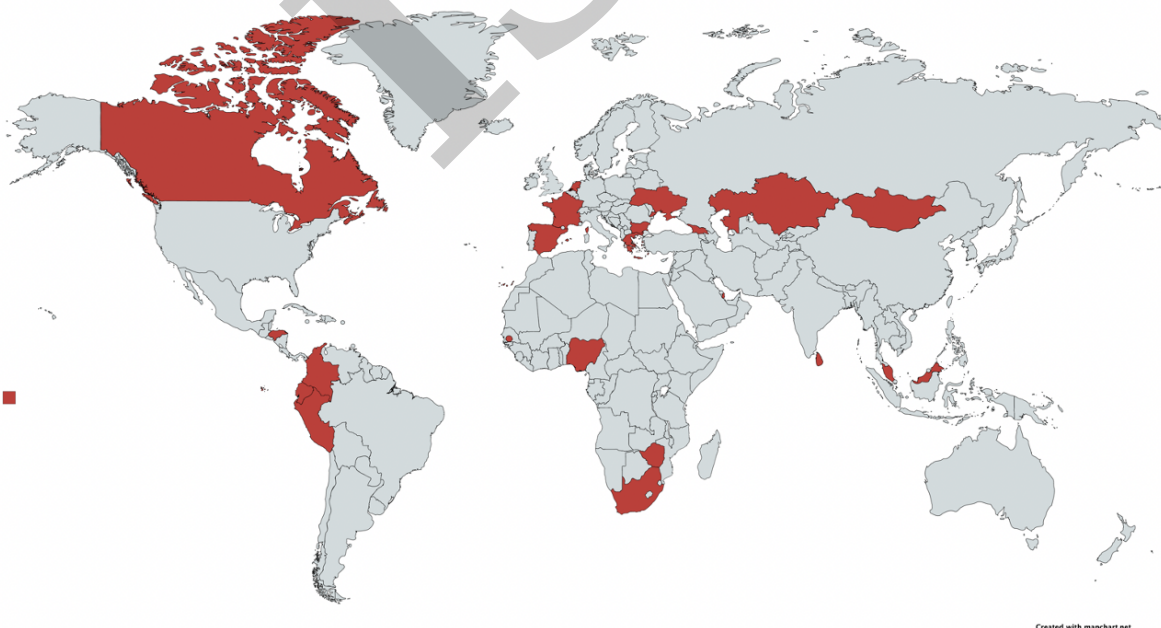
*Countries that received communications:*



### Country visits

Due to the Covid-19 pandemic, the number of country visits has declined this year. However, because reports on country visits are usually published a year after the visit, in 2020 Special Procedures still presented **28 reports** on country visits with references to SOGIESC. This covers **22 countries in all five UN [geographical clusters](#)**.

*Country visit reports published:*



The countries include: Bulgaria, Canada, Colombia, Comoros, Ecuador, France, Gambia, Georgia, Greece, Honduras, Kazakhstan, Malaysia, Mongolia, Netherlands, Nigeria, Peru, Qatar, South Africa, Spain, Sri Lanka, Ukraine, and Zimbabwe.

Some of the mandates, particularly, the Special Rapporteur on the rights of persons with disabilities, and the Special Rapporteur on terrorism, presented their first SOGIESC-inclusive country reports in 2020.

## Thematic reports

Special Procedures also included SOGIESC elements in their thematic reports to the Human Rights Council and General Assembly. In 2020, **39 reports (more than 50% of all thematic reports)** mentioned some LGBTI related topics, with 12 of these reports – set out in the table below – including good or strong references to LGBTI populations.

### 2020 Thematic reports with good or strong SOGIESC references

ISHR



Mandate	Report Topic	References
<b>SPECIAL RAPPORTEUR IN THE FIELD OF CULTURAL RIGHTS</b>	Cultural rights defenders January 2020 (41th Session Human Rights Council (HRC))	Good references to LGBT and SOGI (cultural rights includes LGBT rights, challenges defenders face and need for protection) Paras. 13, 27, 48, 52, 53, 55, 63, 67, 77e
<b>SPECIAL RAPPORTEUR ON THE PROMOTION AND PROTECTION OF THE RIGHT TO FREEDOM OF OPINION AND EXPRESSION</b>	Artistic Freedom of Expression July 2020 (44th Session HRC)	Good reference to LGBT, sexual minorities (suppression of LGBTQ activists, artists, and artistic events and expression) Para. 1, 28, 32-35.
<b>SPECIAL RAPPORTEUR ON THE RIGHTS TO FREEDOM OF PEACEFUL ASSEMBLY AND OF ASSOCIATION</b>	Celebrating women in activism and civil society: the enjoyment of the rights to freedom of peaceful assembly and of association by women and girls. July 2020 (75th Session General Assembly (GA))	Good reference to LGBTI (women with multiple and intersecting forms of marginalization, police violence and restrictions overseas funding) Paras. 26, 39, 41, 49, 50, 68, 71
<b>SPECIAL RAPPORTEUR ON FREEDOM OF RELIGION OR BELIEF</b>	Freedom of religion or belief and Gender Equality August 2020 (43th Session HRC)	Very strong reference to SOGI based violence and discrimination in the name of religion or belief. Paras. 16 – 76.
<b>SPECIAL RAPPORTEUR ON ADEQUATE HOUSING AS A COMPONENT OF THE RIGHT TO AN ADEQUATE STANDARD OF LIVING</b>	COVID-19 and the right to adequate housing July 2020 (75th Session GA)	Strong references to LGBT, transgender and gender-diverse persons, and SOGI. (A separate section on LGBT persons' right to housing during the pandemic; a recommendation on data collection.) Paras. 45-46, 68a.
<b>SPECIAL RAPPORTEUR ON ADEQUATE HOUSING AS A COMPONENT OF THE RIGHT TO AN ADEQUATE STANDARD OF LIVING</b>	Guidelines for the implementation of the right to adequate housing December 2019 (43rd Session HRC)	Good references to LGBTI and "sexual identity". (Vulnerability and discrimination in housing.) Paras. 33a, 44, 48d(v).
<b>SPECIAL RAPPORTEUR ON THE RIGHTS OF INDIGENOUS PEOPLES</b>	The impact of COVID-19 on the rights of indigenous peoples July 2019 (75th Session GA)	Good references to LGBTQI2S and SOGI (example from Thailand; recommendation to pay attention to the situation of indigenous LGBTQI persons; call to collect and analyze data on indigenous LGBTQI and two-spirit persons in the health-care system; no discrimination based on SOGI.)
<b>SPECIAL RAPPORTEUR ON THE RIGHT TO PRIVACY</b>	Summary of activities on surveillance, health data, business enterprises use of personal data and protection against gender-based privacy infringements February 2020 (43rd Session HRC)	Good references to SOGIESC. (Considerations of the right to privacy of people with diverse SOGIESC in relation to treatment of persons deprived of their liberty; changing rooms and health related data) Paras. 15, 20d, 24, 27aii, 37lii, 39c, 41axi, 54ai.
<b>INDEPENDENT EXPERT ON PROTECTION AGAINST VIOLENCE AND DISCRIMINATION BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY</b>	"Conversion therapies" practices May 2020 (44th Session HRC)	Explores practices of so-called "conversion therapy" across the globe, including their impact on victims, their human rights implications and their connection with violence and discrimination based on sexual orientation and gender identity, as well as measures adopted to prevent them and to penalize or prosecute those who perform them and remedies provided to victims.
<b>INDEPENDENT EXPERT ON PROTECTION AGAINST VIOLENCE AND DISCRIMINATION BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY</b>	COVID-19 July 2020 (75th Session GA)	Discusses the impact of the coronavirus disease (COVID-19) pandemic on the human rights of LGBT and gender-diverse persons, communities and/or populations; analyses the impact of the pandemic on social exclusion and violence and the interaction with institutional drivers of stigma and discrimination; analyses measures adopted in the context of the pandemic aimed at persecuting LGBT and gender-diverse persons or with indirect or unintended discriminatory effects and identifies good practice.
<b>SPECIAL RAPPORTEUR ON THE PROMOTION OF TRUTH, JUSTICE, REPARATION AND GUARANTEES OF NON-RECURRENCE</b>	The gender perspective in transitional justice processes July 2020 (75th Session GA)	Strong reference to LGBTI. Gender perspectives considered in conceptualization, design and implementation of national transitional justice strategies and mechanisms. Para.10-114.
<b>SPECIAL RAPPORTEUR ON VIOLENCE AGAINST WOMEN, ITS CAUSES AND CONSEQUENCES</b>	Violence against women journalists May 2020 (44th Session HRC)	Good references to lesbians, LGBT people, LGBTI women, LT journalists, LGBTI issues. (In the context of attacks, abuses and harassment experienced by journalists, and retaliation for covering certain issues.) Paras. 46, 51, 54, 57.

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