

The International Lesbian, Gay, Bisexual, Trans and Intersex Association – ILGA and the International Service for Human Rights (ISHR) have compiled a series of factsheets highlighting the work that UN special procedures – independent human rights experts, appointed to monitor and report on human rights violations – have undertaken to defend the human rights of lesbian, gay, bisexual, trans and intersex (LGBTI) persons. The factsheets compile the references and recommendations made by these experts to LGBTI persons, sexual orientation, gender identity, gender expression, and sex characteristics (SOGIESC). They cover all thematic reports, country visit reports, and communications sent to States between January 2011 and November 2018.



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## WORKING GROUP OF EXPERTS ON ARBITRARY DETENTION

**Mr. SEONG-PHIL HONG**  
(Chair-Rapporteur, REPUBLIC OF KOREA),  
Since June 2014 (until March 2021)

**Ms. LEIGH TOOMEY**  
(Vice-Chair on follow-up, AUSTRALIA)  
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(Vice-Chair on communications, LATVIA)  
Since September 2016 (until September 2022)

**Mr. JOSE GUEVARA**  
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Since May 2014 (until September 2020)

**Mr. SETONDJI ADJOVI (BENIN)**  
Since May 2014 (until September 2020)

### FORMER MEMBERS:

- Mr. Vladimir TOCHILOVSKY (Ukraine),  
March 2010 - October 2016
- Mr. Mads ANDENAS (Norway),  
2009 - 2015
- Mr. Roberto GARRETÓN (Chile),  
2008 - 2014; 1992 - 2002
- Ms. Shaheen Sardar ALI (Pakistan),  
2008 - 2014
- Mr. Malick El Hadji SOW (Senegal),  
2008 - 2014
- Mr. Aslan ABASHIDZE (Russian Federation),  
2008 - 2010



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- Ms. Manuela Carmena CASTRILLO (Spain),  
2004 - 2009
- Mr. Seyyed Mahammad HASHEMI (Islamic Republic of Iran),  
2002 - 2008
- Ms. Soledad VILLAGRA DE BIEDERMANN (Paraguay),  
2002 - 2008
- Mr. Tamas BAN (Hungary),  
2001 - 2008
- Ms. Leila ZERROUGUI (Algeria),  
2001 - 2008
- Mr. Louis JOINET (France),  
1992 - 2003
- Mr. Laity KAMA (Senegal),  
1992 - 2001
- Mr. Kapil SIBAL (India),  
1992 - 2001
- Mr. Petr UHL (Czech Republic),  
1992 - 2001

## WORK SUMMARY

### COUNTRIES VISITED

#### ADDRESSES SOGIESC ISSUES:

- **Argentina** – (May 2017) Report, paras. 26, 54, 57, 71.
- **United States of America** – (October 2016) Report, para. 34.
- **New Zealand** – (March/April 2014) Report, paras. 32, 38, 95.
- **Hungary** – (September/October 2013) Report, para. 38.

#### DOES NOT ADDRESS SOGIESC ISSUES:

- Sri Lanka (December 2017)
- Azerbaijan (May 2016)
- Malta (June 2015)
- Germany (November 2014)
- Italy (June 2014)
- Morocco (December 2013)
- Brazil (March 2013)
- Greece (January 2013)
- El Salvador (January/February 2013)
- Georgia (June 2011)
- Germany (September 2011)

### ANNUAL THEMATIC REPORTS

**The issue of consular assistance and diplomatic protection for persons deprived of liberty; the linkages between arbitrary detention and instances of torture and ill-treatment**  
September 2018 (39th Session Human Rights Council (HRC))

Brief references.  
(SOGI and non-discrimination; detention of LGBTI migrants.)  
Paras. 32, 41.

**Deprivation of liberty on discriminatory grounds; new regimes of deprivation of liberty**  
September 2017 (36th Session HRC)

Brief references.  
(LGBTI persons as a group facing deprivation of liberty on discriminatory grounds; criminalisation of same-sex relations.)  
Paras. 46, 48e.

**Methods of work of the Working Group on Arbitrary Detention**  
September 2017 (36th Session HRC)

Brief reference.  
(Deprivation of liberty based on SO in the context of the Working Group's mandate and methods of work.)  
Para. 8e.

**Report of the Working Group on Arbitrary Detention**  
September 2016 (33rd Session HRC)

No SOGIESC references.

**Methods of work of the Working Group on Arbitrary Detention**  
September 2016 (33rd Session HRC)

Brief reference.  
(Deprivation of liberty based on SO in the context of the Working Group's mandate and methods of work.)  
Para. 8e.

**Report of the Working Group on Arbitrary Detention**  
September 2015 (30th Session HRC)

Brief reference to SO.  
(Preventive mechanism and arrests based on SO.)  
Para. 54.

**United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court**  
September 2015 (30th Session HRC)

Good references to SO/SOGI, LGBTI persons and LGBTI children.  
(Mainly in the context of non-discrimination.)  
Paras. 8, 10e, 8 (principle 5), 33 (principle 17), 98 (guideline 18).

**Report of the Working Group on Arbitrary Detention**  
September 2014 (27th Session HRC)

Brief reference to SO.  
(Deprivation of liberty based on SO in the context of the Working Group's mandate and methods of work.)  
Para. 63.

**A compilation of national, regional and international laws, regulations and practices on the right to challenge the lawfulness of detention before court**  
September 2014 (27th Session HRC)

No SOGIESC references.

**Report of the Working Group on Arbitrary Detention**  
March 2013 (22nd Session HRC)

Brief references to SO.  
(Malta's cases; non-discrimination.)  
Paras. 35, 38e.

**Report of the Working Group on Arbitrary Detention**  
March 2012 (19th Session HRC)

No SOGIESC references.

**Report of the Working Group on Arbitrary**

Brief reference to SO.

### INDIVIDUAL COMPLAINTS

COUNTRY/DATE	EXPERTS	SITUATION
<b>Tanzania</b> 9 July 2018	Arbitrary detention Extrajudicial executions Freedom of opinion and expression Freedom of assembly and association Human rights defenders SOGI	Allegations of infringements on the right to life, the right to freedom of expression, as well as the rights to freedom of peaceful assembly and of association in Tanzania, indicating a pattern of restrictions to civic space.
<b>Indonesia</b> 12 February 2018	Arbitrary detention Freedom of opinion and expression Human rights defenders Internally displaced persons SOGI Torture	Alleged arbitrary arrests, detention and ill-treatment of twelve waria, or transgender women, in Aceh province
<b>Egypt</b> 31 October 2017	Arbitrary detention Freedom of opinion and expression Health Human rights defenders Privacy SOGI	Alleged unlawful arrests and detention, as well as incrimination of persons based on their actual or perceived SOGIE, and/or their actual or perceived expression and advocacy for protection of the human rights of LGBT people, including of two human rights defenders, Mr. Ahmed Alaa and Ms. Sarah Hegazy.
<b>Azerbaijan</b> 9 October 2017	Arbitrary detention Health SOGI Torture	Alleged unlawful arrests and detention, torture and ill-treatment of persons perceived to be gay, transgender persons or persons involved in sex work
<b>Haiti</b> 22 September 2017	Arbitrary detention Freedom of opinion and expression Freedom of assembly and association Privacy SOGI	Adoption of the bill on the reputation and certificate of good life and morals (on 28 June 2017) and the draft law on the strengthening of provisions of the Civil Code relating to marriage and the protection of the family (on 1 August 2017) by the Senate.
<b>Russian Federation</b> 31 August 2017	Arbitrary detention Human rights defenders Migrants SOGI Torture	Alleged imminent deportation of Uzbek national, Mr. Khudoberdi Turgunaliyevich Nurmatov (also known by his pseudonym Ali Feruz) from the Russian Federation to Uzbekistan.
<b>Republic of Korea</b> 16 August 2017	Arbitrary detention Freedom of opinion and expression SOGI	Arrests, interrogations, detentions and prosecutions of soldiers and military personnel perceived to be gay, under the Republic of Korea's Military Criminal Act.

<p><b>Russian Federation</b> 13 April 2017</p>	<p>Arbitrary detention Executions Freedom of opinion and expression SOGI Torture</p>	<p>Alleged unlawful detentions, torture and extrajudicial killings of men perceived to be gay or bisexual in Chechnya in the past weeks.</p>
<p><b>Uganda</b> 29 August 2016</p>	<p>Arbitrary detention Freedom of opinion and expression Freedom of assembly and association Human rights defenders Torture</p>	<p>Allegations concerning police raids during “Uganda Pride 2016” events between 2 August to 7 August 2016, including the arrest of several human rights defenders and activists, and the assault, torture, and mistreatment of many participants in the context of an increasingly hostile environment towards LGBTI persons.</p>
<p><b>Senegal</b> 14 December 2015</p>	<p>Arbitrary detention Health Independence of judges and lawyers</p>	<p>Allegations concerning the arrest and arbitrary detention of seven individuals and their conviction for sexual relations between consenting adults of the same sex.</p>
<p><b>Tunisia</b> 2 November 2015</p>	<p>Arbitrary detention Health Independence of judges and lawyers Torture</p>	<p>Allegations of physical abuse, degrading medical examination, irregular legal proceedings and criminal conviction of a 22-year-old man apparently based solely on his perceived SO.</p>
<p><b>Egypt</b> 8 January 2015</p>	<p>Arbitrary detention Health Independence of judges and lawyers Torture</p>	<p>Alleged arbitrary arrest, detention, torture and public stigmatization of 26 men who were tried on charges related to their alleged SO.</p>
<p><b>Brunei Darussalam</b> 25 September 2014</p>	<p>Arbitrary detention Independence of judges and lawyers Torture Violence against women</p>	<p>The 2013 Shariah Penal Code Order: mandatory death penalty for some non-violent acts, including same-sex relations.</p>
<p><b>Venezuela</b> 27 June 2014</p>	<p>Arbitrary detention Freedom of opinion and expression Freedom of assembly and association Human rights defenders</p>	<p>Alleged criminalization and detention of a human rights activist working against discrimination and the rights of LGBTI persons.</p>
<p><b>Egypt</b> 17 April 2014</p>	<p>Arbitrary detention Independence of judges and lawyers Torture Violence against women</p>	<p>Alleged arrest, detention, conviction and sentencing of four individuals on the sole basis of their sexual orientation and/or gender identity, and alleged physical and sexual harm inflicted on them.</p>
<p><b>Kuwait</b> 5 February 2014</p>	<p>Arbitrary detention Violence against women Women in law and practice</p>	<p>Allegations of arbitrary arrest and detention of a Kuwaiti national on the basis of her GIE. She was reportedly charged with “imitation of the opposite sex”, which is a criminal offence under Amendment 198 of the Kuwaiti Penal Code.</p>
<p><b>Uganda</b> 4 February 2014</p>	<p>Arbitrary detention Freedom of opinion and expression Freedom of assembly and association Health Human rights defenders</p>	<p>Alleged passing by Parliament of a revised version of the Anti-Homosexuality Bill, 2009, now referred to as the Anti-Homosexuality Act, 2013, on 20 December 2013.</p>

<p><b>Nigeria</b> 13 January 2014</p>	<p>Arbitrary detention Freedom of opinion and expression Freedom of assembly and association Health Human rights defenders</p>	<p>Alleged upcoming signature of the Same Sex Marriage (Prohibition) Bill, 2011, by the Senate on 18 December 2013.</p>
<p><b>Nigeria</b> 13 June 2013</p>	<p>Arbitrary detention Freedom of opinion and expression Freedom of assembly and association Health Human rights defenders</p>	<p>Alleged restrictions on the rights to freedom of association and peaceful assembly of groups defending the rights of LGBT (The Same Sex Marriage (Prohibition) Bill).</p>
<p><b>Uganda</b> 29 March 2012</p>	<p>Arbitrary detention Extrajudicial executions Freedom of opinion and expression Freedom of assembly and association Health Human rights defenders</p>	<p>Alleged re-tabling of the Anti-Homosexuality Bill, which would violate fundamental principles and norms of international human rights law if enacted.</p>