

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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## INDEPENDENT EXPERT ON PROTECTION AGAINST VIOLENCE AND DISCRIMINATION BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY

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## WORK SUMMARY

### COUNTRIES VISITED

- **Argentina** – (March 2017): Report | Press Release | Statement
- **Georgia** – (September/October 2018): Report | Press Release | Statement

### ANNUAL THEMATIC REPORTS

**Violence and discrimination based on gender identity**  
July 2018 (73rd Session General Assembly (GA))

Examines the process of abandoning the classification of certain forms of gender as a pathology and the full scope of the duty of the State to respect and promote respect of gender recognition as a component of identity. He also highlights some effective measures to ensure respect of gender identity and provides guidance to States on how to address violence and discrimination based on gender identity.

**Violence and discrimination based on sexual orientation, and their root causes**  
June 2018 (38th Session  
Human Rights Council  
(HRC))

Provides an overview of violence and discrimination based on SOGI. These acts extend from daily exclusion and discrimination to the most heinous acts, including torture and arbitrary killings. At their root lie the intent to punish the non-conformity of victims with preconceived notions of what should be their SOGI. The Independent Expert highlights how LGBT and gender non-conforming persons are affected differently by these acts and how intersecting factors have an impact on their vulnerability and on their risk of exclusion and marginalization. He also examines the link between hate speech and hate crimes, and the role of the media in amplifying and disseminating messages that reinforce stigma and foster violence and discrimination.

The Independent Expert also explores the root causes of violence and discrimination based on SOGI, including deeply entrenched stigma and prejudice reinforced by discriminatory laws and regulations that foster a climate where hate speech, violence and discrimination are condoned and perpetrated with impunity. He examines the impact of social prejudice and criminalization on the marginalization and exclusion of LGBT and gender non-conforming persons, and addresses the issue of the negation of violence and discrimination based on SOGI and the resulting data gap, highlighting positive examples of data-gathering and recent measures taken by States to address violence and discrimination based on SOGI, including steps to acknowledge responsibility as an essential element in the establishment of historical truth, the process of reparation and the reconstitution of the social fabric.

**Embrace diversity and energize humanity**  
July 2017 (72nd Session  
GA)

Two of the various underpinnings introduced in the Independent Expert's first report (A/HRC/35/36) are singled out for particular attention to help prevent and overcome violence and discrimination: namely, decriminalization of consensual same-sex relations and gender identity and expression, and effective anti-discrimination measures. The report includes an overview of country situations, as highlighted by various actors through submissions sent to the Independent Expert. The report calls for reform of the laws, policies and practices which criminalize consensual same-sex relations, as well as those relating to gender identity and its expression. Pending repeal of discriminatory laws, the preferred policy is to desist from applying such negative laws and policies. Effective anti-discrimination measures are also critically needed; they vary from laws to policies and other action in a comprehensive and human rights-responsive setting.

**Diversity in humanity, humanity in diversity**  
June 2017 (35th Session  
HRC)

Offers a window through which to gauge the approach and methodology of the Independent Expert. There are key reflections responding to the mandate, particularly regarding the panorama of the situation, including the implementation of international instruments, with identification of good practices and gaps; awareness of the violence and discrimination issue, and linkage with root causes; dialogue, consultation and cooperation with States and other stakeholders; the identification of multiple, intersecting and aggravated forms of violence and discrimination; and support for international cooperation and related services to assist national efforts.

Various underpinnings are singled out for specific attention to help prevent and overcome negative elements fuelling violence and discrimination, and these will be dealt with in greater detail in future reports: namely, decriminalization of consensual same-sex relations; effective anti-discrimination measures; legal recognition of gender identity; destigmatization linked with depathologization; sociocultural inclusion; and promotion of education and empathy.

The report is anchored on the belief that while the diversity among human beings on the basis of SOGI should be recognized ("diversity in humanity"), it is essential to harness and reinforce, from a young age, mutual respect, tolerance and understanding, compliance with human rights, and a sense of humanity and inclusivity inherent in that diversity ("humanity in diversity"), to accord protection for all and to all.

## INDIVIDUAL COMPLAINTS

COUNTRY/DATE	EXPERTS	SITUATION
<b>Kazakhstan</b> 7 November 2018	Freedom of opinion and expression Health Human rights defenders SOGI	Drafting of a discriminatory and stigmatizing by-law prohibiting distribution of LGBT-related content to children.
<b>Turkey</b> 18 September 2018	Counter-terrorism Freedom of opinion and expression Freedom of assembly and association Human rights defenders SOGI	Indefinite ban on public LGBTI-related gatherings or events by governor of Ankara.
<b>Guatemala</b> 31 August 2018	Health SOGI Women in law and practice	Upcoming approval of draft 'Law for the protection of life and family', which would, inter alia, further restrict the concepts of marriage and family and prohibit public and private educational institutions from teaching "gender ideology", sexual diversity, or presenting as normal any sexual behaviour other than heterosexuality.
<b>United States of America</b> 7 August 2018	Human rights defenders SOGI	Allegations of death threats, acts of violence and intimidation, harassment and discrimination against a human rights defender and transgender activist.
<b>United States of America</b> 31 July 2018	Extrajudicial executions SOGI	Allegations that Charles Rhines, a gay man on death row in South Dakota, had been sentenced to death as the result of an anti-gay bias shared by the jurors and inadequate legal assistance offered to him by his counsel.
<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>Republic of Korea</b> 5 April 2018	SOGI	Attempts by some conservative and religious groups in the Republic of Korea to challenge and weaken the protection from discrimination based on SOGI that exist in the country.
<b>Brazil</b> 7 August 2018	African Descent Executions Extreme poverty Foreign debt Housing Human rights defenders Racism Sexual orientation and gender identity Violence against women Women in law and in practice	Information received concerning the killing of Marielle Franco and her driver.

<b>Honduras</b> 9 March 2018	Extrajudicial executions Freedom of opinion and expression SOGI Torture Violence against women	Recent killing, in Puerto Cortés, of a trans woman, Jennifer Cristal Lopez, and a gay man, Jorge Antonio Rodas Garcia.
<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, detention, and incrimination of persons based on actual or perceived SOGIE, and/or their actual or perceived expression and advocacy for protection of LGBT rights, including HRDs Ahmed Alaa and Sarah Hegazy.
<b>Azerbaijan</b> 9 October 2017	Arbitrary detention Health SOGI Torture	Alleged unlawful arrests and detention, torture and ill-treatment of 83 persons perceived to be gay, transgender persons or persons involved in sex work.
<b>Russian Federation</b> 29 September 2017	Freedom of opinion and expression Human rights defenders SOGI	Alleged administrative proceedings against Evdokia Romanova for “promotion of non-traditional sexual relations to minors through social networks and Internet”.
<b>Haiti</b> 22 September 2017	Arbitrary detention Freedom of opinion and expression Freedom of assembly and association Privacy SOGI	Adoption by the Senate on 28 June 2017 of a draft legislation on reputation and good morals and life certificate, and on 1 August 2017 of a draft legislation on the reinforcement of provisions in the Civil Code relating to marriage and protection of the family.
<b>Russian Federation</b> 31 August 2017	Arbitrary detention Human rights defenders Migrants SOGI Torture	Alleged imminent deportation of Uzbek journalist and gay rights activist, Khudoberdi Turgunaliyevich Nurmatov (also known as Ali Feruz), from Russia to Uzbekistan.
<b>Chile</b> 23 August 2017	Health SOGI	New amendments to the draft law on gender identity, adopted by the Senate on 14 June 2017, which perpetuate the stigmatization and pathologization of transgender people by introducing additional requirements to change one’s legal name and gender, including obtaining a medical certificate, to be of legal age, and to divorce if married.
<b>Republic of Korea</b> 16 August 2017	Arbitrary detention Freedom of opinion and expression SOGI	Information received in connection with the recent cases of arrests interrogations, detentions and prosecutions of soldiers and military personnel perceived to be gay, under the Republic of Korea’s Military Criminal Act.

<b>Honduras</b> 3 August 2017	Extrajudicial executions Freedom of opinion and expression Freedom of assembly and association Human rights defenders SOGI	Alleged homicide attempt against Osmin David Valle Castillo in Tegucigalpa, director of the 'Somos CDC' LGBTI program.
<b>Singapore</b> 11 July 2017	Freedom of opinion and expression Freedom of assembly and association Human rights defenders SOGI	Recent amendments adopted to the Public Order Law on 3 April 2017, which could significantly restrict the right to freedom of peaceful assembly in the country, including its significant impact on the organization of the annual 'Pink Dot' festival.
<b>Honduras</b> 10 July 2017	Extrajudicial executions Freedom of assembly and association Human rights defenders SOGI Violence against women Women in law and in practice	Recent murder, in the vicinity of the capital, Tegucigalpa, of a transsexual woman, who was also an LGBTI rights activist, Ms. Sherlyn Montoya.
<b>El Salvador</b> 26 May 2017	Extrajudicial executions Freedom of opinion and expression Freedom of assembly and association Human rights defenders SOGI Violence against women Women in law and in practice	Murders of three trans women in San Luis Talpa, as well as allegations of acts of intimidation and threats, including acts of extortion against a human rights defender.
<b>Russian Federation</b> 13 April 2017	Arbitrary detention Extrajudicial executions Freedom of opinion and expression SOGI Torture	Alleged unlawful detentions, torture and extrajudicial killings of men perceived to be gay or bisexual in Chechnya in the past weeks.
<b>Peru</b> 10 April 2017	SOGI	Concern about possible setbacks in relation to Legislative Decree No. 1323, which was approved by the Executive Power in January 2017, by virtue of the powers delegated by Law No. 30506.
<b>Tunisia</b> 24 November 2016	Freedom of opinion and expression Freedom of assembly and association Human rights defenders SOGI	Arbitrary arrest and threats against human rights defenders, Mr. Ahmed Ben Amor, the physical aggression of Mr. Bohdid Belhedi, as well as the ongoing harassment against them, which appears to be solely motivated by their work for human rights in Tunisia.