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.

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

Mr. **VICTOR MADRIGAL-BORLOZ** (COSTA RICA)

Since December 2017 (until September 2023)

Twitter: @victor_madrigal

**FORMER SPECIAL RAPPORTEUR:**

- Mr. Vitit MUNTARBHORN (Thailand)
  2016 - 2017

### WORK SUMMARY

#### COUNTRIES VISITED

- **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.
<table>
<thead>
<tr>
<th>Country/Date</th>
<th>Experts</th>
<th>Situation</th>
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<tbody>
<tr>
<td>Kazakhstan 7 November 2018</td>
<td>Freedom of opinion and expression, Health, Human rights defenders, SOGI</td>
<td>Drafting of a discriminatory and stigmatizing by-law prohibiting distribution of LGBT-related content to children.</td>
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<tr>
<td>Turkey 18 September 2018</td>
<td>Counter-terrorism, Freedom of opinion and expression, Freedom of assembly and association, Human rights defenders, SOGI</td>
<td>Indefinite ban on public LGBTI-related gatherings or events by governor of Ankara.</td>
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<tr>
<td>Guatemala 31 August 2018</td>
<td>Health, SOGI, Women in law and practice</td>
<td>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.</td>
</tr>
<tr>
<td>United States of America 31 July 2018</td>
<td>Extrajudicial executions, SOGI</td>
<td>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.</td>
</tr>
<tr>
<td>Tanzania 9 July 2018</td>
<td>Arbitrary detention, Extrajudicial executions, Freedom of opinion and expression, Freedom of assembly and association, Human rights defenders, SOGI</td>
<td>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.</td>
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<tr>
<td>Republic of Korea 5 April 2018</td>
<td>SOGI</td>
<td>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.</td>
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<tr>
<td>Brazil 7 August 2018</td>
<td>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</td>
<td>Information received concerning the killing of Marielle Franco and her driver.</td>
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<tr>
<td>Country</td>
<td>Date</td>
<td>Issues</td>
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<tr>
<td>Egypt</td>
<td>31 October 2017</td>
<td>Arbitrary detention, Freedom of opinion and expression, Health, Human rights defenders, Privacy, SOGI</td>
</tr>
<tr>
<td>Azerbaijan</td>
<td>9 October 2017</td>
<td>Arbitrary detention, Health, SOGI, Torture</td>
</tr>
<tr>
<td>Russian Federation</td>
<td>29 September 2017</td>
<td>Freedom of opinion and expression, Human rights defenders, SOGI</td>
</tr>
<tr>
<td>Haiti</td>
<td>22 September 2017</td>
<td>Arbitrary detention, Freedom of opinion and expression, Freedom of assembly and association, Privacy, SOGI</td>
</tr>
<tr>
<td>Russian Federation</td>
<td>31 August 2017</td>
<td>Arbitrary detention, Human rights defenders, Migrants, SOGI, Torture</td>
</tr>
<tr>
<td>Chile</td>
<td>23 August 2017</td>
<td>Health, SOGI</td>
</tr>
<tr>
<td>Republic of Korea</td>
<td>16 August 2017</td>
<td>Arbitrary detention, Freedom of opinion and expression, SOGI</td>
</tr>
<tr>
<td>Country</td>
<td>Date</td>
<td>Issues</td>
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| **Honduras**     | 3 August 2017      | Extradjudicial 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.                      |
| **Singapore**    | 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. |
| **Honduras**     | 10 July 2017       | Extradjudicial 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. |
| **El Salvador**  | 26 May 2017        | Extradjudicial executions  
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. |
| **Russian Federation** | 13 April 2017   | Arbitrary detention  
Extradjudicial 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.        |
| **Peru**         | 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. |
| **Tunisia**      | 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. |