

# Protection against violence and discrimination based on sexual orientation and gender identity

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## I. Introduction

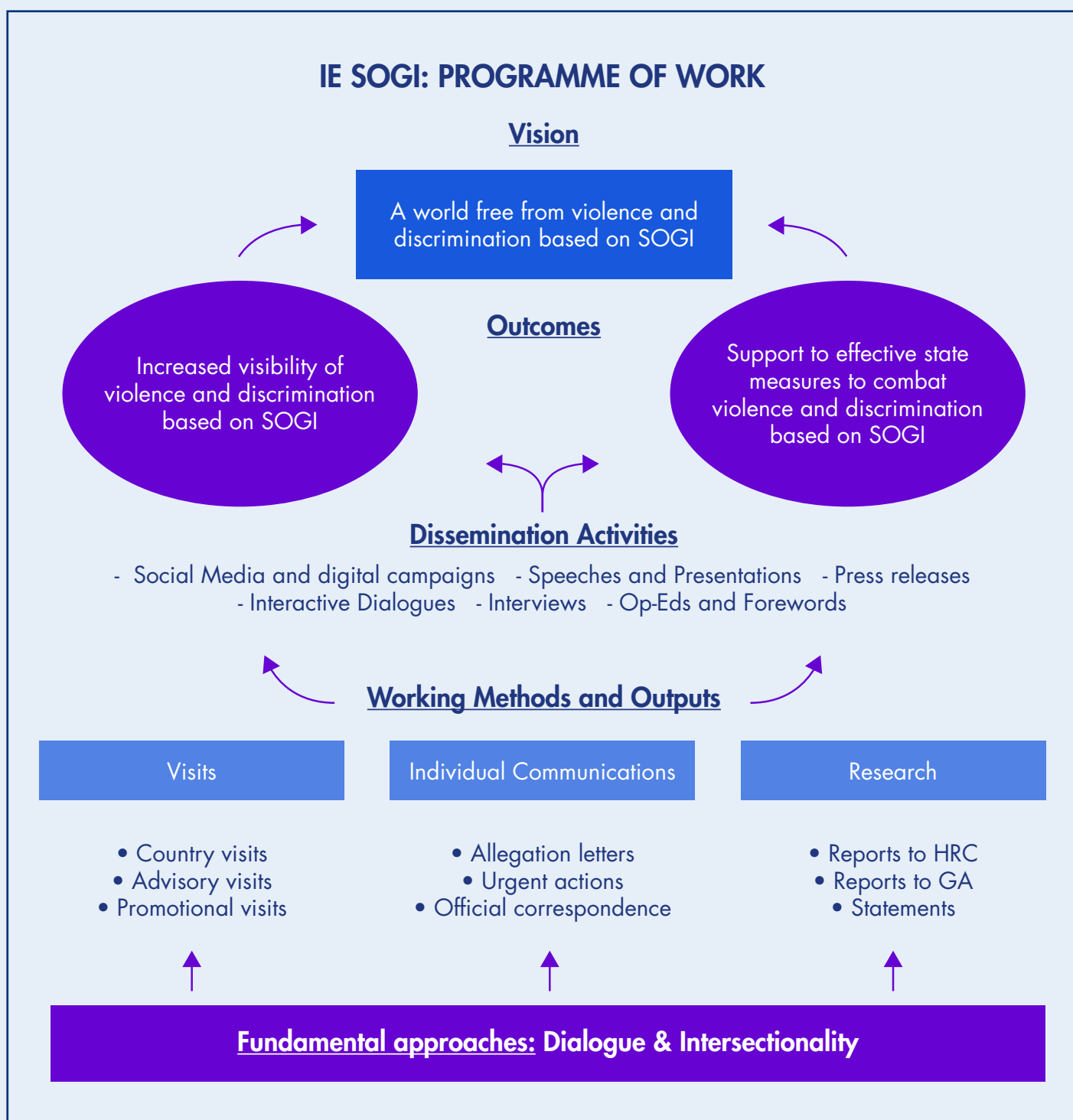
1. The history of lesbian, gay, bisexual, trans and gender diverse (LGBT) people, like other victims of discrimination and violence, has been one of suffering, endurance and hope - a vital struggle for freedom and equality in the face of singular adversity. Every day, hundreds and thousands of people around the world are killed, beaten, tortured and mistreated because of who they are, who they love or for whom do they feel sexual desire. Millions are simply excluded without the tools to participate in the social fabric.
2. In recognition of this lamentable state of affairs, the United Nations Human Rights Council created in 2016, through Resolution 32/2, the mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity ("IE SOGI"). In June 2019 the HRC renewed the mandate through Resolution 41/18.
3. The document that you are reading is primarily intended as a communication tool. It describes the plan through which the mandate's work will make a contribution to the deconstruction of violence and discrimination based on sexual orientation and gender identity ("SOGI"). In its preparation, the IE SOGI included observations and suggestions provided by a vast array of State and non-State actors through 2020, including that year's Interactive Dialogue at the UN Human Rights Council, the consultative process on the impact of COVID-19 on LGBT populations and communities, the Interactive Dialogue during the 75th Session of the UN General Assembly, a global consultation convened by the mandate on 20 November 2020, as well as dozens of bilateral and group meetings and exchanges throughout the year.
4. Heightened awareness and support for effective State measures are the mandate's mainspring:
  - a. the first consists in increased consciousness, at the global level, of the manner in which violence and discrimination based on SOGI manifest themselves in everyday life of their victims, including identification of root causes. This is based on the assumption that heightened awareness of the levels of violence and discrimination to which LGBT persons are subjected every day is itself a significant measure to address this scourge. It, therefore, relates to social awareness, perception and opinion; and
  - b. the second consists in the identification of measures by the mandate to eradicate violence and discrimination based on SOGI, in all realms of State action (legislation and public policy, executive and administrative action, and access to justice), and the provision of advice to States in their effective implementation. It, therefore, relates to international State responsibility (prevent, promote and protect, including the provision of effective remedy).
5. When producing reports and statements, the IE SOGI bases his work on two fundamental approaches: *dialogue* and *intersectionality*:
  - a. through open dialogue, views and ideas are shared with States that did not support the creation and renewal of the mandate – and that might continue to have that position. It is also a way to promote that the States that were supportive of the mandate's creation do not weaken their resolve. Ultimately, dialogue has the objective to persuasively convey the view that LGBT persons should be protected from all forms of violence and discrimination and to influence the positions of all UN Member States in that regard; and
  - b. through intersectional analysis, the IE SOGI addresses the multiple, intersecting and aggravated forms of violence and discrimination faced by persons based on their SOGI, but also by all other factors that reunite in one body to create unique lived experiences of privilege or discrimination. These include, among other: race, ethnicity, religion or belief, health, socio-economic, migration or other status (such as persons who use drugs), sex, age, class and caste, as well as experience of disability. All relevant perspectives are considered when the mandate analyses any given problem or theme.



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6. These approaches inform the execution of the mandate's activities through working methods that are common to all UN Human Rights Special Procedures: research, visits and individual communications. In their turn, these activities yield outputs (i.e., reports, statements, correspondence) that are the object of an intense dissemination programme that includes launches, presentations, social media campaigns, press releases, and interviews.

7. The Special Procedures Code of Conduct and the combined best practices identified by the United Nations Special Procedures provide additional elements in the basic framework for the execution of the mandate's activities. In addition, *do no harm* is a fundamental guiding principle of the mandate's work, as in its course, the mandate is sometimes confronted with acts or omissions attributable to authorities or officials of a State party who carry out, permit or tolerate sanctions against persons or organizations for having communicated with the mandate. These are known as reprisals. The mandate's zero-tolerance policy to reprisals is taken into account during the planning, execution and follow-up to all of its activities, including communications, country visits and thematic research. As a result, there is a methodology in place to manage the risk of reprisals. Further, the mandate is unyielding in its demand that States promptly, impartially and effectively investigate reprisals, prosecute perpetrators and provide remedies to victims.



## II. The programme of work

### *Applying an intersectional approach*

**8.** All working methods are implemented within an intersectional approach. The mandate holder is persuaded that analysing root causes requires a multidimensional assessment of all factors, including historical, socio-cultural, political and anthropological, that concur to create an understanding of what is perceived as a norm in relation to gender, sex and sexual desire in a given place and at a given time, and as a result, particular experiences of privilege or violence and discrimination. The fabric of a lived experience gets woven, among other, by the threads of race, ethnicity, religion or belief, health, socio-economic, migration or other status, age, class and caste, and experience of disability. In that way, intersectionality describes the dynamic process in which that distinctively unique life experience occurs.

**9.** All relevant perspectives are considered when the mandate analyses any given problem or theme and, as a result, some of the mandate's outputs will focus on them: refugees, asylum seekers and migrants, indigenous peoples, persons deprived of liberty, young and elder persons, persons living with disabilities are some of the identities that have been and will continue to be considered. In particular, during the period 2021 – 2023, the mandate will seek to further its understanding of the intersection of race, ethnicity, SOGI in the creation of lived experiences of violence and discrimination. It will also continue its work on particular concerns of certain persons, communities and populations, among them:

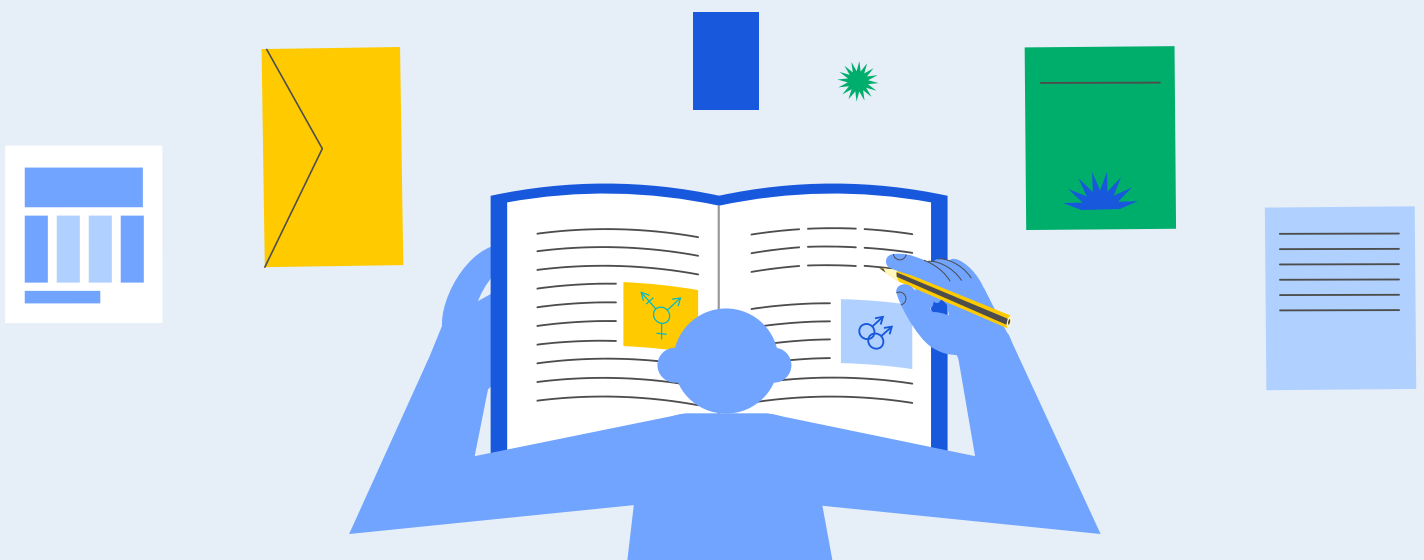
- a.** joint work with UNHCR (on refugees and asylum seekers);
- b.** joint work with the UN Secretary-General's Special Envoy on Youth (on LGTB young persons); and
- c.** joint work with the UN frameworks on older persons (on the challenges of ageing while LGBT)

**10.** A fundamental consequence of this way of working is that it acknowledges the need for cooperation among global and regional human rights bodies. To that end, the mandate has already carried out an intense agenda of coordination with mandate holders, global and regional treaty bodies and United Nations agencies and programmes. Some of the related platforms for action will continue to be priorities for the mandate in the period 2021 - 2023, among them:

- a.** joint work with UNDP and the World Bank (on social inclusion);
- b.** joint work with UN Women and the Beijing +25 process (on gender equality);
- c.** joint work with UNFPA and the ICPD +25 process (on development).

**11.** During the period 2021 – 2023, the mandate will complete its series of briefings and coordination meetings to all UN Special Procedures mandate holders and treaty bodies, all of which have the objective to inform about the activities of the mandate, and guide agendas for common action, and will continue its joint work with regional human rights bodies.

**12.** Based on the mandate's experience and in furtherance of its own guidelines concerning participation and empowerment as basic tenets of a human rights-based approach, the design of all activities, including thematic research and fact-finding will ensure that the experience of LGBT persons, communities and populations is properly consulted and acknowledged.



## Creating opportunities for dialogue

**13.** In the process of creation, consideration and follow-up to all of the mandate's activities, the convening power of the mandate creates significant opportunities for exchanges, and systematisation and analysis of information by all stakeholders. Exchanges of evidence and views at consultations and expert meetings are multidirectional in nature; processes led by the mandate host energies that can lead to alliances and joint ventures, and the calls for global action issued by the mandate will hopefully inspire coalitions of State and non-State actors.

**14.** In this context, the mandate is keen to continue exploring the possibility of regional dialogue through structures such as:

- a.** the Caribbean Consultative Process (convened jointly with the LGBTI Rapporteurship at the Inter-American Commission on Human Rights and with the support of the UNDP and the Commonwealth Secretariat) and OHCHR National Human Rights Advisors;
- b.** the possibilities of dialogue and action through Western Africa (with the support of the OHCHR Regional Office); and
- c.** continued dialogue with European inclusion processes, including the work to identify opportunities in the context of the European LGBTIQ Equality Strategy.

**15.** The mandate will also continue providing advisory services to other processes having the aim of mainstreaming actions to address violence and discrimination based on SOGI across all UN agencies and programmes.

## Research agenda

**16.** In 2017, the first mandate holder announced six thematic underpinnings to be addressed by the mandate. The current IE SOGI has supplemented that research catalogue, and by the end of 2020 the mandate has produced thematic reports covering the following areas:

<b>a.</b> Decriminalisation	(done, General Assembly 2017)
<b>b.</b> Anti-discrimination measures	(done, General Assembly 2017)
<b>c.</b> Depathologisation as a means to address stigma	(done, General Assembly 2018)
<b>d.</b> Legal recognition of gender identity	(done, General Assembly 2018)
<b>e.</b> Data gathering and management standards	(done, HRC 2019)
<b>f.</b> Social inclusion	(done, General Assembly 2019)
<b>g.</b> "Conversion therapy" practices	(done, HRC 2020)
<b>h.</b> COVID-19 impact	(done, General Assembly 2020)

**17.** On the basis of feedback from Member States, civil society and other stakeholders, the mandate has identified the following research agenda for the period 2021 – 2023:

<b>a.</b> Gender equality	(HRC 2021)
<b>b.</b> Right to Health and SDG 3	(General Assembly 2021)
<b>c.</b> Colonialism	(HRC 2022)
<b>d.</b> Religion	(General Assembly 2022)
<b>e.</b> Violence: a 12-years assessment	(HRC 2023)
<b>f.</b> Discrimination: a 12-years assessment	(General Assembly 2023)
<b>g.</b> Conflict, Peace and Security	(Floating) <sup>2</sup>

<sup>2</sup> The subject-matter for this report is of great importance and the mandate is well placed to make a significant contribution. However, it not yet clear which stage of the mandate's schedule would be optimal for the placement of the report. This will be elucidated at a later stage.

**18.** Further, the mandate seeks to establish balances between concerns connected to sexual orientation and those relating to gender identity. To that end, the mandate will issue a third global call - connected to gender identity concerns and complementing the calls for a world free of criminalisation and a global ban on conversion therapy.

**19.** Research projects will be developed through a standardised methodology that includes a comprehensive literature review and a series of measures of outreach: a global call for written submissions, public consultations, and expert meetings. Each process may also include *ad hoc* mechanisms, including online surveys, devised to fit the research objective. The process can be described as follows:

**a.** Initial research

- comprehensive literature reviews and background documents: prepared with the support of Research Assistants at the Human Rights Program of Harvard Law School (“HRP”); the literature review will be expressed through a background document prepared under the guidance of the mandate’s Senior Advisor and final approval of the IE SOGI;
- global calls for written submissions: this instrument is prepared with the support of Research Assistants at HRP, under the guidance of the mandate’s Senior Advisor and final approval of the IE SOGI;
- public consultations: open to Member States and civil society, as well as individuals, this process is carried out with institutional funding and the involvement of the mandate’s OHCHR Core Team in Geneva. Generally, consultations consist of a one-day event; and
- expert meetings: held at the UN Headquarters in New York, the Harvard Law School in Cambridge, Massachusetts or other universities located in the Global South,<sup>3</sup> expert meetings create a cross-disciplinary discussion about the key human rights issues identified through the literature review. The background document circulated prior to the meeting will guide the discussions. The meeting will also yield a meeting report as a by-product.

**b.** Drafting

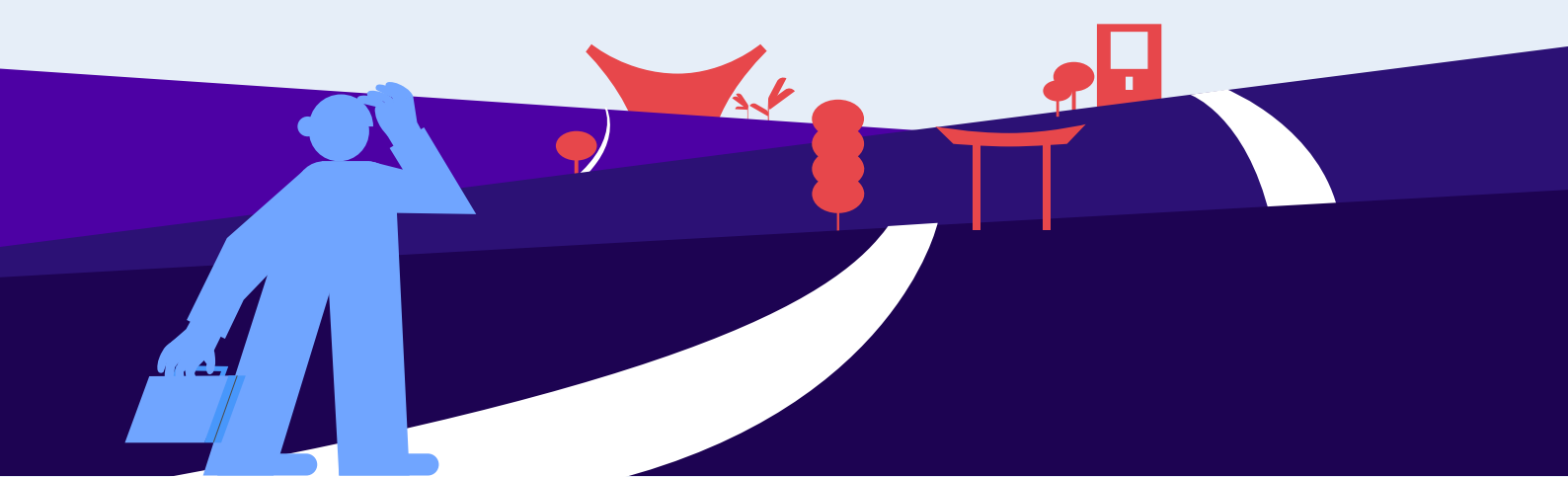
Drafting of the IE SOGI’s reports is carried out by the IE SOGI with exclusive assistance from the OHCHR Core Team in Geneva and, if decided by the IE SOGI, from consultants under an OHCHR contract. The process culminates in the issuance of a report that then receives observations by OHCHR’s Special Procedures Branch and undergoes applicable UN and editorial and translation processes. In terms of efficiency, the IE SOGI considers the timely submission of reports to these processes as a key performance indicator.

**c.** Dissemination

For each report issued by the mandate, a dissemination strategy will be prepared. This strategy includes a formulation of objectives, activities and its own monitoring and evaluation (M&E) considerations, and generally includes dissemination on the information about the report’s availability once it is published by the UN and, after its presentation to the HRC or the General Assembly, an intense programme of engagements that includes launch events (generally under the aegis of the HRP), engagements with media, including interviews, press releases and public statements, and active social media presence (Facebook, Twitter, LinkedIn, Instagram). Dissemination activities are supported by a digital campaign with original material developed for the mandate by a design company, with the assistance of a dissemination consultant. The material includes images for social media and a booklet with key-findings and recommendations from the report.



<sup>3</sup> The mandate intends to hold five expert meetings in UN regions other than WEOG: Latin American and the Caribbean, Africa, Asia, Eastern Europe; in addition, he intends to carry out an expert meeting in the Middle East and North Africa region. This activities will naturally depend on the actual availability of resources.



## Visits

**20.** Country visits provide an opportunity “to assess the situation of lesbian, gay, bisexual, trans and gender diverse persons in the country and to identify good practices and gaps in the implementation of national and international human rights standards to combat violence and discrimination based on sexual orientation and gender identity.”<sup>4</sup>

**21.** Mandate interactions with State institutions can be transformative and result in the modification of the treatment of LGBT people. Also, the international attention that these visits bring to the domestic level can have a positive impact on the human rights situation of LGBT people. “This is largely a result of the serious attention such visits receive from most governments, civil society, and the media. [...] The media play an essential role in amplifying the main points of the visit and creating some pressure for governments to respond.”<sup>5</sup>

**22.** A dissemination strategy will be prepared for every country visit. This strategy includes a formulation of objectives, activities and its own M&E considerations, and generally includes dissemination activities on three stages: a) before, during and after the visit, and b) after the report is available once it is published by the UN and c) after its presentation to the HRC. Activities include launch events (for thematic reports generally under the aegis of the HRP and for country reports in alliance with the United Nations Country Team), engagements with media, including interviews, press releases and public statements, and active social media presence (Facebook, Twitter, LinkedIn, Instagram). These dissemination activities will usually be accompanied by imagery created by the mandate during the country visit.

**23.** Due to the unique nature of country visits, during which it is ideal to have a robust dialogue with State authorities free from any suspicion of foreign interference, country visits are only carried out under the auspices of the United Nations Regular Budget, administered by OHCHR, which caters for two visits per year. The country visits carried out in the period 2018 - 2020 include Argentina, Georgia, Mozambique and Ukraine (all details can be found in [this link](#)).<sup>6</sup> During the period 2021 – 2023, the IE SOGI currently intends to visit six of the following countries: Armenia, Burkina Faso, Cambodia,<sup>7</sup> Colombia, Ghana, India, Japan, Kenya, Malta, Nepal, Poland, Sri Lanka,<sup>8</sup> Thailand, and Tunisia.<sup>9</sup> Actual implementation may vary according to emerging opportunities and problems.

**24.** Country visits result in a report that presents an overview of the situation of violence and discrimination based on SOGI in the given country, and a comprehensive set of recommendations for law review, access to justice and public policy action. The mandate remains actively engaged in dialogue with visited States and, therefore, during the period 2021 – 2023, it is to be expected that significant activity will be deployed in this regard. Conversations are already underway for the implementation of certain activities in Ukraine and Argentina, and the mandate expects similar dialogue for all other visited States.

**25.** In addition to country visits, the IE SOGI carried out 17 advisory and promotional visits in the period 2018 – 2020.<sup>10</sup> Although the scope of these visits is more limited (particularly because they do not lead to formal findings), they can also enhance the legitimacy of LGBT communities in the country and become a way to give them a higher platform to engage with their own governments, and the mandate nonetheless gathers information, increases visibility, promotes positive measures and supports efforts to eradicate violence and discrimination based on sexual orientation and gender identity. In particular, promotional visits include:

<sup>4</sup> Visit to Ukraine. Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity. A/HRC/44/53/Add.1. 27 April 2020, para 1.

<sup>5</sup> Catalyst for Change: How the U.N.’s Independent Experts Promote Human Rights, Ted Piccone, Brookings Institution Press 2012.

<sup>6</sup> To these must be added Tunisia, which is currently planned for late November 2020, pending COVID-19 prevailing measures.

<sup>7</sup> to <sup>9</sup> Already identified for execution in 2021.

<sup>10</sup> Originally 21 visits were foreseen; COVID-19 created a significant variance from the plan.

- a. keynote addresses and presentations at events organised by the United Nations, State, academia or NGOs;
- b. meetings with groups, communities and populations to inform them in a focussed manner of the mandate's methods of work: in particular the research surrounding the IE SOGI's reports, and the communication procedure; and
- c. general interactions with the press (as part of the ToR of which no specific country situations or cases are discussed).

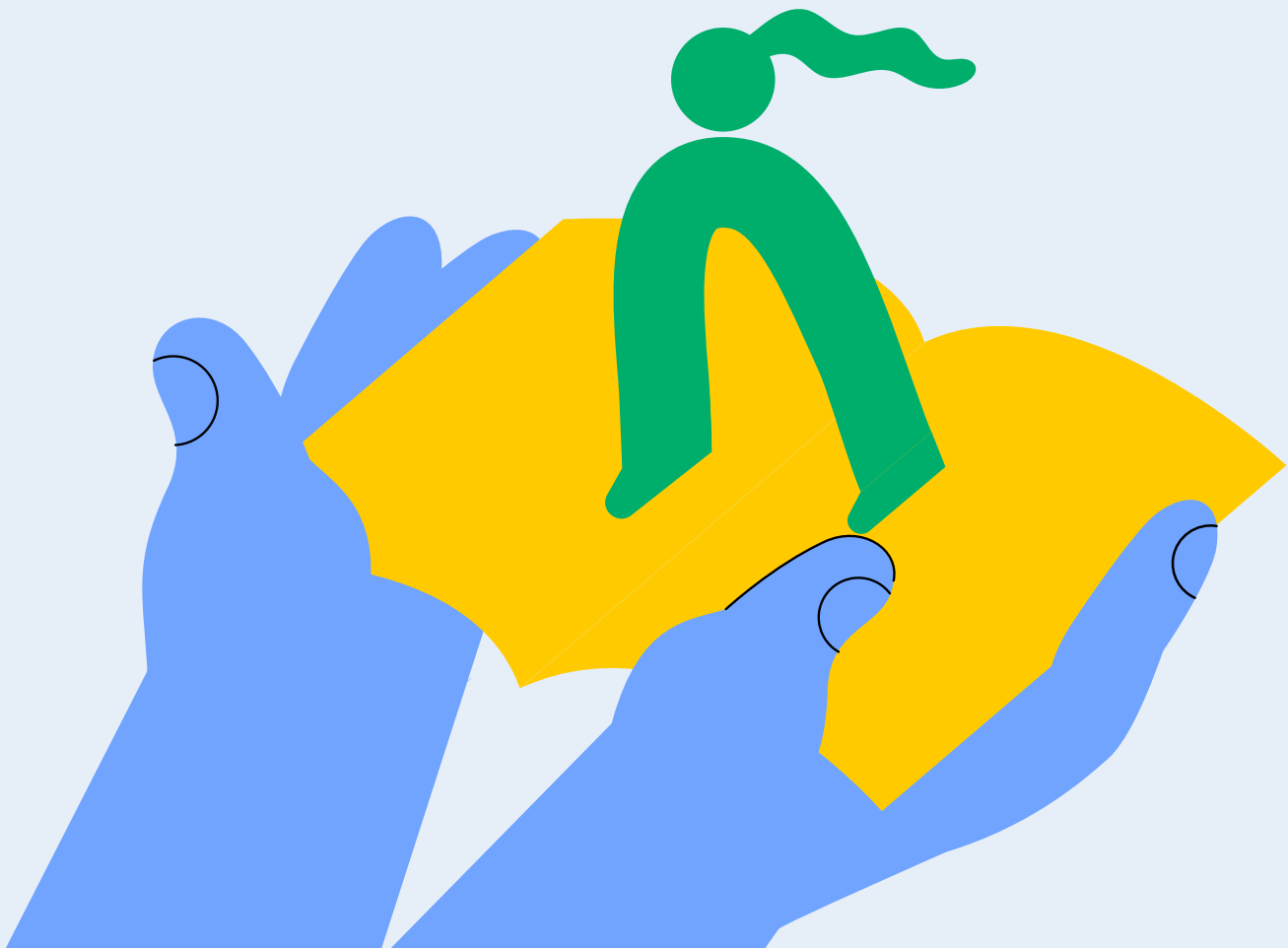
**26.** The IE SOGI intends to carry out a total of 18 promotional visits in the project period – six financed by entities of the Global North (usually academic entities), six under the auspices of the United Nations Regular Budget, and six under the auspices of a Research and Promotion Programme ("RPP'21-23"). The latter will focus on activities in countries of the Global South, which are fundamental to balance the activity of the IE SOGI between the Global North and Global South. The following promotional visits are in the pipeline, with varying degrees of certainty: Australia, the Caribbean, Germany, Honduras, Lebanon, Mexico, South Africa, and Switzerland.

### ***Individual communications***

**27.** This mechanism allows individuals and organisations to file petitions before the IE SOGI, so that victims of violence based on SOGI can report violations and seek a remedy through "allegation letters" or "urgent actions." Another type of communication ("other letter") provides for the possibility to comment and provide advice on laws, policies, and practices with a view to aligning them with international human rights standards. Given the importance of carrying out the consideration and decision-making process in relation to communications in an environment free from suspicion of interference from third parties (including States), all work connected to individual communications is carried out under the auspices of resources administered by OHCHR.

**28.** The mandate has managed a stock of some 70 active communications. In the view of the IE SOGI communications can be an extraordinarily valuable tool for protection.

**29.** For each communication issued by the mandate, specific dissemination actions will be considered. Given the communication procedure strict protocols, these must be specifically aimed at promoting maximum impact in human rights compliance while ensuring respect for the framework of the Code of Conduct. Dissemination activities connected with communications include press releases, engagements with media, including interviews, and public statements, and active social media (Facebook, Twitter, LinkedIn, Instagram).



### III. Products

30. The mandate creates a series of products as a result of the activities under its working methods. These are:

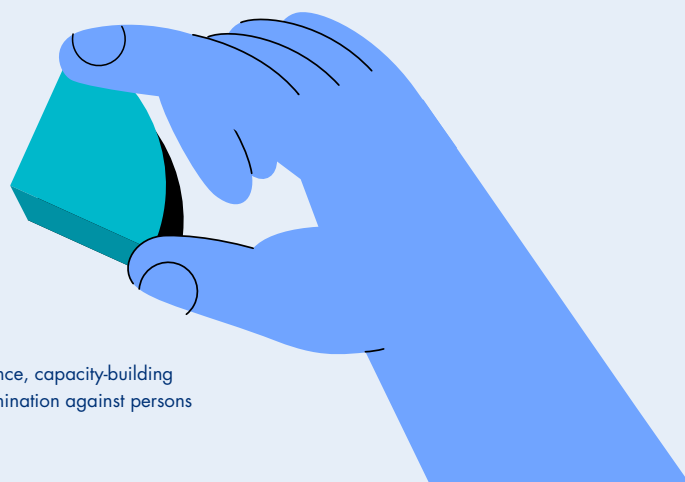
a. Report to the HRC	(1 per year)
b. Report to the General Assembly	(1 per year)
c. Policy statements	(estimated at 6 per year)
d. Country visit reports	(2 per year)
e. Promotional and advisory visits	(6 per year)
f. General press releases	(estimated at 12 per year)
g. Social media postings	(estimated at 6 per month)
h. Keynote speeches, presentations and statements	(10 per month)
i. Interviews	(3 per month)
j. Communications-based outputs <sup>11</sup>	(estimated at 4 per month)

### IV. Monitoring and Evaluation

31. The mandate is persuaded that the objective of addressing and ultimately eradicating violence and discrimination are dependent on the work of wide coalitions of State and non-State entities across the world. Insofar as coalition thinking depends on a dynamic of collaborative impact, it negates the possibility that any given actor, including the mandate, can claim sole influence in fulfilling the objective.

32. While bearing that approach in mind, the mandate is nonetheless committed to compliance with its mission – in relation to UN Member States and, ultimately, to victims of human rights violations, whose claims and aspirations are reflected in their interactions with the mandate, as well as the work of human rights defenders and civil society organisations. During this period, the mandate will implement an M&E Research Project, which will have a dual objective:

- a. to assess the impact of actions. To this end, the mandate relies on a results framework consistently reflected in the reports to the HRC and the General Assembly. Both reports are subject to extensive feedback from States and civil society organizations. This action aims at enriching this framework through further evaluation of “what works,” and focus on the activities and outputs that constitute best added value from the mandate to the work of addressing and ultimately eradicating violence and discrimination based on SOGI; and
- b. to foster and support the consideration of the mandate’s recommendations issued in country visit reports, communications and – to the extent possible – the reports to the HRC and the General Assembly, in line with OP3(f) of resolution 32/2,<sup>12</sup> and to monitor the implementation status. All information gathered through this system will be reflected in the 2023 reports presented by the mandate to the HRC and the General Assembly, the purpose of which is to present an evaluation of the theory of change upon which resolution 32/2 is built.



<sup>11</sup> Allegation letters, urgent actions and other letters.

<sup>12</sup> “To conduct, facilitate and support the provision of advisory services, technical assistance, capacity-building and international cooperation in support of national efforts to combat violence and discrimination against persons on the basis of their sexual orientation or gender identity.”



## V. The mandate's impact

### *Including LGBT issues in domestic, regional and global agenda*

**33.** The renewal of the mandate of the IE SOGI took the point of departure in the memories of the 2016 process for mandate creation, enormously controversial, and having originated from an unprecedented five votes across the HRC and the General Assembly. Held in June 2019, the renewal was an extraordinary example of the collaborative impact originated by coalition thinking. Carried under the banner of #RenewIESOGI and promoted by the work of a coalition of 1312 organisations from 174 States, the renewal demonstrated the value that organisations from all over the world attach to the mandate. Great value derives not only from the number but also from regional diversity (144 international organisations, 226 regional organisations from all world regions, 942 national organisations - 173 from Africa, 236 from Asia-Pacific, 108 from Eastern Europe, 237 from Latin America and the Caribbean Region, and 187 from the Western Europe and others region).

**34.** Similarly (and different from the process of its creation in 2016) the group supportive of the mandate's renewal included States from all regions of the world. Most importantly, the debates around the renewal of the mandate allow concluding that the information presented by the IE SOGI is being considered by States – and making part of their knowledge base. One example from the statement by the delegation of Argentina on behalf of a group of countries:

as the Independent Expert indicated during his latest presentation to the Council, this mandate gives voices to those who have none, to those who suffer in dark, in denial and in silence [...]. 60% of bisexual women have been victim of rape, physical violence and/or harassment by the hand of an intimate partner; half of LGBT students have suffered bullying bullied; life expectancy of a transgender person is only 35 years; 40% of homeless young people identify as LGBT; gay and lesbian persons are half as likely to get a job interview as their heterosexual peers. Can we so claim, Mr. President, that we don't need a specific mandate against violence and discrimination based on sexual orientation and gender identity?

**35.** And another, from the Tunisian delegation:

Tunisia firmly believes in the role played by mandate holders in developing human rights systems and promoting human rights culture in its general character in a way to develop the national legislations and in line with countries' international commitments. We believe that positive cooperation with mandate holders requires that we should be open to them and cooperate with them without selectivity or discrimination and on the basis of mutual confidence and respect and on the basis of national priorities[.]

a spirit that was reaffirmed by Tunisia's invitation to the mandate holder for a country visit in 2020. In the view of the IE SOGI, the renewal of the mandate is an acknowledgement that sexual orientation and gender identity are necessary points of entry in the analysis of violence and discrimination, and its reduction and ultimate eradication.



**36.** At the regional level, intense cooperation has been carried out with the Organization of American States (“OAS”) and the Inter-American Commission on Human Rights (“IACHR”), the Council of Europe and European institutions, and the African Commission on Human and People’s Rights. For example, the standards identified by the mandate on issues of data gathering and management have been taken into account for the formulation of the OAS’ “Guidebook for the Operationalization of the Indicators of the Protocol of San Salvador from a Cross-cutting LGBTI Perspective;” and its work on conversion therapy has been established as a reference in the latest OAS GA human rights resolution. Further, the mandate has been invited to provide input to the Court’s opinion on differentiated approaches concerning persons deprived of liberty, and collaborative work with the IACHR has already yielded a regional consultation involving State and non-State actors in the Caribbean region.

**37.** At the domestic level, the work on conversion therapy is a good indication of the value-added provided by the mandate. Since its report on the issue, legislation has been adopted in Mexico and the mandate has engaged with parliamentary commissions working on the issue in The Netherlands, Canada, France and Costa Rica. In October 2020, the European Parliament’s Intergroup on LGBTI rights requested the European Commission to act on the mandate’s recommendation for a global ban on conversion therapy through legislation or public policy.<sup>13</sup> Work with parliaments has also been done in Colombia, where the mandate presented its opinion in a hearing focussing on the implementation of the National Human Rights Action Plan and the components related to LGBT persons, and Peru, where it held dialogue with a parliamentary commission on his findings concerning practices of conversion therapy.

### ***Handling a unique convening power***

**38.** The experience of the mandate has already revealed that the institutional appeal of the IE SOGI is of particular weight when convening stakeholders around the table, originating consensus and proposing tasks for global coalitions. So far, the mandate has made two global calls:

- a.** a world free of criminalisation by 2030; and
- b.** a global ban on conversion therapy.

The mandate will issue a third global call - connected to gender identity concerns and complementing the calls for a world free of criminalisation and a global ban on conversion therapy.

**39.** Both calls appear to have generated significant popular awareness of issues concerning LGBT persons. In both cases, what becomes evident is that there is significant interest to gather energy and efforts around the mandate. For example, for the report on conversion therapy, the IE SOGI issued a call for written submissions, in response to which he received 33 contributions from Member States, including national human rights institutions, and 94 from civil society organizations, academics, medical practitioners, faith-based organizations, parliamentarians and individuals. Consultations and expert meetings were similarly well-attended.

### ***Speaking through a mighty megaphone***

**40.** In addition to the dissemination activities carried out under country, advisory and promotional visits, the IE SOGI disseminates the content produced by the mandate through policy statements, publications, speaking engagements, press interviews, press releases and social media activity. During the last 15 months, the mandate has already built a strong following of over 15,000 people across social media channels, with Facebook and Twitter each surpassing the 6,000 mark and Instagram positioned as the fastest-growing platform, with an audience increase of 140%. Data available shows that the mandate has built an audience across different regions of the world. Despite a marked predominance in the United States, many other followers are present in Sub-Saharan Africa, Latin America and Europe. In Asia, the top countries in terms of followers according to Facebook are India, the Philippines and Russia. There is still however much ground to be gained in the Middle East and North Africa with the sole highlight being Tunisia. The languages most spoken by followers are also the ones most used by mandate: English and Spanish.

**41.** During the period September 2019 – July 2020, the mandate recorded 58 major speaking engagements, of which 4 were official launches, 20 were generally promoting knowledge of the mandate’s work, 18 focused on specific mandate products and 16 were contributions to events organized by others. According to the mandate’s registration system, a combined 30,000 persons attended these events, held in five continents and – since May 2020 – online in Spanish, English, French, Portuguese, Russian and bahasa Indonesia.

**42.** The mandate has developed a dissemination strategy identifying main target groups, communication outlets and implementation structure. The dissemination strategy includes a monitoring and evaluation section that already outlines the key elements that the mandate would track in relation to dissemination activities, including:

- a. quantity and types of posts (videos, images, texts, links, etc.);
- b. reach of the posts (number of people the posts were served to);
- c. number and quality of engagement with the posts (reactions, comments and shares); and
- d. audience profile (by identified gender, age, language, current location) and audience growth.

### ***Contributing to national blueprints for progress***

**43.** The official reports and recommendations that follow country visits provide a road map for the country of what law, policy and practice should look like. It has the ambition of informing actions by the State, NGOs, the international community and all agencies and programmes of the UN family present in the country. These visits also provide an opportunity to collect good practices and success stories. One such example is the country report for the visits to Argentina and Ukraine: recently, on the basis of conversations held by the IE SOGI with State officials, the State has declared that it will integrate the recommendations of the report in the new iteration of the national human rights strategy and plan.

### ***Building a force to support a global community***

**44.** On 9 March 2020, the day that the World Health Organization declared COVID-19 a pandemic, it became apparent that its impact on the enjoyment of human rights would be unprecedented in our times, and the assessment of the impact on the lives of LGBT persons around the world became a core part of the mandate’s work. The IE SOGI opened a wide-ranging dialogue process through an open letter issued on 27 March 2020, convening three virtual Town Hall meetings in the period from 30 April to 1 May 2020 and participating in over three dozen virtual consultations and meetings bringing together activists, human rights defenders, civil society leaders, government officials and scholars.

**45.** In total, over 1,000 individuals from more than 100 countries contributed anecdotal evidence and perspectives on the implications of the pandemic on LGBT persons. On 17 May 2020, the Independent Expert led a group of 96 United Nations and regional independent experts in a statement on the impact of the pandemic on LGBT persons, and on 18 June 2020, the IE SOGI communicated the ASPIRE Guidelines on COVID-19 response free from violence and discrimination based on SOGI, and triggered a social media campaign for them to be considered by a wide range of stakeholders. To inform his report, the IE SOGI reviewed claims of human rights violations under the communication procedure, the totality of the work carried out by the United Nations special procedures<sup>14</sup> and over 100 reports, documents and essays published up to 30 June 2020, as well as 86 submissions submitted in response to his call for inputs.



<sup>14</sup> OHCHR, Special procedures of the Human Rights Council, “COVID-19 and special procedures”,

**46.** The 2020 report from the mandate to the UN General Assembly will be the next step in that process, and summarizes the vast array of evidence available, on the basis of which the Independent Expert concludes that COVID-19 has a disproportionate impact on LGBT persons; that, with few exceptions, the response to the pandemic reproduces and exacerbates the patterns of social exclusion and violence previously identified by him; and that urgent measures must be adopted by States and other stakeholders to ensure that the pandemic response is free from violence and discrimination and thus in conformity with the tenets of international human rights law.

### ***Contributing to change case by case: individual communications***

**47.** Impact of individual communications is hard to determine with precision. Sometimes the impact appears supported by a particular outcome – Court rulings in Kazakhstan following KAZ 2/2019, the case of a couple of lesbian women who, without their consent, were filmed kissing and the footage published. The Supreme Court of Kazakhstan issued a ruling favourable to them, which in the State’s submission to the mandate, “bears witness to the fact that in Kazakhstan it is possible for people to defend their rights, regardless of their sexual orientation or gender identity.” Similarly, On 20 March 2019, the IE SOGI joined a group of eight Special Procedures mandate holders who issued joint urgent appeal EGY 4/2019 concerning the alleged arbitrary arrest and detention of Ms, Malak Al-Kashif, a transgender woman and LGBTIQ human rights defender who had been detained since 6 March 2019 for calling for peaceful protests to denounce how the Ramses Station Accident was handled by the authorities. Following the coordinated solidarity and focused attention in her case from outside Egypt, including by Special Procedures, Ms. Malak Al-Kashif was released on 16 July 2019.

**48.** In general, however, a recent analysis of communications by ARC International highlights that the communication function seems to be “significantly underused especially when compared to other mandates.” Reasons for this could include: CSOs’ lack of knowledge about this aspect of the mandate’s work; the country context and sensitivity of SOGI issues; and receiving the consent of the victim(s) and information that does not meet the necessary requirements to issue a communication. The mandate is currently engaged in further analysis.



## **VI. Conclusion**

**49.** This document was prepared as a communication tool to promote ownership. The IE SOGI, however, is convinced that its greatest value will be to ensure a system of mutual responsibility between the wide range of stakeholders that share the vision of a world free of violence and discrimination based on sexual orientation and gender identity: States, civil society organisations, human rights defenders, persons with lived experiences, academics and United Nations agencies and programmes – including the OHCHR.

**50.** The IE SOGI is indebted to all entities and individuals that dedicated time and resources in their engagement with this programme of work, as well as the members of the mandate’s core team,<sup>15</sup> and looks forward with great enthusiasm and optimism to the yearly opportunities provided by the United Nations Human Rights calendar to jointly reflect on the progress of this noble mission with which we have been honoured.

<sup>15</sup> Catherine de Preux De Baets and Taro Tanaka, OHCHR and Alexandre Leal (Consultant).

## Note 1: Activities January 2018 - December 2020

The activities carried out by the IE SOGI from January 2018 to May 2019 are included in the 2018, 2019 and 2020 reports to the Human Rights Council. To these are added the activities carried out in the remainder of 2020, at the end of which the mandate will have carried out in total:

- a. 56 meetings, conferences or series of meetings with States and groups of States, for a total of over 200 meetings
- b. 40 meetings, conferences or series of meetings with global organizations and individual experts, for a total of over 200 meetings
- c. 6 thematic reports
- d. 4 calls for inputs
- e. 5 public consultations
- f. 4 expert meetings
- g. 4 series of online consultations
- h. 6 statements
- i. 4 working sessions in Geneva
- j. 1 regional consultation convened with the Inter-American system
- k. 1 trilateral Universal – Inter-American – African dialogue
- l. 5 formal exchanges and briefings with other mandate holders
- m. 2 symposia convened by other mandate holders
- n. 8 symposia convened by academia
- o. 5 UN-wide meetings
- p. 2 instances of technical advice to a Member State
- q. 1 instance of technical advice to the UN Secretary-General
- r. 1 instance of technical advice to other stakeholders
- s. 3 country visits
- t. 17 promotional visits
- u. 1 advisory visit
- v. 60 individual communications
- w. 25 keynote speeches
- x. 27 presentations
- y. 42 in-depth interviews
- z. 82 press releases

## Note 2: Resources assigned by the UN General Assembly

The mandate has been renewed for the period 2020 – 2022. Activities from January to December 2023 will be dependent on the renewal of the mandate by the United Nations HRC. Resolutions 32/2 and 41/18 are accompanied by the following resources determined by the United Nations General Assembly:

- a. Staff support:
  - i. 12 months at P-3 level
  - ii. 6 months at P-3 level<sup>16</sup>
  - iii. 6 months at GSOL level
  - iv. 4 months of P-4-level consultancy<sup>17</sup>
- b. Annual travel:
  - i. 1 trip to Geneva for annual meeting of special procedures (5 days)<sup>18</sup>
  - ii. 1 trip to Geneva for the presentation of report to HRC (5 days)<sup>19</sup>
  - iii. 1 trip to Geneva for consultations (5 days)<sup>20</sup>
  - iv. 1 trip to New York to present report to the General Assembly (5 days)<sup>21</sup>
  - v. 3 consultations to conduct, facilitate and support the provisions of advisory services, technical assistance and capacity building to regional mechanisms, UN agencies, Programmes and Funds, national human rights institutions and civil societies in different geographic regions (5 days each)<sup>22</sup>
  - vi. 2 country visits (10 days each, accompanied by 1 staff and including general operating expenses for services and local communications expenses).<sup>23</sup>

For the period of 2021 the mandate will continue benefiting from the work of a Junior Professional Officer (under the auspices of Japan). Other contributions may be received: in 2019 and 2020, France and Finland provided contributions in the amount of Eur.30,000 each.

Concomitantly, RPP'21-23 has been designed to support research and promotional activities on violence and discrimination based on sexual orientation and gender identity. The following are the implementation principles of RPP'21-23:

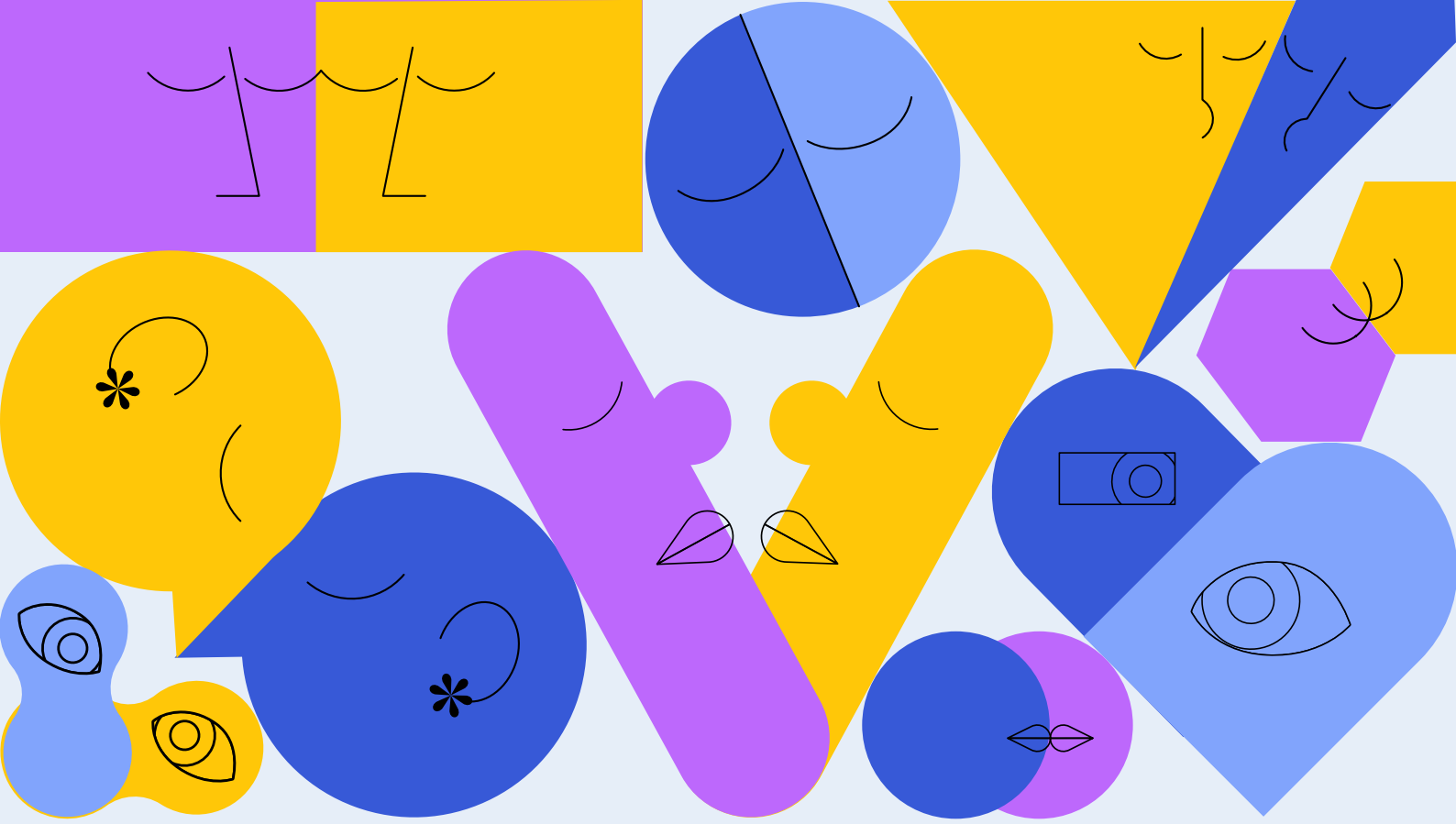
### **Synchronisation with OHCHR's Management Plan**

The set of actions planned and executed by the mandate will be aligned, insofar as possible, with OHCHR's Office Management Plan ("OMP") and its annual Performance Management System ("PMS"), which includes outcomes, outputs and activities. The mandate of the IE SOGI has developed a management system that provides the methodology and a schedule for the synchronisation of this plan with the OMP and the PMS, as well as monitoring and evaluation systems through which evidence of results and impact will be gathered.

<sup>16</sup> In 2020 this resource only materialised for 1,5 months (i.e., from January to March, half-time).

<sup>17</sup> In 2020 this resource did not materialize.

<sup>18</sup> to <sup>23</sup> In 2020 this resource did not materialize, as a result of border closures and travel restrictions connected to the COVID-19 pandemic.



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