



UNITED NATIONS

LGBTI advocacy continued to feature prominently at the UN in 2019. LGBTI equality issues were systematically addressed by Treaty bodies, Special Procedures and the Universal Periodic Review (UPR) mechanism alike.

UN INDEPENDENT EXPERT ON SEXUAL ORIENTATION AND GENDER IDENTITY

On 12 July, Human Rights Council adopted Resolution 41/18, renewing the mandate of the UN Independent Expert on Protection against violence and discrimination based on sexual orientation and gender identity, for another three years. The resolution was tabled by Argentina, Brazil, Chile, Colombia, Costa Rica, Mexico and Uruguay. In the months preceding the vote, civil society organisations from across the world joined forces as part of the #RenewIESOGI campaign, advocating for states to reaffirm the mandate. At the height of the process, a record number of 1,312 organisations from 174 States and territories addressed a [joint statement](#) to the Council in Geneva. In October, the International Service for Human Rights (ISHR), ILGA World, and ARC International, coordinators of the campaign, [launched](#) a report analysing the vote.

The Independent Expert, Victor Madrigal-Borloz released two thematic reports in 2019. [One](#) focused on the importance of data collection and the [other](#) on socio-cultural and economic inclusion. Both reports were preceded by public consultations.

On 15 May, the Independent Expert [published](#) his report on his country visit to Georgia in 2018, highlighting the gap between a progressive legal, policy and institutional framework and effective implementation, especially regarding discrimination, hate speech and hate crime. The Independent Expert also published his report on [Mozambique](#).

In May, the Independent Expert carried out a country visit in Ukraine, [concluding](#) that legislation is adequate but implementation is lacking; that LGBTI people are by large mandated to secrecy as a result of stigma; that attacks against public events are of serious concern; and that political leaders must show public support to the community. The Independent Expert postponed his visit to Sri Lanka until 2020.

BIAS-MOTIVATED SPEECH AND VIOLENCE

The Human Rights Committee (HRCttee) expressed concern that the [Estonian](#) hate crime and hate speech legislation does not protect LGBT people effectively. It called for legal reform, effective investigation and prosecution, data collection on SOGI based hate crimes, and awareness raising. The HRCttee urged [Tajikistan](#) to address hate speech and hate crimes on grounds of SOGI, and end harassment by law enforcement. The Committee Against Torture (CAT) urged [Poland](#) to take all measures to combat violence against LGBT people. The Committee on the Elimination of all Forms of Discrimination Against Women (CEDAW) urged the [UK](#) to combat hate crimes against trans people, ensure effective investigation and prosecution.

As part of the Universal Periodic Review (UPR), [Cyprus](#) accepted recommendations to criminalise incitement and to adopt an action plan against homophobia and transphobia; North Macedonia [accepted](#) recommendations to investigate and prosecute anti-LGBTI hate crimes; [Norway](#) accepted a recommendation to combat anti-LGBT hate crimes, hate speech and discrimination, but noted a recommendation on adding gender identity and expression (GIE) to the hate crime section of the Penal Code. [Bosnia and Herzegovina](#) was recommended to train law enforcement and the judiciary on combating anti-LGBT hate crimes, hate speech, and discrimination. [San Marino](#) was recommended to ban anti-LGBT hate crimes.

BODILY INTEGRITY

The CEDAW recommended [Austria](#) to implement a human rights based healthcare protocol for intersex persons, ensure that intersex children and their parents are fully informed of all options, that children are involved in the decision-making process and that no one is subjected to surgery or treatment without their free, informed and prior consent.

The Committee on the Rights of the Child (CRC) made similar recommendations to [Belgium](#), [Italy](#), the [UK](#) and [Malta](#). The CRC noted that intersex surgeries continue to be practiced in Malta, despite the ban.



As part of the UPR, [Albania](#) noted a recommendation to ban medically unnecessary and non-consensual surgeries on intersex children. [Italy](#) and [Slovenia](#) were recommended the same.

DIVERSITY

At the [63rd session of the Commission on the Status of Women](#) in March in New York, the LGBTI Caucus, including activists from Ukraine, Sweden, France and the Netherlands, created strong visibility on SOGIESC issues by organising several side events, addressing the UN Secretary General and providing recommendations in meetings with governments for their negotiations. This contributed to some strong language in the final adopted text, such as on multiple and intersecting forms of discrimination, diverse needs of families, 'all women and girls' and structural barriers like discriminatory laws and policies, negative social norms and gender stereotypes.

EDUCATION

The Committee on Economic, Social and Cultural Rights (CESCR) recommended [Kazakhstan](#) to prevent and combat bullying and violence against LGBT students.

As part of the UPR, [North Macedonia](#) accepted recommendations to withdraw school textbooks that stigmatise LGBTI people.

EQUALITY AND NON-DISCRIMINATION

The CEDAW recommended [Austria](#) to ensure substantive and procedural protection against discrimination on the basis of sexual orientation in the private and public sector. It recommended [Serbia](#) to address discrimination on the basis of SOGI in the new gender equality legislation, and to speedily adopt it.

The CESCR recommended [Kazakhstan](#) to combat discrimination against LGBT persons and adopt comprehensive anti-discrimination legislation that includes SOGI.

The CRC recommended [Italy](#) to prevent discrimination and, if needed, take affirmative action for the benefit of LGBT children and children of LGBT parents.

As part of the UPR, [Cyprus](#) accepted recommendations to combat discrimination and violence against LGBTI people; [Portugal](#) accepted two recommendations to combat discrimination and exclusion on the basis of sexual orientation; [Bosnia and Herzegovina](#) and [Kazakhstan](#) received similar recommendations. [Italy](#) was recommended to renew its National LGBT Strategy. [San Marino](#) was recommended to ban discrimination on the basis of gender identity. [Slovenia](#) was recommended to combat anti-LGBTI prejudice, stereotypes, discrimination, and hate crimes, and to put in place awareness raising campaigns.

FAMILY

The CEDAW requested information from [Latvia](#) to confirm that same-sex couples are included within the notion of family used in national laws, policies, programmes and strategies, in line with the Committee's general recommendation No. 21.

As part of the UPR, [Slovakia](#) noted a recommendation to introduce marriage equality. [Albania](#) noted five recommendations on providing legal recognition for same-sex couples and making the necessary amendments of the Family Code. [Italy](#) was recommended to recognise same-sex parents and allow for adoption by same-sex couples. [San Marino](#) received similar recommendations.

FREEDOM OF ASSOCIATION

The CESCR recommended [Kazakhstan](#) to guarantee an enabling environment for NGOs, especially LGBT groups by allowing them to freely register.



FREEDOM FROM TORTURE, CRUEL, INHUMAN OR DEGRADING TREATMENT

On 19 February, seven UN Special Procedures mandate holders called on Russia to promptly investigate the recent allegations of detention, torture and ill-treatment and murder of LGBTI people in Chechnya. On 18 March, more than 30 states made a Joint Statement at the 40th Session of the UN Human Rights Council, calling for swift, thorough and impartial investigation.

The CAT recommended Uzbekistan to investigate all allegations of torture against LGBT people and repeal Article 120, which criminalises consensual same-sex relations.

HEALTH

On 15 May, the World Health Assembly (WHA) formally adopted the International Classification of Diseases 11th Revision (ICD-11). Last June, the World Health Organisation depathologised trans identities by removing all trans related diagnoses from the chapter on mental health disorders of ICD-11, into a new chapter on Condition Related to Sexual Health.

As part of the UPR, Norway agreed to guarantee the right and access to healthcare for trans people. Slovenia was recommended the same.

LEGAL GENDER RECOGNITION

As part of the UPR, Cyprus accepted and Albania noted recommendations to adopt gender recognition legislation. Slovenia was recommended the same.

SEXUAL AND REPRODUCTIVE RIGHTS

The CEDAW recommended Austria mandatory sex education that aims to eliminate barriers of lesbian, bisexual and trans women to sexual and reproductive rights. The CEDAW also urged Serbia to enhance access to family planning services and artificial insemination for LGBTI persons.

As part of the UPR, Slovenia was recommended to promote the access of same-sex couples to sexual and reproductive health programmes.

THE AGENDA 2030: SUSTAINABLE DEVELOPMENT GOALS

Positive developments related to Agenda 2030 also took place this year. In May, the LGBTI Stakeholder Group was officially registered. The Stakeholder group is now part of the Major Groups and Other Stakeholders, a formal structure for civil society participation throughout the implementation of the Agenda 2030. The LGBTI Stakeholder Group made its first formal statements at the July High Level Political Forum (HLPF), the central platform for follow-up and review of the 2030 Agenda for Sustainable Development. The establishment of the Stakeholder Group means increased access and participation in discussions and decisions on development. The Stakeholder Group will be able to organise side events, make statements, and publish position papers on specific SDGs, which will then be part of the formal documentation of the HLPF.