



# United Nations

Advocacy in general in the UN was severely impacted by the COVID-19 pandemic in 2020. Processes were delayed, and many of the expected outcomes of 2020 have been pushed to future work plans.

## UN INDEPENDENT EXPERT ON SEXUAL ORIENTATION AND GENDER IDENTITY

The Independent Expert, [Victor Madrigal-Borloz](#) released two thematic reports in 2020. One focused on so-called “conversion therapy”, and the other on COVID-19 and its impact on the human rights of LGBT people. Both reports were preceded by public consultations. Following from the report on COVID-19, on 18 June, the Independent Expert released the [ASPIRE Guidelines](#) (Acknowledgement, Support, Protection, Indirect discrimination avoidance, Representation, Evidence-gathering) on COVID-19 response and recovery free from violence and discrimination based on sexual orientation and gender identity.

On 27 April, the Independent Expert [published](#) his report on his 2019 country visit to Ukraine, highlighting 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’s country visits to Sri Lanka and Tunisia were postponed to 2021.

On 17 May, on the occasion of the International Day Against Homophobia, Transphobia, Biphobia, and Interphobia (IDAHOT+), the Independent Expert released a [joint statement](#) on COVID-19: *The suffering and resilience of LGBT persons must be visible and inform the actions of States*, co-signed by human rights experts within the UN, as well as the Council of Europe and the Inter-American Commission on Human Rights.

## ASYLUM

The Special Rapporteur on freedom of religion or belief urged the [Netherlands](#) to address tension between LGBTI asylum seekers and others in reception centers. The [Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance](#) also noted with concern the inappropriate questioning of LGBTI asylum seekers from Muslim-majority countries, and the denial of claims on the basis of prejudice and stereotypes.

## BIAS-MOTIVATED SPEECH AND VIOLENCE

The Committee on the Rights of the Child (CRC) recommended to [Belarus](#) and [Hungary](#) that they develop SOGI-inclusive strategies to prevent violence against children, and additionally to [Hungary](#) that it implement anti-bullying measures.

The Human Rights Committee (HRCttee) recommended [Portugal](#) to implement efforts to combat intolerance, stereotypes, prejudice and discrimination and to prevent hate speech and hate crimes against LGBT persons.

As part of the Universal Periodic Review (UPR), [Armenia](#) and [Sweden](#) accepted, and [Kyrgyzstan](#) and [Turkey](#) noted recommendations to step up efforts to combat hate speech and incitement to anti-LGBTI violence.

The Special Rapporteur on violence against women recommended [Bulgaria](#) to include ‘gender identity’ as a protected ground in its anti-discrimination and hate crime legislation.

The Special Rapporteur in the field of cultural rights noted with concern the backlash against the cultural expression of LGBTI people in [Poland](#) and urged the government to speedily adopt legislation to protect LGBTI people from discrimination, hate speech, and hate crimes.

## BODILY INTEGRITY

The Committee on the Elimination of Discrimination against Women (CEDAW) recommended [Bulgaria](#) to implement a human rights based healthcare protocol for intersex women.

The CRC recommended to [Austria](#) that it implement measures to prohibit unnecessary interventions on intersex children, and the HRCttee issued a similar recommendation to [Portugal](#). Additionally, the Committee on Economic, Social and Cultural Rights (CESCR) issued a detailed recommendation to [Belgium](#) regarding individual consent to medical interventions, training of healthcare providers, and ensuring that intersex-led civil society is meaningfully engaged in all relevant processes.



As part of the UPR, [Sweden](#) accepted a recommendation to protect children's right to bodily autonomy and ensure that non-vital surgical or other medical procedures are not performed without the individual's personal informed consent.

The Special Rapporteur on the sale and sexual exploitation of children highlighted the vulnerability of LGBTI children to punitive placement to residential institutions, sexual abuse, and commercial sexual exploitation in [Bulgaria](#).

## EQUALITY AND NON-DISCRIMINATION

On 24 February, CEDAW issued a [decision](#) against the Russian Federation in the case of O.N. and D.P. v. Russian Federation, finding a violation of the right of access to justice and effective remedy / violence and discrimination against women on the basis of their sexual orientation. Further, CEDAW recommended [Latvia](#) and the [Republic of Moldova](#) to ensure effective access to justice, full inclusion and accessibility for LGBTI women/persons.

CEDAW recommended [Bulgaria](#) to ensure substantive equality for women facing intersecting forms of discrimination, including LGBTI women.

On 7 April, the CESCR released [General comment No. 25 \(2020\) on science and economic, social and cultural rights](#), which includes specific reference to discrimination in access to technology and scientific progress on the basis of sexual orientation and gender identity.

The CRC recommended to [Belarus](#) and [Hungary](#) that they implement SOGI-inclusive anti-discrimination laws. CESCR made a similar recommendation to [Ukraine](#), and HRCttee to [Uzbekistan](#).

As part of the UPR, [Armenia](#) and [Kyrgyzstan](#) accepted and [Turkey](#) noted recommendations to combat discrimination against LGBTI people and to implement existing anti-discrimination legislation (Turkey). [Spain](#) accepted a recommendation to continue its reform efforts.

The CRC released its [Draft General Comment No. 25](#) on children's rights in relation to the digital environment, which includes discussion of sexual orientation and gender identity as protected grounds for discrimination.

## EDUCATION

The Working Group on discrimination against women and girls urged [Greece](#) to increase content on SOGI issues in school curricula.

## EMPLOYMENT

The Working Group on the issue of human rights and transnational corporations and other business enterprises urged [Georgia](#) to promote workplace diversity and LGBTI standards of conduct for businesses, and eliminate discrimination.

## FAMILY

The Special Rapporteur on violence against women highlighted that the lack of legal recognition for same-sex couples discriminates against LGBTI people in [Bulgaria](#).

## FREEDOM OF ASSEMBLY

The HRCttee issued [General Comment No. 37](#) on Article 21 of the ICCPR (the right of peaceful assembly), which makes explicit reference to protection of the right to peaceful assembly on the grounds of sexual orientation and gender identity.

## FREEDOM OF ASSOCIATION

As part of the UPR, [Armenia](#) accepted and [Turkey](#) noted recommendations regarding protecting the rights of all citizens to freedom of association and assembly, including LGBTI persons.



## HEALTH

In April, CEDAW developed a [Guidance Note on CEDAW and COVID-19](#), which calls on States to “address discrimination against lesbian, bisexual and transgender women in access to health care and ensure that they have access to safe shelters and support services whenever exposed to gender-based violence during home confinement.”

On 15 May, the Equal Rights Coalition released a [statement](#) on coronavirus (COVID-19) and the human rights of LGBTI persons, calling on governments to address the specific vulnerabilities of LGBTI people during the pandemic. The LGBTI Core Group released a similar [statement](#) including specific calls for government action on 21 May.

On 2 October, Mr. Ghanshyam Bhandari, Deputy Permanent Representative of Nepal, [intervened](#) on behalf of the UN LGBTI Core Group at the 75th Session of the General Assembly Third Committee General Debate regarding the impact of COVID-19 on LGBTI people.

On 27 November, CESCR released a [Statement on universal and equitable access to vaccines for COVID-19](#), which demands non-discrimination on sexual orientation and gender identity, among other protected characteristics.

## HOUSING

The Special Rapporteur on adequate housing highlighted that due to the lack of emergency shelters in [France](#), LGBTI people who are unwelcome in their family homes are left desperate and unsafe.

## HUMAN RIGHTS DEFENDERS

The Special Rapporteur on the sale and sexual exploitation of children and the Special Rapporteur on violence against women highlighted the detrimental impact of the anti-gender rhetoric on LGBTI civil society organisations in Bulgaria.

The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism noted that LGBTQ organisations are denied registration in [Kazakhstan](#) and are negatively impacted by rights-limiting measures.

## LEGAL GENDER RECOGNITION

As part of the UPR, [Spain](#) and [Sweden](#) accepted recommendations to adopt demedicalised legal gender recognition legislation.

## POLICE AND LAW ENFORCEMENT

CEDAW recommended [Ukraine](#) to implement training for law enforcement officers and judiciary personnel regarding SOGI issues.

The Working Group on Arbitrary Detention urged [Greece](#) to ensure LGBTI people receive individualised treatment in places of detention.

## SEXUAL AND REPRODUCTIVE RIGHTS

The CRC recommended [Belarus](#) to implement SOGI-inclusive sexual education and training of health professionals to support LGBT children.

## THE AGENDA 2030: SUSTAINABLE DEVELOPMENT GOALS

The LGBTI Stakeholder Group held its first formal side-event at the July [High Level Political Forum](#) (HLPF), the central platform for follow-up and review of the 2030 Agenda for Sustainable Development. The Group also published a formal position paper, [2020 High Level Political Forum Position Paper “Accelerated action and transformative pathways: realising the decade of action and delivery for sustainable development”](#), in June. The UN LGBTI Core Group also [intervened](#) during the 2020 HLPF on 7 July.