

The International Lesbian, Gay, Bisexual, Trans and Intersex Association – ILGA World 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 published between January 2011 and November 2019.



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SPECIAL RAPPORTEUR ON TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OF PUNISHMENT

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WEBSITE

FORMER SPECIAL RAPPORTEURS:

- Mr. Juan Ernesto MENDEZ (Argentina),
2010 - 2016
- Mr. Manfred NOWAK (Austria),
2004 – 2010
- Mr. Theo VAN BOVEN (Netherlands),
2001 – 2004
- Mr. Nigel RODLEY (United Kingdom),
1993 – 2001
- Mr. Peter KOOLJMAN (Netherlands),
1985 – 1993

WORK SUMMARY

COUNTRIES VISITED

ADDRESSES SOGIESC ISSUES:

- **Ukraine** – (May-June 2018) Report, para. 74
- **Argentina** – (April 2018) Report, para. 16, 60, 89c
- **Mexico** – (February 2017) Report, para. 71.
- **Brazil** – (August 2015) Report, paras. 32-34, 36, 148f.
- **The Gambia** – (November 2013) Report, paras. 93, 107g.

DOES NOT ADDRESS SOGIESC ISSUES:

- Turkey (December 2017)
- Serbia & Kosovo (November 2017)
- Sri Lanka (December 2016)
- Mauritania (December 2016)
- Georgia (March 2015)
- Ghana (February 2015)
- Tunisia, follow-up (June 2014)
- Tajikistan, follow-up (February 2014)
- Kyrgyzstan (May 2012)
- Morocco (February 2012)

ANNUAL THEMATIC REPORTS

Relevance of the prohibition of torture and other cruel, inhuman or degrading treatment or punishment to the context of domestic violence
July 2019 (74th Session General Assembly (GA))

Good reference to SOGIESC, SO.
(Honour crimes, “Forced “conversion therapy”,
“reparative therapy”.)
Paras. 21, 42, 48-50, 93.

Torture and other cruel, inhuman or degrading treatment or punishment
February 2019 (40th Session Human Rights Council (HRC))

Brief reference to LGBTI, and SO
Paras. 42, 73g.

Seventieth anniversary of the UDHR: reaffirming and strengthening the prohibition of torture and other cruel, inhuman or degrading treatment or punishment
July 2018 (73rd Session GA)

Brief reference to LGBTI and SOGIESC.
Para. 70.

Migration-related torture and ill-treatment
March 2018 (37th Session HRC)

Brief reference to LGBTI (in the context of prolonged arbitrary detention of migrants)
Para. 28.

Extra-custodial use of force and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment
July 2017 (72nd Session GA)

No SOGIESC references.

Overview of the activities of the mandate during reporting cycle
March 2017 (34th session HRC)

No SOGIESC references.

Coercive methods during interviews of suspects, victims, witnesses and other persons in various investigative contexts
August 2016 (71st Session GA)

No SOGIESC references.

Applicability of the prohibition of torture and other cruel, inhuman or degrading treatment in international law to the unique experiences of women, and lesbian, gay, bisexual, transgender and intersex persons

March 2016 (31st Session HRC)

Strong reference to LGBTI, sexual minorities, “gender non-conforming individuals”, “sex and socially constructed gender roles”, LGBT, SOGI, transgender, “gender markers”, SC, intersex, lesbians.

(Gender perspective on torture, gender-specific and gender-based violence, discrimination and torture targeting LGBTI; criminalization of LGBT, homophobic and transphobic hate crimes, abuses, family violence and stigmatization / torture and ill-treatment of LGBT in detention: SOGI-based sexual, physical and psychological violence in prison, humiliating and invasive body searches, detained LGBT migrants and non-refoulement principle, fear of reprisals and complaints mechanisms / torture and ill-treatment in health-care settings: denied medical treatment, transgender’s access to appropriate health care, medical abuse of intersex children / rape and sexual violence: context of armed conflict, homophobic and transphobic violence, specific risks for lesbians and trans women / honour-based violence; LGBTI access to justice / recommendations to States)

Paras. 5, 7-10, 13-15, 32-39, 48-51, 57, 59, 60, 67-70, 70q, 72g, 72i, 72j, 70t, 70w, 70y, 70z, 73.

Children deprived of liberty

March 2015 (28th Session HRC)

Brief reference to LGBTI (LGBTI children at heightened risk of ill-treatment or torture in detention)
Paras. 48, 86g.

Existing standards and guidelines on legal and medical investigations into allegations of torture and other ill-treatment

September 2014 (69th Session GA)

No SOGIESC references.

Exclusionary rule in judicial proceedings

March 2014 (25th Session HRC)

No SOGIESC references.

Procedural standards and safeguards from the perspective of the prohibition of torture or other ill-treatment that should be applied, at minimum, to all cases of deprivation of liberty

August 2013 (68th Session GA)

Brief references to LGBTI (prisoners’ safety and prison violence towards LGBTI, protection and special needs of vulnerable groups deprived of their liberty)
Paras. 47, 67.

Abusive practices commonly reported in health-care settings
 March 2013 (22th Session HRC)

Strong reference to LGBTI, SOGI, transgender, SC. (Yogyakarta Principles 17 and 18 on safeguarding informed consent, ensure qualitative health-care and access to medical treatment / homophobic ill-treatment by health professionals; irreversible sex assignment, involuntary sterilization, involuntary genital normalizing surgery performed on intersex children without their informed consent or that of their parents; sterilization surgeries as a prerequisite for transgender persons to enjoy legal recognition / recommendation that States repeal any law allowing intrusive and irreversible treatments such as forced genital-normalizing surgery, involuntary sterilization, unethical experimentation, medical display, “reparative therapies” or “conversion therapies” without the free and informed consent of the person concerned)
 Paras. 38, 76-79, 88.

New developments and State practice are taken into consideration
 August 2012 (67th Session GA)

No SOGIESC references.

Further discussion of the standards that apply to the establishment and conduct of commissions of inquiry
 March 2012 (19th Session HRC)

Brief reference to LGBTI (gender perspective and vulnerable groups)
 Para. 62.

The issue of solitary confinement
 July 2011 (66th Session GA)

Brief references to LGBT (solitary confinement as “protective custody” for LGBT)
 Paras. 42, 69.

Need for a victim-centered approach to the work of the Special Rapporteur’s mandate
 March 2011 (16th Session HRC)

No reference to SOGIESC.

COMMUNICATIONS

COUNTRY/DATE	EXPERTS	SITUATION
Brunei Darussalam 01 April 2019	Executions Religion or belief SOGI Torture Violence against women Women in law and in practice	Information received concerning the criminalisation of adultery and consensual same sex relations and the imposition of cruel, inhuman and degrading punishments for such acts, including stoning, whipping and amputation.

<p>Egypt 20 March 2019</p>	<p>Arbitrary Detention Freedom of opinion and expression Freedom of peaceful assembly and of association Human rights defenders SOGI Torture Violence against women Women in law and in practice</p>	<p>Information received concerning the alleged arbitrary arrest and detention of transgender woman and LGBTIQ human rights defender, Ms. Malak Al-Kashif.</p>
<p>Russian Federation 11 February 2019</p>	<p>Arbitrary Detention Executions Freedom of opinion and expression SOGI Torture Violence against women Women in law and in practice</p>	<p>Information received in connection with allegations of new acts of persecution against people who are or are perceived to be gay, bisexual or lesbian in Chechnya</p>
<p>Malaysia 16 November 2018</p>	<p>SOGI Torture Violence against women Women in law and in practice</p>	<p>Information received concerning the criminalization of consensual sexual relations between adults and the application of punishments for such acts that are contrary to the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment.</p>
<p>Kenya 21 September 2018</p>	<p>Arbitrary detention Health Migrants SOGI Torture Water</p>	<p>Allegations of acts of violence, harassment and discrimination against LGBT refugees living in Kenya, their arbitrary arrests, detention and ill-treatment, together with alleged lack of access to food and other basic necessities in Kakuma camp, and lack of appropriate access to HIV/AIDS-related prevention and care.</p>
<p>Other actors 21 September 2018</p>	<p>Arbitrary detention Health Migrants SOGI Torture Water</p>	<p>Allegations of acts of violence, harassment and discrimination against LGBT refugees living in Kenya, their arbitrary arrests, detention and ill-treatment, together with alleged lack of access to food and other basic necessities in Kakuma camp, and lack of appropriate access to HIV/AIDS-related prevention and care.</p>
<p>Other actors 18 September 2018</p>	<p>Health Torture Women in law and in practice</p>	<p>Concerns of discrimination against intersex persons related to the Eligibility regulations for the female classification (athletes with differences of sex development) recently published by the International Association of Athletics Federations (IAAF).</p>
<p>Honduras 9 March 2018</p>	<p>Extrajudicial executions Freedom of opinion and expression SOGI Torture Violence against women</p>	<p>Recent killing, in Puerto Cortés, of a trans woman, Jennifer Cristal Lopez, and a gay man, Jorge Antonio Rodas Garcia.</p>

Indonesia 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.
Other actors 1 February 2018	Health Torture	Concerns related to a policy regarding intersex people considered for adoption by the American Academy of Pediatrics (AAP).
Other actors 1 February 2018	Health Torture	Concerns related to a policy regarding intersex people considered for adoption by the American Medical Association (AMA) Council on Ethical and Judicial Affairs (CEJA).
Azerbaijan 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.
Russian Federation 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.
Russian Federation 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.
Uganda 29 August 2016	Arbitrary detention Freedom of opinion and expression Freedom of assembly and association Human rights defenders Torture	Police raids during the “Uganda Pride” in August 2016, the arrest of several human rights defenders and activists, and the assault of many participants.
Turkmenistan 10 June 2016	Health Torture	Concerns that the new “Law on combatting the spread of diseases caused by HIV” will negatively impact the right to health of men who have sex with men.
Japan 23 May 2016	Health Torture	Alleged abusive restrictions and discriminatory effects of certain provision contained in Law No. 111 of 2003 regulating legal gender recognition in Japan.
Indonesia 19 April 2016	Freedom of opinion and expression Health Human rights defenders Torture	Alleged harassment, arbitrary detention and risk of torture suffered by LGBT people from Aceh province, due to enforcement of Islamic criminal by-laws; and anti-LGBT public positions and policies adopted by some national government agencies in Indonesia.
Tunisia 2 November 2015	Arbitrary detention Health Independence of judges and lawyers Torture	Alleged physical abuse, degrading medical exam, irregular judicial proceedings, and sentencing of a 22 years old man solely based on his perceived sexual orientation.

Zambia 9 April 2015	Independence of judges and lawyers Torture	Alleged arbitrary arrest and prosecution of two men on the sole basis of their sexual orientation, as well as alleged unfair trial.
Egypt 8 January 2015	Arbitrary detention Health Independence of judges and lawyers Torture	Alleged arbitrary arrest, detention, torture and public stigmatization of 26 men who were tried on charges related to their alleged sexual orientation.
Brunei Darussalam 25 September 2014	Arbitrary detention Independence of judges and lawyers Torture Violence against women	The 2013 Shariah Penal Code Order: mandatory death penalty for some non-violent acts, including same-sex relations.
Egypt 17 April 2014	Arbitrary detention Independence of judges and lawyers Torture Violence against women	Alleged arrest, detention, conviction and sentencing of four individuals on the sole basis of their sexual orientation and/or gender identity, and alleged physical and sexual harm inflicted on them.
Nigeria 28 March 2014	Extrajudicial executions Torture	Alleged attacks on grounds of actual or perceived sexual orientation, and police inaction with regards to these attacks.
Netherlands 13 March 2012	Torture	Alleged risks of torture and ill-treatment for a 24-year old gay asylum seeker if deported back to Uganda.
United States of America 19 August 2011	Migrants Health Torture Violence against women	Alleged torture and ill-treatment in immigration facilities of 16 gay and transgender individuals between May 2009 and July 2011, and reportedly lack of protection from persecution and respect for the principle of non-refoulement.
Honduras 5 July 2011	Human rights defenders Torture	Alleged threat with firearm against LGBT activist, Alex David Sánchez Álvarez.
United Kingdom 23 February 2011	Torture	Alleged risk of torture for a 27-year old gay asylum seeker if deported back to Burundi.
Mexico 14 February 2011	Freedom of opinion and expression Health Human rights defenders Torture	Alleged detention of LGBT rights activist José Ricardo Maldonado Arroyo, director of 'Red de Personas Afectadas for VIH'.
South Africa 14 January 2011	Freedom of opinion and expression Human rights defenders Torture Violence against women	Alleged "corrective" rape and torture of a lesbian woman.