



# UNITED NATIONS

## UN INDEPENDENT EXPERT ON SEXUAL ORIENTATION AND GENDER IDENTITY

In its resolution 41/18 during its 47th session, the Human Rights Council decided to extend the mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (IE SOGI) for a period of three years and requested the Independent Expert to continue to report annually on the implementation of the mandate to the Council.

In 2021, the IE SOGI issued Reports on Gender Theory: The Law of Inclusion & Practices of Exclusion. The first part concluded that gender identity and expression are protected under international human rights law and the second remarked that anti-gender narratives put all women's rights at risk, including lesbian, bisexual and trans women, and contribute to the perpetuation of violence and discrimination based on SOGI. The IE SOGI called on states for urgent action to push back against anti-gender narratives.

## ASYLUM

From 07-29 June 2021, the United Nations High Commissioner for Refugees (UNHCR) and the Mandate of the IE SOGI co-convened the 2021 Global Roundtable on Protection and Solutions for Lesbian, Gay, Bisexual, Transgender, Intersex, and Queer (LGBTIQ+) People in Forced Displacement. Summary Conclusions of the 2021 Global Roundtable on Protection and Solutions for Lesbian, Gay, Bisexual, Transgender, Intersex, and Queer (LGBTIQ+) People in Forced Displacement can be accessed here.

In February 2021, in case A.B. v. Finland, the Committee on the Rights of the Child concluded that the State party failed to adequately take the best interests of the child as a primary consideration when assessing the author's asylum request based on his mothers' sexual orientation and to protect him against a real risk of irreparable harm in returning him to Russia. The Committee found that Finland violated articles 3, 19, and 22 of the Convention. This is the first case reviewed by UN human rights treaty bodies concerning LGBTI families in the asylum context.

The Committee on the Elimination of Racial Discrimination (CERD) recommended that the Netherlands engage in a dialogue with civil society organisations working with and on the issue of LGBTI asylum seekers to avoid stereotyping and explore possible improvements to assessments of LGBTI claims of asylum seekers.

## BIAS-MOTIVATED SPEECH AND VIOLENCE

In March 2021, Fourteenth United Nations Congress on Crime Prevention and Criminal Justice adopted the Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development. The Declaration includes in its paragraph 91 the first ever UN commitments specifically addressing hate crime, and provides UNODC with a mandate to develop programmes on hate crime.

In 2021, Georgia, Greece, Hungary, Estonia, Latvia and Tajikistan reported to the Universal Periodic Review (UPR) and received recommendations to legislate and improve protection for LGBTI people from violence, including hate crime and hate speech. Tajikistan received for the first time recommendation from Italy to take concrete measures to combat all forms of discrimination and violence, including domestic violence, based on gender, sexual orientation and gender identity.

The Committee on the Rights of the Child (CRC) noted in its Concluding Observations on Switzerland that the government should develop national programmes to prevent bullying against LGBTI children, and the Committee on the Rights of Persons with Disabilities (CRPD) concluded that Estonia should adopt a comprehensive strategy to prevent and combat all forms of violence and exploitation against persons with disabilities, including LGBTI persons with disabilities.

On 6 July, UNAIDS released a statement calling on Hungary to immediately remove amendments discriminatory to LGBTI people from the so-called "anti-propaganda" law.



At World Pride on 17 August, United Nations High Commissioner for Human Rights Michelle Bachelet [spoke at the Copenhagen Human Rights Forum](#), stating that “No region is immune. Right here in the European Union, for example, more than half of LGBT people have reported threats and harassment.”

## BODILY INTEGRITY

During its review under the UPR, Austria [received](#) a recommendation to strengthen the legislative framework to expressly prohibit any practice that modifies a person’s sexual characteristics without well-founded medical reasons or without the full consent of that person. Ireland [received](#) a recommendation to enact legislation to prohibit so-called “conversion therapies”. Similarly, several treaty bodies – including the CRC, CRPD, and the Human Rights Committee (HRCtee) – published Concluding Observations urging the [Czech Republic](#), [Finland](#), [France](#), [Luxembourg](#), and [Switzerland](#) ensure that intersex children are not subjected to non-vital treatments without their personal, fully informed consent. [Luxembourg also received a Concluding Recommendation from CRC](#) to ensure that children have their best interest taken as a primary consideration, including for intersex children.

On 20 January, the UN Special Procedures sent Communications to [Poland](#), [Pope Francis](#), and [Archbishop Stanislaw Gadecki](#) regarding the 2020 Polish Episcopal Conference (Konferencja Episkopatu Polski), which resulted in the adoption of a “position on the questions of LGBT+” including a position in favor of so-called “conversion therapies” and a call for the formation of clinics to offer these practices; the Polish government [replied](#) on 18 March.

## EDUCATION

During its UPR review, Georgia [received](#) several recommendations to implement educational and awareness-raising campaigns to combat discrimination on the grounds of sexual orientation and gender identity. Hungary [received](#) a recommendation to guarantee the right of children to comprehensive sexuality education, including on the full diversity of sexual orientations, gender identities, and sex characteristics. Additionally, [Poland received a Concluding Observation from CRC](#) and [Finland from CESCR](#) on developing inclusive education materials and prohibiting discrimination and bullying in schools.

## EQUALITY AND NON-DISCRIMINATION

During their review by the UPR in 2021, [Austria](#), [Belarus](#), [Belgium](#), [Denmark](#), [Estonia](#), [Georgia](#), [Greece](#), [Hungary](#), [Ireland](#), [Latvia](#) and [Tajikistan](#) received recommendations to adopt or improve existing comprehensive anti-discrimination legislations addressing direct and indirect discrimination based on sexual orientation and gender identity. Hungary received multiple recommendations to repeal the legislation banning the “promotion of homosexuality” among minors and enact legislation to protect LGBTI persons from discriminatory practices. Similarly [Estonia](#), [Finland \(1, 2\)](#), [France](#), [Latvia](#), and [Switzerland](#) received treaty body Concluding Observations from CRC, CRPD, the HRCtee, and the Committee on Economic, Social, and Cultural Rights (CESCR), encouraging stronger anti-discrimination protections.

On 22 March, seven UN Special Procedures mandate holders wrote a [Communication](#) to the government of Hungary on the abolition of the Equal Treatment Authority; the government [replied](#) on 19 May.

For IDAHOBIT (May 17), a group of UN Special Procedures mandate holders [called on religious leaders](#) to show respect and compassion for LGBT persons, and the High Commissioner for Human Rights [drew specific attention to the situation of LGBTIQ+ youth](#) and called for defense of the trans community.

On 04 March, three UN Special Procedures mandate holders [urged](#) Uzbekistan to decriminalise consensual same-sex sexual conduct between adult men; the government has not replied at time of writing.



## FAMILY

During its UPR review, Greece received recommendations to pass and implement laws that recognise same-sex marriage and the possibility to adopt children.

## FREEDOM OF ASSEMBLY

On 24 March, six UN Special Procedures mandate holders showed concern to Belarus on the arbitrary arrests, detention and the excessive use of force and ill-treatment against protesters and the repression on journalists and media personnel, including with specific LGBTI issues; the Belarussian government has not responded at the time of writing.

## FREEDOM OF EXPRESSION

On 26 February, six UN Special Procedures mandate holders expressed serious concerns to Poland about the charges brought against women human rights defenders in response to their distribution of posters displaying the Virgin Mary with a rainbow halo, symbolising the LGBT flag; the Polish government replied on 23 April.

On 04 June, three UN Special Procedures mandate holders wrote a Communication to Uzbekistan regarding alleged physical attack and criminalisation of blogger and human rights defender, Mr. Miraziz Bazarov; the government replied on 24 August.

On 11 November, the Human Rights Committee (HRCtee) issued findings on Ukraine, and “expressed concern about reports of intimidation, persecution and attacks against journalists and human rights defenders in Ukraine, as well as anti-corruption, LGBTI and gender activists by various actors, including extreme right-wing groups.”

On 22 November, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression issued a statement about Hungary, expressing serious concerns at reports of recurring campaigns of hate-speech, harassment, or stigmatisation of journalists and human rights defenders working on the rights of migrants, refugees and LGBTI, the UN expert called on the Government “to promote and recognise the important contributions that these individuals make in building a more just and inclusive society”.

## HEALTH

During its UPR review, Ireland received recommendations to develop a health care protocol for intersex children, based on human rights, that ensures that children and parents are informed about all options and that children participate in decision-making, thus avoiding subjecting intersex children to interventions irreversible and medically unnecessary surgical procedures. Belgium was recommended to ensure equality and non-discrimination based on sexual orientation by lifting restrictions imposed on homosexual men from donating blood, and adopt the least exclusionary approach taking into account current scientific studies. Similarly, Poland received a Concluding Recommendation from CRC to train health professionals to support LGBTI children, and Switzerland to ensure effective implementation on the 2016 action plan on suicide prevention, which includes specific measures for trans adolescents.

## HUMAN RIGHTS DEFENDERS

On 18 November, four UN Special Procedures mandate holders shared with Poland their deep concerns over the criminalisation of an LGBTI activist, Bart Staszewski (see the chapter on Poland for more information); the government replied on 13 January 2022.



## INTERSECTIONALITY

France received a Concluding Observation from CRPD to prohibit multiple and intersectional discrimination on the ground of SOGI and adopt strategies to eliminate it. Estonia and France received Concluding Recommendations from CRPD to develop data collections systems that allow for disaggregation of people with disabilities, including on the grounds of SOGI. Also, Belgium received a Recommendation from CERD to ensure that data collection on discrimination against people of African descent could be disaggregated on the ground of sexual orientation.

## LEGAL GENDER RECOGNITION

During its UPR review, Austria received a recommendation to work towards guaranteeing access to legal gender recognition (LGR) for intersex, transgender and non-binary people to all six current existing options of gender markers, without any barriers, based on self-identification. Hungary received recommendations to reform legislation that denies the right to LGR of trans people. Finland received a Concluding Recommendation from the HRCtee to ensure that LGR is available to trans children.

On 27 September, four UN Special Procedures mandate holders called on Bulgaria to ensure that citizens have the ability to access legal gender recognition; the government has not replied at time of writing.

## POLICE AND LAW ENFORCEMENT

On 17 February, six UN Special Procedures mandate holders expressed grave concern over the alleged arbitrary arrest, detention and torture of two men purportedly due to their SOGI; the Russian Federation replied on 22 March.

On 15 July, four UN Special Procedures mandate holders showed their concerns to Kyrgyzstan regarding alleged surveillance and attempts to break into the office of non-governmental organisation (NGO) Kyrgyz Indigo; the government replied on 06 September.

Also on 15 July, five UN Special Procedures mandate holders expressed to Kazakhstan serious concern over the harassment, intimidation and alleged arbitrary detention of human rights defenders Gulzada Serzhan and Zhanar Sekerbayeva; the government replied on 10 September.

*This is a selection of mentions, reports and recommendations relevant to Europe and Central Asia. For more information, check out the work of ILGA World with the United Nations: <https://ilga.org/united-nations>*