**Mandate of the Independent Expert on protection against violence and discrimination**

**based on sexual orientation and gender identity**

|  |  |
| --- | --- |
|  |  |

**Country visit to Ukraine**

**(30 April – 10 May 2019)**

**Background note**

**The Independent Expert**

The United Nations Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (IE SOGI), Victor Madrigal-Borloz, is a Costa Rican jurist. He serves as the Secretary-General of the International Rehabilitation Council for Torture Victims (IRCT), a global network of over 150 rehabilitation centres with the vision of full enjoyment of the right to rehabilitation for all victims of torture and ill treatment. Mr. Madrigal-Borloz was a member of the UN Subcommittee on the Prevention of Torture from 2013 to 2016. Prior to this he worked at the Inter-American Commission on Human Rights, the Inter-American Court of Human Rights, and the Danish Institute for Human Rights.

For more information on the Independent Expert and the mandate, please consult the [Webpage of the mandate](https://www.ohchr.org/en/issues/sexualorientationgender/pages/index.aspx).

**Mandate of the Independent expert**

Pursuant to [resolution 32/2](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/32/2), the Human Rights Council mandated the Independent Expert to:

* Assess the implementation of existing international human rights instruments with regard to ways to overcome violence and discrimination against persons on the basis of their sexual orientation or gender identity, while identifying both best practices and gaps;
* Raise awareness of violence and discrimination against persons on the basis of their sexual orientation or gender identity, and to identify and address the root causes of violence and discrimination;
* Engage in dialogue and to consult with States and other relevant stakeholders, including United Nations agencies, programmes and funds, regional human rights mechanisms, national human rights institutions, civil society organizations and academic institutions;
* Work in cooperation with States in order to foster the implementation of measures that contribute to the protection of all persons against violence and discrimination based on sexual orientation and gender identity;
* Address the multiple, intersecting and aggravated forms of violence and discrimination faced by persons on the basis of their sexual orientation and gender identity;
* 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.

By its resolution 32/2 of June 2016, the Human Rights Council established the mandate of the IE SOGI for a period of three years.

The mandate has already published [four thematic reports](https://www.ohchr.org/EN/Issues/SexualOrientationGender/Pages/AnnualReports.aspx) and [one country visit report](https://www.ohchr.org/EN/Issues/SexualOrientationGender/Pages/CountryVisits.aspx). The reports of his visits to Georgia and Mozambique will be presented at the Human Rights Council in June 2019.

**Framework and purpose of the visit to Ukraine**

Within the framework of the [terms of reference](http://www.ohchr.org/EN/HRBodies/SP/Pages/TermsOfReference.aspx) for fact-finding missions by experts (see attached), the purpose of the visit of the Independent Expert is to understand, in the spirit of cooperation and dialogue, how Ukraine endeavours to combat violence and discrimination against persons on the basis of their sexual orientation or gender identity, while identifying both best practices and gaps.

During his visit, the Independent Expert will study:

* The different manifestations of violence and discrimination against people on the basis of their sexual orientation and gender identity, their causes and consequences;
* The implementation of international human rights instruments to overcome violence and discrimination against people on the basis of their sexual orientation and gender identity;
* The State responses and measures to address violence and discrimination against people on the basis of their sexual orientation and gender identity (constitutional, legislative, and institutional framework, as well as inter-sectorial responses to violence and discrimination);
* The implications of discrimination and stigmatization on violence;
* Gaps and challenges in fulfilling the State’s obligations to eliminate violence and discrimination against people on the basis of their sexual orientation and gender identity (prevention, protection, prosecution).

Lesbian, gay, bisexual, and transgender people are a very diverse population. The Independent Expert will study how each group faces distinct challenges and realities. He will also look into the situation of lesbian, gay, bisexual and transgender persons affected by multiple, intersecting and aggravated forms of violence and discrimination and those in situations of vulnerability.

**Meetings and other activities during the visit**

The Independent Expert will meet national stakeholders involved in fighting all aspects related to violence and discrimination against LGBT persons, including government officials, national human rights organizations, religious leaders, UN representatives, members of the diplomatic corps, civil society organizations, and victims.

Official meetings, at all levels of Government, are coordinated by the central authorities while other meetings are prepared by the Independent Expert with the support of the UN country team in the field.

During country missions, the Independent Expert conducts site visits and spends time outside the capital city to better understand the issue of violence and discrimination against people based on their SOGI throughout the country. The Independent Expert invites and appreciates suggestions of places and locations to visit during his stay in the country.

The Independent Expert would like to invite civil society actors to send inputs ahead of his visit, such as:

1. Recent analytical reports or surveys on LGBT people in Ukraine;
2. Information on the policy, programmes and legal framework with respect to protection against violence and discrimination based on SOGI;
3. Priority issues/concerns and situations that warrant the attention of the Independent Expert;
4. Suggestions on issues to examine and related places to visit;
5. Suggestions on Government officials and civil society actors to meet in different regions in relation to suggested places to visit.

Kindly submit information by 8 April to [ie-sogi@ohchr.org](mailto:ie-sogi@ohchr.org). Please indicate "2019 Visit to Ukraine" in the subject heading of the email submission.

The Independent Expert will end the country visit in Kiev, where he will provide a final debriefing to the Government and hold a press conference on 10 May to share the preliminary findings of the mission.

**Outcome**

The Independent Expert will offer recommendations to support the Government’s efforts in eliminating violence and discrimination based on sexual orientation and gender identity. A mission report will be presented to the Human Rights Council in June 2020.

\*\*\*\*