



PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND
www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

Defenders of the human rights of LGBTI persons constantly at risk, warn UN experts

Joint statement by UN Independent Expert on discrimination on the basis of sexual orientation and gender identity and UN Special Rapporteur on the situation of human rights defenders

People who work to end violence and discrimination based on sexual orientation and gender identity (SOGI) face multiple forms of risk. They can be targeted for their actual or perceived sexual orientation or gender identity, and for being human rights defenders (HRDs).

Almost 11 years have passed since the [first SOGI resolution](#) at the United Nations, affirming that protections guaranteed by the Universal Declaration of Human Rights apply to lesbian, gay, bisexual, trans and gender diverse (LGBT) persons.

But broader acceptance of the rights of LGBT people remains challenging. Many human rights defenders face severe retaliation for their work, and those who advocate for the rights of LGBT people often face additional risks. Sometimes their work is ignored, rejected or met with violence.

[“Diversity in Adversity: stories from SOGI rights defenders”](#) is a new video campaign by UN experts* Victor Madrigal-Borloz and Mary Lawlor. It features human rights defenders peacefully fighting discrimination on the basis of sexual orientation and gender identity in different parts of the world, who share their success and the risks they face.

International organisations monitoring the situation of human rights defenders at risk consistently list SOGI rights defenders among those operating in the most adverse environments because of their work.

Recent studies show that globally defenders of the rights of LGBT persons are among the most targeted, second only to defenders of land, environmental and indigenous peoples’ rights. In some regions of the world, they often face severe danger. In Europe, Central Asia and Sub-Saharan Africa, SOGI rights defenders are those with the most violations reported against them.

LGBT HRDs are regularly attacked physically, arbitrarily arrested and detained, their homes and offices frequently raided and broken into, and they are the subject of intense smear campaigns. Between 2015 and 2019, the OHCHR tracked at least 45 killings of human rights defenders working for sexual orientation and gender identity rights - most of them happened in Latin America and the Caribbean (A/HRC/46/35). Impunity for attacks persists and stigmatising statements made by public officials creates an environment conducive to violence against SOGI defenders.

Sixty-nine UN member states still have legislation criminalising persons of diverse sexual orientation and gender identity and other discriminatory, often colonial-era, laws. Criminalisation can mean almost total prohibition of defenders' work, or it can severely restrict and stigmatise their activities. Such laws can fuel ideas that SOGI rights are ideologically aligned, or culturally contextual or

dangerous, particularly to minors. Stigma can create a hostile environment for SOGI defenders and historical remnants of pathologisation can lead to the encouragement of "conversion practices" or the criminalisation of affirming treatments.

Those defending the rights of LGBT people are among other marginalised groups, including refugees/migrants' rights defenders, and defenders of sexual abuse survivors, who have been disproportionately impacted by the COVID-19 pandemic. Restrictions on movement limit security options for defenders, who are often living and working in hostile environments. Reports of digital attacks have increased, and SOGI rights defenders commonly report online threats, hacking of social media and digital and physical surveillance.

Attacks by state and non-state actors have significantly impacted the way SOGI rights defenders lead their personal and professional lives. Far right groups around the world have successfully forced the cancellation of peaceful Pride demonstrations, and in some cases prevented all public advocacy. Anti-rights groups have intensified harassment and slander of SOGI rights activists, causing psychological harm and legitimising more violent attacks against them.

While States are not the only perpetrators of violations, they are ultimately responsible for its consequences by failing to protect SOGI defenders.

States have a responsibility to cultivate an environment where civil society can operate freely, where defenders' rights to civil and political participation are respected, and everybody can enjoy their human rights. That responsibility includes repealing discriminatory laws and policies putting SOGI defenders at risk, and not persecuting defenders doing their peaceful human rights work. It also means establishing and properly resourcing protection programmes and focal points within governments and other institutions to protect defenders, with specific awareness and education programmes tailored to the needs of SOGI rights defenders.

In spite of all the hostility and adversity, SOGI defenders continue their work all over the world, and many choose to do so publicly.

The defenders who speak in the *Diversity in Adversity* campaign recount a range of contexts and experiences.

Religious beliefs or cultural norms are often raised as reasons to restrict, attack or criminalise the work of SOGI rights defenders. Yet LGBT and gender diverse persons have always been valued members of faith and cultural traditions around the world^[1]. "We do our best to bring all of our allies together; our friends, our communities," says Rhadem Morados, an LGBT HRD fostering understanding with Muslim and LGBT communities in the south of the Philippines.

SOGI rights defenders show great resilience. "We decided that no matter what, no matter what the death threats, we were going to come back," says Sandrine Julien, a woman human rights defender from Mauritius, after serious credible threats from extremist groups meant police couldn't guarantee safety at a planned Pride campaign.

In the Global North, despite some countries being considered a safe haven for LGBT people, defenders of the rights of LGBT people still struggle to gain a seat at the decision making table, and continue to come under attack from State and non-State actors. "We deserve to be listened to," says Polish HRD Bart Staszewski, who is battling multiple court cases and smears from public officials for leading a now viral art project which drew attention to the creation of so-called zones "free from LGBT ideology" in Poland.

Although states have participated in discussions and signed up to resolutions on SOGI rights at international fora like the UN, it is often up to human rights defenders to push for their implementation at home. “We want to convey to them that we are engaged in human rights, and not some kind of additional special rights,” say Gulzada and Zhanar, members of LBT organisation, Feminita, in Kazakhstan.

In the most challenging environments, SOGI rights defenders continue to have great successes in their work. For some it is working towards ending criminalisation and discrimination, for others it is protecting individual LGBT people from attack, denial of healthcare or homelessness. For trans woman human rights defender from El Salvador, Karla Avelar, success is something more simple. “One of the great successes I have had, is having survived. To have had the capacity for resilience. That no matter what happens, I can say that I am here, and I am happy.”

ENDS

The campaign “[Diversity in Adversity: stories from SOGI rights defenders](#)” will consist of a series of 10 video interviews with diverse human rights defenders fighting discrimination based on SOGI. It will feature lesbian, gay, bisexual and trans activists from all continents of the world who will speak about their work and how it impacts their life and that of their communities. The series will launch in March 2022 and a new video interview will be released every week until June.

[1] <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=27091&LangID=E>

*The Experts: Independent Expert on discrimination on the basis of sexual orientation and gender identity, Victor Madrigal-Borloz, and the UN Special Rapporteur on the situation of human rights defenders, Mary Lawlor,.

Mr. Víctor Madrigal-Borloz (Costa Rica) assumed the role of [UN Independent Expert on Protection against violence and discrimination based on sexual orientation and gender identity](#) on 1 January 2018. He is a senior visiting researcher at the Harvard Law School's Human Rights Program. He served as the Secretary-General of the International Rehabilitation Council for Torture Victims (IRCT). A member of the UN Subcommittee on the Prevention of Torture, Mr Madrigal-Borloz was Rapporteur on Reprisals and oversaw a draft policy on the torture and ill-treatment of LGBTI persons. Prior to this, he led technical work on numerous cases, reports and testimonies as Head of Litigation and Head of the Registry at the Inter-American Commission on Human Rights and has also worked at the Danish Institute for Human Rights (Copenhagen, Denmark) and the Inter-American Court of Human Rights (San José, Costa Rica).

Ms Mary Lawlor (Ireland) is [the Special Rapporteur on the situation of human rights defenders](#). She is currently an Adjunct Professor of Business and Human Rights in Trinity College Dublin. She was the founder of Front Line Defenders - the International Foundation for the Protection of Human Rights Defenders. As Executive Director from 2001-2016, she represented Front Line Defenders and had a key role in its development. Ms. Lawlor was previously Director of the Irish Office of Amnesty International from 1988 to 2000, after becoming a member of the Board of Directors 1975 and being elected its President from 1983 to 1987.