

## **OTHER REFERENCES TO SOGI IN THE UN SYSTEM**

### Special Procedures References to Sexual Orientation and Gender Identity (Special Rapporteurs, Special Representatives, Working Groups)

This document contains a summary of the remarks made by Special Rapporteurs in reports since 2003.

**Part 1** organizes a list of remarks that reference sexual orientation and gender identity by category.

**Part 2** contains excerpts of remarks in the most recent reports by year. It is up to date as of February 14, 2013.



#### **INTERNATIONAL GAY AND LESBIAN HUMAN RIGHTS COMMISSION**

80 Maiden Lane, Suite 1505, New York, NY 10038  
Phone: 212-430-6054 Fax: 212-430-6060 Email: [iglhrc@iglhrc.org](mailto:iglhrc@iglhrc.org)  
[www.iglhrc.org](http://www.iglhrc.org)

## TABLE OF CONTENTS

<b>Part 1: Categories of Speeches of Special Rapporteurs .....</b>	<b>1</b>
Access to Justice / Discrimination within the Judicial System .....	1
Anti-Discrimination Legislation and Other Provisions.....	1
Arbitrary Detention.....	1
Targeted by/Exposed to Threats and Violence .....	2
Discrimination .....	3
Freedom of Expression, Assembly and Association .....	4
Hate Crimes .....	4
Housing Discrimination.....	4
Imprisonment.....	5
Legal Discrimination .....	5
Murders .....	5
Sexual Rights and other Health Services .....	6
Torture, Sexual Assault, and Inhuman or Degrading Treatment.....	6
Trafficking and Sexual Exploitation .....	7
<b>Part 2: Excerpts from Recent Special Rapporteur Reports .....</b>	<b>8</b>
<b>2012 .....</b>	<b>8</b>
Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, .....	8
Report of the Special Rapporteur on freedom of religion or belief, Addendum - Mission to Paraguay, .....	8
Report of the Special Rapporteur on freedom of religion or belief, Addendum - Mission to Paraguay, .....	8
Report of the SR on the situation of human rights defenders, Addendum – Mission to India,.....	9
Report of the Special Rapporteur on violence against women, its causes and consequences, ¶ 72,.....	9
Report of the Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque .....	9
<b>2011 .....</b>	<b>11</b>
Report of the Special Rapporteur on the Situation of Human Rights Defenders, .....	11
Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, .....	11
Report of the Special Rapporteur on the Independence of Judges and Lawyers, .....	12
Report of the HC on the protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS), .....	13
Annual Report of the High Commissioner for Human Rights,.....	13
Report on the human rights situation and the activities of the Office of the High Commissioner, including technical cooperation, in Nepal,.....	13
Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and on the right to non-discrimination in this context, .....	13
<b>2010 .....</b>	<b>14</b>
Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Study on the phenomena of tortures, cruel, inhuman or degrading treatment or punishment in the world, including an assessment of conditions of detention,.....	14
Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, .....	14
Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, United States,.....	15

## Part 1: Categories of Speeches of Special Rapporteurs

### Access to Justice / Discrimination within the Judicial System

- Report of the Special Rapporteur on Independence of Judges and Lawyers, ¶¶24, 28 and 29, E/CN.4/2005/60/Add. 3, February 22, 2005

### Anti-Discrimination Legislation and Other Provisions

- Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of **physical and mental health**, A/66/254, 3 August, 2011
- Report of the Special Rapporteur on **adequate housing as a component** of the right to an adequate standard of living, and on the right to non-discrimination in this context, United States, A/HRC/13/20/Add.4, February 12, 2010
- Report of the Special Rapporteur on **adequate housing as a component** of the right to an adequate standard of living, and on the right to non-discrimination in this context, Addendum: Summary of Communication sent and replies received by Governments and other actors [Greece], A/HRC/10/7/Add.1, February 17, 2009
- Report of the special rapporteur on the **right to development**, Bosnia and Herzegovina, A/HRC/8/10/Add.4, May 27, 2008
- Report of the special rapporteur on the **independence of judges and lawyers**, A/HRC/8/4, May 13, 2008
- Report of the Special Rapporteur on **contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Estonia**, A/HRC/7/19/Add.2, March 17, 2008
- Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Lithuania, A/HRC/7/19/Add.4, February 7, 2008
- Report of the Special Rapporteur on freedom of religion or belief, United Kingdom of Great Britain and Northern Ireland, A/HRC/7/10/Add.3, February 7, 2008

### Arbitrary Detention

- Report of the Special Rapporteur on **Torture** and Other Cruel, Inhuman or Degrading Treatment or Punishment, A/66/268, 5 August, 2011
- Report of the Special Rapporteur on the Situation of **Human Rights Defenders**, A/66/203, 28 July, 2011
- Report of the Special Rapporteur on the **Independence of Judges and Lawyers**, A/66/289, 10 August, 2011
- Report of the **Working Group on Arbitrary Detention, Colombia**, A/HRC/10/21/Add.3, 16 February 2009

- Opinions adopted by the Working Group on **Arbitrary Detention**, A/HRC/4/40/Add.1, 2, Opinion No. 22/2006 (**Cameroon**), February 2007
- Opinions adopted by the Working Group on **Arbitrary Detention, Egypt**, E/CN.4/2003/8/Add.1, January 24, 2003

### Targeted by/Exposed to Threats and Violence

- Report of the High Commissioner - Study documenting discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity, A/HRC/19/41, November 17, 2011
- Report of the Special Rapporteur on the Situation of Human Rights Defenders, A/66/203, 28 July, 2011
- Joint Statement from the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression [Uganda Anti-Homosexuality Bill], March 1, 2010
- Report of the Special Rapporteur on the situation of human rights defenders, A/HRC/13/22, December 30, 2009
- Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, A/64/211, August 3, 2009
- Report of the Special Rapporteur on violence against women, its causes and consequences, A/HRC/11/6/Add.1, May 26, 2009
- Report of the Special Representative of the Secretary-General on the situation of human rights defenders, A/HRC/10/12/Add.1, March 4, 2009
- Report of the Special Representative of the Secretary-General on the situation of human rights defenders, A/HRC/10/12, Feb. 12, 2009
- Report of the Special Rapporteur of the Secretary-General on the situation of human rights defenders, Serbia including Kosovo, A/HRC/7/28/Add.3, March 4, 2008
- Report of the Special Representative of the Secretary-General on the situation of human rights defenders, A/HRC/7/28/Add.1, Mar 3, 2008
- Report of the Special Representative of the Secretary-General on the situation of human rights defenders, Indonesia, A/HRC/7/28/Add.2, January 28, 2008
- Report of the Special Representative of the General-Assembly on the situation of human rights defenders, A/HRC/4/37/Add.1, March 27, 2007
- Report of the Special Representative of the Secretary-General on the situation of human rights defenders, A/HRC/4/37, January 24, 2007
- Report of the Special Representative of the Secretary-General on the situation of human rights defenders, mission to Brazil, A/HRC/4/37/Add.2, December 19, 2006
- Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, ¶41, E/CN.4/2004/9/Add. 2, February 3, 2004
- Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, ¶37,

A/57/138, July 2, 2002

- Report of Special Representative of Secretary-General on the situation of human rights defenders, ¶89(g), E/CN.4/2001/94, Jan. 26, 2001

## Discrimination

- Report of the SR on the situation of human rights defenders, Addendum – mission to India, A/HRC/19/55/Add.1, February 6, 2012
- Report of the HC - Study documenting discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity, A/HRC/19/41
- Report of the HC on the protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS), A/HRC/19/37, December 14, 2011
- Report on the human rights situation and the activities of the Office of the High Commissioner, including technical cooperation, in Nepal, A/HRC/19/21/Add.4, December 16, 2011
- Annual Report of the High Commissioner for Human Rights, A/HRC/19/21, December 13, 2011
- Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, A/66/254, 3 August, 2011
- Report of the Special Rapporteur on the Situation of Human Rights Defenders, A/66/203, 28 July, 2011
- Report of the Special Rapporteur on the Independence of Judges and Lawyers, A/66/289, 10 August, 2011
- Report of the independent expert on minority issues, A/HRC/13/23, January 7, 2010
- Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, A/64/272, August 10, 2009
- Report of the Special Rapporteur on the right to education, Addendum: Communications sent to and replies received from Governments [Poland], A/HRC/8/10/Add.1, May 13, 2008
- Report of the Special Rapporteur on the human rights of migrants, United States of America, A/HRC/7/12/Add.2, March 5, 2008
- Report of the Special Rapporteur on freedom of religion or belief, A/HRC/6/5, July 20, 2007
- Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Sweden, A/HRC/4/28/Add.2, February 28, 2007
- Report of the Special Rapporteur on the independence of judges and lawyers, A/HRC/4/25, January 18, 2007
- Report of the Special Rapporteur on violence against women, its causes and consequences,

¶ 27 and 58, E/CN.4/2005/72, January 17, 2005

- Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, ¶¶ 123 and 124, E/CN.4/2004/9, January 5, 2004
- Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, ¶ 64, E/CN.4/2004/56, December 23, 2003 / see also torture and inhuman or degrading treatment

### Freedom of Expression, Assembly and Association

- Report of the Special Rapporteur on freedom of religion or belief, Addendum - Mission to the Republic of Moldova, A/HRC/19/60/Add.2, January 27, 2012
- Report of the Special Rapporteur on freedom of religion or belief, Addendum - Mission to Paraguay, A/HRC/19/60/Add.1, January 26, 2012
- Report of the Special Rapporteur on the Situation of Human Rights Defenders, A/66/203, 28 July, 2011
- Report of the Special Representative of the Secretary-General on the situation of human rights defenders, A/HRC/7/28/Add.1, March 3, 2008
- Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, A/HRC/7/14/Add.1, February 25, 2008
- Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, A/HRC/4/19/Add.1, June 5, 2007
- Report of the Special Representative of the General-Assembly on the situation of human rights defenders, A/HRC/4/37/Add.1, March 27, 2007
- Report of the Special Rapporteur on the situation of human rights in Belarus, A/HRC/4/16, January 15, 2007

### Hate Crimes

- Report of the Special Rapporteur on violence against women, its causes and consequences, ¶ 72, A/HRC/20/16, May 23, 2012 Rashida Manjoo (2012)
- Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination [transgender/gender identity hate crimes], Peru, A/HRC/7/7/Add.2, 4 February 2008
- Report of the Special Representative of the Secretary-General on the situation of human rights defenders, [El Salvador], A/HRC/4/37/Add.1, March 27, 2007
- Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum: Communications to and from Governments [South Africa], A/HRC/4/34/Add.1, March 19, 2007

### Housing Discrimination

- Report of the Special Rapporteur on adequate housing as a component of the right to an

adequate standard of living and on the right to non-discrimination in this context, A/HRC/19/53, December 26, 2011

- Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Canada, A/HRC/10/7/Add.3, February 17, 2009
- Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, A/HRC/7/16, February 13, 2008
- Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Australia, A/HRC/4/18/Add.2, May 11, 2007
- Study by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, "Women and adequate housing", E/CN.4/2005/43, February 25, 2005

### **Imprisonment**

- Report of the Special Rapporteur on the Independence of Judges and Lawyers, A/66/289, 10 August, 2011
- Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, E/CN.4/2001/64, February 13, 2001, Kuwait

### **Legal Discrimination**

- Report of the Special Rapporteur on the Independence of Judges and Lawyers, A/66/289, 10 August, 2011
- Report on the Special Rapporteur on freedom of religion or belief, Summary of cases transmitted to Governments and replies received, Indonesia, A/HRC/13/40/Add.1, February 16, 2010
- Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Nigeria, A/HRC/7/3/Add.4, November 22, 2007
- Report of the Special Rapporteur on violence against women, its causes and consequences, E/CN.4/2000/68/Add.5, February 24, 2000

### **Murders**

- Report of the Special Rapporteur on the Situation of Human Rights Defenders, A/66/203, 28 July, 2011
- Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Guatemala, A/HRC/11/2/Add.7, May 4, 2009
- Report of the Special Representative of the Secretary-General on the situation of human rights defenders, [Brazil, Jamaica], A/HRC/4/37/Add.1, March 27, 2007
- Report of the Special Rapporteur on violence against women, its causes and consequences,

Communications to and from Governments, A/HRC/4/34/Add.1, March 19, 2007

- Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Guatemala, A/HRC/4/20/Add.2, February 19, 2007
- Report of the High Commissioner for Human Rights on the situation of human rights in Sierra Leone, E/CN.4/2005/113, February 2, 2005
- Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, ¶38, A/57/138, July 2, 2002
- Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, ¶¶66 and 67, E/CN.4/2003/3, January 13, 2003

### Sexual Rights and other Health Services

- Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, A/66/254, 3 August, 2011
- Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum: 15 Years of the United Nations Special Rapporteur on Violence Against Women, Its Causes and Consequences (1994-2009) – A Critical Review, A/HRC/11/6/Add.5, May 27, 2009
- Report of the Special Rapporteur on violence against women, its causes and consequences, Netherlands, A/HRC/4/34/Add.4, February 7, 2007
- Report of the Special Rapporteur on violence against women, its causes and consequences, Sweden, A/HRC/4/34/Add.3, February 6, 2007
- Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, ¶¶32, 33, 38, 39 and 54, E/CN.4/2004/49, February 16, 2004

### Torture, Sexual Assault, and Inhuman or Degrading Treatment

- Report of the SR on torture and other cruel, inhuman or degrading treatment or punishment, A/HRC/19/61, January 18, 2012
- Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, A/66/268, 5 August 2011
- Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, A/HRC/13/39, February 9, 2010
- Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Study on the phenomena of tortures, cruel, inhuman or degrading treatment or punishment in the world, including an assessment of conditions of detention, A/HRC/13/39/Add.5, February 5, 2010
- Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Uruguay, A/HRC/13/39/Add.2, December 21, 2009
- Report of the Special Rapporteur on torture and other cruel, inhuman or degrading



treatment or punishment [Egypt, Indonesia], A/HRC/10/44/Add.4, February 17, 2009

- Report of the Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment, A/63/175, July 28, 2008
- Report of the Special Representative of the Secretary-General on the situation of human rights defenders [India], A/HRC/7/28/Add.1, March 3, 2008
- Report of the Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment, Mission to Nigeria, A/HRC/7/3/Add.4, November 22, 2007
- Report of the Special Rapporteur on violence against women, its causes and consequences, Addendum: Communications to and from Governments [South Africa], A/HRC/4/34/Add.1, March 19, 2007
- Report of the Special Rapporteur on violence against women, its causes and consequences, “Integration of the human rights of women and the gender perspective: violence against women; Intersections of violence against women and HIV/AIDS”, E/CN.4/2005/72, January 17, 2005
- Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, ¶64, E/CN.4/2004/56, December 23, 2003 / see also Discrimination
- Report of the Special Rapporteur on violence against women, its causes and consequences: “Cultural practices in the family that are violent towards women”, E/CN.4/2002/83, January 31, 2002
- Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, p. 11, E/CN.4/2002/76, December 27, 2001
- Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, ¶¶17 to 24, A/56/156, July 3, 2001 / see also Discrimination
- Report of the Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment, E/CN.4/2000/9, February 2, 2000, Brazil

### Trafficking and Sexual Exploitation

- Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, ¶118, E/CN.4/2004/9, January 5, 2004
- Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, ¶48, E/CN.4/2004/9/Add. 2, February 3, 2004

## Part 2: Excerpts from Recent Special Rapporteur Reports

Organized by year: 2012, 2011, 2010

2012	
<p><b>Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment,</b> A/HRC/19/61 (January 18, 2012)</p>	<p>62. Where human rights violations have had a distinct ethnic, racial, or religious dimension, it is important to include people who fully understand the plight of affected communities. Under all circumstances careful attention should be paid to the inclusion of women in the composition of the commission. Of additional value is the inclusion of individuals with a gender perspective to better understand the specific ways in which vulnerable persons, including, women, children, <b>lesbian, gay, bisexual and transgender persons</b>, persons with disabilities and persons belonging to a minority or indigenous group suffer from gross violations, including torture and other forms of ill-treatment and how they affect their communities. Geographic and cross-cultural balance in a commission is also of the greatest importance, as long as the standards of expertise and professionalism are not diminished for the sake of political balance.</p>
<p><b>Report of the Special Rapporteur on freedom of religion or belief, Addendum - Mission to Paraguay,</b> A/HRC/19/60/Add.1 (January 26, 2012)</p>	<p>21. Although the Special Rapporteur generally noticed a strong human rights commitment in the State and society, virtually all interlocutors from Government and civil society agreed that many challenges remain to be addressed. A major problem broadly affecting the situation of human rights in Paraguay seems to be the weakness of implementation mechanisms. Given the enormous social inequalities in such areas as distribution of wealth, access to public or private education, political influence, ethnic and linguistic minority status and gender-related differences, the weak presence and poor capacity of State institutions render certain sectors of the population structurally vulnerable to possible human rights abuses, including in the field of freedom of religion or belief. This problem seems to be even more pronounced outside the capital, especially in remote areas. A number of interlocutors stated that, in certain remote regions, the State is virtually absent, with the result that human rights guarantees and policies in those areas are rarely effective. This can have serious consequences for, for instance, members of indigenous peoples, but also for other individuals in situations of particular vulnerability, including members of ethnic, religious or <b>sexual minorities</b>, women, children and people living in poverty.</p>
<p><b>Report of the Special Rapporteur on freedom of religion or belief,</b></p>	<p>46. A general climate of skepticism was noticeable also with regard to State institutions, with the result that acts of positive civic engagement apparently remain rare. Moreover, a broad</p>

<p><b>Addendum - Mission to Paraguay,</b> A/HRC/19/60/Add.2 (January 27, 2012)</p>	<p>and stable consensus that the public sphere –in terms of both physical public places and a culture of public discourse – should be open for everybody in a non-discriminatory manner may still be lacking. This has detrimental consequences for minorities, which continue to face difficulties when trying to meet or present their views in the public sphere. For instance, recently, a group of Seventh-Day Adventists, and members of <b>Lesbian Gay Bisexual and Transgender groups</b>, were denied the use of central public spaces in Chisinau, reportedly as a result of opposition voiced by some sectors from within the Orthodox Church or affiliated groups.</p>
<p><b>Report of the SR on the situation of human rights defenders, Addendum – mission to India,</b> A/HRC/19/55/Add.1 (February 6, 2012)</p>	<p>122. Defenders engaged in promoting and defending the rights of <b>lesbian, gay, bisexual and transgender (LGBT) persons face discrimination</b>, stigmatization and threats reportedly from many parts of society, especially in rural areas. On some occasions, <b>the police attacked LGBT activists for raising issues pertaining to the situation of the LGBT community</b>. In 2008, five <b>LGBT</b> defenders were falsely charged with extortion and unlawful assembly. In 2009, one <b>LGBT</b> activist was arrested in Orissa and detained for one day because of his advocacy work. He was insulted by police officers in the course of his arrest and detention.</p> <p>123. In West Bengal, <b>an LGBT activist</b> stated that she has faced public harassment, emotional violence and beatings.</p>
<p><b>Report of the Special Rapporteur on violence against women, its causes and consequences, ¶72,</b> A/HRC/20/16, May 23, 2012 Rashida Manjoo (2012)</p>	<p>72. As academics have noted, there is a paradox in the advancement in the protection of individuals’ sexual rights on the one hand, and the increasing escalation of homophobic crimes on the other. In this sense, <b>LGBTIQ persons, including women</b>, are especially vulnerable to many kinds of violent crime, from killings in private homes to killings in public spaces known as social cleansing, extortion by blackmailers who threaten to reveal their identity to the public, and abuse from officials, especially the police, who sometimes arrest them.</p>
<p><b>Report of the Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque</b> A/HRC/21/42 (July 2, 2012)</p>	<p>13. What is considered abnormal changes over time and place, while the targets of stigma are always those who do not fit the “social norm”. In some instances, stigma is attached to a person’s social identity, especially in relation to one’s gender or gender identity, sexual orientation, caste or race. Many ethnic groups experience very pronounced stigma. Stigma is also a common reaction to health conditions such as HIV/AIDS and some forms of disabilities. The Committee on Economic, Social and Cultural Rights explicitly calls on States to “adopt measures</p>

to address widespread stigmatization of persons on the basis of their health status, such as mental illness, diseases such as leprosy and women who have suffered obstetric fistula”.

Indeed, stigma is often closely linked to the body as a site of the “normal” and the “different” and as a vehicle of contagion, especially in terms of sexuality and disease. Furthermore, stigma is frequently attached to activities that are considered “immoral”, “detrimental to society” or “dirty”, affecting, for instance, sex workers, sanitation workers, prisoners and homeless people

40. A report of the United Nations High Commissioner for Human Rights on discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity has highlighted that homophobic and transphobic violence may be physical or psychological, and that those attacks “constitute a form of gender-based violence, driven by a desire to punish those seen as defying gender norms” (A/HRC/19/41, para. 20). While the human rights concerns are much broader, in relation to water and sanitation specifically, the use of public bathrooms, which are often sex segregated, has been associated with exclusion, denial of access, verbal harassment, physical abuse and sometimes even the arrest of transgender and intersex individuals. More broadly, they are at risk of exposure, violence and harassment in seeking access to services such as water and sanitation when those are in common areas, or where privacy is unavailable or compromised.

50. In terms of prohibited grounds of discrimination, the International Covenants on Human Rights list race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The term —other status<sup>1</sup> indicates that these lists are not exhaustive. The treaty bodies have sought to elucidate the term, finding that it encompasses, inter alia, disability, age, sexual orientation and gender identity, health status, place of residence, and economic and social situation.

These grounds show a significant overlap with groups experiencing stigmatization, highlighting again that stigma often lies at the root of discrimination. Conversely, this relationship also allows for the use of stigma as a marker and for the consideration of groups who experience stigmatization when interpreting the term “other status”. While it may already be implicit in the treaty bodies’ reasoning, this would, for instance, require the recognition of homelessness as a prohibited ground of discrimination.

**Report of the Special Rapporteur on the Situation of Human Rights Defenders,**

A/66/203, 28 July, 2011

7. In accordance with the mandate of the Special Rapporteur to integrate a gender perspective throughout her work, the present report refers to the specificities of the situation of women human rights defenders and the particular challenges they face. Women defenders are more at risk of being subjected to certain forms of violence, prejudices, exclusion, repudiation and other violations, than their male counterparts. This is often due to the fact that women defenders are perceived as challenging accepted sociocultural norms, traditions, perceptions and stereotypes about femininity, **sexual orientation** and the role and status of women in society. The term “women human rights defenders” in the present report refers to women who, individually or in association with others, act to promote or protect human rights, including women’s rights. The term “women human rights defenders” can also refer to male human rights defenders working on women’s rights as well as on gender issues more generally.

VIII. Right to develop and discuss new human rights ideas

57. Many of the basic human rights that today we take for granted took years of struggle and deliberation before they took final shape and became widely accepted. A good example is the long struggle of women in many countries to gain the right to vote. Today, we see the case of defenders working on **lesbian, gay, bisexual and transgender rights**. In many countries around the world, these activists are targeted for their work, harassed, and sometimes killed, because of their work in defending a different idea of sexuality. Similarly, women human rights defenders are more at risk of suffering certain forms of violence because they are perceived as **challenging accepted sociocultural norms, traditions, perceptions and stereotypes about femininity, sexual orientation** and the role and status of women in society.

114. States should take additional measures to ensure the protection of defenders who are at greater risk of facing certain forms of violence because they are perceived as **challenging accepted sociocultural norms, traditions, perceptions and stereotypes about femininity, sexual orientation and the role and status of women in society**.

**Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,**

42. Solitary confinement is also used to separate vulnerable individuals, including juveniles, persons with disabilities, and **lesbian, gay, bisexual and transgender persons**, for their

<p>A/66/268, 5 August, 2011</p>	<p>own protection. They may be placed in solitary confinement at their own request or at the discretion of prison officials.</p> <p>*****</p> <p>3. Lesbian, gay, bisexual and transgender</p> <p>69. <b>Lesbian, gay, bisexual and transgender</b> individuals are often subjected to solitary confinement as a form of “protective custody”. Although segregation of such individuals may be necessary for their safety, <b>lesbian, gay, bisexual and transgender status does not justify limitations on their social regime</b>, e.g., access to recreation, reading materials, legal counsel or medical doctors.</p>
<p><b>Report of the Special Rapporteur on the Independence of Judges and Lawyers,</b> A/66/289, 10 August, 2011</p>	<p>27. Moreover, women, like men, are informed and influenced by their backgrounds and experiences. For various reasons, whether historical, cultural, biological, social or religious, women’s experiences differ from those of men, and for this reason women can bring different perspectives or approaches to adjudication, while fighting against <b>gender stereotypes</b>. Consequently, a diverse judiciary will ensure a more balanced and impartial perspective on matters before the courts, eliminating barriers that have prevented some judges from addressing certain issues fairly. This reasoning is equally applicable to the matter of encouraging the representation of other underrepresented “<b>groups</b>”, like ethnic, racial or <b>sexual minorities</b>, among other</p> <p>77. Challenging gender stereotyping further means challenging common assumptions: about male perpetrators — such as, for instance, their entitlement to control women in various ways and their supposed inability to control their own sexual urges; about male victims, for example, their ability, in cases of male rape, to have defended themselves; and about women as perpetrators of crimes of violence against men. Similar sensitivity is required when dealing with <b>gender norms and expectations regarding lesbian, gay, bisexual and — particularly — transgender victims and perpetrators</b></p> <p>81. Women are especially vulnerable to abuse from both staff and prisoners (when accommodated in the annex of a prison for male prisoners), especially to physical and sexual violence. Rape and other forms of sexual violence in detention settings, whether perpetrated by officials or co-prisoners with the acquiescence of officials, constitute torture. In this context, the Special Rapporteur wishes to stress the plight and extreme <b>vulnerability of transgender male-to-female persons</b> who, in most</p>

	<p>circumstances, will be imprisoned in male detention facilities, even though they identify with the female gender, and recommends that States consider taking appropriate measures to avert further <b>victimization of transgender persons in detention, as well as lesbian and gay prisoners.</b></p>
<p><b>Report of the HC on the protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS),</b> A/HRC/19/37 (December 14, 2011)</p>	<p>17. Member States are also challenged to ensure that their national responses to HIV are inclusive of all people, especially people that are most marginalized and populations most affected by the epidemic, including those unnamed in the Political Declaration such as <b>transgender persons</b>, persons in detention, refugees, internally displaced persons and people living in poverty. This will require developing monitoring mechanisms to assess who has been left out of the response and taking measures to address systemic/structural discrimination and ensuring access to HIV-related health services without prejudice.</p> <p>Member States must also tackle the disproportionate impact of the epidemic on women and girls and include comprehensive targets on HIV prevention, treatment, and care that address women’s subordination, violence and discrimination</p>
<p><b>Annual Report of the High Commissioner for Human Rights,</b> A/HRC/19/21 (December 13, 2011)</p>	<p>22. OHCHR continued to draw attention to human rights violations, including violence and discrimination, perpetrated against individuals on the basis of their <b>sexual orientation or gender identity.</b> In this regard, the Human Rights Council requested the Office to commission a study on relevant discriminatory laws and practices and acts of violence.</p>
<p><b>Report on the human rights situation and the activities of the Office of the High Commissioner, including technical cooperation, in Nepal,</b> A/HRC/19/21/Add.4 (December 16, 2011)</p>	<p>Gender equality was the subject of the largest number of universal periodic review recommendations for Nepal. The Government accepted all the recommendations, including those to implement a legal and policy framework to end gender-based discrimination, investigate and prosecute cases of gender-based violence, protect victims and ensure their access to justice, as well as a number of <b>recommendations regarding sexual orientation,</b> including the implementation of the 2007 Supreme Court decision.</p>
<p><b>Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and on the right to non-discrimination in this context,</b> A/HRC/19/53 (December 26, 2011)</p>	<p>50. In order to ensure that housing is accessible to all groups of women, it is similarly important for housing law, policy and programmes to reflect the needs of women who may be especially disadvantaged and who encounter intersectional discrimination, including widows, elderly women, <b>lesbians</b>, homeless women, migrant women, women with disabilities, women who may be single mothers or single heads of</p>

	<p>households, women living with or otherwise affected by chronic illnesses such as HIV/AIDS and mental health disorders, women belonging to racial/ethnic/linguistic minorities, domestic workers, sex workers, illiterate women and women who have been displaced.</p> <p>51. Women who face intersectional discrimination are more vulnerable to losing their homes, and have more difficulty accessing adequate housing in the first place. In the case of women affected by HIV/AIDS, for example, advocates have shown how —One of the greatest obstacles HIV/AIDS infected women confront is their inability to secure property. Women’s inability to possess and manage property may result in their impoverishment, particularly in cultures which have a propensity to humiliate or shun HIV/AIDS infected women and girls. In many cases, subsequent to the HIV/AIDS related deaths of male partners or disclosure of their HIV/AIDS status, women are divested of their marital property, inheritance rights, livelihoods, and at times even their children, by relatives who forcibly evict them from their homes.</p>
<p><b>2010</b></p>	
<p><b>Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Study on the phenomena of tortures, cruel, inhuman or degrading treatment or punishment in the world, including an assessment of conditions of detention,</b> A/HRC/13/39/Add.5, February 5, 2010</p>	<p>231. Many detainees complained that they felt like they were treated worse than animals. Indeed, most human beings would not like their dogs or cats to be treated in the same way that many human beings are treated in detention. They usually belong to the most disadvantaged, discriminated and vulnerable groups in society, such as the poor, minorities, drug addicts or aliens. Within detention facilities, there is usually a strict hierarchy, and those at the bottom of this hierarchy, such as children, the elderly, persons with disabilities and diseases, <b>gays, lesbians, bisexuals and trans-gender persons,</b> suffer double or triple discrimination</p> <p>*****</p> <p>257. Among detainees, certain groups are subject to double discrimination and vulnerability, including aliens and members of minorities, women, children, the elderly, the sick, persons with disabilities, drug addicts, <b>gays, lesbians and transgender persons</b></p>
<p><b>Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment,</b> A/HRC/13/39, February 9, 2010</p>	<p>75. Among detainees, certain groups are subject to <b>double discrimination and vulnerability,</b> including aliens and members of minorities, women, children, the elderly, the sick, persons with disabilities, drug addicts and <b>gay, lesbian and transgender persons</b></p>



**Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, United States,**

A/HRC/13/20/Add.4, February 12, 2010

75. The Special Rapporteur also welcomes HUD's initiative to examine the extent that **lesbians, gay men, bisexual and transgender people experience discrimination** when renting or owning their homes