

Mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity

**Country visit to the United Kingdom of Great Britain and Northern Ireland
(24 April to 5 May 2023)**

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 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 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 until 30 June 2019. 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.

Mandate of the Independent expert

Pursuant to [resolution 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. The mandate was renewed for a period of three years in June 2019 under resolution 41/18, and in July 2022 under resolution 50/10.

More information on the mandate and its implementation is available at:

<https://www.ohchr.org/en/special-procedures/ie-sexual-orientation-and-gender-identity>.

The opening words of the Universal Declaration of Human Rights are unequivocal: “All human beings are born free and equal in dignity and rights.” These principles have been confirmed more recently with the Sustainable Development Goals, which are all based on a single, guiding principle: to leave no one behind. The legal obligations of States to safeguard the human rights of lesbian, gay, bisexual, trans (LGBT) and gender-diverse persons are well established in international human rights law on the basis of the Universal Declaration of Human Rights.

All people, irrespective of sex, sexual orientation or gender identity, are entitled to enjoy the protections provided for by international human rights law, including in respect of the human rights to life, security of person and privacy, the rights to be free from torture, arbitrary arrest and detention, the right to be free from discrimination, and the rights to freedom of expression, association and peaceful assembly.

For more information on applicable international human rights standards in this context, please refer to the [Born Free and Equal](#) booklet (Revised Edition) published by OHCHR in 2019, the [work of the Independent Expert](#), and the first two official UN reports on violence and discrimination based on sexual orientation and gender identity ([A/HRC/19/41](#) and [A/HRC/29/23](#)), which were presented to the Human Rights Council in 2012 and 2015, respectively.

Framework and purpose of the visit

Within the framework of the [terms of reference](#) for fact-finding missions by experts, the purpose of the visit of the Independent Expert is to understand, in the spirit of cooperation and dialogue, how the United Kingdom of Great Britain and Northern Ireland endeavours to combat violence and discrimination against persons on the basis of their sexual orientation or gender identity, while identifying both good practices and protection gaps.

During his visit, the Independent Expert will study, *inter alia*:

- The different manifestations of violence and discrimination against people on the basis of their sexual orientation and gender identity, both in terms of 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 adopted 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; and,
- 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, trans and gender-diverse persons are very diverse. The Independent Expert will study how each group faces distinct challenges and realities. He will also look into the situation of LGBT 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 of violence and discrimination against LGBT persons, including government officials, national human rights institutions, civil society organizations, academics, and alleged victims of human rights violations.

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 Office of the UN High Commissioner for Human Rights.

During country missions, the Independent Expert conducts site visits and spends time outside of capital cities to better understand the issue of violence and discrimination against people based on their sexual orientation and gender identity throughout the country.

The Independent Expert will end the country visit in London, where he will provide a final debriefing to the Government and hold a press conference 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 the session following the report's completion.
