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OBJET/SUBJECT: **Letter from the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.**

Please find attached a letter from the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Mr. Victor Madrigal-Borloz, concerning a call for submissions for his thematic report, which he will present to the 74th session of the General Assembly.



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Call for Inputs

Deadline 31 May 2019

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

6 May 2019

Excellency,

I have the honour to address you in my capacity as Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, pursuant to Human Rights Council resolution 32/2, I intend to present a thematic report at the 74th session of the General Assembly, which will focus on marginalisation and exclusion from socio-cultural environments. The report will examine how inclusion protects people from violence and discrimination, and the key role of the State in promoting and nurturing that inclusion in the social, cultural, political and other fields. Finally, it will formulate recommendations to States and other relevant stakeholders.

My report will examine these issues in relation to the themes of education, health, housing, employment/economic empowerment and an adequate standard of living. I will also consider the following sub-themes/actors (among others): culture, family, faith, migration, urban/rural, older persons, youths, political participation, social security/benefits, business sector, and media.

Background

Discriminatory laws and socio-cultural norms continue to marginalize and exclude lesbian, gay, bisexual, trans and gender diverse persons from education, health care, housing, employment and occupation, and other sectors. The marginalization and peripheralization are part of a vicious cycle that give rise to a host of other problems; in a context where access to economic, social and cultural rights is hampered, a series of negative impacts on individuals, their families, groups and communities can be observed, resulting in poverty and exclusion, lower socioeconomic status, and limiting access to assets that are essential to enjoy the full range of human rights. The excluding environment inevitably lends themselves to violence and discrimination, as it hampers access to their rights, creates inequality of opportunity and access to resources.

A [joint statement](#) released by 12 UN entities in 2015 expressed concern about these issues:

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“Children face bullying, discrimination or expulsion from schools on the basis of their actual or perceived sexual orientation or gender identity, or that of their parents. [...] Discrimination and violence contribute to the marginalization of LGBTI people and their vulnerability to ill health including HIV infection, yet they face denial of care, discriminatory attitudes and pathologization in medical and other settings. [...] The exclusion of LGBTI people from the design, implementation and monitoring of laws and policies that affect them perpetuates their social and economic marginalization.”

Some important steps are already being taken at the international, regional and national levels to address these issues. For example, UNESCO convened an international [consultation on homophobic bullying in educational institutions](#) in 2011, bringing together education ministries, UN agencies, NGOs and academia from more than 25 countries around the world. The World Bank is managing a [project](#) aimed at filling the LGBT data gap, focused on inclusion in markets, services, and other spaces. UNDP is leading and partnering in the development of the LGBTI Inclusion Index, which will measure inclusion of LGBTI people in health, civic and political participation, personal safety and security, education, and economic empowerment. Together with the World Bank, civil society, governments and academics UNDP has developed a proposed set of [51 indicators for the LGBTI Inclusion Index](#), aligned with the framework of the SDG with a view to identifying who is “left behind” and why. Trade unions and employers’ organisations have worked to promote the meaningful inclusion of LGBT people in the workplace, and around 240 businesses have expressed support to the [Standards of Conduct for Business](#) in tackling discrimination based on sexual orientation and gender identity. States have passed legislation explicitly protecting LGBT people from discrimination in housing and access to social security.

A glance at these issues quickly affirms the interdependence and inter-relatedness of all human rights. Addressing the social and economic rights of LGBT people is critical to any efforts to address violence and discrimination on the basis of sexual orientation and gender identity. Under the 2030 Agenda for Sustainable Development, the international community committed to leaving no-one behind. In order to lift LGBT people from cycles of exclusion and abuse, we must critically examine these issues as well as emerging good practices. With my report I further seek to highlight the unique role of leaders in different fields, which will allow to break the cycle of exclusion and which can have a positive impact on misconceptions, fears and prejudices that fuel violence and discrimination.

Call for input

To inform my report, I am seeking inputs from relevant stakeholders (Member States, National Human Rights Institutions, civil society organizations, United Nations agencies, regional institutions, corporate entities, etc.) on the basis of the following topics:

1. Key areas in which people (in your country, region or worldwide) suffer socio-cultural and economic exclusion as a result of violence and discrimination on the basis of sexual orientation and/or gender identity; in particular,
 - a) What knowledge, including data, exists in the State planning bases in relation to socio-cultural and economic exclusion based on sexual orientation and gender identity, including levels of poverty, homelessness, education, employment, health, political participation and any other relevant social indicator?

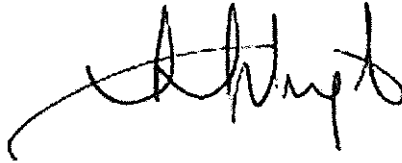
- b) How are individuals, groups or communities differently affected, based on their sexual orientation and/or gender identity?
 - c) What are the main barriers in ensuring equal access to education, health care, employment and occupation, housing and other relevant sectors?
- 2. Root causes and structural factors responsible for marginalisation and socio-cultural and economic exclusion, such as laws, public policies, institutional practices, organizational behaviours, and prevailing ideologies, values and beliefs?
- 3. State efforts to address socio-cultural and economic exclusion through legislation, policies, data gathering, and other means, for example:
 - a) Destitution and poverty;
 - b) Current efforts by States to address bullying and exclusion of LGBT people from education, including in education curricula teacher training, measures to promote continuing education or reinsertion in education settings and vocational training;
 - c) Homelessness among LGBT people, particularly youth, and inclusion in shelter programs;
 - d) Coverage by social security and benefits, as well as public and private health insurance (Taking into account survivor's pensions for same-sex couples, insurance coverage for gender affirming care, social housing for LGBT youth and older persons etc.);
 - e) Equal access to health (including through training and sensitisation of health care personnel), regardless of sexual orientation, gender identity or expression;
- 4. Complaints mechanisms available and accessible to LGBT people facing discrimination.
- 5. Actions to ensure socio-cultural and economic inclusion based on sexual orientation and gender identity in measures undertaken to ensure implementation of the Sustainable Development Goals at the national and regional levels.
- 6. Actions taken to raise public awareness and sensitisation on issues of sexual orientation and gender identity, in order to promote the meaningful socio-cultural and economic inclusion of LGBT people.
- 7. Services provided by civil society to excluded and marginalised LGBT people.

Responses to the questions above can be submitted in English, French or Spanish, and in Word format. Please note that if you wish your submissions to be kept confidential, you are required to make an explicit request in your submission, as otherwise information may be referenced in the report and / or published.

I would be particularly grateful to receive the information requested at your earliest convenience, and preferably by 31 May 2019 at the latest. Responses may be addressed to the Independent Expert at the Office of the UN High Commissioner for Human Rights and can be submitted by email (ie-sogi@ohchr.org).

For any further question or clarification, please do not hesitate to contact me through the Office of the United Nations High Commissioner for Human Rights (Ms. Catherine de Preux De Baets, telephone: 022 917 93 27, email: cdepreuxdebaets@ohchr.org or Ms. Alice Ochsenbein, telephone: 022 917 32 98, aachsenbein@ohchr.org).

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'V. Madrigal-Borloz', with a long, sweeping horizontal stroke extending to the left.

Victor Madrigal-Borloz
Independent Expert on protection against violence and discrimination based on sexual
orientation and gender identity