

The International Lesbian, Gay, Bisexual, Trans and Intersex Association – ILGA World and the International Service for Human Rights (ISHR) have compiled a series of factsheets highlighting the work that UN special procedures – independent human rights experts, appointed to monitor and report on human rights violations – have undertaken to defend the human rights of lesbian, gay, bisexual, trans and intersex (LGBTI) persons. The factsheets compile the references and recommendations made by these experts to LGBTI persons, sexual orientation, gender identity, gender expression, and sex characteristics (SOGIESC). They cover all thematic reports, country visit reports, and communications sent to States between January 2011 and December 2021.



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SPECIAL RAPPOREUR ON THE RIGHT TO PRIVACY

DR. ANA BRIAN NOUGRÈRES (URUGUAY)

Since August 2021 (Until June 2027)

FORMER SPECIAL RAPPOREURS:

Mr. Joseph CANNATACI (Malta),
July 2015 – June 2021



EMAIL



WEBSITE

WORK SUMMARY

COUNTRIES VISITED

ADDRESSES SOGIESC ISSUES:

South Korea- (June 2021) Report, paras. 25, 31, 49, 64.

DOES NOT ADDRESS SOGIESC ISSUES:

- Germany (June 2021)
- United Kingdom (June 2021)
- France (February 2021)
- Argentina (January 2021)
- United States of America (January 2021)

ANNUAL THEMATIC REPORTS

How pandemics can be managed with respect to the right to privacy

July 2021 (76th Session GA)

Brief references to SOGIESC
(In context of adverse effects of pandemic containing measures on transgender people' 'outing' of LGBTI people; non-consensual sharing of health data of LGBTI people)
Paras. 10, 20, 54(a).

Artificial intelligence and privacy, and children's privacy

January 2021 (46th Session HRC)

Good references to SOGIESC.
(Risks of violence, sexual abuse, cyberbullying in digital life for LGBTI young people; infringement of bodily integrity autonomy rights of children with diverse gender identities, sexual orientation, and sex characteristics, including mandatory surgeries for legal gender recognition; the role of comprehensive sexuality education in advancement of the right to privacy and wellbeing of LGBTI young people)
Paras. 89, 98(c), 99(b), 99(d), 100, 103.

Preliminary evaluation of the privacy dimensions of the coronavirus disease (COVID-19) pandemic.

July 2020 (75th GA)

No SOGIESC references.

Summary of activities on surveillance, health data, business enterprises use of personal data and protection against gender-based privacy infringements

February 2020 (43rd Session HRC)

Strong references to SOGIESC.
(Considerations of the right to privacy of people with diverse SOGIESC in relation to treatment of persons deprived of their liberty; changing rooms and health related data)
Paras. 15, 19(e), 20(d), 24, 27(a)(l), 27(a)(ii), 27(b)(ii) c, 27(b)(ii) d, 28(d)(ii), 28(g), 28(h), 28(j), 28(k), 29(a), 29(c), 30(a), 30(c)(iii), 31(a), 31(c), 31(e), 33(e), 33(g), 33(i), 34(a)-(e), 35(a), 35(b), 36(c)-(h), 37(d), 37(f), 37(l)(i)-37(l)(iv), 37(m), 37(p), 38(b), 38(d), 39(c), 39(d), 39(e), 40(b), 40(e), 40(f), 41(a)(iv), 41(a)(v), 41(a)(vi), 41(a)(viii), 41(a)(xi), 41(f)(i), 42(c), 42(h), 44(n), 44(o)(i), 45(i), 45(j), 45(p), 53(c), 53(k), 54(a)(i), 54(a)(ii), 55(d), 55(e), 55(f).

Protection and Use of Health-Related Data

August 2019 (74th Session GA)

Brief reference to GIE.
(Intersectionality; particular care in the collection and management of some data, including gender markers.)
Paras. 6, 41.1, 41.2.

Privacy, technology and other human rights from a gender perspective
February 2019 (40th Session HRC)

Good reference to SOGIESC, LGBTQI, LGB, intersex.
(SOGI as covered by the concept of privacy in the HRCtee's practice; LGBTQI and internet; surgeries towards intersex children as a privacy intrusion; image-based abused experienced by LGB; reference to YP+10.)
Paras. 6, 49, 55, 56, 58, 59, 60, 62, 63, 65, 66, 67, 68, 71, 74, 77, 78, 82, 84, 86, 95, 98, 101, 104, 108(e).

Summary of activities and final report of the Big Data Open Data Taskforce
October 2018 (73rd Session GA)

Good reference to SOGIESC.
(The Indian Supreme Court has read down S. 377 of the Penal Code, "significant impact" on gender and privacy;
SR has launched a consultation on gender perspectives of privacy, specific focus on SOGIESC experiences;
Taskforce: Privacy experienced differently based on GI. Privacy a heightened concern for LGBTQI, intrusive data collection a barrier to accessing services.)
Paras. 10, 11(2), 11(3), 76, 77, 78, 79.

Work undertaken in the first three years of the mandate, with a particular focus on the work done on surveillance and privacy
March 2018 (37th Session HRC)

Brief reference to SO.
(The SR's intention to monitor cases following a decision by the Indian Supreme Court which considered SO as an essential attribute of privacy.)
Para. 88.

Work of the Big Data Open Data Taskforce established by the Special Rapporteur on Privacy
October 2017 (72nd Session GA)

No SOGIESC references.

Governmental surveillance activities from a national and international perspective
March 2017 (34th Session HRC)

Brief reference to SO.
(Everybody has the right to privacy, irrespective of, inter alia, SO.)
Para. 45.

First report to the General Assembly
August 2016 (71st Session GA)

No SOGIESC references.

The Special Rapporteur's vision for the mandate, together with his working methods and a three-year workplan
March 2016 (31st Session HRC)

Brief reference to SO.
(“Sexual preferences” mentioned with regard to corporate online business models and personal data use.)
Para. 8.

COMMUNICATIONS

COUNTRY/DATE	EXPERTS	SITUATION
Israel 27 December 2021	<ul style="list-style-type: none"> Business Freedom of opinion and expression Freedom of assembly and association Human rights defenders Occupied Palestinian territories Privacy Terrorism Trafficking in persons Violence against women Women and girls 	Information received that Pegasus spyware developed by NSO Group Technologies (the NSO Group) was identified in at least six devices belonging to staff members of Palestinian non-governmental organizations only two weeks after the designation of these organizations as “terrorist associations by your Excellency’s Government.
Other actors 21 October 2021	<ul style="list-style-type: none"> Terrorism Freedom of opinion and expression Freedom of assembly and association Migrants Minority issues Privacy Racism 	Information received regarding two pieces of pending European Union (“EU”) legislation: the counter-terrorism agenda entitled “A Counter-Terrorism Agenda for the EU: Anticipate, Prevent, Protect, Respond” (...) and the Proposal for Amending Regulation (EU) 2016/794 (...).
Bulgaria 27 September 2021	<ul style="list-style-type: none"> Health Privacy SOGI Violence against women 	Information received concerning how the right to legal gender recognition is compatible with international human rights standards.
Uzbekistan 4 March 2021	<ul style="list-style-type: none"> SOGI Arbitrary detention Privacy 	Information received concerning a current initiative to maintain criminalization of persons of homosexual orientation despite the opportunity, offered by the adoption of a new Criminal Code, to bring Uzbekistan into conformity with its international human rights obligations.
Hungary 15 December 2020	<ul style="list-style-type: none"> Health Privacy Religion or belief SOGI Women and girls 	Information received concerning proposed bills restricting the notion of family to opposite-sex couples; excluding same-sex couples, single persons and non-married opposite-sex couples from adoption; and restricting children’s identity to their sex assigned at birth and ensuring an upbringing that “reflects the values based on Hungary’s constitutional identity and Christian culture”.
Republic of Korea 29 July 2020	<ul style="list-style-type: none"> SOGI Health Privacy Women in law and in practice 	Information received concerning the dismissal of a soldier, Staff Sergeant Byun Hui-Su, following surgery to affirm her gender identity.

<p>Hungary 14 April 2020</p>	<p>SOGI Health Privacy Violence against women</p>	<p>Information received concerning a proposed bill, submitted to the Hungarian Parliament, that would make it impossible for trans and gender diverse people to legally change their sex/gender.</p>
<p>Zambia 12 March 2020</p>	<p>SOGI Arbitrary detention Independence of judges and lawyers Privacy Torture</p>	<p>Information received concerning the conviction and sentencing of Mr. Japhet Chataba and Mr. Steven Sambo to 15 years' imprisonment for allegedly engaging in consensual same-sex relations, in violation of their right to privacy and non-discrimination, and their right to health and freedom from torture and cruel, inhuman and degrading treatment or punishment.</p>
<p>Egypt 17 December 2019</p>	<p>SOGI Arbitrary detention Human Rights defenders Privacy Torture Women in law and in practice</p>	<p>Information received concerning the alleged arbitrary arrest and detention of Eman Al-Helw, woman human rights defender and Hossam Ahmad, a trans man.</p>
<p>Kazakhstan 22 July 2019</p>	<p>Independence of judges and lawyers Privacy SOGI Violence against women Women in law and in practice</p>	<p>Information received concerning acts of harassment and discrimination directed towards a young lesbian couple and the unauthorized filming and posting of a video in social media, affecting their right to privacy.</p>
<p>Indonesia 13 February 2019</p>	<p>Health Privacy SOGI</p>	<p>Information received concerning discriminatory policy proposals and actions by local government officials in West Java province against LGBT people.</p>
<p>Egypt 31 October 2017</p>	<p>Arbitrary detention Freedom of opinion and expression Health Human rights defenders Privacy SOGI</p>	<p>Alleged unlawful arrests, detention, and incrimination of persons based on actual or perceived SOGIE, and/or their actual or perceived expression and advocacy for protection of LGBT rights, including HRDs Ahmed Alaa and Sarah Hegazy.</p>
<p>Haiti 22 September 2017</p>	<p>Arbitrary detention Freedom of opinion and expression Freedom of assembly and association Privacy SOGI</p>	<p>Adoption by the Senate on 28 June 2017 of a draft legislation on reputation and good morals and life certificate, and on 1 August 2017 of a draft legislation on the reinforcement of provisions in the Civil Code relating to marriage and protection of the family.</p>