



By: Tomorrow's Affairs Staff

Can the UN still protect LGBT and gender-diverse people's rights as the world slides into divisions?



At the **session** of the UN Human Rights Council on 7 July, the mandate of the independent expert on protection against violence and discrimination based on sexual orientation and gender identity was extended for another three years.

The resolution was supported with 29 votes in favour, 15 against, and 3 abstentions.

This reaffirmed the intention to continuously monitor and document the situation of the LGBT community worldwide. The resolution was adopted with the votes of 29 countries, while the United States, which **withdrew** from the UN Human Rights Council following the return of Donald Trump, did not take part in the vote.

The **mandate** of the Independent Expert on SOGI (sexual orientation and gender identity) was established in 2016. It was first entrusted to Vitit Muntarbhorn from Thailand, then to Victor Madrigal-Borloz from Costa Rica, and from November 2023 to Graeme Reid from South Africa, whose mandate has now been extended.

During the three mandates, the experts have carried out a total of eight official visits (Argentina, Georgia, Mozambique, Ukraine, Tunisia, USA, Cambodia, and Colombia), prepared seventeen thematic reports, and sent over 170 communications on possible human rights violations.

Their work includes detailed research on the state of LGBT rights, the development of recommendations for national policy, and direct dialogue with governments.

The main driving forces behind the initiative to renew the mandate were the European Union, Canada, Brazil, Australia, Chile, and Argentina, which are gathered in the so-called **Core Group**. Their joint action ensured the necessary majority to pass the resolution.

A number of African countries, Qatar, and Pakistan, acting on behalf of the Organisation of Islamic Cooperation, voted against. Three countries abstained, but none of them publicly

stated their reasons for opposing or supporting this decision.

A legal shield for vulnerable communities

The renewal of the mandate has several meanings. Firstly, it confirms the determination of the international community not to allow any backsliding in the area of human rights of LGBT and gender-diverse people.

At a time when great power rivalry and new conservative movements threaten to undermine previously won freedoms, this mechanism will serve as a legal shield for vulnerable communities.

Secondly, the track record of the independent expert has a strong influence on proactive measures in states willing to confront the problems of violence and discrimination against their citizens.

The third impact of the renewed mandate can be seen in the policy-making process within the UN itself.

Continuous monitoring of the situation and reporting on progress and failures ensures that UN bodies and national governments have reliable data on which to base laws and policies to protect LGBT rights.

This reduces the scope for arbitrary and ad hoc measures adopted by individual countries on the pretext of national values or cultural traditions.

Although the resolution received majority support, it also met with harsh criticism. Opponents claim that the protection of LGBT rights is a form of cultural imposition by which the West seeks to influence the internal regulations of other countries.

"A spark of hope in a time when reactionary powers worldwide are trying to dismantle progress that our communities fought so hard to achieve" - ILGA World

Such a stance has been supported by several African and Islamic countries, which see it as a direct contradiction to their own social and religious norms. In this context, the vote was less about universal human rights standards and more about the profound differences in values between Council members.

The reactions of civil society organisations were predominantly positive and clearly articulated. ILGA World (a global coalition of LGBT rights NGOs) **described** the vote as "a spark of hope in a time when reactionary powers worldwide are trying to dismantle progress that our communities fought so hard to achieve."

Its executive director, Julia Ehrt, said that states must translate their promises into concrete steps and give the independent expert unfettered access to accurately identify the hotspots of rights violations and respond in a timely manner.

Their statement **emphasised** that only through the serious cooperation of governments and international mechanisms can a real improvement of LGBT rights be achieved, rather than everything remaining at the level of declarations and political signals without real results.

A rift between US and European policy

The consequences of such a decision for relations between the UN and the United States should not be ignored. While Joseph Biden's administration has strongly supported resolutions and mechanisms to protect LGBT rights, Donald Trump's current course represents a complete **reversal**.

The withdrawal from the Human Rights Council and the adoption of regulations that **restrict** the transgender rights clearly show a distancing from international standards for the protection of minorities.

Such a rift between US and European **policy** may further deepen the divide within the UN and weaken the broader international platform that has been built for years around the universal rights of the LGBT community.

Germany and Canada are examples of countries that have introduced laws that facilitate administrative gender reassignment and adequately sanction hate crimes

At the national level, the question of the actual effectiveness of this mechanism remains open. Previous visits and expert reports have clearly pointed to numerous violations, from restrictions on the legal recognition of gender identity to violence against LGBT persons in police procedures and discrimination in access to health services.

However, government responses are often slow, formal, or limited to policy measures without substantive change. Germany and Canada are examples of countries that have introduced laws that facilitate administrative gender reassignment and adequately sanction hate crimes.

In contrast, the experts' efforts in several Central Asian and African countries have been met with institutional reticence and minimal cooperation, seriously limiting the possibility that the recommendations will result in concrete reforms.

A real value and not just a declarative character

Over the next three years, the independent expert will face numerous challenges that will

determine the scope of his mandate. It is necessary to intensify cooperation with regional bodies to improve the collection and exchange of data, particularly in countries that openly question the legitimacy of this mechanism.

It is important to ensure more transparency in these countries and to consistently insist on an impartial assessment according to international standards.

The expert reports must be accurate and published without delay so that the United Nations institutions can take timely supportive measures or sanctions depending on how each country is progressing or falling behind in protecting the rights of the LGBT community.



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The further course of events will depend on the willingness of the members of the UN Human Rights Council to respect independent expert's recommendations and on the ability of the UN body to control the implementation of the recommendations through monitoring and sanctions.

If this mechanism proves effective, it would send a strong signal that the universal rights of the LGBT community have real value and not just a declarative character.

Global trends increasingly reveal a deep divide between states that accept universal human rights standards and those that perceive them as a threat to their own social and cultural patterns.

In such an environment, the renewal of the mandate of the independent expert remains one of the few mechanisms within the United Nations system that truly protects the most vulnerable communities while maintaining pressure on governments to be accountable for the actions of their own citizens.

In the coming months, it will be crucial to observe how the independent expert carries out his mandate, particularly in countries that are resisting and in those where the previous recommendations can be verified by concrete changes on the ground.

Only a combination of international pressure and genuine domestic reform can lead to a visible improvement in the situation of LGBT persons where they face the greatest risks.

If this mechanism shows real results in the coming years, it could pave the way for a similar approach for other vulnerable groups. However, everything depends on whether the international institutions remain consistent in their commitment and whether the states themselves are prepared to take on the obligations arising from their constitutions and international agreements.

It is particularly important to ensure regular and accurate reporting and technical assistance to the developing countries facing the greatest challenges.

At a time of rapid political change, the work of independent expert must be firmly based on facts and detailed analyses. This is the only way to maintain the trust of communities that continue to rely on international protection of their fundamental rights.