

# **Guidance Note on Good Practices for National Human Rights Institutions on Economic, Social, Cultural and Environmental Rights (ESCR) of LGBTIQ+ people in Latin America**

**November 2025**



## **Guidance Note of Good Practices for National Human Rights Institutions on Economic, Social, Cultural and Environmental Rights (ESCR) of LGBTIQ+ People in Latin America.**

The Danish Institute for Human Rights (DIHR) is Denmark's National Human Rights Institution (NHRI), with a mandate to promote and protect human rights and equal treatment in Denmark and abroad.

The Network of National Institutions for the Promotion and Protection of Human Rights in the Americas (RINDHCA) is the regional member organization of the Global Alliance of National Human Rights Institutions (GANHRI) and reunites the American Ombudsperson's Offices, established in accordance with the Paris Principles.

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## **Table of abbreviations**

IACHR	Inter-American Commission on Human Rights
IACtHR	Inter-American Court of Human Rights
ESCER	Economic, Social, Cultural and Environmental Rights
CPR	Civil and Political Rights
GE	Gender Expression
GI	Gender Identity
ILGA-LAC	International Association of Lesbians, Gays, Bisexuals, Trans and Intersex in Latin America and the Caribbean
NHRI	National Human Rights Institution
LGBTIQ+	Lesbians, Gays, Bisexuals, Trans, Intersex, Queer, and other identities
UN	United Nations
OAS	Organization of American States
SO	Sexual Orientation
REDESCA	Special Rapporteurship on Economic, Social, Cultural, and Environmental Rights of the Inter-American Commission on Human Rights
RINDHCA	Network of National Institutions for the Promotion and Protection of Human Rights in the Americas

# Introduction

Lesbian, gay, bisexual, trans, intersexual, queer and persons with other diverse sexual orientations and gender identities (hereinafter, LGBTIQ+) are exposed to various forms of violence and discrimination in different areas, including the education system, health services and access to employment and housing.<sup>1</sup>

The Inter-American Commission on Human Rights (IACHR) has expressed concern over the difficult situation faced by LGBTIQ+ people in the Americas, considering their situation of extreme vulnerability across the continent and emphasizing that human rights violations are widespread across the region.<sup>2</sup>

In this context, under their mandate under the Paris Principles, National Human Rights Institutions (NHRIs) have a strategic role in highlighting human rights violations that this population suffers. Acknowledging this potential, the Danish Institute for Human Rights (DIHR) and the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas (RINDHCA, by its initials in Spanish) have joined efforts to compile and disseminate experiences of the Latin American NHRIs that belong to RINDHCA in the promotion and defense of the rights of LGBTIQ+ persons, with an emphasis on their economic, social, cultural and environmental rights (ESCER) and on data collection and management on this subject

The IACHR has emphasized the importance of having appropriate State mechanisms of data collection that provide insight about the human rights situation of LGBTIQ+ persons, to inform for the design of public policies and uniformly measuring the tendencies and forms of violence against this population in a State or region.<sup>3</sup> The exercise of the mandate of the NHRIs is fundamental to collect data and to advocate for State actors to implement mechanisms and appropriate categories that help understand the landscape of violence and discrimination against LGBTIQ+ persons.

In the same vein, the United Nations' Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, has highlighted that the absence of reliable data on sexual orientation and gender identity – resulting from stigma and criminalization – prevents the visibility of the magnitude of violence and discrimination against LGBTIQ+ persons. The Expert has also indicated that States have an obligation – under the principle of due diligence - to gather disaggregated and human rights-based information to design effective public policies for equality and protection.<sup>4</sup>

Despite the above, in many Latin American countries there are still gaps in information about the human rights situation of LGBTIQ+ people, specially in relation with their economic, social, cultural and environmental rights (ESCER).

This guidance note showcases current initiatives within the NHRIs of the region to make visible the good practices, common challenges, and opportunities for collaboration.

For the preparation of this document an initial normative and documental revision was carried out on the rights of LGBTIQ+ people in Latin America. Subsequently, information was collected directly from the NHRIs of Bolivia, Colombia, Chile, Ecuador, Honduras, Perú and Uruguay, during the "Meeting of National Human Rights Institutions of Latin America and the Caribbean: Collection, Processing, Analysis and Employability of Data on the Guarantee of

ESCER for LGBTIQ+ Persons” held in Bogotá, Colombia on July 8 and 9, 2025. The seven (7) invited NHRIs submitted their good practices through a questionnaire and the NHRI of Mexico shared its experience through an online interview and formal response to the questions.

This document is organized into three chapters. The first chapter presents the normative framework of the ESCER of LGBTIQ+ persons and the international standards that enable the NHRIs to protect and promote these rights. The second chapter provides a comparative view of the practices of eight (8) NHRIs, classified into the following areas: monitoring of the rights of LGBTIQ+ persons; publication of ombudsperson reports and research studies; issuance of statements in cases of human rights violations affecting this population; provision of technical advice to government entities to improve rights protection; coordination with national statistics institutions for the production of disaggregated data, awareness-raising and capacity building for public officials; handling of individual claims and control of conventionality. The third chapter identifies common challenges and opportunities for the NHRIs and presents practical recommendations to strengthen their role in the guarantee of ESCER of LGBTIQ+ persons in the region.

The Danish Institute for Human Rights and the RINDHCA expect that this guidance note contributes to advancing initiatives that promote the rights of LGBTIQ+ persons in Latin America and the Caribbean and to strengthening the role of NHRIs in the defense and promotion of human rights by fostering spaces for dialogue, learning and exchange.

# Normative framework for the protection of ESCER of LGBTIQ+ persons

National Human Rights Institutions (INHR), established by constitutional or legal mandate and funded by the State, are independent public entities that, in accordance with the Paris Principles, must promote and protect human rights with autonomy and effectiveness. They are considered the cornerstone of the national human rights protection systems and serve as a bridge between the regional and international human rights norms and systems and the States.<sup>5</sup>

Pursuant to their mandate, NHRIs play a key role in the protection of human rights of LGBTIQ+ persons and in bringing visibility to the patterns of discrimination and violence affecting this population, which includes the collection and management of data.

To this end, they rely on normative frameworks for the protection of human rights of LGBTIQ+ persons, within both the Universal and the Interamerican Human Rights Systems, as well as on the national frameworks which reinforce these obligations in each country.

Below are presented the most important universal and regional standards related to the human rights of LGBTIQ+ persons, with an emphasis on ESCER. It is important to underscore that ESCER are interdependent from civil and political rights, and, although this document focuses on the former, they cannot be addressed in an isolated manner.

Civil and Political Rights (CPR) guarantee the framework of freedom, equality and participation that enables the realization and enforcement of ESCER. In turn, the ESCER ensure dignified living conditions which are necessary to be able to exercise CPR in genuine conditions of equality. Many LGBTIQ+ persons face daily exclusion, not only from legal recognition, but also from basic conditions required to live in dignity. Recognizing this interdependence is key for people to thrive in conditions of equality regardless of their sexual orientation or gender identity.

## Universal Human Rights System

The principle of equality and non-discrimination, recognized in the Universal Declaration of Human Rights (art. 2), the International Covenant on Civil and Political Rights (arts. 2 and 26) and the International Covenant on Economic, Social and Cultural Rights (art. 2.2) mandates States to respect and guarantee the rights to all persons under their jurisdiction without distinction based on sexual orientation, gender identity or gender expression. Although these categories are not explicitly mentioned in these international instruments, there is broad recognition by human rights treaty bodies which have affirmed the obligation of States to respect, protect, and fulfill the human rights of LGBTIQ+ persons.<sup>6</sup>

Its binding nature makes it a crosscutting criterion for the interpretation and application of international human rights norms and for the implementation of the mandate of the NHRIs in promoting inclusive policies and overseeing State measures to prevent, sanction and remedy discrimination.

Regarding ESCER, the General Comments (GC) of the Committee on Economic, Social and Cultural Rights (CESCR) emphasized the obligation of States to prevent discrimination in effective access to social services. In its General Comment (GC) No. 20, the Committee recognized sexual orientation and gender identity prohibited grounds for discrimination.<sup>7</sup> Likewise, the Committee has emphasized the prohibition of discrimination against LGBTIQ+

persons in relation to the right to access to health and guarantee of the right to health (GC N° 14)<sup>8</sup>, to work (GC N° 23)<sup>9</sup>, to social security (GC N° 19)<sup>10</sup> and to sexual and reproductive health (GC N° 22)<sup>11</sup>.

The Committee has also emphasized the duty to protect specific groups – Including LGBTQI+ persons – to participate in scientific progress and its applications and to enjoy its benefits (GC N° 25)<sup>12</sup> and in the obligation of States to address the structural inequalities that exacerbate the effects of the environmental degradation on historically marginalized groups, recognizing sexual orientation and gender identity as factors of vulnerability in the context of climate crisis (GC N° 27)<sup>13</sup>.

Within the framework of the United Nations General Assembly important resolutions have been adopted concerning the human rights of LGBTQI+ persons. In several resolutions related to extrajudicial, summary or arbitrary executions, the Assembly has repeatedly condemned all killings committed for any discriminatory reason, including sexual orientation.<sup>14</sup>

Particularly noteworthy is Resolution 17/19 of 2011 of the Human Rights Council which became a cornerstone in the protection of the rights of LGBTQI+ persons at the international level, as it recognizes violence and discrimination based on sexual orientation and gender identity as a human rights issue. In this resolution the OHCHR was requested to prepare a study to document laws and discriminatory practices and acts of violence committed against individuals because of their sexual orientation and gender identity in all regions of the world.<sup>15</sup>

Said study opened the door for subsequent resolutions<sup>16</sup> and the establishment of the mandate of the Independent Expert on Protection against violence and discrimination based on sexual orientation and gender identity, who provides reports and recommendations on the matter.<sup>17</sup>

The report on “Data collection and management as a means to create heightened awareness of violence and discrimination based on sexual orientation and gender identity” from the Independent Expert, includes recommendations to States to collect and manage data on sexual orientation and gender identity based on self-identification, disaggregated variables and the possibility of cross referencing this data with other population characteristics.<sup>18</sup>

This report acknowledges the role of civil society on the matter, urges States to adopt a human rights-based approach<sup>19</sup> and reiterates the importance of the use of data to prepare policies and legislative measures.

“In order to prevent the misuse of collected data, States should follow a human rights-based approach. The overriding human rights principle of “do no harm” should always be respected; all activities must take into consideration the principles of self-determination, privacy and confidentiality, lawful use, participation, right to information, transparency, accountability and impartiality in the terms expressed in the present report and other relevant human rights sources” ([A/HRC/41/45](#) Paragraph 80)

Another significant international precedent is found in the Yogyakarta Principles<sup>20</sup> and Yogyakarta +10<sup>21</sup>, developed by international law experts. These principles constitute a nonbinding yet widely recognised interpretative framework, that translates international human

rights treaties into concrete standards for the protection of LGBTIQ+ persons. These principles call upon States to adopt measures to ensure, on equal conditions, the right to decent work, health, housing, social security and participation in cultural life, among other rights.

Additionally, since 2019 the Office of the United Nations High Commissioner for Human Rights has promoted the Standards of Conduct for Business, which provide guidance to businesses on how to fulfil their responsibility to respect the rights of LGBTIQ+ persons<sup>22</sup>, based on the UN Guiding Principles on Business and Human Rights.<sup>23</sup> In 2024, the Working Group on the issue of human rights and transnational corporations and other business enterprises issued a report containing concrete recommendations to States and businesses to protect and respect the rights of lesbian, gay, bisexual, transgender and intersex persons in the context of business activities.<sup>24</sup>

The foregoing, based on the fundamental role that business enterprises play in the effective materialization of the ESCER, among other aspects, through their contribution to the creation of employment and development opportunities.<sup>25</sup>

## **Inter-American Human Rights System**

At the regional level, the American Convention on Human Rights, the cornerstone of the Inter-American Human Rights System, recognizes the right to equality and non-discrimination (articles 1 and 24), forming the basis for the protection of LGBTIQ+ persons within this system. Complementing this framework is the Protocol of San Salvador, which is the Additional Protocol to the American Convention in the matter of economic, social and cultural rights. Its non-discrimination clause (article 3) is applicable to all persons, thereby strengthening the enforceability of ESCER to LGBTIQ+ populations.

The Inter-American Convention against all forms of Discrimination and Intolerance also stands out, as it includes a broad definition of discrimination and its various forms. This instrument expressly recognizes that discrimination may be based on sexual orientation, gender identity and expression. To date, three States have ratified this Convention: Ecuador, Mexico and Uruguay.

The Inter-American Court of Human Rights (IACtHR) and the Interamerican Commission on Human Rights (IACHR), in the exercise of their respective mandates, have emphasized on the obligation of States to protect and to guarantee the rights of LGBTIQ+ persons.

Advisory Opinion No. 24 of 2017 of the IACtHR concerning state obligations in relation to the change of name, gender identity and the rights arising from a same-sex relationship is noteworthy. In this opinion, the Court expressly stated that the principle of equal protection before the law and non-discrimination covers LGBTIQ+ persons, this entails, among other obligations, to harmonize domestic legislation with international human rights standards in this matter.<sup>26</sup>

In Advisory Opinion No. 29 of 2022 the Court focused on persons deprived of liberty and set forth specific obligations to States regarding the treatment of LGBTIQ+ persons deprived of liberty in respect of violence against them, conditions in penitentiary facilities, right to health for trans persons and intimate visitation for LGBTIQ+ persons deprived from liberty.<sup>27</sup>

The case-law of the IACtHR has established significant precedents on equality and non-discrimination in relation to LGBTIQ+ persons. Among its robust case-law, the following stand out:

Year	Case	Summary
2012	<u>Atala Riffo and daughters v. Chile</u> <sup>28</sup>	The Court found that the petitioner and her daughters were subject to discrimination and arbitrary interference in their private life in a child custody dispute in which the national courts relied on the sexual orientation of the mother as a determining factor to grant custody to the father.
2016	<u>Flor Freire v. Ecuador</u> <sup>29</sup>	In the context of a military disciplinary proceeding, the Court concluded that the dismissal of Mr. Flor Freire from the Army based on a military regulation sanctioning "acts of homosexuality" constituted a discriminatory act resulting from unequal application of domestic regulations.
2016	<u>Ángel Alberto Duque v. Colombia</u> <sup>30</sup>	The Court determined that denying the survivor's pension to a same-sex couple constituted discriminatory treatment, reaffirming the State's obligation to ensure equality in access to social benefits.
2018	<u>Ramírez Escobar et al v. Guatemala</u> <sup>31</sup>	The Court reaffirmed that sexual orientation cannot be used as a decisive factor in matters of child custody or guardianship in a case or arbitrary separation of the family during an adoption proceeding.
2020	<u>Rojas Marín v. Perú</u> <sup>32</sup>	The Court found the State responsible for acts of torture and sexual violence involving an arbitrary arrest of a person based on its sexual orientation. Among the measures orders, the Court mandated the establishment of a system for the collection of data and statistics related to cases of violence against LGBTI persons, aimed at assessing the true scope and dimension of this phenomenon.
2021	<u>Vicky Hernández et al v. Honduras</u> <sup>33</sup>	The Court found the State responsible for the assassination of a trans woman in a context of systematic violence against LGBTIQ+ persons and a lack of due diligence and research with a differential approach. Among the ordered remedies, the Court included: the design and implementation of a system for the collection of data and statistics related to cases of violence against LGBTI persons.
2022	<u>Pavez Pavez v. Chile</u> <sup>34</sup>	The Court held that the removal of Mrs. Pavez as a religion teacher in a public school based on her sexual orientation, constituted a violation of her rights to equality and non-discrimination, personal liberty, privacy and to work.
2023	<u>Olivera Fuentes v. Perú</u> <sup>35</sup>	The Court found the State responsible for an act of discrimination involving the expelling of a same-sex couple from a supermarket due to expressions of affection. The Court established an important precedent in the field of business and LGBTIQ+ human rights, as well as in relation with the burden of proof in judicial processes involving discrimination.

The IACHR, in turn, has issued fourteen admissibility reports involving the rights of LGBTIQ+ persons and has submitted ten cases to the IACtHR on this same matter.<sup>36</sup> It is also noteworthy that the creation of the Office of the Rapporteur on the Human Rights of LGBTI Persons of the IACHR in 2014, was a decisive step towards the visibility and protection of LGBTIQ+ rights.

The Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (REDESCA by its initials in Spanish), established in 2017, published the Report on Trans and Gender-Diverse Persons and their Economic, Social, Cultural, and Environmental Rights, which identifies the main obstacles and barriers to their full social inclusion, as well as good practices. The Report places particular emphasis on the right to recognition of gender identity and the full enjoyment, exercise, and enforceability of ESCER.<sup>37</sup>

The reports and technical guidelines developed by both rapporteurships serve as key inputs for the documentation, advocacy and technical assistance activities carried out by NHRIs.

It is also important to highlight the role of the Working Group to Examine the National Reports Envisioned in the Protocol of San Salvador (GTPSS by its initials in Spanish). These reports are periodically submitted by States-Parties and detail the progressive measures that they have adopted to ensure the realization of ESCER following qualitative and quantitative progress indicators. The GTPSS issues observations on the reports submitted by States, including matters related to the ESCER of LGBTIQ+ persons.

**The Guide for the Operationalization of the Indicators of the Protocol of San Salvador from a Cross-cutting LGBTI Perspective** prepared by the Working Group of the Protocol of San Salvador of the OAS, presents, from a cross-cutting LGBTI perspective, a detailed analysis of the 714 quantitative progress indicators and qualitative progress benchmarks for the national periodic reports established in article 19 of the Protocol of San Salvador.

The GTPSS is mandated to develop the indicators to measure progress in the implementation of the provisions of the Protocol of San Salvador. As part of this mandate, in 2019 the GTPSS published its Guide for the Operationalization of the Indicators of the Protocol of San Salvador from a Cross-cutting LGBTI Perspective, a guiding document for the preparation of monitoring reports on the progressive realization of ESCER, so they can reflect the existing gaps of inequality in access and in the enjoyment of these rights by LGBTIQ+ persons.<sup>38</sup>

### National legal frameworks

There are diverse national legal frameworks in Latin America concerning the protection of the rights of LGBTIQ+ persons. The following table provides a general overview of the legal frameworks in the Latin American countries that are members of RINDHCA (17 in total) in respect of key issues for the protection and promotion of LGBTIQ+ rights. This table indicates if there are legal frameworks for the protection of LGBTIQ+ rights, if the protection is partial or if they lack such protective measures.

Country	AR	BO	CL	CO	CR	EC	SV	GT	HT	HN	MX	NI	PA	PY	PE	UY	VE	Total
Decriminalization																		17
Protection against discrimination in the supply of goods and services																		8
Protection against discrimination in healthcare																		10
Protection against discrimination in education																		7

País	AR	BO	CL	CO	CR	EC	SV	GT	HT	HN	MX	NI	PA	PY	PE	UY	VE	Total
Protection against discrimination in employment	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	12
Protection against discrimination in housing	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	9
Laws against hate crimes	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	12
Marriage and civil union equality	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	8
Adoption by same-sex couples	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	6
Legal recognition of gender	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	14

Source: Prepared by the author based on data from the ILGA World Database. Consulted in July 2025.

Legend	
■	Has legal frameworks for protection
■	The legislation partially protects the right
■	Does not have legal frameworks for protection

Most Latin American countries have eliminated the laws that criminalized homosexuality or sexual diversity, some – like Argentina and Brazil – did so in the XIX century, others – like Panama and Nicaragua – as recent as 2008. Bolivia and Ecuador stand out for including in their constitutions the protection against discrimination based on sexual orientation and gender identity, other countries, such as Colombia and Uruguay have included this prohibition through national statutes.

### Implementation of legal frameworks

Progress in the protection of rights of LGBTIQ+ persons in Latin America remains uneven, particularly concerning the rights of transgender persons. In most countries of the region, it is possible for transgender persons to change their name on their official identification documents; but changing their gender marker remains limited. This form of legal recognition has concrete implications for access to healthcare, education and employment without discrimination. Even in countries with gender identity laws, practical barriers persist, such as requirements for additional documents or lengthy bureaucratic procedures.

Significant shortcomings also persist in the recognition of same-sex unions. Marriage equality and civil union are only recognized in six (6) countries (in Bolivia only civil unions are recognized, and in Mexico, recognition varies in each state), and adoption by same-sex couples is legal in six countries. The recognition of marriage equality – considered a civil and political right – has direct implications over the access to pensions, social security and employment benefits. Likewise, the protection against discrimination and violence on the grounds of sexual orientation and gender identity is an essential condition for guaranteeing access to education, employment or housing.

In conclusion, significant normative progress has been made in the region; however, substantial gaps remain between the development of legal and public policy frameworks and their effective implementation. In many countries, the rights acknowledged in paper are limited in practice by sociocultural barriers that are manifested in acts of discrimination, violence, as well as in administrative obstacles and delays in the enforcement of norms and in the State's duty to investigate and remedy violations of the rights of LGBTIQ+ persons.

# Standards for NHRIs in relation to LGBTIQ+ data collection and management

The collection and management of data in Latin America concerning the human rights situation of LGBTIQ+ persons represents a significant challenge for the region. People with diverse sexual orientations, gender identities and gender expressions are usually excluded from data collection processes. Their identities and experiences are overlooked, and the data collection instruments are rarely consulted with this population. This not only results in the invisibility of human rights violations but also creates additional risks when the standards of privacy and management of sensitive information are not considered by authorities.



In this context, it is important to highlight that the Office of the United Nations High Commissioner for Human Rights (OHCHR) has developed a set of principles, recommendations and good practices to guide a human-rights based approach to data collection from States, Civil Society and other relevant actors, grounded in the 2030 Agenda for Sustainable Development.<sup>39</sup> These criteria are highly relevant as a guideline for the NHRIs in relation to data about LGBTIQ+ population, given that this approach aligns the use of data and statistics to international human rights norms and standards.

Furthermore, the United Nations Independent Expert on Protection against violence and discrimination based on sexual orientation and gender identity has recommended the use of these criteria as a tool to promote awareness about violence and discrimination based on sexual orientation or gender identity.<sup>40</sup>

## The principles are:

- **Participation:** Includes the participation of groups in the complete cycle of data collection, dissemination and analysis.
- **Data disaggregation:** Enables the comparison between different population groups and a better understanding of the specificities of each one of them.
- **Self-identification:** Data about personal characteristics should be provided by individuals to whom the data refers to avoid causing harm through data collection.
- **Transparency:** Official data are part of the public's right to information and shall be accessible to the public.
- **Privacy:** Collected data must protect the privacy and confidentiality of individuals, ensuring that information that identifies individuals or discloses an individual's personal characteristics is not made public. Consent is an especially relevant aspect in relation to data about personal characteristics, and in particular highly sensitive data (such as sexual orientation, gender identity and health condition). Through consent, the interested individual may authorize or restrict the use of its data for specific purposes.
- **Accountability:** Data collectors are accountable for upholding human rights and ensuring that statistics are used hold States and other actors to account on human rights issues.

As a complement to the human rights-based approach, the Independent Expert on Protection against violence and discrimination based on sexual orientation and gender identity has established additional principles to guide the ethical production and use of data in this field:<sup>41</sup>

- **Do no harm:** Before initiating any data collection or dissemination process, possible risks to security, privacy and wellbeing of involved individuals and communities must be assessed, especially in contexts where sexual orientation or gender identity are criminalized or highly stigmatized.
- **Legitimate and lawful use:** Data must only be used for the purposes established in the law and can only be accessed for those who need it for those purposes. Using data to criminally prosecute same-sex relationships contravenes human rights law and, therefore, constitutes a violation of this principle.
- **Impartiality:** The collection, analysis, and publication of data must be carried out without political or ideological interferences, ensuring credibility, consistency, and autonomy.

These criteria may serve as an important guideline for NHRIs in relation to their mandate to collect and manage data about the rights of LGBTIQ+ individuals. Based on these principles, NHRIs may:

- Identify information needs and potential uses in cooperation with LGBTIQ+ population and social organizations focused on sexual and gender diversity, promoting their active involvement.
- Design methodologies, categories and forms of data collection adapted to the experiences of LGBTIQ+ persons, based on their own voices and self-identification.
- Involve LGBTIQ+ persons in the data collection and analysis.
- Promote an intersectoral approach through a broad participation of LGBTIQ+ persons seeking to capture diversity of experiences in connection with other identities and contexts influenced by age, ethnic identity, disability, migration, urban or rural population, among others.
- Encourage dialogue and intersectoral coordination by promoting cooperation between national statistics systems, public institutions and LGBTIQ+ organizations that generate data, to complement official statistics with information produced at the community level and to improve the understanding of realities of LGBTIQ+ persons.
- Disaggregate the information produced by the NHRIs themselves and promote the disaggregation of data by sexual orientation, gender identity and gender expression, along with other vulnerability factors, making sure that this practice is integrated into data collection and analysis processes to improve the quality and relevance of data on LGBTIQ+ individuals.
- Work in coordination with civil society to strengthen citizen data protection processes.
- Create protocols to guarantee data privacy and individual's discretion over what information to disclose.
- Promote awareness among all actors who work with data on the importance of applying a human rights-based approach to improve the quality, relevance and use of data and statistics in accordance with international human rights norms and principles.
- Publish data collection methodologies and promote the distribution of official data that informs the public on the human rights situation of LGBTIQ+ population.
- Through reports, statements, recommendations and other strategies, foster the use of this data in public policy decision-making, the prevention of human rights violations and the protection of LGBTIQ+ individuals.

# The role of NHRIs and good practices in the protection and promotion of ESCER of LGBTIQ+ persons

The UN Paris Principles (adopted in 1993) establish an international framework granting NHRIs a broad, independent and autonomous mandate to promote and protect human rights in all scopes, including those of LGBTIQ+ persons and economic, social, cultural and environmental rights (ESCER). These principles serve as a benchmark to ensure that NHRIs can operate without external interferences and with sufficient authority to influence state policies, legislation and practices.

Per the UN Paris Principles, NHRIs are mandated to document and prepare reports about human rights, promote the harmonization of national legislation with international instruments and compliance with treaty obligations, cooperate with the United Nations System, provide information about human rights and the fight against all forms of discrimination and make recommendations to competent authorities. Additionally, they fulfil interdependent mandates such as monitoring, receiving individual complaints and following up on public policies; functions that have been broadly interpreted to respond to the needs of LGBTIQ+ persons.

NHRIs that provided information for this guidance note on good practices have diverse mandates and organizational structures. Some of these have specific areas – such as ombudsperson offices, delegated authorities, special prosecutors or departments – with explicit responsibilities for the protection of rights of LGBTIQ+ population. In others, attention of this population falls under more general areas that work with various groups identified as being in situations of vulnerability or requiring special protection.

This chapter presents the good practices identified by the consulted NHRIs, organized by function in accordance with the Paris Principles.

## Monitoring the rights of LGBTIQ+ persons

The eight (8) consulted NHRIs have internal systems for recording cases, grievances or attention of people requesting orientation and protection of their rights.

The first identified good practice is the inclusion of disaggregated variables by sexual orientation and gender identity in information systems which allows to make visible and analyse the situation of LGBTIQ+ persons, as implemented by the NHRIs of Chile and Colombia. These variables serve as a key source of information for the institutions, enabling a continuous monitoring over time of the human rights situation of this population group. Moreover, the progressive adjustment of information systems has allowed to cross-reference population variables with the types of violated rights, thereby strengthening an intersectional approach in data analysis and contributing to a more comprehensive understanding of the inequalities and rights violations faced by LGBTIQ+ persons.

Another strategy for data collection involves surveys or studies led by NHRIs. In Bolivia, a pioneering good practice in data collection was the [First National Virtual Survey of LGBTIQ+ Population](#), an initiative carried out by the Office of the Ombudsperson of Bolivia in 2022

and 2023 in collaboration with the National Statistical Institute (INE by its initials in Spanish), UN Women, Hivos Regional, the European Union and more than forty (40) civil society organizations.<sup>42</sup>



This survey collected quantitative and qualitative data on the human rights situation of LGBTIQ+ persons in key areas such as health, education, employment, housing, justice, and violence, making it possible to identify violations of their Economic, Social, Cultural and Environmental Rights (ES CER). The indicators were developed through a participatory process and based on international human rights standards, especially the Yogyakarta Principles, making the survey a fundamental tool for the formulation of inclusive and evidence based public policies.

The survey resulted in more than 4,000 reliable records, disaggregated by identity, territory, and condition (rural, Indigenous Peoples, persons with disabilities). A good practice identified in the data collection process was the inclusion of robust verification mechanisms and the removal of sensitive data—such as personal identity numbers—during survey processing.



The NHRIs of Chile, Uruguay, and Mexico seek to conduct monitoring through human rights observatories that process statistics from official sources and provide the public with relevant information about population groups with special protection needs, including LGBTIQ+ persons. The National Human Rights Institute of Chile is currently in the pilot phase of its Education and Health Observatory, which is expected to provide easily accessible, regularly updated, and disaggregated data to make visible the human rights situation of LGBTIQ+ persons.

For its part, the NHRI of Uruguay operates the [Mirador DESCA](#), (ES CER Observatory), a joint initiative with the University of the Republic that systematizes official data on rights such as health, education, and housing, and analyses compliance with international commitments from a population-based approach, including LGBTIQ+ persons. This experience demonstrates the importance of making disaggregated data visible to facilitate public access and of training civil society organisations to strengthen their capacity to use such data and promote its future consolidation as a tool for political advocacy.

Finally, the NHRI of Mexico has developed the [Atlas de las Personas LGBTTTI](#) (Atlas of LGBTTTI Persons) within the National Human Rights Observatory, which processes 65 indicators across 7 dimensions aimed at illustrating the situation and the diverse challenges faced by this population.

The Mirador DESCA (ES CER Observatory) of Uruguay's NHRI makes it possible to visualize indicators such as the percentage of transgender persons who have experienced discrimination at least once because of their gender identity, and the percentage of transgender persons seeking employment. The Atlas of Mexico's Human Rights National Commission (CNDH, by its initials in Spanish) provides indicators on population, the right to identity (legal recognition), civil rights, the right to equality and non-discrimination, the relationship between educational level and discriminatory practices toward marriage equality, as well as human rights violations and affected persons.

## Reports and Research

One of the main strategies that NHRIs have used to raise awareness of the human rights situation of LGBTIQ+ persons is the preparation and dissemination of specific reports for this population, situational assessments, special research studies, and dedicated chapters on LGBTIQ+ persons in national human rights reports.



In Mexico the Special Report concerning the Human Rights Situation of Lesbian, Gay, Bisexual, Transvestite, Transgender, Transsexual and Intersex (LGBTI) Persons in Mexico (2019) [Annual Reports on the Human Rights Situation of LGBTI persons](#) of the National Human Rights Commission stands out. The report analyses the normative framework, official statistical sources, and information from federal authorities. It also includes proposals to the competent authorities to adopt a comprehensive human rights approach and promote substantive inclusion.<sup>43</sup>



From the NHRI of Colombia the [Annual Reports on the Human Rights Situation of LGBTI persons](#). are identified as a good practice. These reports include statistical analyses, compilations of cases of homicide and femicide, threats and violence against community leaders, prejudice-based violence against children and adolescents, violence in prisons and detention settings, prejudice-based violence against LGBTI migrants, and institutional violence.

The reports include follow-up on the implementation of public policies for this population and recommendations to competent authorities. Additionally, this NHRI monitors and issues warnings about risks of human rights and international humanitarian law violations within the framework of the armed conflict through the Early Warnings System. Between 2020 and 2024, 49 early alerts were issued identifying risks for LGBTI persons in general, and 2 warning documents included specific risk analyses related to LGBTI leaders.



In Chile [national reports on the Human Rights Situation](#), are also created. By being produced regularly, these reports make it possible to identify both progress and setbacks in the protection of rights. In this case, the LGBTIQ+ perspective is incorporated into the general reports, which helps shed light on the specific challenges faced by this population and ensures their inclusion in the national human rights agenda.



In Peru, a relevant good practice is the Ombudsman's Report No. 175 titled "[Human Rights of LGBTI persons: the need of a public policy for equality in Peru](#)" which places special emphasis on the right to gender identity of transgender persons and the right to health of LGBTI persons.<sup>44</sup> Two years after its publication, follow-up on this document was carried out through [Deputy Ombudsman's Office report N° 007-2018-DP/ADHPD](#) which presents progress made in the implementation of its recommendations.

## Complaints handling

The eight (8) participating NHRIs provide direct assistance to LGBTIQ+ persons seeking guidance, accompaniment, and support in cases of human rights violations. These institutions ensure national coverage through regional and local offices. It is also noteworthy that some have established specialized delegations or programs for the attention of LGBTIQ+ populations, which provide legal assistance and promote rights awareness, supported by specific knowledge of the normative framework that protects the ESCER rights of LGBTIQ+ persons.

In Colombia, the “Gender Duos” (Duplas de Género) strategy, implemented in all 32 departments of the country, stands out. These Duos are composed of psychosocial and legal professionals who aid women and LGBTIQ+ persons and refer cases to the competent local authorities. The data collected by these Duos feed into the reports prepared by this NHRI.

In Mexico, specialized counselling on legal matters and access to health services is provided through the Special Program on Sexuality, Health and HIV (PESSV, by its initials in Spanish). This program supports the organizational strengthening of LGBTIQ+ groups and leads awareness-raising and human rights promotion processes.

## Statements in cases of human rights violations against LGBTIQ+ persons

Based on the cases directly addressed by the NHRIs and the monitoring of the human rights situation carried out through the previously mentioned strategies, the eight (8) participating NHRIs have issued statements calling on the State to take action in response to specific cases or situations affecting the rights of LGBTIQ+ persons. These actions have contributed to setting judicial precedents, promoting protective legislation, and overcoming barriers to the effective enjoyment of rights.

In these statements, the NHRIs underscore the obligations of States derived from international standards and issue recommendations concerning the rights of LGBTIQ+ persons.

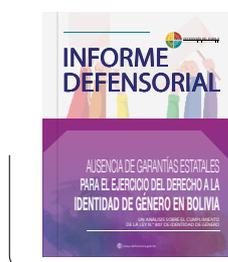
The Ombudsperson’s Office of Ecuador has a specialized structure on gender and diversity, which has enabled it to address relevant and strategic cases. A notable good practice in strategic litigation was the extraordinary protection action in the case of a transgender girl, which resulted in a judgment by the Constitutional Court of Ecuador mandating the Ministry of Education to prevent violence based on sexual orientation and gender identity ([Judgment 95-18-EP/24](#)). The Ombudsperson’s Office has also promoted [legislation on assisted human reproduction](#) following the Saskia case (same-sex couple) and has intervened in identity recognition cases for trans migrant persons, achieving an impact on the policies and practices of the Civil Registry.

In Honduras, the National Commissioner on Human Rights (CONADEH, by its initials in Spanish) has worked to guarantee access to education for trans persons, particularly regarding obstacles to obtaining the National Identification Document and restrictions on photographs reflecting their gender expression. Since 2022, in compliance with the judgment of the Inter-American Court of Human Rights (IACtHR) in the case *Vicky Hernández et al. v. Honduras*, it has been recognized as good practice to allow trans persons to be photographed in accordance with their gender identity, although gaps remain regarding name and gender marker changes.

Another good practice highlighted by CONADEH is the exercise of conventionality control, which, through coordination between the Delegated Office of the Ombudsperson for LGBTIQ+ Persons and the Delegated Office for Children, led to the issuance of recommendations on the use of restrooms in universities. This resulted in the adoption of a rights policy for LGBT persons at the National University and has encouraged training and similar initiatives in other universities.

In Mexico, the recommendations issued by the National Human Rights Commission No. [23/2015](#) on marriage equality and No [42/2024](#) on the rights to health, education, work, gender identity, equality and non-discrimination, housing, culture, and access to justice for the trans population stand out. Regarding the latter, a good practice identified is the work carried out by the Commission in collaboration with LGBTIQ+ civil society organizations, through which a needs assessment was conducted to inform the content of this document.

In Peru, the Ombudsperson's Office has issued statements through [Legal Ombudsperson's Reports](#) concerning various rights of LGBTIQ+ persons such as the use of sanitary facilities according to self-perceived gender identity, the detention conditions of LGBTIQ+ persons in 23 prisons across the country, the recognition of same sex parentage, and marriage equality.



Another good practice is monitoring compliance with national legislation. An example of this is the analysis conducted by the Ombudsperson's Office of Bolivia in the [Report on compliance with Statute No. 807 on Gender Identity](#). This report verified the lack of compliance in adapting internal regulations and procedures to guarantee the right to identity of transgender and transexual persons within public and private institutions.

## Coordination with National Statistics Offices to produce disaggregated data

In Latin America, challenges remain regarding the collection of disaggregated data by National Statistics Offices.<sup>45</sup> In response to this situation, NHRIs have made progress in coordinating with national statistical institutions and other entities that produce official data, with the aim of strengthening the collection of these variables, contributing to pilot initiatives on disaggregated statistical operations, and providing technical advice to ensure that such records support the protection of the human rights of LGBTIQ+ persons.

The National Human Rights Institute from Chile participates in the [Sexual and Gender Diversity Statistics Project](#) led by the National Institute of Statistics of Chile, which forms part of the implementation of the SGOS Standard (Sex, Gender and Sexual Orientation, by its initials in Spanish) and the Gender Identity Law. The project seeks to characterize the LGBTIQ+ population in comparison with the cisgender heterosexual population in areas such as health, education, employment, violence, discrimination, support networks, and family. The NHRI takes part in the inter-institutional working group that accompanies the process, contributing to the identification of statistical needs and to the monitoring of progress. A good practice identified in this process is the NHRI's ability to influence statistical categories and to mediate between organizations and the State, facilitating dialogue and coordination with the directly affected population.

In Ecuador, following the [2022 Census](#), an evaluation was conducted on the application of disaggregated variables, which identified limitations and underreporting related to data

collection methods. The NHRI currently participates in inter-institutional working groups aimed at improving future statistical operations, particularly in respect of the principle of privacy from a human rights-based approach.

In Colombia, the National Administrative Department of Statistics (DANE, by its initials in Spanish) has made progress in recent years in the [production of official data with a differential and inter-sectional approach](#) including [surveys on sexual and gender diversity](#), post-census studies and the incorporation of variables in [national surveys](#). This information was used to design and negotiate the [National LGBTIQ+ Policy](#), a process in which the Ombudsperson's Office of Colombia plays a key role in driving the participatory monitoring strategy and promoting this public policy.

In Mexico, the National Human Rights Commission has coordinated with the National Institute of Statistics and Geography (INEGI, by its initials in Spanish), other public institutions and academia to conduct the first [National survey on sexual and gender diversity](#). During the survey design process, the participation of the NHRI was key for the definition of concepts and categories.

## Promotion of human rights and awareness-raising for cultural change

In the field of human rights promotion, the eight (8) NHRIs carry out various initiatives to disseminate information on the rights of LGBTIQ+ persons. Some focus on communication campaigns, others on training public officials, and others on awareness-raising processes for the public.

As a positive experience, the NHRI from Chile highlights the 2025 [Pride Day campaign](#) developed with civil society, which seeks to make visible the contributions of LGBTIQ+ persons, moving away from the victimization approach. The NHRI also highlighted the [coordinated work with the national penitentiary authority](#) which resulted in communication material about the respect to the rights of LGBTI persons in the context of deprivation of liberty, including the promotion of the use of preferred names and pronouns, access to health and respectful body searches.



In Bolivia, actions related to sexual and gender diversity are integrated into the four-year [Ombudsperson's Office Action Plan](#). A noteworthy initiative is the prioritization of an awareness-raising program aimed at normalising diversity and promoting visibility for marriage equality. The 2025 Plurinational Meeting on Human Rights of LGBTI Population also stands out for building a human rights agenda for LGBTIQ+ population.

# Challenges and Opportunities

The NHRIs participating in this process identified the following main challenges and opportunities regarding the implementation of their mandates in relation to the rights of LGBTIQ+ persons and, specifically, concerning the data ecosystem in Latin America:

## Challenges

- In some countries, the recommendations of NHRIs are not binding, which limits their ability to have a direct impact in the transformation of public policies and practices.
- These limitations are exacerbated by the scarcity of human and financial resources, insufficient technical capacities to design, analyse and use key data on rights, and the lack of a desired level of disaggregation for an in-depth analysis on the human rights situation, particularly concerning ESCER.
- The situation becomes more complex in the context of discrimination and violence, where political resistance to include variables related to sexual orientation and gender identity in official statistics persists, along with challenges in institutional coordination.
- The absence of specific variables in official data prevents its disaggregated use, thereby restricting the appropriate visibility of LGBTIQ+ persons.
- The challenges in inter-institutional communication derived from the absence of standardization in data records.
- The need for continuous training for the personnel in charge of data collection and systematization, and NHRI staff who provide services for the public.
- The low visibility of research studies produced by social organizations, which diminishes their influence on policy development.

## Opportunities

- Current international and regional legal frameworks constitute significant legal support for the work of NHRIs in the ESCER of LGBTIQ+ persons under the principles of equality and non-discrimination.
- NHRIs have developed their own reports and information systems derived from citizen services and case accompaniment, which fosters trust, reinforces their legitimacy, and positions them as reference institutions in producing information from a sexual orientation and gender identity perspective.
- In several countries, dialogue spaces and alliances have been established with statistical offices, government entities and civil society, allowing the generation of useful evidence on the rights situation of LGBTIQ+ persons.
- At both international and national levels, methodologies and indications have been designed to measure the progress of the rights situation of LGBTIQ+ persons.
- There is a growing recognition of the importance of having robust and reliable information to progress in the guarantee of rights and in the construction of more inclusive societies.

## Recommendations

Based on the above reflections, the following recommendations are presented to the NHRIs of the region regarding the implementation of their mandate in the promotion and protection of the rights of LGBTIQ+ persons, with an emphasis on the collection and use of data on their ESCER.

- Prepare national and thematic reports on the rights of LGBTIQ+ persons, involving LGBTIQ+ population in the design, definition of indicators, data collection and analysis, while ensuring an intersectoral approach at all moments.
- Promote inclusive data policies that recognize LGBTIQ+ population in national statistics, provide guidance to national statistical offices on legal frameworks for data protection and recommend human rights indicators that enable the measurement of progress in the recognition and protection of their rights.
- Strengthen mechanism for the reception, recording and handling of complaints through the disaggregated use of variables in accordance with international human rights standards, enabling the comparison of data (sex, sexual orientation and gender expression), and recommend that governments adopt these variables in a standardized manner within their information systems.
- Develop protocols or guidelines for the recording, safeguarding, and management of sensitive data, ensuring their protection, and strengthen data recording processes in citizen services to prevent underreporting or poor-quality records.
- Develop communication, cultural change and human rights awareness initiatives that use data to dismantle stereotypes and make experiences visible, through the creation of inclusive materials.
- Develop a strategic use of the information produced by the NHRI, official entities, and civil society which includes: monitoring actions and advocacy in the formulation and implementation of public policies, structural recommendations to authorities, guiding civil society organisations in the strengthening their data recording systems, and the use of tools such as infographics to generate public debate based on concrete data, as well as the preparation of reports that integrate environmental and cultural rights.
- Identify opportunities for advocacy before regional and universal human rights actors especially by using the established mechanisms to report about ESCER of LGBTIQ+ persons within the Interamerican System.
- Promote coordination between NHRIs in the LGBTIQ+ Working Group within the RINDHCA framework, with the purpose of consolidating a regional space that facilitates the exchange of experiences, strengthens institutional capabilities, advances the development of common standards of information, and enhances joint advocacy before international bodies, thereby contributing to a greater visibility and protection of the rights of LGBTIQ+ persons in the region.

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