

Briefing for Roundtable with the UN Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity.

| | |
|--------------------------|--|
| What | A roundtable with senior Scottish government officials and Mr Victor Madrigal-Borloz, UN Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity, and his delegation from the UN Office of the High Commissioner for Human Rights, during his visit to Scotland as part of his UK visit to assess human rights of LGBT persons. |
| Where | St Andrew's House, Boardroom A+B |
| When | Tuesday 2 May 2023, 10:30 – 12:30 (2 hours) |
| Key Message(s) | <ul style="list-style-type: none"> • The Scottish Government is committed to advancing equality for LGBTI people, and promoting, protecting and realising the rights of every LGBTI person in Scotland. • Our support for trans rights does not conflict with our continued strong commitment to uphold the rights and protections that women and girls currently have under the 2010 Equality Act. • We are undertaking a number of programmes of work to advance equality and remove barriers for LGBTI People. • We will continue to work with a wide range of third sector organisations to ensure that the voices of those with lived experience can help to improve outcomes for LGBTI communities across Scotland, ensuring everyone regardless of their sexual orientation and/or gender identity feels safe to be themselves. |
| Who | List of attendees is on the Agenda (Annex A) |
| Why | An opportunity to meet with Mr Madrigal-Borloz and discuss LGBTI Equality in Scotland. (More at Annex B) |
| Briefing contents | <p>Annex A: Agenda (attached separately)</p> <p>Annex B: Chair's Steering Brief (attached separately)</p> <p>Annex C: Biography: Victor Madrigal-Borloz</p> <p>Annex D: The Independent Expert's Visit to the UK</p> <p>Annex E: Sensitivities</p> <p>Annex F: FMQ briefs on key issues:</p> <ul style="list-style-type: none"> ○ [redacted] <p>Annex G: Funding to LGBTI Stakeholders</p> <p>Annex H: Joint submission to UN Independent Expert from LGBTI stakeholders (embedded).</p> <p>Annex I: A summary of UN input during the GRR Bill and a letter from Mr Madrigal-Borloz (both embedded).</p> |

Briefing for Roundtable with the UN Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity.

ANNEX C

BIOGRAPHY: VICTOR MADRIGAL-BORLOZ



Victor Madrigal-Borloz, UN Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity.

In late 2017 the United Nations Human Rights Council appointed Mr. Madrigal-Borloz as UN Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity (also referred to as the UN Independent Expert on Sexual Orientation and Gender Identity). In this capacity, he assesses the implementation of international human rights law, raises awareness, engages in dialogue with all relevant stakeholders, and provides advisory services, technical assistance, capacity-building to help address violence and discrimination against persons on the basis of the sexual orientation or gender identity.

Victor Madrigal-Borloz, a Costa Rican jurist, is a senior visiting researcher at the Harvard Law School's Human Rights Program. He is in residence at Harvard Law School from July 2019 to December 2023. Until June 2019, 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.

A member of the UN Subcommittee on the Prevention of Torture from 2013 to 2016, Mr Madrigal-Borloz was Rapporteur on Reprisals and oversaw a draft policy on the torture and ill-treatment of LGBTI persons. Prior to this he led technical work on numerous cases, reports and testimonies as Head of Litigation and Head of the Registry at the Inter-American Commission on Human Rights. He has also worked at the Danish Institute for Human Rights (Copenhagen, Denmark) and the Inter-American Court of Human Rights (San José, Costa Rica).

Mr Madrigal-Borloz is a founding member of the Costa Rican Association of International Law (ACODI), a founding Board member of the International Justice Resource Centre (IJRC), and a founding Board member of Synergia-IDH.

Briefing for Roundtable with the UN Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity.

ANNEX D

THE INDEPENDENT EXPERT'S VISIT TO THE UK

The UN Independent Expert on Protection against Violence and Discrimination based on Sexual Orientation and Gender Identity, Victor Madrigal-Borloz, will conduct an official visit to the United Kingdom of Great Britain and Northern Ireland from 24 April until 5 May 2023, visiting Scotland from the 30 April – 2 May.

Mr Madrigal-Borloz, [QUOTE]: *“The visit provides a valuable opportunity to assess the implementation of existing national and international human rights standards to combat violence and discrimination against lesbian, gay, bisexual, transgender and other gender diverse persons (LGBT) people in the country”. [20 April 2023]*

During his visit, he will meet with government officials, political representatives, national human rights institutes, and civil society organisations working on issues related to the human rights of LGBT persons, and others.

The Expert will study the different manifestations of violence and discrimination based on sexual orientation and gender identity. Mr Madrigal-Borloz hopes to identify good practices as well as challenges towards the elimination of violence and discrimination based on sexual orientation and gender identity during his visit, on the basis of which he will provide recommendations to UK authorities based on international human rights law and standards.

Mr Madrigal-Borloz will hold a news conference to share his preliminary findings in London on Friday 5 May at 11:30 a.m. local time, at the International Maritime Organization (IOM).

The final findings and recommendations from the visit will be presented at a later session of the UN Human Rights Council.

Briefing for Roundtable with the UN Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity.

ANNEX E

SENSITIVITIES

Gender Recognition Reform Bill:

On the 18th of January, the UK Government invoked section 35 of the Scotland Act 1988 preventing the Bill from progressing to Royal Assent. On the 20th of January, Alister Jack declined invitation to speak to Parliament Equalities committee and on the 21st of January, the Cabinet Secretary, Shona Robison, wrote to Alister Jack calling S35 an attack on the Scottish Parliament and seeking further clarity.

On 12 April 2023, the Scottish Government announced decision to challenge section 35 order and on 19 April, it published the petition setting out reasons for legal challenge.

[redacted]

[redacted]

[redacted]

[redacted]

Briefing for Roundtable with the UN Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity.

[redacted]

[redacted]

[redacted]

[redacted]

Briefing for Roundtable with the UN Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity.

ANNEX F

FMQ BRIEFS ON KEY ISSUES

[redacted]

Briefing for Roundtable with the UN Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity.

- **ANNEX H**

Joint Submission to UN Expert from LGBTI Stakeholders

Attached separately

Briefing for Roundtable with the UN Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity.

ANNEX I

Summary of UN involvement on GRR Bill

Attached separately

Letter from Mr Madrigal-Borloz on the GRR Bill

Attached separately