



**38<sup>th</sup> UPR WORKING GROUP SESSIONS  
SOGIESC RECOMMENDATIONS  
(3 - 14 May 2021)**

This report contains a summary and the SOGIESC recommendations of the 38<sup>th</sup> UPR Working Group Sessions.

The structure of the report includes SOGIESC remarks made by the State under Review, advanced questions from Member States and recommendations of Cycle II and III.

The report is based on the draft report submitted by the Working Group and notes taken by ILGA during the Working Group Sessions and drafted by Gabriel Galil (Senior Programme Officer) and Farai Chikwanha (UN Advocacy Intern)

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## BELGIUM UPR SOGIESC RECOMMENDATIONS

**DATE AND TIME OF THE REVIEW: 5 MAY 2021, 09:00-12:30**

**DATE AND TIME OF THE ADOPTION OF THE REPORT: 7 MAY 2021, 15:00-1800**

During the 38<sup>th</sup> UPR Working Group Sessions, Belgium received 4 SOGIESC recommendations. It will respond to these recommendations no later than the 48th session of the Human Rights Council.

### A. SOGIESC Information

#### National Report

31. At all levels of government, Belgium has developed tools to tackle discrimination against LGBTIQ+ persons and vulnerable groups more generally. At the regional level, the Flemish Region's plan of action against discrimination in the workplace focuses on awareness-raising, self-regulation, monitoring and sanctions. Self-regulation has been introduced through sectoral agreements and an action plan providing for "mystery calls" to be made to service-voucher companies. The Flemish labour inspectorate is carrying out enhanced monitoring. The plan of action will be assessed during the current legislature. Following this assessment, further measures will be taken, including through sectoral agreements and an awareness-raising campaign. In the Brussels-Capital Region, the Ordinance of 16 November 2017 authorizes regional labour inspectors to use situational tests and "mystery shopping" for anti-discrimination purposes. In parallel with these efforts, a reform of the regional tools for diversity came into effect on 1 January 2020. The objectives are to raise awareness among businesses of the issue of diversity, combat discrimination, take corrective action in the event that a violation is proved and put in place a sectoral approach. In addition, the Brussels prevention and security service is strengthening anti-discrimination training for persons working in security and prevention and financing a large number of projects conducted by communities and associations in this area. In the Walloon Region, the Decree of 2 May 2019 amending the Decree of 6 November 2008 on the fight against certain forms of discrimination has strengthened overall efforts to prevent and combat discrimination, as well as the available interventions and penalties, including by refining and clarifying the different forms that such efforts may take and by expanding the list of protected characteristics and related factors and broadening protection to cover a wider range of persons. The 2019–2024 Policy Declaration of the Walloon Region provides for the introduction of a legal framework for situational testing mechanisms.

37. The new Transgender Persons Act of 25 June 2017 entered into force on 1 January 2018. Since that date, transgender persons have no longer had to meet specific medical criteria to have their registered sex and given name officially amended. In addition, in May 2018 Belgium launched the Interfederal Action Plan to Combat Discrimination and Violence against Lesbian, Gay, Bisexual, Transgender and Intersex Persons 2018–2019. This iteration of the plan builds on two previous plans dating from 2013.



## Compilation of UN Information

10. While welcoming the measures Belgium had taken to combat all forms of discrimination, the Human Rights Committee expressed its concern about the persistence of discriminatory acts against persons belonging to ethnic, religious, linguistic or sexual minorities. It noted with concern the persistence of discriminatory acts such as ethnic profiling for identity checks by the police and obstacles to access to housing or the enjoyment of social benefits, owing to discrimination based on language, without the provision of effective remedies. It also noted that data disaggregated by ethnicity, sex and age were missing at various levels and that no national action plan against racism had yet been adopted.

## Summary of Stakeholder's Information

15. The joint submission put together by the Belgian Disability Forum recommended ending gender-related intersectional discrimination by implementing concrete measures in specific areas, such as quality employment, training, recreation and culture, with the involvement of the lesbian, gay, bisexual and transgender community.

16. The ACV-CSC Confederation<sup>1</sup> indicated that, despite considerable legislative and administrative advances, transgender persons and persons who have changed their sex still experience significant exclusion in real life. In practice, they probably face a significant amount of direct discrimination and unconscious bias.

17. The Comité de pilotage et d'appui méthodologique (Coalition of Sexual Health NGOs for UPR) (CPAM) (JS) recommended the continuation of efforts to fight discrimination and racism targeting gay men and immigrants of sub-Saharan origin, the largest groups of people living with HIV in Belgium.

56. CPAM (JS) recommended that a dialogue be started with the various health-sector stakeholders with a view to re-evaluating temporary deferral criteria and the related donor deferral periods that are based on sexual orientation.

### **B. SOGIESC Advanced Questions for Belgium**

- **Panama:** What measures are being taken to ensure HPV vaccination is equally reimbursed for boys and girls until 18 years old?

### **C. Belgium's Working Group Session**

- **Opening remarks (H.E. Ms. Sophie Wilmès, Minister for Foreign Affairs, Foreign Trade and Federal Cultural Institutions):** Since 2018, the official modification of civil status, sex and first name of a transgender person is no longer subject to a requirement of medical proof or medical conditions before it can be carried out. Belgium has also launched an inter-federal action plan to tackle discrimination and violence against

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<sup>1</sup> The Confederation of Christian Trade Unions.



LGBTI persons, covering the period 2018-2019. Our new plan to replace this previous one is currently being drawn up.

#### **D. Recommendations for Cycle III (2021)**

##### **a) Remarks of States**

- **Albania:** We welcome the significant progress made by the Belgian government in implementing the recommendations made during the last UPR. In this regard, we welcome the improvements made to Belgian national legislation on the protection of human rights, in particular through the creation of a Federal Institute for the Protection and Promotion of Human Rights (IFDH), the ratification the Istanbul Convention on Combating Violence against Women and Domestic Violence; reforms aimed at improving conditions of detention, in particular by reducing the prison population, and developing instruments to combat discrimination against LGBTQI + people, including vulnerable groups.
- **Cambodia:** We recognize Belgium's extensive efforts to protect and promote rights of women and girls, transgender and persons with disability.
- **Iceland:** Iceland welcomes the delegation of Belgium and efforts to promote and protect human rights, in particular LGBTI+ rights.
- **Israel:** We commend Belgium for its progress regarding transgender persons since its last review, including the adoption of the new Transgender Persons Act, in line with our previous recommendation on this topic. We also commend Belgium for launching the Interfederal Actions Plan to Combat Discrimination and Violence against LGBTQI Persons.
- **Italy:** Italy commends Belgium for the ratification in 2016 of the Istanbul Convention on Violence against Women and Domestic Violence. We also praise its commitment to promoting and protecting the rights of LGBTI persons, including through the adoption of the 2017 Transgender Persons Act and the launch in 2018 of the Interfederal Action Plan to Combat Discrimination and Violence against LGBTI Persons.
- **Uruguay:** Uruguay welcomes the Belgian Delegation, and thanks it for presenting its report, welcoming the adoption of the Inter-Federal Action Plan against Discrimination and Violence against LGBTI Persons.

##### **b) The following recommendations will be examined by Belgium, which will provide responses no later than the 48th session of the Human Rights Council:**

- **Ecuador:** Finalise the process for the adoption of the national plan to combat racism to eradicate discriminatory acts against persons belonging to ethnic, religious, linguistic or sexual minorities, and combat xenophobia and hate speech, especially against migrant and refugee children (7.19)
- **Israel:** Ensure equality and non-discrimination based on sexual orientation by lifting restrictions imposed on homosexual men from donating blood, and adopt the least exclusionary approach taking into account current scientific studies (7.26)
- **Malta:** Take further legislative steps to ensure legal gender recognition happens through a quick, transparent and accessible procedure (7.25)

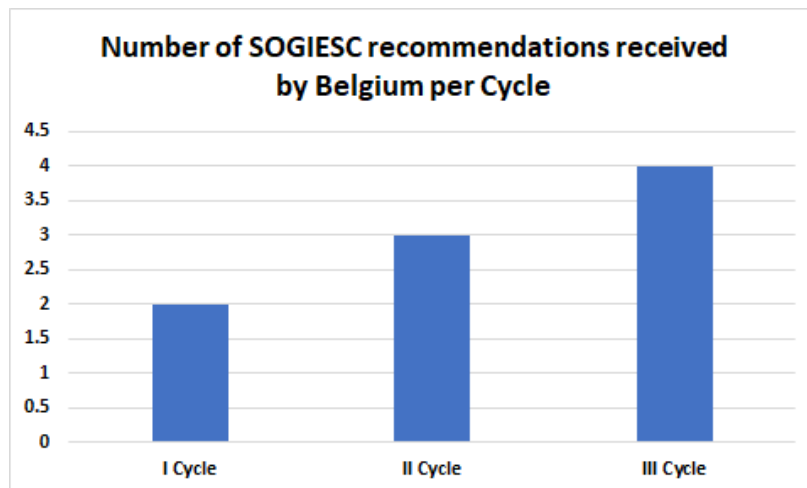


- **United States of America:** Devote additional resources to prosecuting hate crimes and countering discrimination against vulnerable groups, in particular Muslims, LGBTQI+ persons, refugees and migrants, and persons of African origin (7.10)

**E. Recommendations for Cycle II (2016)**

Recommendation	Recommending State	Response
Strengthen the national plans and policies to prevent acts of discrimination and violence motivated by racial and/or religious hatred, xenophobia, homophobia and gender grounds	Chile	Supported
Consider abolishing the requirements for medical interventions for transgender people who wish to obtain legal recognition of their gender	Israel	Supported
Amend the legislation to allow the change of the civil identity without need of previous surgery	Spain	Supported

**F. Graphic Comparison Between Cycles (1–3)**



**G. SOGIESC recommendations shared by HRDs during ILGA's UPR advocacy week in Geneva: Ex Aequo**

1. Limit the use of criminal law on penalization of HIV transmission to cases where intentional transmission is proven.
2. Ensure that the criminal law is never used against people living with HIV for not disclosing their status to sexual partners when all possible means to not transmit HIV have been taken by the person living with HIV/Aids, including undetectability of viral load thanks to treatment.
3. Ensure equality and non-discrimination based on sexual orientation by lifting or reducing restrictions imposed on Men having Sex with Men from donating blood and that the least exclusionary approach possible be adopted (revisiting phrasing of



pre-donation questionnaire), taking into account current scientific studies (regarding epidemiological data, PrEP use...).

4. Introduce sexual health policies that are non-discriminatory to LGBTI people, specially, men having sex with men by ensuring free access to sexual and reproductive health and rights including by access to HPV vaccines to both boys and girls until 18 years old and immune-depressed persons.
5. Ask that the Constitutional Court's ruling 122/2019 be followed.
6. Ask that the various health stakeholders be convened to carry out a consultation in order to re-evaluate the evaluation criteria for temporary exclusions in blood donation.
7. Align the age of reimbursement of HPV vaccination to 18 years for both boys and girls
8. Vaccinate free of charge all immuno-depressed persons, including persons living with HIV against HPV up to 40 years of age, and beyond 40 years of age in the case of treatment of precancerous lesions to prevent recurrence.
9. Vaccinate all Men having Sex with Men against HPV until 45 years of age.
10. Continue training of Police staff to ensure homophobia reports made by gay men are taken with all seriousness.
11. Increase funding of social work to ensure homophobia is properly addressed within education programs on relational, emotional and sexual life (EVRAS).

#### H. [Video of Belgium's UPR Working Group Session](#)

- I. **SOGIESC Mentions During Belgium's UPR Outcome (This section will be completed after the 48th session of the Human Rights Council, in October 2021)**



## DENMARK

### UPR SOGIESC RECOMMENDATIONS

**DATE AND TIME OF THE REVIEW: 6 MAY 2021, 09:00-12:30**

**DATE AND TIME OF THE ADOPTION OF THE REPORT: 11 MAY 2021, 16:30-18:00**

During the 38<sup>th</sup> UPR Working Group Sessions, Denmark received 8 SOGIESC recommendations. It will respond to these recommendations no later than the 48th session of the Human Rights Council.

#### A. SOGIESC Information

##### National Report

15. In addition, the Act on Prohibition against Discrimination on Grounds of Race, Colour, National or Ethnic Origin, Belief or Sexual Orientation criminalizes discrimination on the mentioned grounds.

25. Since 2012, Denmark has allowed same-sex marriage. In relation to family law, both members of a female couple can be parents from the birth of the child. Same sex couples have the same rights in relation to adoption as heterosexual couples.

26. In 2014, Denmark introduced a simple administrative procedure allowing legal gender recognition for transgender persons. Furthermore, Denmark developed a neutral code ending the use of the transgender diagnosis code "Gender identity disorders". New guidelines on gender reassignment treatments were issued to abolish the previously mandatory psychiatric evaluation. The current legislation on gender reassignment contains relevant safeguards.

27. Since 2016, it has been possible for children and adolescents to receive medical counselling on gender identity issues and to be considered for hormone-treatment, initially to postpone puberty, and subsequently possibly cross-sex hormone therapy. No age restriction is imposed. However, the first stages of puberty should be entered before starting hormone treatment.

28. A Governmental Action Plan was launched in 2018 comprising a number of initiatives aimed at strengthening the security, health, well-being and equal opportunities for LGBTI persons, including a general legislative review.<sup>30</sup> Based on the review, the Government presented several initiatives focusing on discrimination, hate speech and hate crime, family law as well as legal gender recognition in 2020.

31. In line with Denmark's obligations under the ICERD and the implementation of the principle of responsibility to protect, Denmark attaches great importance to preventing and combatting hate speech and hate crimes. The Criminal Code prohibits public threatening, humiliating or degrading statements based on race, colour, national or ethnic origin, religious faith or sexuality. In relation to other criminal offences, it will be regarded as an aggravating circumstance, if the offence is based on the ethnic origin, religious faith or sexuality of others or similar issues. Associations undertaking acts with the purpose of promoting racial discrimination or hate speech, can be punished in accordance with the Criminal Code. If an





association has been dissolved in accordance with the Danish Constitutional Act, the continuation of the association is banned.

32. The National Police has a strong focus on combatting hate crimes. The law enforcement training include mandatory training on how to identify, register, investigate and handle hate crimes. Since 2016, the National Police has implemented several initiatives to strengthen the effort. These initiatives include a supplementary additional hate crime training course, various outreach activities aimed at raising public awareness and encouraging victims to report hate crimes. The National Police furthermore has an ongoing dialogue with a number of relevant stakeholders such as the Jewish Community and LGBT Denmark. The purpose of the dialogue is to establish a closer and ongoing collaboration with the stakeholders in order to obtain input for future police efforts concerning hate crimes. In 2015, the National Police launched a monitoring programme on hate crimes on a national scale and now releases an annual report on hate crimes.

82. The Danish Parliament abolished criminalization of defamation of religion and religious symbols (blasphemy) in 2017. However, it remains a criminal act publicly, or with intent to disseminate to a wide group of people, to issue a statement or other communication threatening, humiliating or degrading persons of a particular group because of their race, colour, national or ethnic origin, religious faith or sexuality (defamation). However, only aggravated examples of defamation are under public prosecution. Lesser acts of defamation are a private cause of act.

88. The Danish health legislation does not allow surgery on minors with variations in gender sex characteristics, unless there is a medical indication. Surgery on persons with variations in sex characteristics is a highly specialized area within the Danish healthcare system and is performed exclusively at Aarhus University Hospital and the National Hospital (Rigshospitalet) after thorough evaluation in a multidisciplinary setup.

149. In 2015, following the approval of the Parliament of Greenland, the scope of the Danish legislation on same sex marriages was extended to Greenland.

### [Compilation of UN Information](#)

9. The Committee on Economic, Social and Cultural Rights was concerned at the remaining gaps in the anti-discrimination legal framework of Denmark, including regarding sexual orientation, gender identity, age, religion and disabilities. It reiterated its recommendation to adopt comprehensive anti-discrimination legislation.

10. Two treaty bodies were concerned at reports of unnecessary and irreversible surgery and other medical treatment to which intersex children had been subjected before the age of 15, when their informed consent was required.



## Summary of Stakeholder's Information

12. DIHR<sup>2</sup> recommended that Greenland take initiative to introduce legislative measures on a general protection against discrimination on all generally recognised grounds, including gender, race or ethnic origin, disability, age, sexual orientation and religion, both within and outside the labour market, including by establishing an independent appeals board.

22. JS4<sup>3</sup> recommended that Denmark take effective actions to prohibit hate speech. CoE-ECRI<sup>4</sup> recommended that Denmark encourage the country's political leadership and representatives to condemn all forms of racist and homo/transphobic hate speech and apply appropriate sanctions when necessary.

27. AI<sup>5</sup> reported that Denmark did not explicitly include sex characteristics as protected grounds in anti-discrimination provisions. AI recommended introducing sex characteristics, gender identity and gender expression as a ground of discrimination in legislation in the areas of health, housing, education and employment and hate crime.

28. JS3<sup>6</sup> stated that some intersex children were subjected to unnecessary medical and surgical interventions that were undertaken without consent from the child below 15 years old.

29. JS3 stated that transgender persons did not enjoy the right of the process of physical gender transition, but only as a privilege to be granted by a panel of health professionals. Many people who wished to undergo this surgery were kept waiting for years.

30. JS3 recommended amending legislation to ensure that all non-urgent medical interventions are postponed until a child is mature enough to participate in meaningful decision-making, and to give their full, free and informed consent. It recommended adopting legislative, administrative, and other measures to ensure equal access of adult intersex people to gender-affirming treatment that relates to their gender identity rather than to their legal sex. AI recommended providing mandatory training to medical and healthcare professionals on gender and bodily diversity.

71. AI recommended that Denmark provide mandatory, comprehensive, age appropriate, gender-sensitive, evidence-based, and grounded in human rights, sexuality and relationships

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<sup>2</sup> The Danish Institute for Human Rights.

<sup>3</sup> Joint submission 4 submitted by: SOS Racisme Denmark; Center for Danish-Muslim Relations Almen Modstand (Common Resistance against the "Ghetto Package"); Demos, Women in Dialogue, Muslim Youth in Denmark, The Legal Affairs Association, Global Action, ENAR Denmark - European Network against Racism.

<sup>4</sup> CoE is the Council of Europe. The attachment CoE-ECRI is the European Commission against Racism and Intolerance report on Denmark, adopted on 23 March, 2017, CRI (2017) 20.

<sup>5</sup> Amnesty International, London.

<sup>6</sup> Joint submission 3 submitted by: Danish UPR-Coalition composed of the following 26 organizations: Action Aid Denmark, Amnesty International Denmark; Association of Immigration Lawyers; Better Psychiatry; Danish Association of Legal Affairs; Danish Helsinki Committee for Human Rights; Danish Refugee Council; Danish United Nations Association; DIGNITY - Danish Institute Against Torture; Disabled People's Organizations Denmark; EuroMed Rights; EAPN -European Anti-Poverty Network; ENAR - European Network against Racism ENAR; Global Focus; IRCT - International Rehabilitation Council for Torture Victims; Intersex Denmark; Joint Council for Child Issues; LGBT+ Denmark; LGBT Asylum; National Council for Children; OASIS - Treatment and Counselling of Refugees; Refugees Welcome; Save the Children Denmark; Save the Children Youth; and Women's Council and Youth for Human Rights.



education to students and introduce a compulsory module on teaching sexuality education as part of all teachers' training.

## B. SOGIESC Advanced Questions for Denmark

- **Germany:** Is Denmark considering to change the current CPR-registry regulations in order to ensure that all parents, including those living in same-sex-relationships, can be adequately registered?
- **Spain:** Does Denmark intend to introduce legislative measures in Greenland to ensure general protection against all types of discrimination, including gender, race or ethnic origin, disability, age, sexual orientation and gender identity, and religion, in and outside workplaces?
- **United Kingdom:** What legislative and social measures is the Danish Government taking to prevent discrimination against lesbian, gay, bisexual and transgender persons in Danish society?

## C. Denmark's Working Group Session

- **Opening remarks (H.E. Mr. Jeppe Kofod, Minister of Foreign Affairs of Denmark):** Denmark recognises that LGBTI persons are vulnerable and that they are disproportionately affected by discrimination, harassment and violence. In 2018, Denmark adopted its first national LGBTI Action Plan. The Action Plan includes a review of a wide range of legislation. As a result, last year, the government launched ten legislative proposals, which will improve the protection of the right of LGBTI persons. They will explicitly prohibit discrimination based on sexual orientation, gender identity, gender expression and sex characterised both inside and outside the labour market, and grant the right to obtain remedy with the Board of Equal Treatment. Furthermore, they will explicitly prohibit hate crimes and hate speech on the grounds of sexual orientation, gender identity, gender expression and sex characteristics. The proposal also abolish the reflection period of six months when applying for a change of legal gender marker and institutes legal gender recognition for minors. The government is expecting to present a proposal in Parliament in the fall of 2021.
- **Intervention made after 2 interventions (H.E. Mr. Pele Broberg, Minister for Foreign Affairs, Business and Trade (Greenland)):** As regard the non-discrimination based on gender, the Council of Gender Equality, as an independent organisation, may investigate conditions related to gender equality either on request or on its own initiative. In addition, individuals who experience discrimination related to all grounds, including gender, race or ethnic origin, disability, age, sexual oriengation and religion, have the right and option to initiate court proceedings.
- **Intervention made after 39 interventions (Mr. Ulf Melgaard, International Law and Human Rights Division of the Ministry of Foreign Affairs):** Madame President, let me now turn to the issue of racism, which also today has been raised by a number of delegation. The Danish government fully recognises the need to fight racism in all its forms. This is a clear priority for the Danish government. The government does not plan, however, to develop a general action plan on racism, as the government finds that a number of targeted interventions in specific areas will serve better in fighting racism. Let me first note that public threatening and humiliating and degrading statements



based on colour and race and national or ethnic origin, religious faith or sexuality is a criminal offence in Denmark, and associations promoting racial discrimination or hate speech can be punished under the Danish Criminal Code.

#### D. Recommendations for Cycle III (2021)

##### a) Remarks of States

- **Canada:** Canada welcomes the positive steps taken by Denmark to improve gender equality and LGBTI-rights, including introducing consent-based rape legislation and an action plan to strengthen equal opportunities.
- **Chile:** We welcome the achievements in implementing at national level the Guiding Principles on Business and Human Rights, and we commend Denmark for its policy of promoting the rights of trans persons.
- **Germany:** Denmark's progressive legislation on social rights, gender equality and the rights of the LGBTI community stands out remarkably in a world plagued by a push-back on human rights achievements.
- **Italy:** Italy commends the Kingdom of Denmark for its contribution to ensuring the protection and promotion of human rights globally, including through its development cooperation. We welcome all the measures to prevent and combat gender-based violence and to promote equal opportunities for LGBTI persons.
- **United Kingdom:** The UK commends Denmark's action to change the legal definition of rape in accordance with the Istanbul Convention; securing legal justice for women; and encourage Denmark to maintain efforts to secure women's rights and eliminate discrimination based on gender and sexual orientation.

##### b) The following recommendations will be examined by Denmark, which will provide responses no later than the 48<sup>th</sup> session of the Human Rights Council:

- **Chile:** Maintain the efforts to promote and protect the rights of LGBTI persons, especially to protect the body integrity of intersex girls and boys (6,101)
- **Democratic People's Republic of Korea:** Adopt a comprehensive strategy to eliminate all kinds of discrimination on the basis of racism, religion, gender identity, age and disability, and ensure non-discriminatory treatment of all minority communities within its territory (6.51)
- **Ecuador:** Carry out the necessary actions to fully include in the national legal framework the express prohibition of all forms of discrimination enshrined in international human rights instruments, especially on the grounds such as sexual orientation, gender identity, religion, age and disability (6.52)
- **Iceland:** Adopt comprehensive anti-discrimination legislation in Greenland that encompasses all the prohibited grounds of discrimination, including sexual orientation and gender identity (6.281)
- **Malta:** Amend the law to allow persons under the age of 18 to change their legal gender (6.102)
- **Netherlands:** Develop – in consultation with rights holders – national guidelines for responding to people with variations in sex characteristics, including the possibility to postpone non-emergency, invasive and irreversible genital surgery or hormone



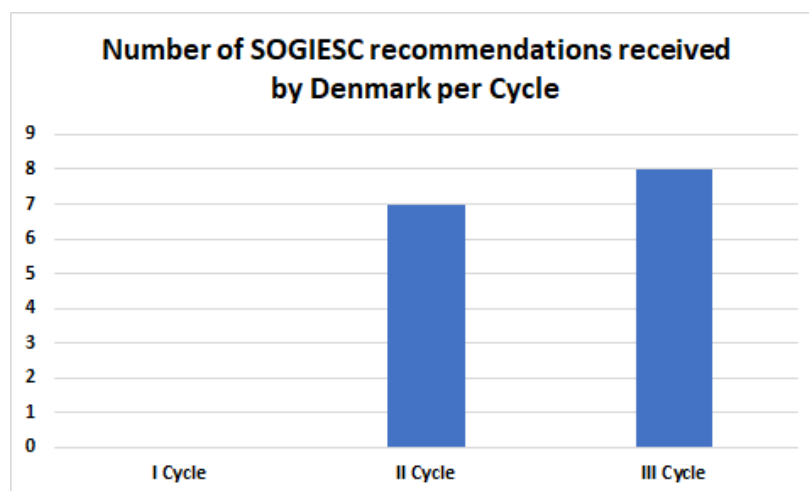
treatment on infants and children until they are able to meaningfully participate in decision-making and give their informed consent (6.99)

- **United States of America:** Develop a National Human Rights Action Plan; adopt comprehensive legislation to combat discrimination, especially against members of religious and ethnic minority groups, women and girls, and LGBTQI+ persons; and end the official application of the term “ghetto” to immigrant communities (6.66)
- **Uruguay:** Continue promoting the revision of the law to establish mechanisms that allow minors under 18 years of age to modify their legal gender (6.100)

### E. Recommendations for Cycle II (2016)

Recommendation	Recommending State	Response
Expressly prohibit discrimination against persons with disabilities as well as religious belief, sexual orientation or age, outside the labour market.	Bulgaria	Noted
Review its body of legislation prohibiting discrimination on any grounds, and in this regard, expressly prohibit discrimination due to disability, age, religious belief, sexual orientation or gender identity.	Canada	Noted
Amend the Marriage Law in the Faroe Islands to allow for same sex marriages.	Iceland	Noted
Allow minors to change their legal gender by allowing the person exercising parental authority over the minor to file an application	Netherlands	Noted
Implement support services and ensure non-discrimination against the lesbian, gay, bisexual, transgender and intersex community.	South Africa	Supported
Implement support services and ensure non-discrimination against the lesbian, gay, bisexual, transgender and intersex community.	Uruguay	Supported
Remove existing legislative barriers for access to gender reassignment-related treatments.	Uruguay	Supported

### F. Graphic Comparison Between Cycles (1–3)





**G. SOGIESC recommendations shared by HRDs during ILGA's UPR advocacy week in Geneva: LGBT+ Denmark**

1. Amend the CPR law to allow parents to be identified by their legal gender and ensure implementation of this in all public systems that draw data from the registry.
2. Amend the law to allow persons under the age of 18 to change their legal gender.
3. Amend the law to make access to gender-affirming surgery a right covered by the maximum waiting-time guarantee.
4. Implement asylum procedures with adequate information and guidelines, and provide training for the asylum interviewers, including on topics such as sensitivity to LGBT asylum seekers' difficulties in revealing and talking about issues that are taboo and the object of strong cultural and religious norms.

**H. [Video of Denmark's UPR Working Group Session](#)**

- I. SOGIESC Mentions During Denmark's UPR Outcome (This section will be completed after the 48th session of the Human Rights Council, in October 2021)**



## ESTONIA UPR SOGIESC RECOMMENDATIONS

**DATE AND TIME OF THE REVIEW: 4 MAY 2021, 14:30-18:00**

**DATE AND TIME OF THE ADOPTION OF THE REPORT: 7 MAY 2021, 15:00-18:00**

**During the 38<sup>th</sup> UPR Working Group Sessions, Estonia received 24 SOGIESC recommendations. It will respond to these recommendations no later than the 48th session of the Human Rights Council**

### A. SOGIESC Information

#### National Report

48. The Penal Code includes offences against equality (§§ 151 through 153). The Penal Code does not explicitly provide for the motive of hatred as an aggravating circumstance, but does recognise “other base motive” as an aggravating circumstance, under which hate crimes can be classified. The assessment of the court as to whether the motive for a criminal offence is a base motive will depend on the circumstances surrounding the specific act and the particular nature of the crime. Law enforcement agencies are obliged to apply the law in accordance with international obligations, for which they have received training.

49. Since 2016, Estonia has prepared annual reviews of recorded hate crimes. Guidelines on recording hate crimes have been prepared for the police. Victim surveys in recent years have shown that 1–2% of respondents believe that the victim became a victim because of their nationality, race, colour, religion, disability or sexual orientation. Representatives of Estonia participate in international working groups on reporting and recording hate crimes (e.g. EU Agency for Fundamental Rights) on a regular basis.

#### Compilation of UN Information

11. The Human Rights Committee was concerned that the Equal Treatment Act did not afford equal protection against discrimination on all the grounds prohibited under the International Covenant on Civil and Political Rights in all spheres of life and recommended that Estonia amend that Act. The Committee on Economic, Social and Cultural Rights was concerned that the Equal Treatment Act only prohibited discrimination on the grounds of religion or views, age, disability and sexual orientation in areas relating to working life and the acquisition of professional qualifications. It recommended that Estonia amend without delay the Act to ensure that it prohibits all direct, indirect and intersectional forms of discrimination and to provide effective remedies for victims of discrimination.



## Summary of Stakeholder's Information

5. According to JS2,<sup>7</sup> the anti-discrimination legislation was insufficient and the implementation weak. Discrimination on the grounds of nationality (ethnicity), race or colour was prohibited in almost all areas of life, but discrimination on the basis of religion or belief, age, disability or sexual orientation, was prohibited only in the field of employment according to the Equal Treatment Act. The CoJ<sup>8</sup> also highlighted that discrimination was prohibited only in situations related to employment (including vocational training). The CoJ and JS2 recommended that Estonia amend the Equal Treatment Act to prohibit discrimination in all spheres of society on all grounds and implement existing anti-discrimination legislation.

8. JS2 indicated that the Government did not provide any meaningful and comprehensive overview of existing legal and other measures that could directly or indirectly discriminate on the basis of sexual orientation or gender identity. As a result, some violations had occurred by decisions of the courts. JS2 added that the gender recognition process for transgender people was confusing and difficult to access as these changes in legal gender recognition were made dependent on previous medical interventions and not on a person's self-determination. It recommended that Estonia change the regulation of gender recognition by separating the processes of medical and legal gender recognition and ensure that legal gender recognition is based on self-determination.

9. With regard to same sex marriage, JS2 reported that the state did not yet fully recognise the rights of same-sex families. The Registered Partnership Act, which allowed same-sex couples to register was passed without the implementation bill, so other laws, such as the Family Law Act, the Vital Statistics Registration Act and the Population Register Act, were not amended accordingly. JS2 recommended that Estonia adopt implementing provisions for the law on cohabitation to ensure its full implementation. EU/FRA<sup>9</sup> indicated that the Supreme Court of Estonia declared null and void the part of the Aliens Act that precluded granting temporary residence permits to same-sex registered partners of Estonian citizens. The court invoked the fundamental right to family life, which also applies to same-sex partners who wish to live in Estonia as a family.

### **B. SOGIESC Advanced Questions for Estonia**

- **Belgium:** Will the government of Estonia adopt implementing provisions for the Registered Partnership Act to ensure its full implementation?
- **Canada:** What measures has Estonia taken in order to eliminate discrimination and unequal treatment of LGBTI people?
- **Panama:** What measures has Estonia taken in order to eliminate discrimination on the basis of religion or belief, age, disability or sex characteristics?

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<sup>7</sup> Joint submission 2 submitted by: Equal Treatment Network in Estonia (Estonian Human Rights Centre) composed of the Estonian Human Rights Centre, the Estonian Union for Child Welfare, the Estonian Centre of Disabled Persons, Oma Tuba NGO, the Estonian LGBT Association, the Estonian Vegan Association, the Estonian National Youth Council and the Estonian Student Unions.

<sup>8</sup> The Chancellor of Justice.

<sup>9</sup> The European Union Agency for Fundamental Rights.





- **Spain:** What concrete measures does the Government intend to implement to prevent and reduce discriminatory acts against the LGBTI community?
- **United Kingdom:** What steps is the government of Estonia taking to amend the Equal Treatment Act (ETA) to explicitly prohibit discrimination in areas such as the provision of housing, healthcare, social welfare, education and goods and services on the basis of religion or belief, age, disability and sexual orientation?

### C. Estonia's Working Group Session

- **Opening remarks (H.E. Ms. Eva-Maria Liimets, Minister of Foreign Affairs, Head of Delegation):** With reference to prior questions from Belgium, Canada and Spain concerning the LGBTI and implementation of the Registered Partnership Act, we would like to recall the important milestone in our society of the adoption of the Registered Partnership Act in 2014. It entered in the force on the 1st of January 2016, legalising the same sex partnership. The partnerships between same sex partners have been registered in accordance with the Act and the Supreme Court has recognised them as legal in its case law despite the lack of relevant Implementation Acts. We, however, agree that there is a need to adopt the Implementation Acts for the Registered Partnership Act, which currently, implementation of the Act to the full extent.
- **Intervention made after 35 interventions (Mr. Jonatan Vsevirov, Secretary General of the Ministry of Foreign Affairs of the Republic of Estonia):** In response to the questions raised by U.K, Belgium and Panama, I'm glad to say that Estonia is dedicated to achieve long-awaited progress in the field of equal treatment. Significantly, for the first time, the amendments to the Equal Treatment Act are included in the Government's action programme. Our practice has shown that the regulation of discrimination on grounds of religion and other beliefs, age, disability and sexual orientation only in employment is not sufficient enough for a holistic implementation of the principle of equal treatment. Amendments to the Equal Treatment Act to be submitted to the ministerial consultation in May will have to ensure that everyone could benefit from equal level of protection against discrimination.

### D. Recommendations for Cycle III (2021)

#### a) Remarks of States

- **Austria:** We welcome the increasing number of women among decision-makers. Estonia is the only country in the world at the moment that has women as both, head of state and head of government. We would however also like to point out some shortcomings including the gender pay gap, violence against women and the situation of LGBTI persons.
- **Belgium:** Belgium welcomes the progress made by Estonia since its previous UPR. Notwithstanding these achievements, there is still room for progress, in particular regarding the rights of women and of LGBTI persons.
- **Germany:** We commend Estonia for its efforts to better integrate minorities and other vulnerable groups as well as for the establishment of a National Human Rights Institution in compliance with the Paris Principles. At the same time, Germany



encourages Estonia to ensure that the Registered Partnership Act will be fully implemented in law and practice.

- **United Kingdom:** The United Kingdom commends Estonia's commitment to protecting human rights domestically and internationally, and welcomes the decision to withdraw the planned referendum on the definition of marriage.

**b) The following recommendations will be examined by Estonia, which will provide responses no later than the 48<sup>th</sup> session of the Human Rights Council.**

- **Australia:** Strengthen efforts to protect LGBTI persons from hate speech and address discrimination, including by amending the Equal Treatment Act to prohibit discrimination on the basis of sexual orientation, gender identity and intersex status in all areas of public life (6.98)
- **Austria:** Improve the development of rights for LGBTI persons including by adopting implementation provisions for the Registered Partnership Act, to ensure full implementation of the Act (6.105)
- **Belgium:** Adopt implementing provisions for the Registered Partnership Act to ensure its full implementation (6.106)
- **Canada:** Enact legislation on hate crimes based on sexual orientation and gender identity, and uniformly and consistently apply enforcement of anti-discrimination legislation across all grounds (6.71)
- **Chile:** Increase the efforts to eradicate all forms of violence and discrimination on grounds of sexual orientation and gender identity (6.117)
- **Czechia:** Ensure full implementation of the Registered Partnership Act by adopting all necessary provisions (6.107)
- **Denmark:** Amend the Equal Treatment Act to ensure that it prohibits discrimination, including on the basis of sexual orientation and gender identity, also in areas not related to working life (6.92)
- **Finland:** Accept all implementation provisions for the Registered Partnership Act adoption of which was an important step forward but which is still lacking the Bill of Implementation (6.108)
- **Finland:** Strengthen preventive measures against bullying and mental and physical violence at schools as well as to improve capacity and ability of schools to deal with the problem of bullying, teasing and harassment which are major obstacles to the wellbeing of children, including LGBTI youth (6.254)
- **France:** Take all measures to combat discrimination and hate speech targeting people on the basis of their ethnicity, religion, or sexual orientation and incorporate these provisions into the penal code (6.75)
- **Germany:** Amend the Equal Treatment Act to include the explicit prohibition of discrimination based on religion and belief, age, disability or sexual orientation (6.93)
- **Iceland:** Adopt marriage equality legislation, extending full marriage rights to same-sex couples (6.131)
- **Iceland:** Add gender identity to the prohibited grounds in Articles 151 and 152 of the Criminal Code (6.132)
- **Iceland:** Change the regulation of gender recognition by separating the processes of medical and legal gender recognition and ensure that legal gender recognition is based on self-determination (6.133)



- **Ireland:** Implement fully the Registered Partnership Act; through the implementation of provisions regarding cohabitation laws, in order to fully recognise the rights of same-sex families (6.109)
- **Malta:** Enact legislation that criminalizes hate speech, including on the grounds of sexual orientation, gender identity and expression and sex characteristics (6.80)
- **Netherlands:** Adopt the necessary implementation legislation for the Registered Partnership Act as to ensure its full implementation (6.101)
- **Netherlands:** Launch a public debate on issues concerning ethnic and cultural diversity aimed at promoting tolerance towards different cultures, religions and sexual orientations within the Estonian society (6.123)
- **Peru:** Consider strengthening the Equal Treatment Act in order to include the prohibition of discrimination based on religion, age, disability or sexual orientation, in all areas of society (6.95)
- **Spain:** Continue working on the regulation of same-sex unions, by adopting the provisions that allow the full application of the Registered Partnership Act approved in 2014 (6.102)
- **Sweden:** Amend the anti-discrimination law to provide equal protection on all grounds for discrimination, by extending the Equal Treatment Act to other fields than employment (6.97)
- **Sweden:** Ensure the equal rights of same sex-couples in line with the registered Partnership Act of 2016 by amending secondary laws or the Family Law Act (6.103)
- **United Kingdom:** Pass legislation to bring the Registered Partnership Act into force and ensure its full implementation (6.104)
- **Uruguay:** Promote the revision of the Equal Treatment Law, so that discrimination based on sexual orientation, gender identity and expression and sexual characteristics is prohibited in all areas of society (6.99)

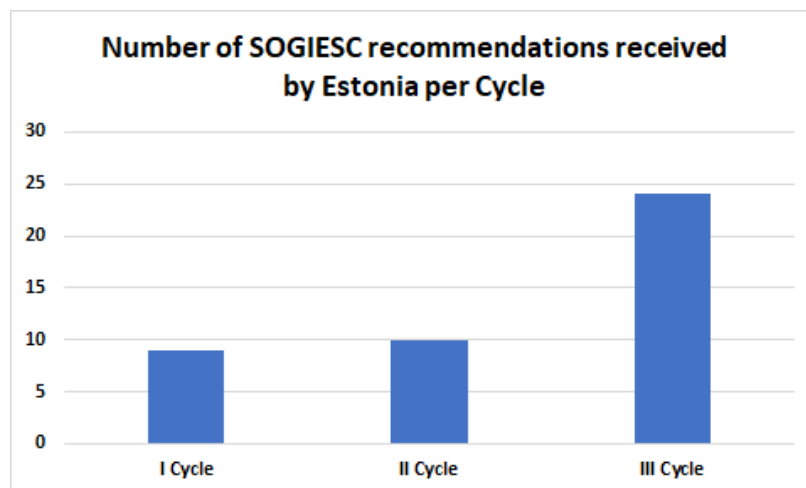
#### E. Recommendations for Cycle II (2016)

Recommendation	Recommending State	Response
Develop and adopt legislation that would recognize explicitly hatred on the basis of sexual orientation and gender identity as a motive and make it an aggravated circumstance in a crime.	Bulgaria	Supported
Thoroughly investigate and prosecute all acts of violence against ethnic and racial minorities and vulnerable groups, including lesbian, gay, bisexual, transgender and intersex persons, and enact legislation on hate crimes based on sexual orientation or gender identity.	Canada	Supported
Revise its legislation and legal practice to ensure that sexual orientation and gender identity as motivation for criminal offence are treated as aggravating circumstances.	Finland	Supported
Launch a debate on issues concerning ethnic and cultural diversity aiming at promoting tolerance towards divergent cultural, religious and sexual orientations within the Estonian society.	Germany	Supported



Adopt the necessary implementation legislation for Registered Partnership Act and ensure its full implementation.	Netherlands	Noted
Develop and adopt legislation that would explicitly recognize hatred on the basis of sexual orientation and gender identity as a motive and make it an aggravated circumstance in a crime.	Slovenia	Supported
Legally recognize marriage between persons of the same sex.	Spain	Noted
Ensure the necessary legislation is passed to ensure the Registered Partnership Act comes into force.	United Kingdom	Noted
Implement their "Diversity Enriches" programme to promote inclusion, tolerance and integration of people from different backgrounds, nationalities, religions, genders and sexual orientations.	United Kingdom	Supported
Combat discrimination on account of nationality, ethnic or religious affiliation, and sexual orientation or gender identity.	United States	Supported

#### F. Graphic Comparison Between Cycles (1–3)



#### G. SOGIESC recommendations shared by HRDs during ILGA's UPR advocacy week in Geneva: Estonian LGBT Association

- A. In next two years, adopt implementation provisions for the law on cohabitation (Registered Partnership Act), which will ensure full implementation of the law and equality of same-sex couples and families.
- B. Amend the regulation of gender recognition by separating the processes of medical and legal gender recognition and ensuring that this is based on self-determination.
- C. Amend the Equal Treatment Act, so that discrimination based in sexual orientation, gender identity and expression and sex characteristics is prohibited in all spheres of society on all grounds.
- D. Implement existing anti-discrimination legislation.



- E. Enact legislation that criminalizes hate speech, including on the grounds of sexual orientation, gender identity and expression and sex characteristics.
- F. Adopt provisions of the Penal Code that would make hate motivation, including LGBTI-hate motivation, an aggravating circumstance when committing a crime.
- G. Effectively combat incitement to hatred, including hate speech, regardless of whether the person's life, health or property is endangered.
- H. Carry out research to map and understand the situation of LGBTI people in different areas (incl. school bullying in the school system, unequal treatment in the health care system, treatment of LGBTI people in prisons). Amend the CPR law to allow parents to be identified by their legal gender and ensure implementation of this in all public systems that draw data from the registry.

H. [Video of Estonia's UPR Working Group Session](#)

- I. **SOGIESC Mentions During Estonia's UPR Outcome (This section will be completed after the 48th session of the Human Rights Council, in October 2021)**



## LATVIA UPR SOGIESC RECOMMENDATIONS

**DATE AND TIME OF THE REVIEW: 11 MAY 2021, 09:00-12:30**

**DATE AND TIME OF THE ADOPTION OF THE REPORT: 14 MAY 2021, 15:30-18:00**

During the 38<sup>th</sup> UPR Working Group Sessions, Latvia received 17 SOGIESC recommendations. It will respond to these recommendations no later than the 48th session of the Human Rights Council.

### A. SOGIESC Information

#### National Report<sup>10</sup>

28. Article 7 of the Labour Law states that everyone has an equal right to work, to fair and safe working conditions that are not harmful to the health, and to fair remuneration. This right is guaranteed without any direct or indirect discrimination, regardless of a person's race, skin colour, gender, age, disability, religious, political, ethnic or social background, property or marital status, sexual orientation or other circumstances.

29. Part 2 of Article 3 of the Law on the Rights of Patients, which defines the rights of patients, prohibits any discrimination based on a person's race, skin colour, gender, age, disability, religious, political, ethnic or social background, property or marital status, sexual orientation or other circumstances. Discriminatory treatment includes direct or indirect discrimination, harassment or instruction to discriminate against a person.

30. The Constitutional Court of Latvia has stated that in accordance with the Latvian Constitution, the legislator must ensure, among other things, the legal protection of same-sex families, and also provide such families with appropriate social and economic protection and support measures by 1 June 2022, in compliance with the general legal principles and other provisions of the Constitution. Thus, from the Latvian Constitution derives the duty of the legislator to ensure legal protection and appropriate social and economic protection and support measures to all families, including those with same-sex partners.

31. Latvia also implements practical measures to combat all types of discrimination, e.g., by developing guidelines, training courses and information events. The education curricula are developed in accordance with international standards, applying principle of diversity in education. Issues related to protection of human rights – tolerance, non-discrimination, ethnic diversity, gender equality – are integrated into standards and sample curricula programs of several subjects taught in primary and general secondary level of education.

32. The Criminal Law establishes criminal liability for any deliberate actions to incite national, ethnic, racial or religious hatred or strife (Article 78). In 2016–2019, 21 criminal

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<sup>10</sup> In paragraph 36 of the national report, which reads, "The State Police cooperates with NGOs as part of the projects and training, including on combating hate speech," there is the following footnote: "8 For example, in cooperation with LGBT and association Mozaika the State Police addresses problems of hate speech, freedom of speech in mass media, social media and mass events, criminal and legal characterisation of hate crimes and hate speech, and problems identifying them, as well as the investigative tactics and specifics."



proceedings were initiated for inciting to national, ethnic and racial hatred, 9 criminal proceedings were initiated for actions intended to incite hatred or strife based on gender, age, disability or any other features (including sexual orientation) of a person, provided that such actions caused significant harm (Article 150). In 2016–2019, one criminal proceeding was initiated for discrimination based on racial, national, ethnic or religious origin or other grounds that has caused significant harm (Article 1491); the proceeding was terminated within a year. A more severe punishment for these crimes is provided if committed by an official or a person in charge of enterprise or organisation, or a group of individuals, or if committed using an automated data processing system. The Criminal Law defines racial, national, ethnic or religious motive for a crime as a circumstance that aggravates criminal liability (Article 48, Part 1, para. 14).

### Compilation of UN Information

N/A

### Summary of Stakeholder's Information

23. The CoE-ECRI<sup>11</sup> recommended that Latvia amend existing legislation in order to include the grounds of sexual orientation and gender identity in Articles 48 and 150 of the Criminal Law; and ensure that, in the absence of comprehensive anti-discrimination legislation, both sexual orientation and gender identity are explicitly listed among the grounds on which discrimination is prohibited in various legislation.

24. The EU FRA<sup>12</sup> noted that the Parliament had rejected a draft law aimed at legal recognition of same-sex couples.<sup>35</sup> To advance the rights of lesbian, gay, bi-sexual, transgender and intersex persons, the CoE-Commissioner encouraged authorities to design an action plan in co-operation with the Council of Europe. The CoE-Commissioner specifically highlighted the need to provide legal recognition to cohabiting same-sex couples.

25. LCHR<sup>13</sup> said that, although the government had acknowledged the problem, there was insufficient support to tackle hate speech in a systemic and comprehensive manner, and civil society engaged in online monitoring of hate speech remained heavily dependent on foreign donors. It recommended that Latvia dedicate resources for training on diversity, ways of addressing hate speech and promoting tolerance, for various target groups.

26. Both the LCHR and the CoE-ECRI noted underreporting of racist and hate crimes. The CoE-ECRI recommended that Latvia establish, as a matter of priority, a unit within the State Police to reach out to vulnerable groups and address the problem of underreporting of racist and homo/transphobic hate crimes. LCHR recommended the appointment of contact persons in the police, to reach out to vulnerable groups.

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<sup>11</sup> European Commission against Racism and Tolerance (ECRI). Report on Latvia (fifth monitoring cycle), 5 March 2019, CRI(2019)1.

<sup>12</sup> The European Union Fundamental Rights Agency.

<sup>13</sup> Latvian Centre for Human Rights, Riga (Latvia).



41. The CoE-Commissioner welcomed improved policies to protect freedom of assembly and expression of lesbian, gay, bisexual, transgender and intersex persons, as reflected in measures to protect pride events.

## B. SOGIESC Advanced Questions for Latvia

- **Belgium:** Is the government of Latvia considering steps to promote equal rights for LGBTI and address hate speech?
- **Germany:** The Constitutional Court of the Republic of Latvia ruled in November 2020 that the relationship of same-sex parents with their children constitutes a family in the sense of the Constitution and enjoys the special protection of the state. Is Latvia planning to take steps to implement the tenor of this ruling in national legislation with a view to strengthen the rights of persons belonging to the LGBTIQ community?
- **United Kingdom:** Can the Government of Latvia explain the steps it is taking to tackle discrimination and violence, particularly hate speech and other hate crimes that is aimed towards the LGBT community?

## C. Latvia's Working Group Session

- **Opening remarks (H.E. Mr. Andris Pelšs, State Secretary of the Ministry of Foreign Affairs of the Republic of Latvia):** Madame President, since the examination of the previous report, Latvia has continued to advance the human rights of all persons. In the light of the questions sent in advance by Belgium and Germany, let me elaborate on the recent developments regarding the promotion of the rights of LGBTI persons. In 2020 and 2021, the Constitutional Court delivered two very important judgments in this field. In 2020, the Constitutional Court found that the provision of the labour law granting vacation days to the father after child's birth did not sufficiently protect the right to respect for family life of same sex couples. Considering that the provision was applicable only to the father of the child, the Constitutional Court concluded that the same rights must be given to the partner of the mother. The Constitutional Court ordered the Parliament to elaborate the necessary legal framework allowing same sex couples to enjoy the right to family life. The second judgment of the Constitutional Court, delivered a month ago, concerns the provisions of the domestic law that determines the amount of the estate fee payable by the partner of the estate leaver for registering the ownership rights. Currently, the amount of the estate fee to be paid by the spouse is significantly lower than the one to be paid by other heirs, yet the Latvian legislation does not envisage same sex marriage or relationship. The Constitutional Court concluded that the contested norm did not ensure legal protection of families consisting of same sex partners and was, therefore, discriminatory. The government has to address the identified insufficiencies by summer 2022.
- **Intervention made after 47 interventions (Ms. Kristīne Līce, Acting Director of the Legal Department, Ministry of Foreign Affairs):** Second comment: Israel, New Zealand, Netherlands questioned about the recognition of the same sex couples. I can only reiterate that the Constitutional Court has delivered two very important judgments. To implement those judgments, the Minister of Justice has established an inclusive working group. The working group has almost 40 representatives from both the relevant Ministries, but also from civil society, from non-governmental organisations,





and the task of this working group is to present ways of how the conclusions of the Constitutional Court are then brought into the Latvian legislation.

#### D. Recommendations for Cycle III (2021)

##### a) Remarks of States

- **Australia:** Australia commends Latvia's efforts to strengthen its legal frameworks for the protection of the rights of LGBTI individuals, and the granting of automatic citizenship to children of so-called 'non-citizens'.
- **Israel:** We would also like to commend Latvia for hosting the 2018 Baltic Pride, which resulted in a record number of participants, and for the recent abolishment of the rule that a same-sex partner must pay higher state fees to inherit the estate of their deceased partner.
- **United States of America:** We note reports of challenges to media independence, and discrimination against LGBTQI+ persons, persons with disabilities, and members of ethnic and religious minorities.

##### b) The following recommendations will be examined by Latvia, which will provide responses no later than the 48th session of the Human Rights Council:

- **Australia:** Intensify measures to address hate crimes against LGBTI people and racism, including establishing a mechanism to report hate crimes as well as strengthening human rights training to law enforcement authorities (6.90)
- **Canada:** Continue to implement public awareness campaigns and education programmes, along with specialized training for authorities, to explicitly address hate speech and hate crimes stemming from homophobia, racism and xenophobia (6.112)
- **Chile:** Advance in the design of an action plan focused on the full recognition of the rights of lesbian, gay, bisexual, trans and intersex persons, and on the eradication of all forms of violence and discrimination against them (6.91)
- **Costa Rica:** Strengthen measures so that same-sex couples have the protection and support of the State under equal conditions (6.96)
- **Denmark:** Raise awareness about hate speech and take effective measures to encourage reporting of hate crimes, especially against LGBTI persons, for example by establishing a unit within law enforcement dedicated to the issue (6.113)
- **Estonia:** Enhance the human rights for LGBTI persons and protect the people in same-sex relationship from discrimination (6.93)
- **Finland:** Ensure legal and appropriate social and economic protection and support measures in the Constitution for same-sex families (6.97)
- **France:** Adopt measures to promote the rights of LGBTI persons and to combat discrimination against them (6.88)
- **Germany:** Establish a unit within the state police to reach out to vulnerable groups and address the problem of under reporting of racist, homo and transphobic hate crimes (6.115)



- **Iceland:** Adopt comprehensive anti-discrimination legislation that addresses direct and indirect discrimination and encompasses all the prohibited grounds of discrimination, including sexual orientation and gender identity (6.66)
- **Iceland:** Pass and implement laws that would recognize same-sex partnerships and define the rights and obligations of co-habiting couples in same-sex unions (6.98)
- **Israel:** Recognize same-sex civil unions as a further step in the fight against discrimination of LGBTQI persons (6.95)
- **Netherlands:** Introduce legislation that recognises different forms of partnerships and that grants same sex couples the same rights and social security benefits as couples of the opposite sex, as previously recommended (6.92)
- **New Zealand:** Ensure that both sexual orientation and gender identity are listed as prohibited grounds of discrimination in various legislation, including in criminal law (6.87)
- **New Zealand:** Ensure that members of the LGBTQIA community are free to report homophobic and transphobic concerns without fear of reprisals, threats, attacks, or harassment (6.89)
- **New Zealand:** Provide legal recognition to same-sex unions (6.94)
- **Uruguay:** Adopt measures to strengthen the fight against prejudice and discrimination based on colour, language, religion, national descent or ethnic origin and sexual orientation and gender identity, as well as to facilitate access by disadvantaged and marginalized groups to economic, social and cultural rights, paying special attention to employment, health and education (6.61)

#### E. Recommendations for Cycle II (2016)

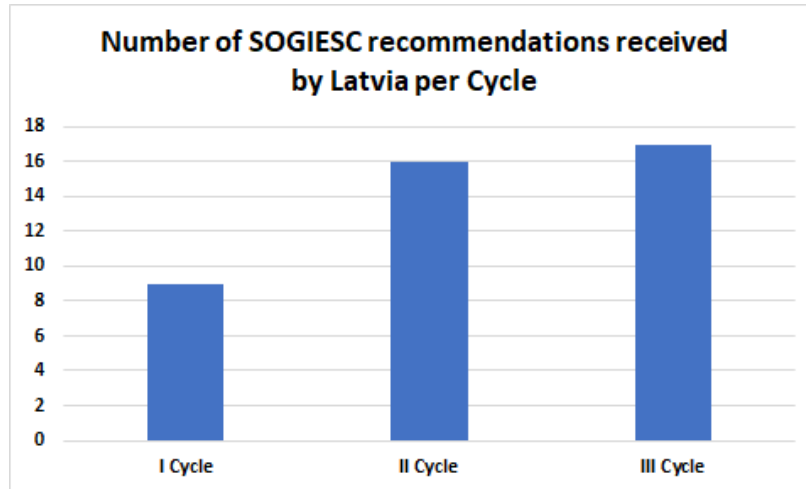
Recommendation	Recommending State	Response
Deepen actions against discrimination and violence suffered by lesbian, gay, bisexual, transgender and intersex persons, in particular, ensure access to courts as well as the investigation and punishment of these acts, and strengthen the assistance provided to victims.	Argentina	Noted
Enhance its efforts aimed at preventing and combating and bringing to justice perpetrators of hate crimes, as well as acts of racism, xenophobia and discrimination against vulnerable groups, including lesbian, gay, bisexual, transgender and intersex individuals.	Brazil	Supported
Develop and implement public awareness campaigns and education programs to promote diversity and inclusion, while combatting racism, xenophobia and homophobia.	Canada	Supported
Continue strengthening programmes for combating xenophobia, discrimination and violence motivated by the sexual orientation and gender identity of the victims.	Chile	Supported
Adopt legislation that explicitly recognizes homophobic and transphobic motivation for a criminal offence as an aggravating circumstance in its criminal law.	Finland	Noted
Ensure that diversity is actively pursued in school curricula through awareness-raising activities in order to eliminate discrimination against	Finland	Supported



minorities, especially lesbian, gay, bisexual, transgender and intersex persons.		
Adopt measures to promote equality of the rights of lesbian, gay, bisexual and transgender persons and end discrimination against them regard.	France	Supported
Verify the impact of the amendments of the educational law relating to the mandate to "morally educate children in compliance with the values of the constitution" on the realization of human rights, in particular women's rights, rights of lesbian, gay, bisexual, transgender and intersex persons and freedom of expression.	Germany	Supported
Define incitement to violence on grounds of sexual orientation and gender identity as a criminal offence.	Iceland	Supported
Introduce legislation that recognises the diversity of forms of partnerships and that provides same sex couples with the same rights and social security as couples of the opposite sex, as previously recommended.	Netherlands	Noted
Raise public awareness of hate speech against lesbian, gay, bisexual and transgender persons and take steps to increase reporting of hate crimes against lesbian, gay, bisexual and transgender persons.	Norway	Noted
Define incitement to violence on grounds of sexual orientation and gender identity as a criminal offence.	South Africa	Supported
Consider as a crime all acts of violence, regardless of the harm that they cause, in addition to specifically punishing violence based on sexual orientation or gender identity.	Spain	Noted
Continue its efforts in countering racist discourse in politics and in the media, fighting racially motivated crimes, and eliminating violence and discrimination based on sexual orientation and gender identity	Thailand	Supported
Amend legal prohibition on incitement to hatred to include prohibitions on the basis of sexual orientation.	United Kingdom	Supported
Consider legislative and administrative measures to combat violence on the basis of gender identity or sexual orientation.	United States	Supported



F. Graphic Comparison Between Cycles (1–3)



G. [Video of Latvia's UPR Working Group Session](#)

H. SOGIESC Mentions During Latvia's UPR Outcome (This section will be completed after the 48th session of the Human Rights Council, in October 2021)



## MOZAMBIQUE UPR SOGIESC RECOMMENDATIONS

**DATE AND TIME OF THE REVIEW: 4 MAY 2021, 09:00-12:30**

**DATE AND TIME OF THE ADOPTION OF THE REPORT: 7 MAY 2021, 15:00-18:00**

During the 38<sup>th</sup> UPR Working Group Sessions, Mozambique received 8 SOGIESC recommendations. It will respond to these recommendations no later than the 48th session of the Human Rights Council.

### A. SOGIESC Information

#### National Report

N/A

#### Compilation of UN Information

14. The Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity commended Mozambique for having chosen the path of tolerance, but he noted that tolerance was not sufficient to enable people to live openly, given that lesbian, gay, bisexual and trans people were caught up in a spiral of exclusion. The Independent Expert recommended that Mozambique adopt anti-discrimination laws and other measures to integrate sexual orientation and gender identity into the national legislation. The United Nations country team recommended that the Government facilitate the registration of non-governmental organizations defending rights related to sexual orientation and gender identity, in line with recent court rulings, and expend efforts on campaigns to combat stigma and discriminatory treatment in essential services.

42. The Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity noted that Mozambique faced pervasive poverty and inequality, in particular in rural areas, where most of the population lived. More than 70 per cent of Mozambicans were estimated to be poor, with substantial variations based on region and province. The Independent Expert on the enjoyment of all human rights by older persons noted that, while poverty had been reduced, there was more inequality, as economic progress became increasingly less inclusive.

59. The Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity noted that many interlocutors explained that they had been bullied in school on the basis of their sexual orientation or gender identity. They had felt unsafe, excluded and ostracized, and several reported that they had dropped out of school as a result.



## Summary of Stakeholder's Information

14. JS12<sup>14</sup> indicated that although there were no set laws that directly criminalized or discriminated against persons based on their sexual orientation, gender identity and expression, various existing policies and interpretations of laws supported the discrimination of this group.

40. JS5<sup>15</sup> stated that the legal context in which non-governmental organizations (NGOs) worked in Mozambique was one of the most restrictive in southern Africa. The Law on Association, which regulated the registration and operation of associations, includes several provisions making it difficult for civil society to work effectively. In order to be legally recognized, an association must have 10 founding members and produce an excessive number of documents. Moreover, the law included a provision specifying that the objectives of the association must not "offend public morals", which was often used to deny registration to LGBTI associations such as the Mozambican Association for the Defense of Sexual Minorities (LAMBDA). JS15 noted that LAMBDA had been trying to register since 2008 without success.

41. JS11<sup>16</sup> recommended that Mozambique revive the dialogue with civil society to revise Law 8/91 of 18 July 1991 on associations. JS12 recommended that Mozambique immediately register LAMBDA and ensure the right of association and accreditation for all NGOs working on issues of sexual orientation, gender identity and expression.

### **B. SOGIESC Advanced Questions for Mozambique**

- **Belgium:** As there is an increased intolerance towards LGBTI people, does Mozambique consider guaranteeing the freedom of association of LGBTI people by facilitating the registration, accreditation and activities of NGOs working on sexual orientation issues? and gender identity?
- **Spain:** There are still problems for civil society organisations to register, and be given a legal status to operate. . What are the criteria to register a civil society organisation?
- **United States of America:** What is the status of the registration process for the NGO group Mozambican Association for the Defense of Sexual Minorities (LAMBDA)?

### **C. Mozambique's Working Group Session**

- **Intervention made after 60 interventions (H.E. Ms. Helena Mateus Kida, Minister of Justice, Constitutional and Religious Affairs of Mozambique) 02:08:20:** Mozambique is paying attention to the eradication of discrimination on the grounds of sexual orientation and we are deploying efforts in this regard.

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<sup>14</sup> Joint submission 12 submitted by: The Sexual Rights Initiative, Ottawa (Canada), the Coalition of African Lesbians, and the Young Feminist Movement of Mozambique.

<sup>15</sup> Joint submission 5 submitted by: International Service for Human Rights, Geneva (Switzerland), and Centro para Democracia e Desenvolvimento.

<sup>16</sup> Joint submission 11 submitted by: CIVICUS: World Alliance for Citizen Participation, Johannesburg (South Africa), Joint - Liga das ONGs em Moçambique.



## D. Recommendations for Cycle III (2021)

### a) Remarks of States

- **Denmark:** Denmark welcomes the delegation of Mozambique and commends it for recently prohibiting child, early and forced marriage. However, laws on countering discrimination based on sexual orientation and gender identity is yet to be adopted.

### b) The following recommendations will be examined by Mozambique:

- **Czechia:** Simplify the registration of civil society organizations, including those fighting discrimination on sexual grounds (6.137)
- **Denmark:** Enact legislation to explicitly prohibit discrimination on the basis of sexual orientation and gender identity (6.55)
- **Iceland:** Adopt comprehensive anti-discrimination legislation that addresses direct and indirect discrimination and encompasses all the prohibited grounds of discrimination, including sexual orientation and gender identity (6.56)
- **Mexico:** Guarantee the exercise of the rights of persons in vulnerable situations, in particular persons with albinism and LGBTI (6.46)
- **Netherlands:** Lift all provisions in the Law on Association that limit the registration and activities of civil society working on issues of sexual orientation and gender identity (6.138)
- **Spain:** Further advance the protection of the rights of LGBTI persons by prohibiting discrimination on the basis of sexual orientation and gender identity, and guaranteeing the right to freedom of association for LGBTI persons (6.54)
- **Sweden:** Adopt legislation to prohibit discrimination based on sexual orientation and gender identity (6.47)
- **Uruguay:** Guarantee full respect for the rights to freedom of expression and association and the protection of civil society space, by eliminating existing obstacles to the registration and activities of civil society organizations, including those who work in the area of human rights of LGBT persons (6.139)

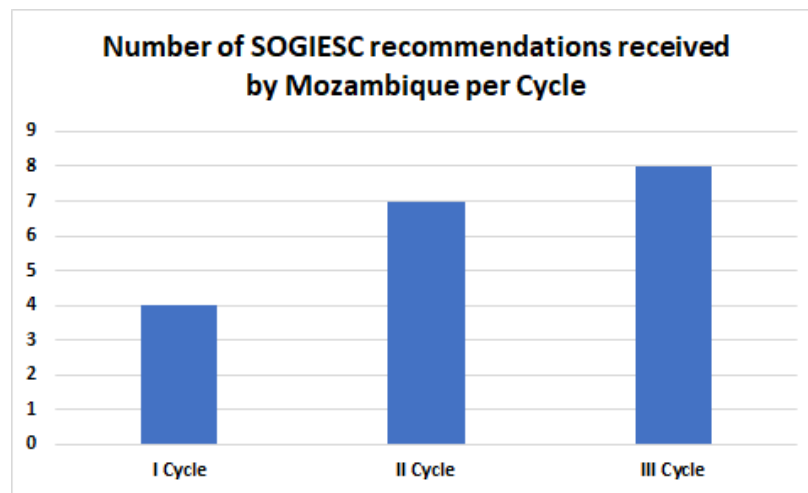
## E. Recommendations for Cycle II (2016)

Recommendation	Recommending State	Response
Adopt additional measures necessary to protect minorities, such as older persons, lesbian, gay, bisexual and transgender persons, persons with disabilities.	Argentina	Noted
Revise laws to expressly prohibit discrimination on the basis of sexual orientation, gender identity and intersex status.	Australia	Noted
Strengthen mechanisms to prohibit discrimination against vulnerable groups, including persons with albinism, and ensure non-discrimination on applications for accreditation by civil society organizations, including organizations such as LGBT Association of Mozambique.	Canada	Noted



Include sexual orientation and gender identity amongst illegal criteria for discrimination, in social, economic and political life and eliminate norms prohibiting consenting sexual relation between adults of the same sex.	Chile	Noted
Ensure the right of association of NGOs working on issues of sexual orientation and gender identity.	Norway	Noted
Adopt legislation to specifically prohibit discrimination on the basis of sexual orientation and gender identity.	Sweden	Noted
Agree to the registration of LAMBDA [the Association for Defence of Sexual Minorities] as an official NGO.	United Kingdom	Noted

#### F. Graphic Comparison Between Cycles (1–3)



#### G. SOGIESC recommendations shared by HRDs during ILGA's UPR advocacy week in Geneva: LAMBDA

1. Ensure the right to freedom of association of lesbian, gay, bisexual, and transgender people by facilitating the registration and activities of NGOs working on issues of sexual orientation and gender identity.
2. Ensure the inclusion of trans persons in the national gender policy.
3. Amend Article 191 of the penal code in order to expressly prohibit discrimination on the basis of sexual orientation.
4. Include MSM in public STI and HIV/AIDS prevention campaigns and provide specific prevention inputs in national health services.
5. Amend the Civil Registry Code to enable trans persons to change their legal identity and gender marker based on self determination.
6. In collaboration with civil society actors, design and implement an education campaign about sexual orientation and gender identity, which includes the training of state officials





7. Combat bullying based on sexual orientation and gender identity in educational settings and domestic violence affecting the lesbian, gay, bisexual and trans communities.

H. [Video of Mozambique's UPR Working Group Session](#)

- I. **SOGIESC Mentions During Mozambique's UPR Outcome (This section will be completed after the 48th session of the Human Rights Council, in October 2021)**



## NAMIBIA UPR SOGIESC RECOMMENDATIONS

**DATE AND TIME OF THE REVIEW: 3 MAY 2021, 09:00-12:30**

**DATE AND TIME OF THE ADOPTION OF THE REPORT: 7 MAY 2021, 15:00-18:00**

**During the 38<sup>th</sup> UPR Working Group Sessions, Namibia received 24 SOGIESC recommendations. It will respond to these recommendations no later than the 48th session of the Human Rights Council.**

### A. SOGIESC Information

#### National Report

113. Sexual minority issues are currently being flagged by the sodomy report and under the obsolete law project under the law reform and proposals for further review and possible areas for reform identified.

117. Namibia has experienced the following challenges in the protection and promotion of human rights for all, and welcomes the technical assistance of the OHCHR in addressing these challenges through capacity building:

(a) - (e) ...

(f) The Government continues to explore effective mechanisms to clarify its position on LGBTQ rights despite existing normative and religious barriers. In the meantime, the Government continues to implement the general right to non-discrimination in the promotion and protection of human rights for all persons in Namibia.

#### Compilation of UN Information

19. Noting relevant concerns, the Committee on Economic, Social and Cultural Rights recommended, inter alia, that Namibia expand the grounds for discrimination prohibited in the Constitution to include, among others, marital status, political or other opinion, HIV status, disability, sexual orientation, language, property and birth.

21. The Human Rights Committee expressed concern about the prevalence of de facto racial discrimination and of discrimination against indigenous peoples, persons with disabilities, persons who were HIV positive and lesbian, gay, bisexual and transgender persons. The Committee stated that Namibia should conduct extensive education and awareness-raising campaigns to eliminate all forms of discrimination. Furthermore, it should: repeal all laws that discriminate on the basis of race and finalize and adopt legislation on intestate succession so as to apply the same rules to all persons without discrimination; adopt legislation explicitly prohibiting discrimination based on sexual orientation and hate crime legislation punishing homophobic and transphobic violence; abolish the common law crime of sodomy and include same-sex relationships in the Combating of Domestic Violence Act of 2003 so as to protect same-sex partners; and combat discrimination against persons with disabilities and against persons who are HIV-positive.



22. In follow-up to the concluding observations of the Human Rights Committee, Namibia stated in 2018 that the law did not discriminate against any person. Article 10 of the Constitution guaranteed equality and freedom from discrimination and prohibited discrimination on the grounds of sex, race, ethnic origin, religion, creed or social or economic status. In addition, legislation had been enacted to address racial discrimination and promote equality. Lesbian, gay, bisexual and transgender persons were not discriminated against because of their sexual preferences.

33. The Human Rights Committee expressed concern about reported cases of violence and harassment against lesbian, gay, bisexual and transgender persons by the police. The Committee against Torture stated that Namibia should take all necessary measures to protect lesbian, gay, bisexual, transgender and intersex persons from threats and violence.

48. The Committee against Torture stated that Namibia should consider decriminalizing sexual acts between consenting adult men.

93. The Committee against Torture recommended that Namibia repeal section 24 (1) of the Namibia Refugees (Recognition and Control) Act of 1999 in order to respect its obligations under article 3 of the Convention against Torture, which establishes an absolute prohibition of refoulement when there is a risk of torture, and that it ensure that individuals at risk of persecution because of their sexual orientation or gender identity were not subject to refoulement and have equal access to asylum without discrimination.

### Summary of Stakeholder's Information

8. SHRL<sup>17</sup> stated that there were no laws prohibiting discrimination against lesbian, gay, bisexual, transgender, queer, and others.

9. JS6<sup>18</sup> stated that the Combating of Domestic Violence Act 4, 2003 (Act No. 4 of 2003) explicitly defined a domestic relationship as persons being of different sexes, live or have lived together in a relationship in the nature of marriage, although they are not, or were not, married to each other, are or were in an actual or a perceived intimate or romantic relationship. The amendment bills to the Combating of Domestic Violence Act, Combating of Rape Act, 2000 (Act No.8 of 2000), Maintenance Act, 2003 (No. 9 of 2003) and the Criminal Procedure Act, 1997 (Act No. 51 of 1977) which sought to provide greater protection to women and girls did not explicitly recognize same-sex relationships or lesbian, gay, bisexual and transgender persons.

10. JS2<sup>19</sup> stated that the National Plan of Action on Gender-Based Violence, 2019-2023, that had been adopted in 2019, had no budget for implementation. This Plan had exclusively

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<sup>17</sup> The Swedish Human Rights Lab.

<sup>18</sup> Joint submission 6 submitted by: Namibia Diverse Women's Association, Khaibasen Trust of Namibia, Transgender Intersex Androgynous Movement of Namibia, Healing Wound Associations, Equal Rights For All Movement, Mental Medical Counselling Network, Trans Masculine Namibia, Namibia Sex Workers Alliance, and Young Girls and Women (Namibia) (Joint Submission 6).

<sup>19</sup> Joint submission 2 submitted by: Positive Vibes Trust, Women's Leadership Centre, Young Feminists Movement Namibia, Coalition of African Lesbians, AIDS and Rights Alliance for Southern Africa and, Sexual Rights Initiative, Geneva (Switzerland) (Joint Submission 2).



focused on cisgender, heterosexual women, to the exclusion of lesbian, bisexual and queer women, as well as sex workers. The Plan had been based on discriminatory social norms and gender stereotypes that perpetuated discrimination against women.

11. JS2 stated that same-sex conduct between men was criminalized. The criminalization of sodomy has had a significant and persistent negative impact on the lives of those who identify as Lesbian, Gay, Bisexual or Transgender persons and contributed to the on-going stigmatisation of the LGBT community. The Combating of Immoral Practices Act, 1980 (Act No. 21 of 1980), also had a negative impact on the lives of Lesbian, Gay, Bisexual or Transgender persons.

12. JS3<sup>20</sup> stated that customary law had been used to discriminate against transgender people. While transgender persons could apply to change their sex description in the birth register, they barely had access to this service due to their unfavourable socio-economic position and the lack of qualified health practitioners who could provide affirming services.

28. Noting that Article 13 of the Constitution made provisions for the right to privacy, JS3 stated that the criminalization of consensual same-sex activities violated one's right to privacy.

30. JS6 stated that the Labour Act 11, 2007 (Act No. 11 of 2007) had removed the explicit protection against discrimination on the basis of sexual orientation and that lesbian, gay, bisexual and transgender persons had experienced sexual harassment and discrimination on the basis of their sexual orientation and gender identity or expression at their places of work.

31. JS6 stated that lesbian, gay, bisexual and transgender persons had not been entitled to any benefits from their partners' pensions due to the lack of recognition of sexual orientation and gender identity within social services.

36. JS6 stated that lesbian, gay bisexual and transgender persons had faced barriers to accessing health care which included ridicule, prejudice and discrimination, fears that breaches of confidentiality would reveal their sexual orientation in a hostile environment, and the criminalization of consensual sodomy. Transgender persons had faced distinct discrimination and prejudice as the services they had received had not been gender affirming or appropriate to enhance their wellbeing. Health care workers had denied lesbian, gay, bisexual and transgender persons access to health care because of the general assumption that homosexuality was illegal or in violation of their own moral values.

37. AU-ACHPR<sup>21</sup> stated that Namibia should end discrimination and stigmatization limiting health care access for vulnerable groups in particular the lesbian, gay, bisexual and transgender community, commercial sex workers and other vulnerable groups.

39. JS2 stated that although the fight against HIV/AIDS was high on the Government's agenda, there were still serious challenges with access to health services for rural woman and girls and their communities, as well as for sexual and gender minorities.

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<sup>20</sup> Joint submission 3 submitted by: TIAMON (Namibia), Wings to Transcend Namibia, Windhoek (Namibia), Gender Dynamix, Cape Town (South Africa) (Joint Submission 3).

<sup>21</sup> African Union – African Commission on Human and Peoples' Rights, Banjul (The Gambia).



45. While noting that the National Curriculum on Comprehensive Sexuality Education included a section on sexual orientation, JS6 stated that lesbian, gay, bisexual and transgender students had experienced discrimination and bullying in schools.

48. Referring to relevant supported recommendations from the previous review, JS2 stated that the protection orders provided for under the Combating of Domestic Violence Act 4, 2003 (Act No. 4 of 2003), were still not available to those rural women who resided far from a magistrate's courts. In addition, same-sex couples were excluded from protections offered under this Act.

## B. SOGIESC Advanced Questions for Namibia

- **Canada:** Does Namibia plan to officially decriminalize consensual same-sex relations and other provisions that prevent LGBTI person from fully benefitting from anti-discrimination protections?
- **Panama:** What steps have been taken to decriminalize consensual sexual relations between adults whose gender expression is not heteronormative?
- **United Kingdom:** Will the Government of Namibia consider taking steps to reform outdated legislation that criminalises same sex conduct and provide legal protections to ensure its citizens are not discriminated against on the basis of their sexual orientation or gender identity?

## C. Namibia's Working Group Session

- **Opening remarks (H.E. Ms. Julia Imene-Chanduru, Ambassador, Permanent Representative of Namibia):** The rights of the child and child welfare remains high on our human rights agenda. The Childcare and Protection Act of 2015 was operationalised in 2018 and places the welfare of children at the forefront of all matters that impact the Namibian child. We are proud to inform you that this legislation is comprehensive in its protection of the rights of the child and welfare of children, and prohibits harmful practices such as child marriage and sexual initiation practices, and also reaffirms the voice of the child by allowing children to consent to medical procedures and HIV/AIDS testing from the age of 14 years.
- **Intervention made after 38 interventions (H.E. Mr. Festus Mbandeka, Attorney General, Cabinet of Namibia):** The pertinent issues highlighted by the UN Human Rights Committees, stakeholders and some States also includes concern on the lack of laws prohibiting discrimination on the grounds of sexual orientation. The Namibian Constitution provides for inclusive protection against discrimination and the Government continue to implement the general rights to non-discrimination in their promotion and protection of human rights for all persons in Namibia. Article 8(1) and 10(1) of the Namibian Constitution provides for inviolable rights to dignity and equality before the law of all persons. The legal framework on non-discrimination therefore provides for remedies for persons whose human rights have been infringed or violated in any way. All vulnerable groups, including the LBGTQI community, commercial sex workers in Namibia, have unfettered access to public healthcare facilities countrywide.



Government continue to sensitise officials on the prohibition against discrimination and cultural bias towards the said vulnerable groups.

- **Closing remarks (H.E. Ms. Yvonne Dausab, Minister of Justice, Head of Namibian Delegation):** We have heard the delegates and are taking note of concerns, particularly on our efforts and funding for the fight against corruption, issues pertaining to the LGBTI community, and the high and escalating cases of gender-based violence, and concerns pertaining to persons with disabilities. Your valuable input, comments and recommendations serve as guidance to us in our continued efforts to ensure full implementation of human rights for the benefit of our people.

#### D. Recommendations for Cycle III (2021)

##### a) Remarks of States

- **Australia:** We remain concerned by ongoing discrimination on the basis of sexual orientation including through the criminalisation of same sex relations.
- **Austria:** We are monitoring the situation of LGBTI people in Namibia and encourage the government to combat all forms of discrimination or violence against people based on their sexual orientation or gender identity.
- **Brazil:** Brazil encourages Namibia to pass legislation on access to information, currently under discussion at the National Assembly, review legislation that may allow for direct or indirect forms of discrimination and expand constitutional prohibition against discrimination to include grounds such as marital status, political or other opinion, HIV status, disability, sexual orientation, language, property and birth.
- **Denmark:** We welcome Namibia's introduction of a Children's Advocate in the Office of the Ombudsman and its progress towards gender equality, but remain concerned about infringements of the rights of LGBTI persons.
- **Spain:** We regret the persistence of discrimination against LGBTI people.

##### b) The following recommendations will be examined by Namibia, which will provide responses no later than the 48th session of the Human Rights Council:

- **Argentina:** Adopt the necessary measures to accelerate the current review of laws and policies in order to rectify provisions that discriminate against LGBTI persons and older persons, including those with disabilities (6.79)
- **Australia:** Formally repeal the legacy common law prohibition of sodomy (6.95).
- **Austria:** Repeal laws that criminalize and discriminate based on sexual orientation, gender identity or expression, especially Sodomy under Schedule 1 offences in the Criminal Procedures Act 51, the Labour Act 11, and the Combating of Immoral Practices Act 21 (6.96)
- **Canada:** Decriminalize sexual activity between same sex consenting adults and ensure full legal equality and protections against discrimination (6.98)
- **Costa Rica:** Strengthen measures to combat violence against women and girls and establish clear and efficient mechanisms to combat the different forms of discrimination faced by people with disabilities, indigenous peoples and the LGBTI community (6.93)



- **Denmark:** Repeal all laws that discriminate based on SOGI, including the Criminal Procedures Act 51 of 1977, the Labour Act 11 of 2007, and the Combating of Immoral Practices Act 21 of 1980 (6.80)
- **Dominican Republic:** Implement further measures targeting equality before the law for members of the LGBTI community (6.99)
- **Ecuador:** Adopt effective measures to combat de facto racial discrimination and discrimination against indigenous peoples, persons with disabilities, HIV-positive persons, and LGBT persons (6.86)
- **Finland:** Take concrete actions to ensure access to health services for LGBTI persons, especially transgender persons, and to combat all forms of discrimination against LGBTI persons in relation to employment opportunities and treatment by the police forces (6.100)
- **France:** Decriminalize sexual relations between people of the same sex, promote equality and non-discrimination, including on the grounds of sexual orientation and gender identity (6.101)
- **Germany:** Revise laws discriminating against persons based on their sexual orientation and gender identity, especially LGBTI+ persons in particular the law which criminalizes sodomy between consenting adult men (6.102)
- **Iceland:** Decriminalize consensual sexual relations between adults of the same sex and expand its anti-discrimination legislation, to include a prohibition of discrimination on the basis of sexual orientation and gender identity (6.103)
- **Ireland:** Decriminalize consensual same-sex relations (6.104)
- **Ireland:** Enshrine in legislation the prohibition of discrimination on the ground of sexual orientation and gender identity (6.105)
- **Italy:** Decriminalize consensual same-sex adult relations and adopt measures to combat all forms of discrimination based on sexual orientation and gender identity (6.106)
- **Liechtenstein:** Amend its legislation to abolish provisions discriminating against LGBTI persons, including those criminalizing sexual acts between consenting adults of the same gender (6.107)
- **Malta:** Consider appointing a diversity liaison Officer from the LGBTI community, in Government (6.108)
- **Mexico:** Decriminalize consensual same-sex sexual relations and adopt legislation prohibiting discrimination on the basis of sexual orientation and gender identity (6.109)
- **Netherlands:** Amend legislation in order to abolish any provisions discriminating against LGBTI persons, including those provisions criminalizing consensual same-sex acts between adults of the same sex (6.110)
- **South Africa:** Increase its efforts of improving access to health services for rural woman and girls and their communities, as well as gender and sexual minorities (6.207)
- **Spain:** Decriminalize consensual sexual relations between adults of the same sex (6.97)
- **Spain:** Adopt and enforce hate crime legislation that punishes homophobic and transphobic violence (6.135)
- **United States of America:** Include the protection of same-sex couples in reforms and proposed amendments to the Combating of Domestic Violence Act (6.94)
- **Uruguay:** Accelerate efforts to review its legislation to ensure that it is not discriminatory on the basis of sexual orientation and gender identity, including through



the prompt decriminalization of consensual sexual relations between adults of the same sex (6.78)

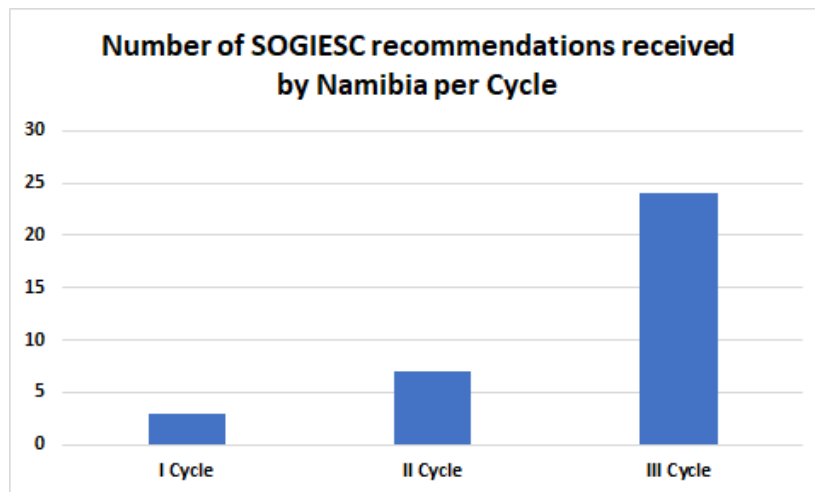
#### E. Recommendations for Cycle II (2016)

Recommendation	Recommending State	Response
Adopt the necessary measures aiming at eliminating the normative provisions which criminalize and discriminate against LGBTI persons.	Argentina	Noted
Adopt further measures to combat violence and sexual abuse against girls and women, as well as violence and discrimination based on sexual orientation.	Brazil	Supported
Repeal provisions criminalizing sexual relations between consenting adults of the same sex, to respect the principles of equality and nondiscrimination among all people.	France	Noted
Strengthen existing mechanisms within its institutional infrastructure to eradicate discriminatory, cultural or based on customary laws, practices to the detriment of women, children, minorities and LGBT groups.	Honduras	Supported
Bring its legislation into conformity with its international human rights obligations by repealing laws that criminalize sexual activity between consenting adults of the same sex.	Iceland	Noted
Bring its law in conformity with its international human rights obligations by repealing all laws which result in, or are likely to result in the discrimination, prosecution and punishment of people solely for their sexual orientation or gender identity.	Netherlands	Noted
Establish legislative measures to decriminalize sexual relations among adults of the same sex.	Spain	Noted





## F. Graphic Comparison Between Cycles (1–3)



## G. SOGIESC recommendations shared by HRDs during ILGA's UPR advocacy week in Geneva: TIAMON; Wings to Transcend Namibia; Gender Dynamix

1. Amend its anti-discrimination legislation in order to include sexual orientation, gender identity and expression and sex characteristics as grounds prohibited grounds of discrimination.
2. Amend its legislation to abolish any provisions discriminating against LGBTI persons, including those criminalizing consensual same-sex acts between adults of the same gender.
3. Namibia to appoint diversity liaison Officer from the LGBTI community in government.
4. Develop, in consultation with civil society, an action plan to provide affordable Gender affirming Healthcare to trans persons and ensure access to health care to LGBTI persons by training of service providers.
5. Implement the CCPR recommendations of 2016 to adopt legislation explicitly prohibiting discrimination based on sexual orientation and gender identity, including in the Labour Act (Act No. 11 of 2007), and adopt hate crime legislation punishing homophobic and transphobic violence and vigorously enforce it.

## H. [Video of Namibia's UPR Working Group Session](#)

- I. **SOGIESC Mentions During Namibia's UPR Outcome (This section will be completed after the 48th session of the Human Rights Council, in October 2021)**



## NIGER UPR SOGIESC RECOMMENDATIONS

**DATE AND TIME OF THE REVIEW: 3 MAY 2021, 14:30-18:00**

**DATE AND TIME OF THE ADOPTION OF THE REPORT: 7 MAY 2021, 15:00-18:00**

During the 38<sup>th</sup> UPR Working Group Sessions, Niger received 6 SOGIESC recommendations. It will respond to these recommendations no later than the 48th session of the Human Rights Council.

### A. SOGIESC Information

#### National Report

N/A

#### Compilation of UN Information

8. The Human Rights Committee recommended that the Niger take appropriate steps to: (a) enact comprehensive legislation providing full and effective protection against discrimination in all spheres and containing an exhaustive list of prohibited grounds of discrimination, including sexual orientation and gender identity; and (b) amend article 282 of the Criminal Code in order to decriminalize consensual sexual relations between adults of the same sex.

#### Summary of Stakeholder's Information

13. JS5<sup>22</sup> noted that homosexuality is criminalized under article 280 of the Criminal Code, which severely restricts the rights of lesbian, gay, bisexual, transgender and intersex persons and defenders of their rights.

### B. SOGIESC Advanced Questions for Niger

N/A

### C. Niger's Working Group Session

N/A

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<sup>22</sup> Joint submission 5 submitted by: le Collectif des Organisations de Défense des Droits de l'Homme et de la Démocratie (Coddhd), le Réseau des Organisations pour la Transparence et l'Analyse Budgétaire (ROTAB) et Tournons La Page Niger, Genève, Suisse.



#### D. Recommendations for Cycle III (2021)

##### a) Remarks of States

N/A

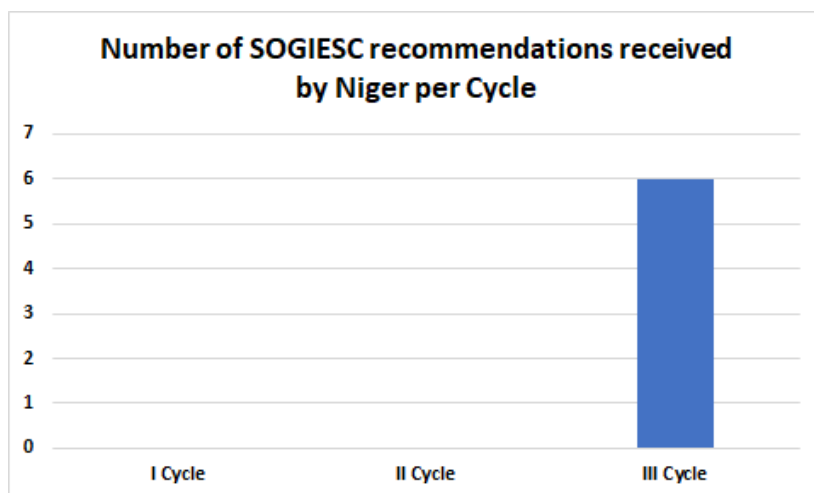
##### b) The following recommendations will be examined by Niger, which will provide responses no later than the 48th session of the Human Rights Council:

- **Argentina:** Decriminalize consensual sexual relations between adults of the same sex (6.63)
- **Chile:** Decriminalize consensual sexual relations between adults of the same sex and move forward towards the elimination of violence and discrimination based on sexual orientation and gender identity (6.60)
- **Iceland:** Adopt comprehensive anti-discrimination legislation that addresses direct and indirect discrimination and encompasses all the prohibited grounds of discrimination, including sexual orientation and gender identity (6.61)
- **Italy:** Decriminalize consensual same-sex relations and combat discrimination against LGBTI persons (6.62)
- **Montenegro:** Enact comprehensive legislation on effective protection against discrimination in all domains, including sexual orientation and gender equality (6.64)
- **Portugal:** Amend article 282 of the Criminal Code in order to decriminalize consensual sexual relations between adults of the same sex (6.65)

#### E. Recommendations for Cycle II (2016)

N/A

#### F. Graphic Comparison Between Cycles (1–3)



#### G. [Video of Niger's UPR Working Group Session](#)



**H. SOGIESC Mentions During Niger's UPR Outcome (This section will be completed after the 48th session of the Human Rights Council, in October 2021)**



## PALAU UPR SOGIESC RECOMMENDATIONS

**DATE AND TIME OF THE REVIEW: 7 MAY 2021, 09:00-12:30**

**DATE AND TIME OF THE ADOPTION OF THE REPORT: 11 MAY 2021, 16:30-18:00**

During the 38<sup>th</sup> UPR Working Group Sessions, Palau received 7 SOGIESC recommendations. It noted all 7 recommendations.

### A. SOGIESC Information

#### National Report

N/A

#### Compilation of UN Information

17. The United Nations country team noted that during the second review cycle, Palau had noted recommendations that it combat discrimination based on sexual orientation and gender identity, including by recognizing same-sex couples and marriage between persons of the same sex. In July 2019, the President had expressed his disagreement with the amendment to the Constitution in 2008 that had prohibited same-sex marriage and advocated equal rights for all. However, no legislative changes had been introduced. It recommended that Palau conduct research on the challenges faced by lesbian, gay, bisexual, transgender and intersex persons to enjoy their rights so that appropriate legislative and policy changes could be implemented.

18. The Committee expressed concern that the Constitution did not explicitly prohibit discrimination based on sexual orientation and gender identity and that girls, children with disabilities and children of non-Palauan descent were subject to discrimination and were more exposed to exclusion. The Committee recalled its previous concluding observations and recommended that Palau ensure that children with disabilities and girls had equal access to education, health care, employment and a decent standard of living; revise the Constitution to explicitly prohibit discrimination on the basis of sexual orientation and gender identity and align other laws in that regard to ensure that discrimination on those grounds was prohibited; and take legislative measures to ensure that children of non-Palauan parentage, including children of immigrant families and children adopted through intercountry adoptions, were afforded the same rights and access to health, education and social services as Palauan children.

#### Summary of Stakeholder's Information

N/A



## B. SOGIESC Advanced Questions for Palau

- **Spain:** Are there any obstacles preventing Palau's authorities from amending their legislation to allow same sex-marriage?

## C. Palau's Working Group Session

N/A

## D. Recommendations for Cycle III (2021)

### a) Remarks of States

- **Denmark:** Key legislation on countering discrimination based on sexual orientation and gender identity is not yet in place.
- **Iceland:** Iceland welcomes the delegation of Palau, welcomes that it repealed legal provisions that criminalized consensual same-sex sexual activity between men through its new Penal Code and encourages further consideration of the rights of LGBTI+ individuals.
- **Netherlands:** The Netherlands commends the Government of Palau for its pro-active role in engaging with Treaty Bodies and Special Procedures. Additionally, we welcome the development of the Palau Country Plan 2020-2022 aimed at improving the political, economic and social opportunities of Palauan women. However, we note with concern that legislation aimed at combatting discrimination based on sexual orientation and gender identity is still lacking.

### b) The following recommendations were examined and noted by Palau:

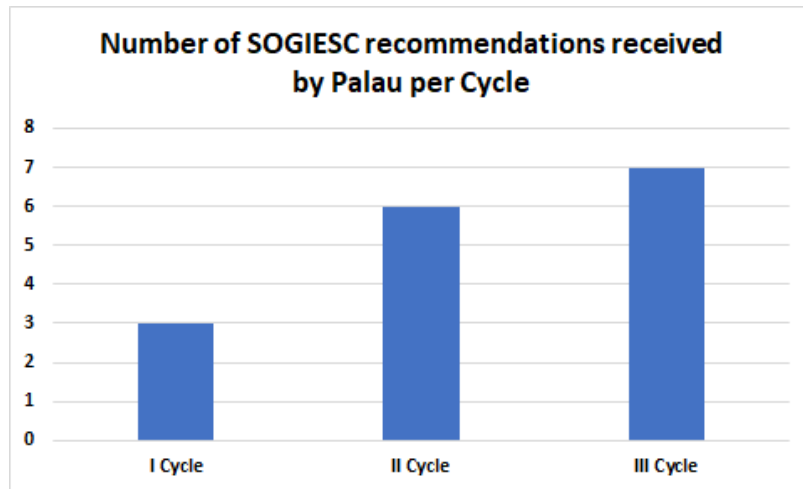
- **Canada:** Prohibit discrimination in employment, including discrimination based on sexual orientation or gender identity (7.10)
- **Denmark:** Revise the Constitution to explicitly prohibit discrimination on the basis of sexual orientation and gender identity (7.11)
- **Iceland:** Adopt comprehensive anti-discrimination legislation that addresses direct and indirect discrimination and encompasses all the prohibited grounds of discrimination, including sexual orientation and gender identity (7.9)
- **Luxembourg:** Introduce in its Constitution provisions explicitly prohibiting discrimination based on sexual orientation and gender identity (7.12)
- **Mexico:** Review the legislative framework to explicitly prohibit discrimination on grounds sexual orientation or gender identity, and eliminate all legal or administrative provisions that may discriminate against LGBTI persons (7.13)
- **Netherlands:** Introduce comprehensive anti-discrimination legislation, including discrimination based on sexual orientation or gender identity (7.14)
- **New Zealand:** Take further steps to support the enjoyment of the rights of those with diverse gender identities and sexual orientations, including the introduction of legislation and policies to protect against discrimination (7.15)



**E. Recommendations for Cycle II (2016)**

Recommendation	Recommending State	Response
Adopt measures to ensure that lesbian, gay, bisexual, transgender and intersex persons are no longer victims of discriminatory provisions.	France	Noted
Consider establishing explicit legislation or policies that prohibit discrimination based on sexual orientation or gender identity.	Israel	Noted
Take all the necessary measures to eliminate discrimination based on sexual orientation and gender identity.	Mexico	Noted
Introduce comprehensive anti-discrimination legislation, including discrimination based on sexual orientation or gender identity.	Netherlands	Noted
Legislate in order to permit marriage between persons of the same sex.	Spain	Noted
Extend existing legislation to protect the rights of the lesbian, gay, bisexual, transgender and intersex community, including the recognition of same sex couples and anti-discrimination employment laws.	United Kingdom	Noted

**F. Graphic Comparison Between Cycles (1–3)**



**G. [Video of Palau’s UPR Working Group Session](#)**

**H. SOGIESC Mentions During Palau’s UPR Outcome (This section will be completed after the 48th session of the Human Rights Council, in October 2021)**



## PARAGUAY UPR SOGIESC RECOMMENDATIONS

**DATE AND TIME OF THE REVIEW: 5 MAY 2021, 14:30-18:00**

**DATE AND TIME OF THE ADOPTION OF THE REPORT: 7 MAY 2021, 15:00-18:00**

**During the 38<sup>th</sup> UPR Working Group Sessions, Paraguay received 15 SOGIESC recommendations. It will respond to these recommendations no later than the 48th session of the Human Rights Council.**

### A. SOGIESC Information

#### National Report

21. The adoption of a law prohibiting all forms of discrimination is a pending challenge, but by constitutional mandate (art. 46), action is being taken to remove obstacles and to address the causes of discrimination – discrimination against members of the lesbian, gay, transgender, bisexual and intersex community population is an issue being discussed by both politicians and members of the public at large.

24. Progress was made in the protection of the rights of members of the lesbian, gay, bisexual, transgender, and intersex community in specific areas. Decision No. 695/16 makes it possible for transgender persons to use, in health-care matters, the names by which they wish to be known. Under decision No. 744/15, the Ministry of Justice adopted the protocol for the care of transgender persons deprived of their liberty and will set up a prison wing for such persons alone. The Public Defence Service approved a protocol, for use at all its offices, on assistance to members of the lesbian, gay, bisexual, transgender and intersex community.

25. As a source of data for public policies against discrimination, the variable “lesbian, gay, bisexual, transgender and intersex” was included in complaints recorded in the police information system known as Marandú. An update to the Brasilia Regulations Regarding Access to Justice for Vulnerable People, currently being considered by the Supreme Court, considers sexual orientation and gender identity grounds for vulnerability. The Court, in accordance with article 25 of the Constitution, on the free expression of a person’s identity and image, recently authorized the transgender lawyer Kimberly Ayala to take the lawyer’s oath as she currently appears.

26. To encourage public policies for the promotion and protection of the rights of members of the lesbian, gay, bisexual, transgender and intersex community, Paraguay participates in meetings of the Permanent Lesbian, Gay, Bisexual, Transgender and Intersex Commission of the Meeting of High-level Authorities on Human Rights of the Southern Common Market.

#### Compilation of UN Information

12. Three Committees, the Special Rapporteur on disability and the United Nations country team were concerned about the lack of a comprehensive anti-discrimination legal framework and the persistent discrimination suffered by women, persons of African descent, indigenous





peoples, persons with disabilities, sex workers, lesbian, gay, bisexual, transgender and intersex persons and persons with HIV.

13. The Human Rights Committee recommended that Paraguay adopt comprehensive legislation prohibiting discrimination, including multiple, direct and indirect discrimination; guarantee comprehensive protection against discrimination for women, persons of African descent, indigenous peoples, persons with disabilities, sex workers, lesbian, gay, bisexual, transgender and intersex persons and persons infected with HIV; and adopt effective policies for the protection of lesbian, gay, bisexual, transgender and intersex persons and sex workers. Two other Committees and the United Nations country team made similar recommendations.

14. The United Nations country team noted that, in a historic 2019 judgment, a person had been convicted of femicide in the death of a trans woman. However, discrimination on grounds of sexual orientation and gender identity or expression remained pervasive in the practice of public institutions.

20. The same Committee was concerned about the persistence of high levels of overcrowding in prisons and the poor living conditions, including in educational institutions, police stations and establishments for persons with mental disabilities. It was also concerned about the reportedly high number of deaths among persons deprived of their liberty and about the vulnerable situation of women and lesbian, gay, bisexual, transgender and intersex persons, and especially transgender persons, who were deprived of their liberty. The United Nations country team noted, in relation to deprivation of liberty, that the national mechanism for the prevention of torture should be strengthened. It added that the prison system had issues with space- and privilege-buying schemes and the drinking water in cell blocks and that the prisons in Minga Guazú and Cordillera did not meet the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).<sup>38</sup> The Committee on the Elimination of Discrimination against Women raised particular concerns about women in detention. The Human Rights Committee recommended that Paraguay redouble its efforts to improve detention conditions, reduce overcrowding and ensure that detention conditions in all places of deprivation of liberty were in line with the Nelson Mandela Rules; investigate all deaths of persons deprived of their liberty; and ensure that the rights of persons deprived of their liberty who were particularly vulnerable were respected.

44. The Committee on the Elimination of Discrimination against Women was concerned about the ban by the Ministry of Education and Science on all dissemination and use of educational materials referring to “gender theory” and/or “gender ideology”, under Ministry decision No. 29664. It recommended that Paraguay repeal that decision.

54. The United Nations country team recommended that Paraguay ensure that a comprehensive gender perspective was mainstreamed, especially across COVID-19 early recovery programmes in the light of the differentiated impact of the pandemic, and that staff of public institutions received ongoing training in human rights, sexual diversity and gender identity.



## Summary of Stakeholder's Information

12. JS9<sup>23</sup> noted that there was structural discrimination against indigenous peoples, campesinos, persons living in informal urban settlements, women domestic workers and lesbian, gay, bisexual, transgender and intersex persons. Several submissions noted that a human rights-based law against all forms of discrimination should be adopted and that a budget should be allocated for its implementation.

13. JS9 stated that discrimination and violence against lesbian, bisexual, transgender and transvestite persons had increased during the coronavirus disease (COVID-19) pandemic, that no measures had been taken to eradicate discrimination based on sexual orientation, gender identity and gender expression and that many complaints had yet to be investigated. JS9 recommended passing a law on gender identity and legislation that would criminalize discrimination and violence against these persons, investigating cases of violence and prohibiting the subjection of lesbians to so-called “conversion therapies”.

14. Several submissions noted that various municipalities and both chambers of the Congress had declared themselves “pro-life/pro-family” in 2018 and 2019. Several submissions reported that in 2019, there had been attacks on lesbian, gay, bisexual, transgender and intersex activists after the municipal government of Hernandarias had issued two decisions describing a march led by such activists as contrary to “public morals”.

38. Several submissions were concerned about growing hostility, stigmatisation and criminalisation against journalists and human rights defenders (HRD). JS13<sup>24</sup> noted that some recent aggressions against journalists were linked to the COVID-19 state of emergency. Several submissions noted that attacks came from State/non-State actors, criminal organizations and authorities. JS2<sup>25</sup> noted that the criminal justice system was used to harass and discourage them. JS2 added that no measures had been taken to protect them or to investigate the attacks. Several submissions stated that the process of adopting the bill on freedom of expression and the protection of journalists, press workers and human rights defenders had stalled. Several submissions noted that particularly troubling was the situation of the peasant and indigenous movements, defenders of land/environmental rights. Several

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<sup>23</sup> Joint submission 9 submitted by: Aireana-Grupo por los Derechos de las Lesbianas, Panambi, Red contra toda forma de Discriminación, Somos Pytyvõhára, Akahatá-Equipo de Trabajo en Sexualidades y Géneros, Synergia y la Iniciativa por los Derechos Sexuales (SRI), Buenos Aires (Argentina), Asunción (Paraguay) and Montevideo (Uruguay).

<sup>24</sup> Joint submission 13 submitted by: CIVICUS: World Alliance for Citizen Participation, Geneva (Switzerland) and Semillas para la Democracia, Asunción (Paraguay).

<sup>25</sup> Joint Submission 2 submitted by: Coordinadora de Derechos Humanos del Paraguay (CODEHUPY), Asunción (Paraguay). Members: AIREANA, Grupo por los Derechos de las Lesbianas, Asociación Callescuola, Asociación Panambi, Base Investigaciones Sociales (Base-IS), Centro de Documentación y Estudios (CDE), Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer (Cladem-Py), Coordinación de Mujeres del Paraguay (CMP), Comité de Iglesias para Ayudas de Emergencia (CIPAE), Decidamos - Campaña por la expresión Ciudadana, Enfoque Territorial, Fundación Vencer, Fundación Dr. Andrés Rivarola Queirolo (FUNDAR), Gestión Local, Grupo Sunu de Acción Intercultural, Heñói, Movimiento de Objeción de Conciencia Paraguay (MOC-PY), Red de ONG's que trabajan VIH/SIDA en Paraguay, Servicio Jurídico Integral para el Desarrollo Agrario (SEIJA), Servicio Paz y Justicia - Paraguay (Serpaj - Py), Sindicato de Periodistas del Paraguay (SPP), Tape'a para el Desarrollo Social Sostenible, Tierraviva a los Pueblos Indígenas del Chaco, TEDIC - Tecnología y Comunidad, y UNES - Unidas en la Esperanza. Supporters: Amnistía Internacional Paraguay, Coordinadora por los Derechos de la Infancia y la Adolescencia (CDIA), Coordinación Nacional de Pastorales Indígenas (Conapi - CEP), Centro de Estudios Paraguayos Antonio Guasch (Cepag), Centro Paraguayo de Teatro (Cepate), Fundación Celestina Pérez de Almada (FCPA), Instituto de Ciencias Sociales de Paraguay (ICSO), Iniciativa Amotocodie, Instituto de Estudios Comparados en Ciencias Penales y Sociales Paraguay (Inecip - Py), Gente Ambiente y Territorio (GAT), y Semillas para la Democracia.



submissions expressed concern about women environmental defenders, women indigenous leaders, women journalists, and LGBTQI+ and women human rights defenders. Several submissions noted that Paraguay had received many related recommendations in this regard.

70. JS9 was concerned that the lack of comprehensive sex education had resulted in high rates of sexual abuse, early sexual initiation and early pregnancy. JS9 added that church representatives provided faith-based sex education in public schools and incited discrimination on the basis of sexual orientation and gender identity. Two submissions mentioned that the Ministry of Education and Science had suspended the implementation of the comprehensive sex education teaching framework and had adopted an anti-gender stance through its decisions No. 29664/17 and No. 1761/19. Several submissions called for the implementation of a comprehensive sex education policy that reflects a scientific, secular, gender-sensitive and human rights-based approach. Several submissions called for the above-mentioned decisions to be revoked.

74. Two submissions reported that Act No. 5777/16 on the Comprehensive Protection of Women from All Forms of Violence established femicide as a criminal offence; however, the fact that the Act contained no reference to gender was detrimental to transgender and lesbian women and could lead to it being applied in a discriminatory way. KR added that political violence against women had not been defined as a specific offence.

## B. SOGIESC Advanced Questions for Paraguay

- **Spain:** How has the Government considered guaranteeing the human rights of LGBTBI people and the elimination of all forms of discrimination and violence against them?

## C. Paraguay's Working Group Session

- **Intervention made after 89 interventions (H.E. Ms. María Lorena Segovia, Ministra Defensora General):** I would like to underscore the protocol for the LGBTBI community and one on Law 577/16 to defend the rights of women victims of gender-based violence, and our guidebook on inclusive language.
- **Intervention made after 92 interventions (Mr. Gilberto Antonio Apuril Santiviago, Presidente de la Comisión de Derechos Humanos de la Honorable Cámara de Senadores):** With respect to equality and non-discrimination, while this Bill is still being studied as part of law against all forms of discrimination, with respect to LGBTBI persons, we have held meetings with all sectors, fostering mechanisms of protection in areas such as health, justice and elsewhere, given that the debate in society continues to mature.

## D. Recommendations for Cycle III (2021)

### a) Remarks of States

- **Israel:** Moreover, while commending Paraguay for the measures taken to improve the situation of LGBTBI persons, such as Decision No. 695/16, we express our concern for possible implications of the declaration of municipalities as pro-family.



- **Montenegro:** On another note, we recognize concerns communicated by the UN mechanisms about the lack of a comprehensive anti-discrimination legal framework, and the persistent discrimination against women, persons of African descent, indigenous peoples, persons with disabilities, sex workers, LGBTI (lesbian, gay, bisexual, transgender and intersex persons) and persons with HIV.
- **Netherlands:** We remain concerned about persistent impunity for violence against and killings of journalists. Furthermore, we note the lack of comprehensive anti-discrimination legislation with specific attention to vulnerable groups, including LGBTI persons.
- **Thailand:** Thailand commends Paraguay's commitment to protecting and promoting human rights, in particular its efforts in prohibiting all forms of discrimination against members of the LGBTI community, and in combatting human trafficking.
- **Venezuela:** We are alarmed by the structural discrimination against indigenous peoples, farm labourers, domestic workers and LGBTI people, exacerbated during the pandemic.

**b) The following recommendations will be examined by Paraguay, which will provide responses no later than the 48th session of the Human Rights Council:**

- **Argentina:** Approve an anti-discrimination law to prevent and sanction discrimination in all its forms, including discrimination on the grounds of sexual orientation and gender identity, as previously recommended in April 2016 (6.46)
- **Australia:** Strengthen appropriate avenues for reporting and effective mechanisms for investigating gender-based violence and attacks on LGBTI persons (6.185)
- **Belgium:** Adopt a comprehensive legislation prohibiting discrimination, including discrimination based on sexual orientation and gender identity (6.41)
- **Canada:** Enact legislation to prohibit discrimination, including based on sexual orientation and gender identity (6.47)
- **Chile:** Step up efforts to increase the participation of women in political and public life and to eradicate all forms of violence and discrimination based on sexual orientation, gender identity and gender expression (6.155)
- **Ecuador:** Adopt the necessary legal standards to prevent and condemn all forms of discrimination, including on sexual orientation and gender identity (6.38)
- **France:** Strengthen the fight against violence and discrimination based on sexual orientation and gender identity (6.39)
- **Germany:** Beyond constitutional efforts to address discrimination, adopt a law against all forms of discrimination, including discrimination based on sexual orientation and gender identity (6.40)
- **Iceland:** Adopt comprehensive anti-discrimination legislation that addresses direct and indirect discrimination and encompasses all the prohibited grounds of discrimination, including sexual orientation and gender identity (6.30)
- **Israel:** Take measures to eliminate violence against LGBTI people (6.31)
- **Mexico:** Adopt a law against all forms of discrimination and violence, including sexual orientation and gender identity (6.42)
- **Netherlands:** Adopt legislation against all forms of discrimination, including discrimination based on sexual orientation and gender identity (6.43)



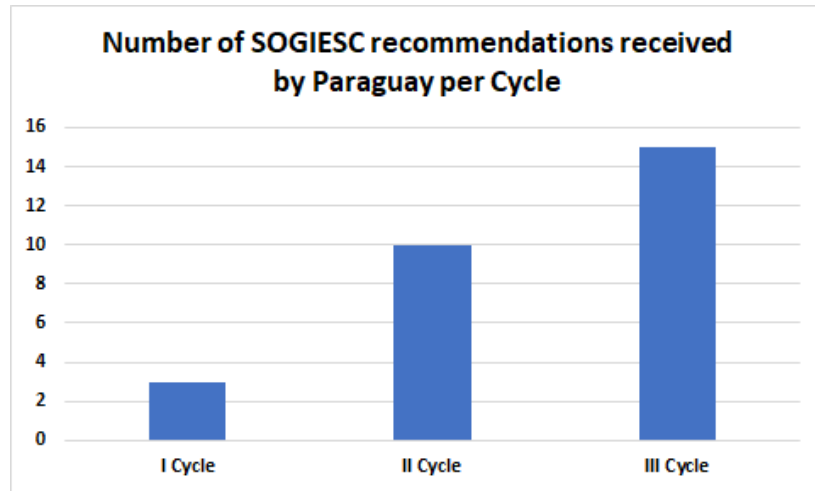
- **Portugal:** Provide training on human rights and on combating discrimination and violence, including those based on sexual orientation and gender identity, to health personnel, members of the judiciary, police forces and prison officers (6.36)
- **United Kingdom:** Pass legislation prohibiting discrimination, including comprehensive prohibitions against discrimination on the grounds of sexual orientation and gender identity (6.44)
- **Uruguay:** Encourage the adoption of a law that guarantees the prohibition of all forms of discrimination, including those based on sexual orientation and gender identity (6.45)

#### E. Recommendations for Cycle II (2016)

Recommendation	Recommending State	Response
Adopt a law to fight against discrimination, to prevent and punish discrimination in all its forms including discrimination on sexual orientation and gender identity.	Argentina	Supported
Enact legislation to prohibit discrimination, including based on sexual orientation and gender identity.	Canada	Supported
Move towards the adoption of a comprehensive law against all forms of discrimination, including discrimination on the basis of sexual orientation and gender identity, that punishes and prohibits all forms of discrimination in public and private settings.	Chile	Supported
Review all type of provisions that could lead to the discrimination of lesbian, gay, bisexual, transgender and intersex persons, as well as review labour provisions which may affect domestic workers.	Colombia	Supported
Strengthen the fight against all forms of discrimination including discrimination based on sexual orientation or gender identity.	France	Supported
Further develop policies to ensure full enjoyment of rights and equality to lesbian, gay, bisexual, transgender and intersex persons.	Israel	Supported
Adopt a law prohibiting all forms of discrimination, including discrimination based on sexual orientation and gender identity.	South Africa	Supported
Approve a comprehensive law for the promotion of gender equality which would include, among other issues, awareness on issues such as gender violence, and the freedom of sexual orientation.	Spain	Supported
Adopt a law against all forms of discrimination, including discrimination based on sexual orientation and gender identity.	Sweden	Supported
Pass legislation prohibiting discrimination, including comprehensive prohibitions against discrimination on the grounds of sexual orientation and gender identity.	United Kingdom	Supported



F. Graphic Comparison Between Cycles (1–3)



G. [Video of Paraguay's UPR Working Group Session](#)

H. SOGIESC Mentions During Paraguay's UPR Outcome (This section will be completed after the 48th session of the Human Rights Council, in October 2021)



## SEYCHELLES UPR SOGIESC RECOMMENDATIONS

**DATE AND TIME OF THE REVIEW: 10 MAY 2021, 14:30-18:00**

**DATE AND TIME OF THE ADOPTION OF THE REPORT: 14 MAY 2021, 15:30-18:00**

During the 38<sup>th</sup> UPR Working Group Sessions, Seychelles received 12 SOGIESC recommendations. It will respond to these recommendations no later than the 48th session of the Human Rights Council.

### A. SOGIESC Information

#### National Report

2. The Government remains committed and fully engaged towards the review, reform and enhancement of existing legislation, and moving towards the enactment of new laws so as to remain in the forefront of advocating for the advancement of human rights practices. Some new pieces of legislation and amendments enacted since the last review include inter-alia:

(a) The repeal of Section 151 of the 'Seychelles Penal Code' in 2016 thereby decriminalizing private, consensual sex between adults of the same sex, discussed in detail in paragraph 57 [...]

56. Seychelles is party to the International Covenant on Civil and Political Rights (ICCPR) and recognizes the inherent right to dignity of each citizen. Article 27 of the Constitution of Seychelles guarantees equal protection of the law including the enjoyment of the rights and freedoms set out in the Seychelles Charter of Fundamental Human Rights without discrimination. This entails that citizens who feel aggrieved on the basis of their sexual orientation may freely seek redress.

57. In June 2016 following extensive intergovernmental and public consultation, the Government repealed Section 151 of the Seychelles Penal Code that criminalized private, consensual sex between adults of the same sex. The offence previously subjected the offender of felony and liable to imprisonment for fourteen years, although, notably, no citizen had ever been tried in Seychelles under this offence.

58. In 2016 a Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) group was registered in Seychelles and since serves as a forum where the members can engage actively on issues that have direct impact upon them. They provide education and awareness programmes to the public on issues such as sexual orientation, non-discrimination, and stigmatization.

59. The Government continues to consult on whether and to what extent legislations can be amended to better guarantee the Constitutional rights of all its citizens regardless of sexual orientation.

81. Migrant workers are equally protected as nationals under the 'Employment Act 1995'. The Act also provides for non-discrimination on account of age, gender, race, colour,



nationality, language, religion, disability, HIV status, sexual orientation, political, trade union or other association, in the recruitment or other employment decisions.

## Compilation of UN Information

15. The same Committee noted that consensual same-sex relationships had been decriminalized. It was concerned, however, about acts of gender-based violence and persistent societal discrimination against lesbian, bisexual and transgender women. It recommended that Seychelles make the necessary legislative changes and implement a policy to eliminate such discrimination and acts of violence.

## Summary of Stakeholder's Information

5. Regarding recommendations 120.47, 120.48, and 120.5311, SHRC<sup>26</sup> noted that in 2016 the Government had repealed the law criminalising same-sex relationships between consenting adults. However, regarding recommendation 120.46 and 120.5212, SHRC stated that the Government had not yet enacted legislation to ensure protection for all persons regardless of sexual orientation or gender identity and urged it to fully implement these recommendations and take the necessary steps to ensure the promotion and protection of human rights for all persons regardless of sexual orientation or gender identity.

### **B. SOGIESC Advanced Questions for Seychelles**

- **Canada:** What steps is Seychelles taking to eliminate discrimination based on sexual orientation and gender identity?
- **United Kingdom:** What steps is the Government of Seychelles taking to enact legislation to ensure the promotion and protection of human rights of all persons regardless of their sexual orientation and gender identity?
- **United States of America:** What steps is the Seychelles taking to enact and enforce hate crimes legislation, including on the basis of sexual orientation and gender identity?
- **United States of America:** Has Seychelles considered amending its laws to allow for one's affirmed gender to be reflected on legal ID cards, or to recognize same-sex marriages?

### **C. Seychelles' Working Group Session**

- **Opening remarks (H.E. Mr. Sylvestre Radegonde, Minister of Foreign Affairs and Tourism of the Republic of Seychelles):** Madame President, the Seychelles Charter of Fundamental Human Rights and Freedoms in the Constitution of Seychelles provides for the protection and promotion of human rights of all persons within the territory of Seychelles. This Charter reflects the aspirations of the Universal Declaration on Human Rights as well as the nine core UN human rights treaties that Seychelles is a party to. The ever so important Article 27 of our Constitution provides for the equal protection of the law for all persons, including the enjoyment of their rights and freedoms. That is

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<sup>26</sup> The Seychelles Human Rights Commission.





to say, equal protection regardless of gender, race, nationality, age, skin colour, sexual orientation or political beliefs.

- **Intervention made after 54 interventions (H.E. Mr. Sylvestre Radegonde, Minister of Foreign Affairs and Tourism of the Republic of Seychelles):** On questions received from the United States of America, the United Kingdom and Canada with regards to steps taken to eliminate discrimination based on sexual orientation and gender identity, Vice President, the Constitution of Seychelles affirms that all our people shall be free from all types of discrimination and our laws, which are built on the Constitution, are consequently aligned to this important precept. This inherent right is extended to all, regardless of sexual orientation or gender identity. We recognise that there will, from time to time, be a need to reexamine laws and bring them in line with current social constructs and international standards, whilst keeping with the fundamentals of our Constitution. We recognise that reported hate crimes towards the LGBTI community in Seychelles are mostly expressed through verbal harassment, and that there requires a shift in the attitude of the public towards this group in our society. From time to time, sensitisation and training programmes are organised for health workers and media practitioners on LGBTI issues so as to better address this matter. I wish to call out that last month, the Cabinet of Ministers gave its approval for the design of a policy and the drafting of a Bill for the creation of a Law Reform Commission, as we mentioned in our report. We expect that matters of concern regarding sexual orientation and gender identity, including the question of same sex marriages, will be duly included in the Commission's work. Our national laws also cater for redress for any aggrieved citizens through appropriate, established legal mechanisms, such as Section 46A of the Employment Act of 1995, which forbids an employer from making an employment decision against a worker based on the worker's sexual orientation. The penalty for this offence is a fine of up to 40,000 Seychelles Rupees. The Employment Department is further proposing the introduction of a grievance procedure for cases of discrimination as a whole. The government remains open to constructive dialogues on how it can improve the lives of its citizens, particularly with regards to sexual orientation or gender identity.
- **Final remarks (H.E. Mr. Sylvestre Radegonde, Minister of Foreign Affairs and Tourism of the Republic of Seychelles):** Madame Vice President, I would also like to inform you and the Committee that the Human Dignity Trust is providing Seychelles assistance to legislate against hate crimes in sexuality, race, gender, et cetera. The assistance was disrupted earlier this year, but we will soon resume discussion towards that end.

## D. Recommendations for Cycle III (2021)

### a) Remarks of States

- **Australia:** We welcome the establishment in 2019 of an independent Human Rights Commission and a Truth, Reconciliation and National Unity Commission; and the passage of a domestic violence act in 2020. We also commend Seychelles for repealing laws criminalising consensual same-sex relations between adults.
- **Brazil:** We commend the successful general elections held in 2020 and the peaceful and orderly political transition that took place afterwards. We also take note of important human rights developments in the country, such as the ratification of the 9 core human



rights instruments, the decriminalization of same-sex relationships between consenting adults and the improvement of the infrastructure of detention centers in the country.

- **Canada:** Canada applauds Seychelles on its continuous dedication to improving its human rights situation, notably for decriminalizing same-sex sexual conduct between consenting adults, establishing the National Human Rights Commission and passing the Domestic Violence Act.
- **Denmark:** Denmark welcomes the delegation of Seychelles and commends the Government for decriminalizing same-sex relations, and for adopting the Domestic Violence Bill in May 2020. However, we remain concerned by continued acts of violence and discrimination against LGBTI-persons.
- **Germany:** We commend Seychelles for ratifying the International Convention for the Protection of All Persons from Enforced Disappearances, for decriminalizing consensual sexual relations between adults of the same gender and for reforming the National Human Rights Commission.
- **Iceland:** Iceland welcomes the delegation of the Seychelles, welcomes that it repealed legal provisions that criminalised consensual same-sex sexual activity and encourages further consideration of the rights of LGBTI+ individuals.
- **Israel:** Israel also commends Seychelles for its progress since the last review regarding the rights of LGBTQI persons, especially for repealing Section 151 of the Seychelles Penal Code.
- **Italy:** Italy welcomes the establishment in 2019 of the Truth, Reconciliation, and National Unity Commission (TRNUC). We also welcome the commitment to strengthen the prevention of gender-based violence, including through the Domestic Violence Bill adopted in 2020, the decriminalisation of same sex relationships and the prohibition of all corporal punishment of children.
- **Mexico:** We thank Seychelles for the presentation of its report and we welcome the progress made, such as the decriminalization of consensual relationships between persons of the same sex, the approval of the Law of the National Human Rights Commission; the Children's Law and the Domestic Violence Law.
- **Netherlands:** The Netherlands commends the Seychelles on 1) its repeal of the law criminalizing same-sex relationships between consenting adults, 2) the establishment of a policy that allows girls to return to school after giving birth, and 3) the promotion of freedom of the press through the Access to Information Act. However, we remain concerned about acts of gender-based violence and the persistence of discriminatory gender stereotypes and societal discrimination against LGBTI people; as well as limited media pluralism, lack of media freedom and freedom of expression.
- **Portugal:** Portugal welcomes the delegation of Seychelles and the decriminalization of consensual same-sex relationships between adults, as well as the efforts of the country to tackle gender-based violence, including the enactment of the Domestic Violence Act.
- **South Africa:** My delegation commends Seychelles for its repeal of Section 151 of the 'Seychelles Penal Code', and for enacting the Seychelles 'Human Rights Commission Act' which is fully Paris Principles compliant.
- **Spain:** Whilst we praise the decriminalisation in 2016 of consensual sexual relations between adults, Spain respectfully recommends [...]



b) The following recommendations will be examined by Seychelles, which will provide responses no later than the 48th session of the Human Rights Council:

- **Argentina:** Promote measures to eliminate any form of discrimination which may still persist against lesbian, bisexual and transgender women (7.26)
- **Australia:** Enact laws prohibiting hate crimes committed against persons on the basis of sexuality, gender, religion and ethnicity (7.27)
- **Chile:** Continue to move towards the elimination of all forms of gender-based violence and discrimination against lesbian, bisexual, trans and intersex women (7.85)
- **Denmark:** Enact legislation that explicitly prohibits discrimination of all persons on the basis of sexual orientation or gender identity (7.30)
- **France:** Continue efforts to combat violence and discrimination against LGBTI people and take measures to ensure their inclusion (7.21)
- **Iceland:** Adopt comprehensive anti-discrimination legislation that addresses direct and indirect discrimination and encompasses all the prohibited grounds of discrimination, including sexual orientation and gender identity (7.28)
- **Iceland:** Pass and implement laws that would recognize same-sex partnerships and define the rights and obligations of co-habiting couples in same-sex unions (7.29)
- **Israel:** Conduct consultations on legislation which can be amended to better guarantee the constitutional rights of all its citizens regardless of sexual orientation (7.20)
- **Mexico:** Adopt legislation that prohibits discrimination and violence based on gender, sexual orientation and gender identity (7.22)
- **Netherlands:** Bring its legislation into conformity with its commitment to non-discrimination and equality by adopting comprehensive legislation that prohibits discrimination on the basis of sexual orientation and gender identity, as previously recommended (7.23)
- **Spain:** Introduce the necessary amendments to the legislation and apply a policy aimed at eliminating persistent social discrimination against lesbian, bisexual and transgender women, as well as acts of violence against them (7.24)
- **Spain:** Promote non-discriminatory access to social housing for LGBTI people (7.25)

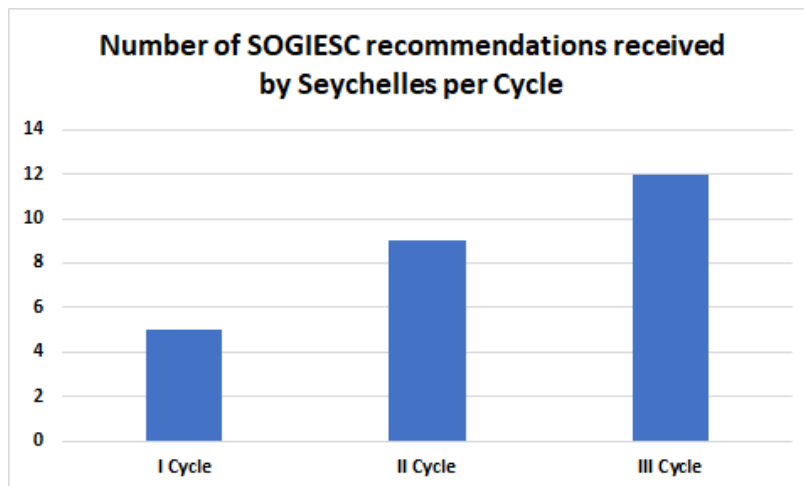
E. Recommendations for Cycle II (2016)

Recommendation	Recommending State	Response
Guarantee that lesbian, gay, bisexual, transgender and intersex persons fully enjoy their human rights, on equal terms, by repealing norms that criminalize and stigmatize them.	Argentina	Supported
Repeal laws criminalizing consensual, same-sex relationships between adults.	Australia	Supported
Expressly prohibit discrimination based on sexual orientation and gender identity, and decriminalize same-sex sexual conduct between consenting adults.	Canada	Supported
Decriminalize consensual sex relations between adults of the same sex and strengthen legislation punishing all forms of discrimination, including on the grounds of sexual orientation and gender identity.	Chile	Supported



Repeal the provisions criminalizing same-sex sexual relations between consenting adults, to respect the principles of equality and non-discrimination among all persons.	France	Supported
Repeal national provisions that discriminate against lesbian, gay, bisexual and transgender persons, and decriminalize consensual sexual relations between adults of the same gender.	Germany	Supported
Reinforce the relevant legal framework in order to contrast discrimination on the basis of sexual orientation.	Italy	Supported
Adopt comprehensive anti-discrimination legislation, including on the basis of sexual orientation and gender identity.	Netherlands	Supported
Implement its commitment to repeal Section 151 of the Penal Code to decriminalize same-sex relationships.	United Kingdom	Supported

#### F. Graphic Comparison Between Cycles (1–3)



#### G. [Video of Seychelles' UPR Working Group Session](#)

#### H. SOGIESC Mentions During Seychelles' UPR Outcome (This section will be completed after the 48th session of the Human Rights Council, in October 2021)



## SIERRA LEONE UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 12 MAY 2021, 14:30-18:00

DATE AND TIME OF THE ADOPTION OF THE REPORT: 14 MAY 2021, 15:30-18:00

During the 38<sup>th</sup> UPR Working Group Sessions, Sierra Leone received 7 SOGIESC recommendations. It will respond to these recommendations no later than the 48th session of the Human Rights Council.

### A. SOGIESC Information

#### National Report

N/A

#### Compilation of UN Information

N/A

#### Summary of Stakeholder's Information

42. International Service for Human Rights (JS9)<sup>27</sup> stated that journalists, Human Rights Defenders, Lesbian, Gays, Bisexual, Transsexuals and Intersex activists have been subjected to attacks, arbitrary detention and other forms of intimidation. It regretted that the police had deployed excessive use of force during demonstrations, including use of tear gas, and firearms. NaCFoHRD<sup>28</sup> recommended ensuring that Human Rights Defenders, journalists, and members of opposition parties can freely exercise their freedom to expression, assembly and association without fear of reprisals.

### B. SOGIESC Advanced Questions for Sierra Leone

- **Belgium:** Is the government of Sierra Leone considering repealing Section 61 of the Offences against the Person Act to decriminalize consensual same-sex sexual relations?
- **United States of America:** The law prohibits male-to-male sexual activity [and limits] lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons from exercising their freedoms of expression and peaceful assembly. What steps is the Government of Sierra Leone taking to prevent violence, discrimination, and other abuses based on sexual orientation and gender identity?

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<sup>27</sup> Joint submission 9 submitted by: International Service for Human Rights and Human Rights Defenders Network Sierra Leone; Geneva, Switzerland.

<sup>28</sup> National Centre For Human Rights and Development, Freetown, Sierra Leone.



### C. Sierra Leone's Working Group Session

- **Intervention made after 2 interventions (H.E. Mr. Anthony Yeihwoe Brewah Esq., Attorney General and Minister of Justice of Sierra Leone):** The noted recommendations based on consensual same sex relationship and FGM conflict with our laws and cultural values. Sierra Leone accepts that all human rights are indivisible and interdependent and interrelated. This principle must be understood within the context of national laws and cultural values that are quintessential to the identity of any society.

### D. Recommendations for Cycle III (2021)

#### a) Remarks of States

- **Netherlands:** We regret that recommendations regarding the decriminalization of same-sex relationships were not accepted during the last review. The Netherlands continues to encourage Sierra Leone to combat discrimination and to advance equal rights of LGBTI persons.

#### b) The following recommendations will be examined by Sierra Leone, which will provide responses no later than the 48th session of the Human Rights Council:

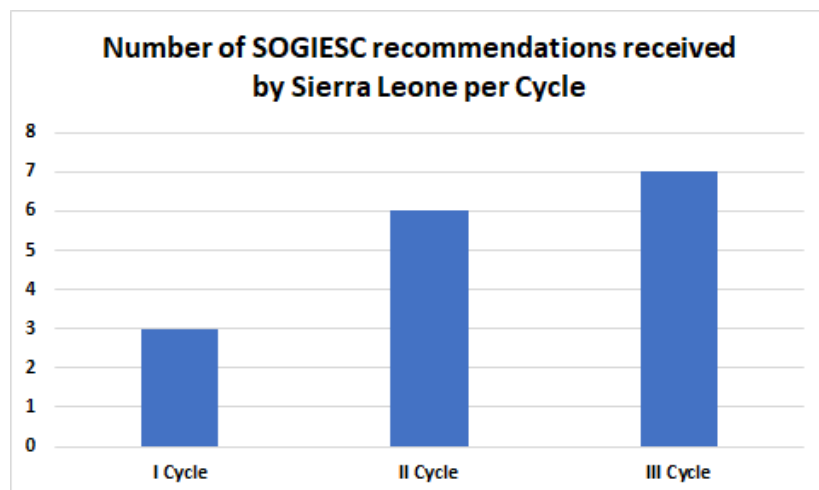
- **Australia:** Pass anti-discrimination legislation to explicitly extend protection to LGBTI persons and prevent discrimination based on sexual orientation, gender identity or sex characteristics (6.47)
- **Canada:** Decriminalize same-sex sexual relations between consenting adults by repealing sections 61 and 62 of the Offences Against the Persons Act 1861, and pass legislation to prohibit discrimination based on sexual orientation or gender identity (6.48)
- **Iceland:** Decriminalize consensual sexual relations between adults of the same sex and expand its anti-discrimination legislation, to include a prohibition of discrimination on the basis of sexual orientation and gender identity (6.49)
- **Italy:** Decriminalise consensual same sex relations (6.50)
- **Spain:** Repeal the law that prohibits consensual sexual relations between adult men (6.52)
- **Spain:** Effectively investigate complaints regarding the restriction of the enjoyment of the freedoms of expression and assembly of LGBTI people, as well as attacks, arbitrary detentions and other forms of intimidation and violence against them (6.53)
- **United States of America:** Repeal the 1861 law which criminalizes same-sex sexual activity between men (6.51)



### E. Recommendations for Cycle II (2016)

Recommendation	Recommending State	Response
Make the necessary legal amendments in order to eliminate standards that criminalize and stigmatize lesbian, bisexual, gay, transgender and intersex persons.	Argentina	Noted
Decriminalize same-sex conduct between consenting adults and pass legislation to prohibit discrimination based on sexual orientation or gender identity.	Canada	Noted
Strengthen norms and programmes to combat discrimination and violence based on sexual orientation and gender identity.	Chile	Noted
Encourage the adoption of measures to guarantee the human rights of the lesbian, bisexual, gay, transgender and intersex population.	Colombia	Noted
Repeal legal provisions penalising sexual relations between consenting adults of the same sex, in order to respect the principles of equality and non-discrimination among all persons.	France	Noted
Repeal sections 61 and 62 of the "Offences Against the Persons Act 1861", which criminalize consensual same-sex relations.	Netherlands	Noted

### F. Graphic Comparison Between Cycles (1–3)



### G. [Video of Sierra Leone's UPR Working Group Session](#)

### H. SOGIESC Mentions During Sierra Leone's UPR Outcome (This section will be completed after the 48th session of the Human Rights Council, in October 2021)



## SINGAPORE UPR SOGIESC RECOMMENDATIONS

**DATE AND TIME OF THE REVIEW: 12 MAY 2021, 09:00-12:30**

**DATE AND TIME OF THE ADOPTION OF THE REPORT: 14 MAY 2021, 15:30-18:00**

During the 38<sup>th</sup> UPR Working Group Sessions, Singapore received 20 SOGIESC recommendations. It will respond to these recommendations no later than the 48th session of the Human Rights Council.

### A. SOGIESC Information

#### National Report

93. We firmly oppose discrimination and harassment and have laws to protect all our citizens from such conduct. All Singapore citizens, regardless of their sexual orientation, are free to pursue their activities in their private space. Singapore also takes steps to protect members of the LGBTI community against discrimination. For instance, the Government ensures that persons seeking a job in the civil service are not discriminated against on the basis of their sexual orientation. POHA also enables victims of harassment to obtain protection orders more easily. Notably, the 2019 MRHA amendments make it an offence to knowingly urge violence against persons and groups on the grounds of religion or religious beliefs. This protection is accorded to both religious groups and non-religious ones, including the LGBTI community.

#### Compilation of UN Information

24. The Committee on the Rights of the Child recommended that the State adopt a proactive and comprehensive strategy containing specific and well-targeted actions, including affirmative social actions, to eliminate discrimination against children in marginalized or vulnerable situations, including children without Singaporean citizenship, girls, children with disabilities, children of ethnic minorities, children of unmarried couples, children of same-sex couples and lesbian, gay, bisexual, transgender and intersex children.

25. The Committee on the Elimination of Discrimination against Women recommended that the State ensure that lesbians, bisexual and transgender women and intersex persons are effectively protected against all forms of discrimination in law and in practice, including by undertaking educational and awareness-raising campaigns to combat discriminatory stereotypes, including in its media policies.





## Summary of Stakeholder's Information

10. JS6<sup>29</sup> recommended that the Government enact a comprehensive national antidiscrimination legislation to prohibit discrimination on the basis of gender, race or ethnicity, nationality, religion, congenital or acquired disability, age, marital status, sexual orientation and family or caregiving responsibilities. It also recommended that the Government create an independent anti-discrimination commission to implement the legislation.

11. JS2<sup>30</sup> stated that lesbian, gay, bisexual, transgender, and queer (LGBTQ) individuals in Singapore continued to experience violence and discrimination in public and private spheres, from State and non-State actors. Deliberate policy, institutional gaps, and a lack of anti-discrimination legislation, based on sexual orientation, gender identity and expression, and sex characteristics (SOGIESC), compounded and contributed to the human rights violations against them.

12. JS3<sup>31</sup> stated that although section 377A of the Penal Code, criminalising consensual sexual behaviour between adult males, had not been enforced since the last universal periodic review of Singapore in 2016, its continued existence permitted the institutionalisation of discriminatory policies against not just gay men, but the whole lesbian, gay, bisexual and transgender (LGBT+) community.

13. HRW<sup>32</sup> recommended that the Government abolish section 377A of the Penal Code and that the Government amend or repeal all rules and regulations that restrict positive depictions of LGBT lives, including section 11(d) of the film classification guidelines, which prohibits films that “promote or justify a homosexual lifestyle.”

14. JS2 recommended that the Government rectify media codes, policies, and practices that prohibit neutral or positive portrayals of LGBTQ persons.

15. JS4<sup>33</sup> recommended that the Government develop campaigns to increase public awareness and acceptance of LGBTQ persons.

16. JS2 stated that violence against LGBTQ persons was often perpetrated by family members, with disproportionate consequences for LGBTQ women and persons assigned female at birth. This was worsened by the high cost of living and inability to move out of family homes, compounded by discriminatory housing policies.

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<sup>29</sup> Joint submission 6 submitted by: Association of Women for Action and Research, Singapore (Singapore); Freedom of Information Singapore, Singapore (Singapore); Humanitarian Organization for Migration Economics, Singapore (Singapore); Sayoni, Singapore (Singapore); SG Climate Rally, Singapore (Singapore); We Believe in Second Chances, Singapore (Singapore); We Who Witness, Singapore (Singapore); Women and Law in Islam, Singapore (Singapore).

<sup>30</sup> Joint submission 2 submitted by: Indignation, Singapore (Singapore); Prout, Singapore (Singapore); Sayoni, Singapore (Singapore); The Healing Circle, Singapore (Singapore); TransgenderSG, Singapore (Singapore); Young Out Here, Singapore (Singapore).

<sup>31</sup> Joint submission 3 submitted by: Oogachaga, Singapore (Singapore); Pink Dot SG, Singapore (Singapore).

<sup>32</sup> Human Rights Watch, Geneva (Switzerland).

<sup>33</sup> Joint submission 4 submitted by: TransgenderSG, Singapore (Singapore); Sayoni, Singapore (Singapore); Asia Pacific Transgender Network, Bangkok (Thailand).



17. JS4 stated that transgender people faced numerous challenges in the forms of discrimination in employment, education, marriage, housing and healthcare settings; violence at home and in public spaces; conversion therapy; barriers to reporting; and gaps in service provision.

18. JS6 stated that trans persons who did not wish to undergo, or could not afford, genital surgery, were unable to change their legal gender.

19. JS2 recommended that the Government enable transgender Singaporeans to change legal sex through a legal declaration of intent to transition and live as their affirmed sex, with reasonable conditions to prevent abuse.

39. JS2 stated that given the general societal lack of understanding of LGBTQ identities and relationships, service providers and law enforcement lacked the training to address reports of violence sensitively, even when victims sought help. There were no State services and few non-State services available for LGBTQ-affirmative intervention and counselling.

40. JS4 stated that the stigma of being LGBTQ, associated with Penal Code Section 377A and media censorship, was a contributing factor in the failure to report or seek help when abused.

67. JS2 recommended that the Government amend Section 12(1) of the Women's Charter and permit and recognise registration of same-sex marriages and partnerships. It also recommended that the Government enact legislation that recognises and protects the rights and duties of same-sex partners, and of children from same-sex households.

81. JS4 recommended that the Government provide avenues for employees to seek redress if they have been subject to discrimination, harassment or abuse at work due to their gender identity or sexual orientation.

91. JS3 stated that it was a common occurrence that upon the landlord's discovery that tenants were from the LGBT+ community, there was either immediate eviction, or the threat of eviction coupled with the option of paying increased rent. Gay male couples and transgender persons were particularly impacted.

92. JS3 recommended that the Government allocate resources and develop comprehensive LGBT-specific programmes in social service, healthcare and mental health sectors.

93. JS4 recommended that the Government implement training and awareness-raising programmes for healthcare professionals regarding gender identity issues, with the aim of eliminating discrimination in healthcare access.

97. JS3 recommended that the Government implement an evidence-based sexuality education curriculum that is inclusive of LGBT+ diversity, while ensuring consistency and secularity of content.



101. JS2 stated that LGBTQ children were often targeted by peers for their perceived non-conformity in sexual orientation, gender identity or expression, which could lead to many dropping out of school early or detrimental effects on mental health. It stated that many LGBTQ students feared seeking help, as perpetrators would threaten to disclose their sexual orientation/gender identity to their peers or teachers.

102. JS3 recommended that the Government develop a National Action Plan to specifically address LGBT+ bullying and mental health in schools, in collaboration with the LGBT+ community and healthcare organisations, to include clear reporting processes for victims.

103. JS4 recommended that the Government develop a training program for all school counsellors, teachers, administrators and other relevant staff to be educated on issues pertinent to LGBTQ youths.

112. JS4 recommended that the Government raise awareness and strengthen capacity among State and non-State actors to conduct LGBTQ-affirmative sensitivity training for teachers, law enforcement officers, family violence service providers, and all agencies in the National Family Violence Networking System to adequately assist, counsel, and support LGBTQ children victim-survivors of violence.

## B. SOGIESC Advanced Questions for Singapore

- **Belgium:** Is the government of Singapore considering repealing Section 377A of the Penal Code to decriminalize consensual same-sex sexual relations?
- **Denmark:** International research has provided evidence that LGBTI persons, particularly youth, are at higher risk of mental health issues, including depression, anxiety and suicide. What is the Government's assessment of the specific mental health needs of LGBTI youth in Singapore, and what resources have been committed by the Government to meet these specific needs?
- **Denmark:** What is the Government's position on the continued existence in Singapore of practices of so-called "conversion therapy" against LGBTI persons, and under what circumstances would the Government seek to ban such practices?
- **Germany:** How does Singapore plan to better protect LGBTI minors and vulnerable adults from psychological violence, including conversion practices?
- **Panama:** What steps have been taken to decriminalize consensual sexual relations between adults whose gender expression is not heteronormative?
- **Spain:** What concrete measures is the government taking to combat effectively discrimination acts against LGBTI persons?
- **Sweden:** What policies have been implemented to ensure that LGBTI-students are able to complete their education, safely, with dignity and without discrimination of any kind?
- **United States of America:** What steps is the government taking to remove discriminatory guidelines in its media codes to end censorship and negative portrayals of LGBTIQI+ persons in the media?
- **United States of America:** Would the government consider allowing the accreditation of same-sex spouses for the diplomatic community in Singapore?



### C. Singapore's Working Group Session

- **Intervention made after 73 interventions (Ms. Ang Bee Lian, Director General of Social Welfare, Ministry of Social and Family Development):** LGBT persons are valuable members of our society. We want to assure delegates from Sweden and Spain, who asked about protection of LGBT persons, that just like other Singaporeans, LGBT persons have equal access to opportunities and support, such as in education, jobs and healthcare. Social services are accessible to all without discrimination. We oppose violence, abuse, discrimination and harassment of all individuals, including those who are LGBT. Laws are in place to protect victims from domestic violence, regardless of their sexual orientation. Madame President, we will continue to provide equal opportunities for all Singaporeans to flourish in their chosen field.
- **Final remarks (H.E. Ms. Chan Heng Chee, Head of Delegation, Ambassador-at-Large, Ministry of Foreign Affairs of Singapore):** Finally, I will touch on the LGBT issue, which was raised by the United States, Sweden, countries from the European Union, Australia, Iceland, Ireland, Israel, Luxembourg, and New Zealand, among others. Let me reiterate that for Singapore, the LGBT community are valuable members of our society. The government does not tolerate violence, abuse, discrimination and harassment against the community. An annual Pink Dot event in Singapore has been organised by the LGBT community for the past 12 years. While section 377A of the Penal Code remains on the books, the government has stated clearly that it is not enforced. In the context of Singapore, where attitudes towards homosexuality are still evolving and various communities hold different views, any move by the government must take into consideration the sentiments of all communities. We believe it is better to let the situation evolve gradually.

### D. Recommendations for Cycle III (2021)

#### a) Remarks of States

- **Sweden:** Sweden would also like to encourage further efforts to end discrimination based on gender, sexual orientation and gender identity [...]

#### b) The following recommendations will be examined by Singapore, which will provide responses no later than the 48th session of the Human Rights Council:

- **Australia:** Repeal Section 377A of the Singapore Penal Code, remove restrictions on LGBTI-related content, and enact anti-discrimination legislation (6.78)
- **Austria:** Repeal Section 377A of the Penal Code criminalizing homosexual acts even if undertaken in private spaces and enact legislation to protect the rights of LGBTI persons (6.79)
- **Canada:** Address discriminatory laws and practices against the LGBTI community, including through the repeal of Section 377A in the Penal Code, and enable transgender persons to change their legal sex without undergoing sex reassignment surgery (6.74)



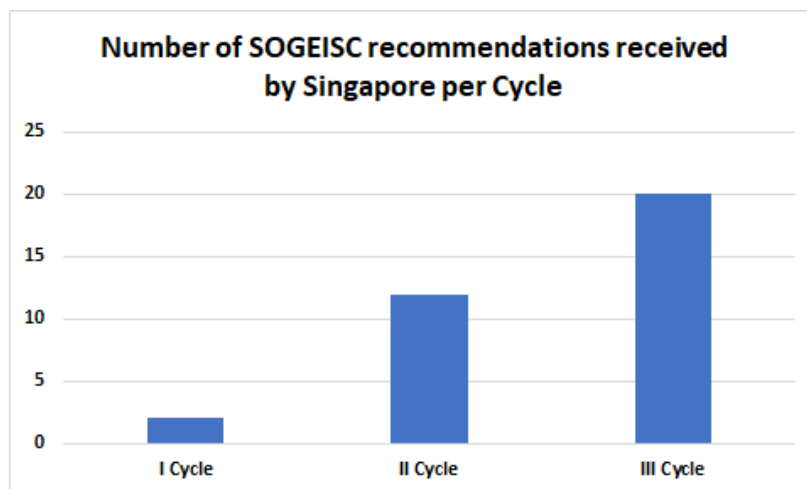
- **Chile:** Take the necessary measures to decriminalize consensual same-sex relations and move towards eradicating all forms of violence and discrimination against LGBTI persons (6.84)
- **Czechia:** Eliminate all forms of discrimination, including those based on sexual orientation and gender identity, and repeal legal provisions that criminalize homosexuality (6.85)
- **Denmark:** Incorporate the principle of non-discrimination into domestic legislation, including on the basis of gender, sexual orientation and gender identity (6.56)
- **France:** Create a legal framework that promotes the strengthening of the fight against all forms of discrimination based on gender or sexual orientation (6.75)
- **Iceland:** Decriminalize consensual sexual relations between adults of the same sex and expand its anti-discrimination legislation, to include a prohibition of discrimination on the basis of sexual orientation and gender identity (6.86)
- **Israel:** Ensure that LGBTQI persons are effectively protected against all forms of discrimination (6.76)
- **Italy:** Decriminalise consensual same sex relations (6.87)
- **Luxembourg:** Prohibit discrimination based on sexual orientation and gender identity (6.77)
- **Malta:** Consider implementing training for healthcare professionals on sexual orientation and gender identity issues, with the aim of eliminating discrimination in healthcare access (6.192)
- **Netherlands:** Abolish section 377A of the Penal Code, which penalizes “carnal intercourse against the order of nature”, and actively improve the position of LGBTI+ persons (6.88)
- **New Zealand:** Decriminalise consensual same-sex relationships and eliminate legislation and policies that discriminate based on sexual orientation and gender identity (6.89)
- **Norway:** Remove all existing obstacles to the registration of LGBTI organisations (6.182)
- **Spain:** Amend Article 377A of the Penal Code to decriminalize homosexual relations between consenting adults, as previously recommended (6.80)
- **Sweden:** Repeal the criminalization, as stipulated in the penal code, of consensual male-to-male sexual relations (6.81)
- **United Kingdom:** Implement comprehensive legislation protecting people from discrimination on the basis of age, disability, sex, sexual orientation, race, religion or belief (6.54)
- **United States of America:** End criminalization of consensual same-sex relations and increase protection against discrimination on the basis of gender identity and sexual orientation, including through enacting comprehensive anti-discrimination legislation (6.82)
- **Uruguay:** Strengthen its commitment to the principle of non-discrimination by repealing Section 377A of the Penal Code to fully decriminalize consensual sexual relations between two adults of the same sex (6.83)



### E. Recommendations for Cycle II (2016)

Recommendation	Recommending State	Response
Formally repeal section 377 A of the Penal Code criminalising homosexual acts.	Austria	Noted
Take the necessary measures to eliminate legislation and policies that criminalize, in a direct or an indirect way, same sex relations and discriminate against lesbian, gay, bisexual, transgender and intersex persons.	Brazil	Noted
Remove discriminatory media guidelines to provide a more balanced representation of lesbian, gay, bisexual, transgender and intersex persons.	Canada	Noted
Eliminate provisions in national legislation that discriminate against women and other groups such as lesbian, gay, bisexual, transgender and intersex persons, including revising the section 377 A of the Penal Code.	Czech Republic	Noted
Repeal section 377 A of the Penal Code to decriminalize homosexuality.	France	Noted
Consider de-criminalizing same-sex relations.	Greece	Noted
Abolish section 377 A of the Penal Code.	Norway	Noted
Take necessary measures to eliminate legislation that criminalizes same-sex relations and to repeal section 377 A of the Penal Code.	Slovenia	Noted
Decriminalize consensual homosexual relations between adults.	Spain	Noted
Revoke legal provisions criminalizing sexual activity between consenting adults.	Sweden	Noted
Repeal laws that criminalize homosexuality.	United Kingdom	Noted
Repeal the anti-sodomy law, which criminalizes the private consensual conduct of gay men.	United States	Noted

### F. Graphic Comparison Between Cycles (1–3)





**G. SOGIESC recommendations shared by HRDs during ILGA's UPR advocacy week in Geneva: TransgenderSG; Sayoni; Asia Pacific Transgender Network; Pink Dot SG**

1. Amend policies to enable transgender Singaporeans to change their legal sex through a legal declaration of intent to transition and live as that sex, without imposing conditions that violate their health, bodily autonomy and privacy.
2. Implement official policies on supporting transgender students in a way that fosters their well-being, privacy, personal autonomy, and ability to learn in a safe environment, and provide training for school counsellors, teachers, administrators and other relevant staff to be educated on issues pertinent to LGBTQ youths.
3. Include gender identity and sexual orientation within the Tripartite Guidelines on Fair Employment Practices (TAFEP) to address employment discrimination, and propose best-practice guidelines for inclusive and affirmative workplaces and hiring practices that include gender identity and sexual orientation, in consultation with civil society.
4. Implement training and awareness-raising programmes for healthcare professionals regarding gender identity issues, with the aim of eliminating discrimination in healthcare access.
5. Abolish and legally ban all forms of "conversion therapy" to "correct" a person's sexual orientation or gender identity.
6. Preserve the legitimacy of existing marriages when one or both spouses change their legal sex.
7. Conduct LGBTQ-affirmative sensitivity training for teachers, law enforcement officers, family violence service providers, and all agencies in the National Family Violence Networking System to adequately assist, counsel, and support LGBTQ children victim-survivors of violence.
8. Repeal Section 377A to fully decriminalize consensual same sex relationships between two adults, as well as other policies and legislation that discriminate against lesbian, gay, bisexual, trans, intersex and queer people in Singapore.
9. Allow transgender youth under 21 to access medically necessary transition healthcare as recommended by their doctors, including in the absence of one or both parents' consent.

**H. [Video of Singapore's UPR Working Group Session](#)**

**I. SOGIESC Mentions During Singapore's UPR Outcome (This section will be completed after the 48th session of the Human Rights Council, in October 2021)**



## SOLOMON ISLANDS UPR SOGIESC RECOMMENDATIONS

**DATE AND TIME OF THE REVIEW: 10 MAY 2021, 09:00-12:30**

**DATE AND TIME OF THE ADOPTION OF THE REPORT: 14 MAY 2021, 15:30-18:00**

During the 38<sup>th</sup> UPR Working Group Sessions, Solomon Islands received 16 SOGIESC recommendations. It will respond to these recommendations no later than the 48th session of the Human Rights Council.

### A. SOGIESC Information

#### National Report

N/A

#### Compilation of UN Information

8. The United Nations country team recommended that Solomon Islands ensure that the definition of non-discrimination in the draft Federal Constitution is comprehensive, prohibiting both direct and indirect discrimination, and is in line with international human rights standards, including Committee on the Elimination of Discrimination against Women. It also recommended that Solomon Islands consider removing the reference in the draft Federal Constitution to sexual orientation as an excluded ground for non-discrimination.

15. The United Nations country team noted that sexual relations between consenting adults of the same sex remained criminalized and was punishable by up to 14 years of imprisonment under the Penal Code. It recommended that Solomon Islands decriminalize sexual relations between consenting adults of the same sex. It also recommended that the country undertake awareness-raising campaigns to combat stigma against lesbian, gay, bisexual, transgender and intersex persons by emphasizing that every human being has equal value and rights to live in dignity, regardless of sexual orientation and gender identity, in line with Sustainable Development Goal 16, on promoting just, peaceful and inclusive societies.

21. The United Nations country team recommended that Solomon Islands: continue to seek technical assistance from the United Nations to ensure that the formal justice system was accessible to all, especially in rural areas and by vulnerable groups, including women, lesbian, gay, bisexual, transgender and intersex persons, persons with disabilities and elderly persons, and ensure the availability of accessible and high-quality legal aid. The country team also recommended that Solomon Islands implement measures to decentralize justice administration to people living in remote areas in the provinces; ensure the proper handling of serious or complex cases by the formal justice system in accordance with international human rights standards; implement a plan on legal information and outreach within the justice sector, including a referral network linked to existing initiatives, such as the SAFENET expansion and community policing committees; and undertake research to identify practical measures that





could be adopted to ensure that services to access the formal justice system were more accessible and appropriate for persons with disabilities.

54. The United Nations country team noted that women with disabilities experienced higher levels of violence and lower levels of access to sexual and reproductive health rights. Issues of accessibility, acceptability and quality were evidenced by a lack of disability-inclusive communication, and by attitudes and practices that relegated women with disabilities as being asexual and as having no or limited competence to exercise bodily autonomy.

## Summary of Stakeholder's Information

12. Joint Submission 1 (JS1)<sup>34</sup> noted that there were currently no laws prohibiting discrimination against a person based on their sexual orientation or gender identity. It also noted that consensual sex between same-gender partners was criminalized. In this regard, JS1 recommended that the Solomon Islands amend the Constitution to include sexual orientation and gender identity as prohibited grounds for discrimination.

### **B. SOGIESC Advanced Questions for Solomon Islands**

- **Germany:** Since the ratification of the Convention on the Elimination of All Forms of Discrimination against Women in 2002, what has been done to protect women's rights on Solomon Islands? What concrete steps are being taken to ensure the formal justice system is accessible to all, especially in rural areas and for those in marginalized and vulnerable situations, including women, lesbian, gay, bisexual, transgender and intersex persons, persons with disabilities and elderly persons?

### **C. Solomon Islands' Working Group Session**

- **Opening remarks (H.E. Mr. Colin Beck, PS to the Ministry of Foreign Affairs and External Trade of Solomon Islands):** Madame President, we remain a Christian country, and define marriage in the traditional sense between a male and a female. In this regard, I call on countries on questions relating to LGBTQ to refer to UNGA Resolution 60/251, to take into consideration the culturally religious background of States.

### **D. Recommendations for Cycle III (2021)**

#### **a) Remarks of States**

- **Denmark:** Furthermore, violence and discrimination targeted LGBTI-persons remains a concern.
- **Spain:** Spain is concerned that the law continues to contemplate discrimination against LGBTI people.

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<sup>34</sup> Joint submission 2 submitted by: Development Services Exchange (DSE); Honiara, Solomon Islands; Solomon Islands Development Trust (SIDT), Honiara, Solomon Islands, Honiara, Solomon Islands; Coalition for Education Solomon Islands (CESI), Honiara, Solomon Islands; Solomon Islands Indigenous People Human Rights Advocacy Association (SIIPHRAA), Honiara, Solomon Islands; Women's Rights Action Movement (WRAM), Honiara, Solomon Islands.



b) **The following recommendations will be examined by the Solomon Islands, which will provide responses no later than the 48th session of the Human Rights Council:**

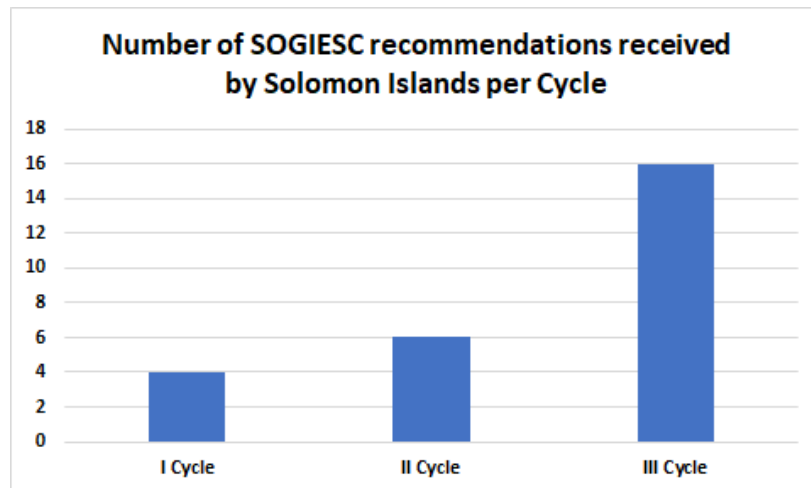
- **Argentina:** Decriminalize consensual sexual relations between adults of the same sex (6.57)
- **Brazil:** Take steps to ensure that the draft Federal Constitution contains comprehensive disciplines, prohibiting both direct and indirect discrimination, including on a sexual orientation basis (6.55)
- **Canada:** Decriminalize sexual relations between consenting adults of the same sex and prohibit discrimination against people on the basis of their sexual orientation or gender identity (6.62)
- **Chile:** Carry out public campaigns to fight against discrimination on the ground of sexual orientation and gender identity reaffirming the inherent dignity of all human beings (6.56)
- **Chile:** Decriminalize sexual relations between consenting adults of the same sex (6.57)
- **Denmark:** Decriminalize sexual relations between consenting adults of the same sex (6.57)
- **France:** Adopt legislative instruments to prohibit discrimination based on sexual orientation or gender identity and decriminalize relations between people of the same sex (6.63)
- **Germany:** Ensure the definition of non-discrimination in the Constitution is comprehensive and in line with international human rights standards and includes sexual orientation and gender identity as prohibited grounds for discrimination (6.51)
- **Iceland:** Decriminalize consensual sexual relations between adults of the same sex and expand its anti-discrimination legislation, to include prohibition of discrimination on the basis of sexual orientation and gender identity (6.60)
- **Italy:** Decriminalise consensual same sex relations (6.57)
- **Mexico:** Decriminalize consensual sexual relations between adults of the same sex; adopt legislation that prohibits discrimination based on sexual orientation and gender identity; and adopt the necessary measures to prevent and punish threats and violence against LGBTI persons (6.58)
- **Netherlands:** Adopt comprehensive anti-discrimination legislation to prevent and combat discrimination based on sexual orientation and gender identity (6.52)
- **New Zealand:** Move towards decriminalisation of consensual sexual relations between persons of the same sex (6.53)
- **New Zealand:** Introduce legislation prohibiting discrimination against people of diverse sexual orientations and gender identities (6.54)
- **Portugal:** Decriminalize sexual relations between consenting adults of the same sex and undertake concrete measures to combat stigma and discrimination against LGBTI persons (6.59)
- **Spain:** Decriminalize consensual sexual relations between adults of the same sex and undertake awareness-raising campaigns to combat prejudice (6.61)



### E. Recommendations for Cycle II (2016)

Recommendation	Recommending State	Response
Take measures to prevent and combat discrimination based on sexual orientation and gender identity, including by decriminalizing sexual relations between consenting adults of the same sex.	Brazil	Noted
Decriminalize sexual relations between consenting adults of the same sex.	Chile	Noted
Adopt measures to ensure full enjoyment of rights and equality to lesbian, gay, bisexual, transgender and intersex people, both in terms of legislation as well as on policies and practices.	Israel	Noted
Adopt measures to ensure full enjoyment of rights and equality to lesbian, gay, bisexual, transgender and intersex people, both in terms of legislation as well as on policies and practices.	Netherlands	Noted
Decriminalize sexual activities between consenting adults of the same sex, as previously recommended.	Slovenia	Noted
Extend the scope of the Penal Code (Sexual Offences) (Amendment) Bill of 2015 to clarify existing, and create new, legislation to protect the human rights of the lesbian, gay, bisexual, transgender and intersex community.	United Kingdom	Noted

### F. Graphic Comparison Between Cycles (1–3)



### G. [Video of the Solomon Islands' UPR Working Group Session](#)

### H. SOGIESC Mentions During the Solomon Islands' UPR Outcome (This section will be completed after the 48th session of the Human Rights Council, in October 2021)



## SOMALIA UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 6 MAY 2021, 14:30-18:00

DATE AND TIME OF THE ADOPTION OF THE REPORT: 11 MAY 2021, 16:30-18:00

During the 38<sup>th</sup> UPR Working Group Sessions, Somalia received 4 SOGIESC recommendations. It will respond to these recommendations no later than the 48th session of the Human Rights Council.

### A. SOGIESC Information

#### National Report

N/A

#### Compilation of UN Information

N/A

#### Summary of Stakeholder's Information

11. ASProject recommended reviewing the National Action Plan on Sexual Violence and ensure that it is gender-inclusive and integrates protection and response initiatives for men, boys and LGBTI+ persons in addition to women and girls.

### B. SOGIESC Advanced Questions for Somalia

- **United States of America:** The 1963 penal code criminalizes “carnal intercourse with a person of the same sex” with a penalty of three months to three years’ imprisonment. What is the government’s plan to revise its laws so that LGBTQI+ persons are not targeted for prosecution on the basis of sexual orientation or gender identity?

### C. Somalia’s Working Group Session

N/A

### D. Recommendations for Cycle III (2021)

#### a) Remarks of States

N/A



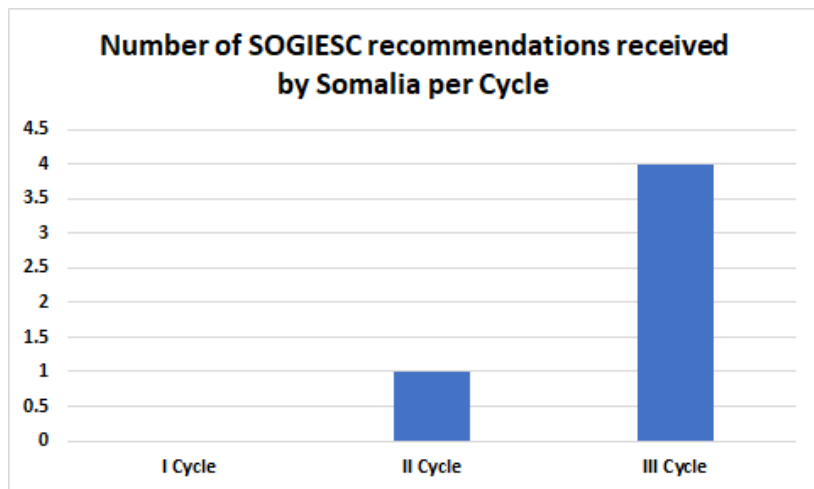
b) The following recommendations will be examined by Somalia, which will provide responses no later than the 48th session of the Human Rights Council:

- **Canada:** End impunity for attacks against journalists, civil society and human rights defenders, women and LGBTI persons by conducting timely and impartial investigations, prosecuting perpetrators and ending military trials of journalists (6.144)
- **Iceland:** Decriminalize consensual sexual relations between adults of the same sex and expand its anti-discrimination legislation, to include a prohibition of discrimination on the basis of sexual orientation and gender identity (6.71)
- **Italy:** Decriminalize consensual same sex relation (6.72)
- **Spain:** Decriminalize consensual sexual relations between adults of the same sex (6.73)

**E. Recommendations for Cycle II (2016)**

Recommendation	Recommending State	Response
Address widespread impunity - including for attacks against journalists, civil society and human rights defenders, women and LGBTI persons - by conducting timely and impartial investigations, investigating threats of violence, and prosecuting perpetrators.	Canada	Noted

**F. Graphic Comparison Between Cycles (1–3)**



**G. [Video of Somalia’s UPR Working Group Session](#)**

**H. SOGIESC Mentions During Somalia’s UPR Outcome (This section will be completed after the 48th session of the Human Rights Council, in October 2021)**