



**39th UPR WORKING GROUP SESSIONS
SOGIESC RECOMMENDATIONS
(1 – 12 November 2021)**

This report contains a summary and the SOGIESC recommendations of the 39th 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 Diego Quesada Nicoli (UN Advocacy Intern).

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ANTIGUA AND BARBUDA UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 8 NOVEMBER 2021, 14:30-18:00
**DATE AND TIME OF THE ADOPTION OF THE REPORT: 12 NOVEMBER 2021,
15:30-1800**

During the 39th UPR Working Group Sessions, Antigua and Barbuda received 17 SOGIESC recommendations. It will respond to these recommendations no later than the 49th session of the Human Rights Council.

A. SOGIESC Information

National Report

I. The lesbian, bisexual, gay, transgendered community (LBGT)

47. Persons from the LBGT are generally not discriminated against in Antigua and Barbuda and there are several well-known personalities from the LBGT community who live freely and in peace like any citizen. Buggery between two consenting adults is illegal under the Provisions of the Sexual Offence Act 1993; consenting adults are not prosecuted however if the act is committed against juveniles or without consent it will be prosecuted. One of the Senators in the Gaston Browne administration also identifies openly a member of the LBGT community.

48. In 2021 March there was also a challenge to the buggery law, claiming the law is unconstitutional. The matter has not been litigated as yet. However, it has been mentioned because if the claim is successful the effect will be to declare that the buggery law is unconstitutional in Antigua and Barbuda and is therefore, null and void.

Compilation of UN Information

14. The subregional team and OECS noted that Antigua and Barbuda had not introduced legislation to prohibit discrimination on the basis of sexual identity or sexual orientation and that the country had not taken measures to do so.¹

15. The subregional team and OECS noted that during its second universal periodic review cycle, Antigua and Barbuda had partially implemented the recommendations to develop legislation prohibiting discrimination on the grounds of disability, sexual orientation, gender identity and social status.²

46. The Committee on the Elimination of Discrimination against Women recommended that Antigua and Barbuda intensify efforts to enhance awareness among women, including migrant

¹ Joint submission of the United Nations subregional team for Barbados and the Organization of Eastern Caribbean States (OECS) for the third universal periodic review cycle of Antigua and Barbuda, p. 4.

² Ibid., p. 3.



women, older women, women with disabilities, and lesbian, bisexual and transgender women, of their rights under the Convention and the remedies available to them to claim violations of those rights.

Summary of Stakeholder's Information

4. JS1³ noted that LGBTQ persons in Antigua had faced stigma and discrimination in their lives, forcing many to mask their sexual identity out of fear. Transgendered individuals have reported being threatened with violence by their families as a result of their sexual orientation and gender identity. Additionally, a gay man reported being threatened with sexual violence during a home burglary and another gay man detailed being a victim of physical homophobic violence. Transgendered women have also reported being particularly vulnerable to intimate partner violence. A transgendered woman also reported experiencing ridicule by random strangers and verbal which have left her fearing physical violence in the future.

5. JS1 noted that there was no law in Antigua and Barbuda or court process under the Civil Procedure Rules for an individual to have their gender marker (indication of male or female on identification documents changed). However, it must be noted that there is no existing law that expressly prohibits an individual from changing their gender marker. JS1 submitted there is a void in the law.

B. SOGIESC Advanced Questions for Antigua and Barbuda

- **Spain:** Does A&B plan to decriminalize same-sex sexual relations?
- **United Kingdom:** What steps is the Government of Antigua and Barbuda taking to protect victims of discrimination and hate crimes based on gender identity and/or sexual orientation?
- **United States of America:** We remain concerned about the existence of laws that criminalize same-sex sexual activity between consenting adults. Laws, even when it is unclear whether or how they will be enforced, are an important statement of a country's values and have a teaching effect. Discriminatory laws can lead to increased violence and harassment. Does your government intend to eliminate the criminalization of LGBTQI+ persons? What steps has your government taken to address this?

C. Antigua and Barbuda's Working Group Session

- **Intervention made after 19 interventions (Dr. Vanessa Moe Crown Solicitor, Ministry of Legal Affairs of Antigua and Barbuda):** I must emphasize that in Antigua and Barbuda the LGBT community are not severely discriminated against. LGBT persons, many well-known personalities here in Antigua and Barbuda live freely and work freely amongst others within Antigua and Barbuda. Our Constitution is clear and our Constitution sets for the principles that no one is to be discriminated against by way of

³ Joint submission 1 (Document says JS1 but was uploaded instead as JS3) submitted by: Eastern Caribbean Alliance for Diversity and Equality Castries,(Saint Lucia) on behalf of Women Against Rape (WAR) and The Eastern Caribbean Alliance for Diversity and Equality (ECADE).



gender, sex, or creed, and therefore persons on a whole are not discriminated against in Antigua and Barbuda based on their orientation. In fact, today we even have an openly LGBT seating senator within our Parliament. And indeed persons of the LGBT persuasion, crimes are dealt with them on the same basis as all individuals in Antigua and Barbuda and afforded the same protections as enshrined within our Constitution. Indeed, we recognize in terms of same-sex relations, and that's the Law of Buggery, it still remains on our books. We recognize this. However, in Antigua and Barbuda, we are a strong Christian society, and oftentimes we have to implement laws and legislate in accordance and measure of the parameters of their population, and in so doing in such a Christian-based society is important to take into consideration this situation. In terms of you push forward to remove the buggery laws without having long-term sensitization throughout the population, and having the Christian Council on board, and having the community on a whole at large on board, then you could have a regressive reaction, you can now incentive the population to incite these very discriminatory actions to which you seek to prevent. And so, therefore, we appreciate yes that the buggery laws are on the books, however, to remove them we will take time and it will take sensitization of the population on a whole. I can say as well that the offense of buggery is never utilized in terms of consenting adults. The law is only ever instituted in cases of the offense committed on a minor.

D. Recommendations for Cycle III (2021)

a) Remarks of States

- **Brazil:** Brazil is concerned that consensual same-sex relations among adults are still criminalized. We encourage further efforts to prevent discrimination or violence against LGBTIQ+ persons.
- **Ireland:** We also encourage Antigua and Barbuda to engage with its LGBTI+ community in order to tackle instances of violence, discrimination and social exclusion experienced by this community.
- **Montenegro:** In this regard, we would be grateful to learn about the country's further plan to meet its obligations, especially the abolition of the existing legal discriminatory provisions against women, and the development of laws prohibiting discrimination on the grounds of disability, sexual orientation, gender identity and social status.
- **Netherlands:** Pertaining to equal rights for LGBTI persons, the Netherlands remains concerned about discrimination faced by sexual minorities in the country, including the criminalisation of consensual same-sex relations or conducts.

b) The following recommendations will be examined by Antigua and Barbuda, which will provide responses no later than the 49th session of the Human Rights Council:

- **Australia:** Enact legislation to prohibit discrimination on the basis of sexual orientation or gender identity, and repeal Articles 12 and 15 of the Sexual Offences Act 1995 that criminalise sexual relations between consenting adults of the same sex (6.59)



- **Canada:** Prohibit discrimination based on sexual orientation and gender identity, including by repealing all laws criminalising sexual relations between consenting adults (6.61)
- **Dominican Republic:** Make the necessary regulatory changes to ensure the inclusion of LGBTI persons in the economic activities of the country (6.67)
- **Estonia:** Adopt a national policy to promote tolerance towards lesbian, gay, bisexual, transgender and intersex persons and abolish all provisions that criminalize consensual same-sex relationships (6.62)
- **Fiji:** Take the necessary steps to combat discrimination and violence against women and children, and on the basis of sexual orientation and gender identity (6.131)
- **France:** Decriminalize consensual sexual relations between persons of the same sex (6.60)
- **Germany:** Change the indecency statutes with the aim of decriminalising male consensual same-sex conduct (6.64)
- **Iceland:** Adopt comprehensive anti-discrimination legislation prohibiting discrimination on the basis of sexual orientation and gender identity and effectively investigate all acts of violence against LGBTI+ persons (6.66);
- **Ireland:** Decriminalise consensual sexual activity between persons of the same-sex (6.58)
- **Ireland:** Take all necessary steps to end the discrimination and stigmatisation of LGBTI+ people, including the adoption of legislation that explicitly prohibits discrimination based on sexual orientation and gender identity (6.65)
- **Italy:** Decriminalise consensual adult same sex relations and combat discrimination and violence based on sexual orientation and gender identity (6.56)
- **Mexico:** Prohibit discrimination based on sexual orientation and gender identity and decriminalize consensual same-sex relationships (6.52)
- **Netherlands:** Repeal articles 12 and 15 of the Sexual Offence Act of 1995 that criminalize sexual relations between consenting individuals of the same sex, which are contradictory to the commitment of non-discrimination (6.54)
- **South Africa:** Introduce legislation to prohibit discrimination on the basis of sexual identity or sexual orientation (6.53)
- **United Kingdom:** Develop, adopt and implement, in a consultative manner, a national gender policy with measures for the prevention of sexual and gender-based violence against all women, girls, men and boys, regardless of legal or migratory status, nationality, gender identity or sexual orientation (6.137)
- **United States of America:** Reform the Sexual Offense Act of 1995 to decriminalize private, same-sex sexual activity between consenting adults (6.55)
- **Uruguay:** Strengthen its commitment to the principles of equality and non-discrimination, both in law and in practice, including through the immediate decriminalisation of same-sex sexual relations between consenting adults (6.57)

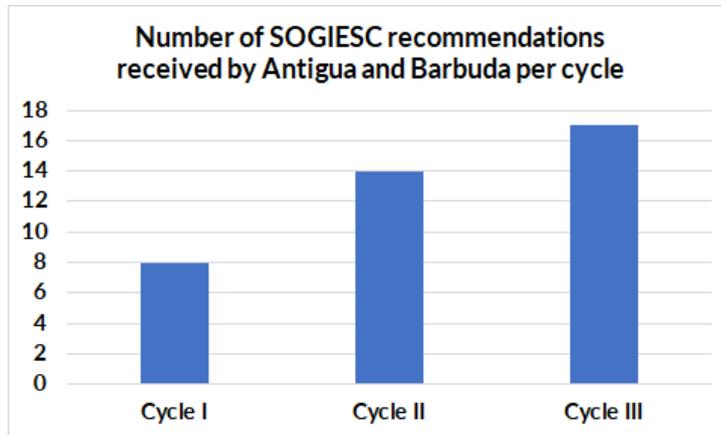


E. Recommendations for Cycle II (2016)

Recommendation	Recommending State	Response
Continue the efforts to ensure that national legislation prohibits discrimination on the grounds of disability, sexual orientation, gender identity or social status.	Mexico	Supported
Continue efforts at protecting all members of society from discrimination, harassment and violence, regardless of their sexual orientation.	South Africa	Noted
Adopt the additional necessary measures to ensure the full enjoyment of human rights by the vulnerable groups which are subjected to discrimination, such as LGBTI persons, including the investigation and punishment of cases of discrimination, as well as the abrogation of norms that criminalize and stigmatize.	Argentina	Noted
Enact legislation prohibiting discrimination against LGBTI persons, including removing laws criminalising same sex activity.	Australia	Noted
Carry out awareness and education campaigns in favour of non-discrimination based on sexual orientation.	Spain	Noted
Eliminate the provisions that criminalize same-sex sexual relations between adults. France: Put an end to the legal discrimination against LGBTI persons and to the criminalization of homosexuality.	Chile	Noted
Put an end to the legal discrimination against lesbian, gay, bisexual, transgender and intersex persons and to the criminalization of homosexuality	France	Noted
Abolish all provisions that criminalize consensual same-sex relationships and adopt a national policy to promote tolerance and address discrimination and violence against LGBTI persons.	Germany	Noted
Repeal articles 12 and 15 of the Sexual Offence Act of 1995 that criminalize sexual relations between consenting individuals of the same sex, which are contradictory to the commitment of nondiscrimination.	Netherlands	Noted
Decriminalize relations between persons of the same sex.	Honduras	Noted
Decriminalize sexual relations between consenting adults of the same sex.	Slovenia	Noted
Decriminalize consented homosexual relations between adults.	Spain	Noted
Reform the penal code to decriminalize private, same-sex sexual activity between consenting adults.	United States of America	Noted
Take concrete measures with a view to decriminalizing consensual same-sex relations and abolishing any discriminatory legislation against LGBTI persons, even if such laws are not applied in practice.	Brazil	Noted



F. Graphic Comparison Between Cycles (1–3)



G. [Video of Antigua and Barbuda’s UPR Working Group Session](#)

H. SOGIESC Mentions During Antigua and Barbuda’s UPR Outcome (This section will be updated after the UPR Outcome of Antigua and Barbuda at the 49th session of the Human Rights Council in March 2022)



ESWATINI

UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 8 NOVEMBER 2021, 09:00-12:30
DATE AND TIME OF THE ADOPTION OF THE REPORT: 12 NOVEMBER 2021,
15:30-18:00

During the 39th UPR Working Group Sessions, Eswatini received 15 SOGIESC recommendations. It will respond to these recommendations no later than the 49th session of the Human Rights Council.

A. SOGIESC Information

National Report

68. Eswatini's health facilities provide health services to all citizens regardless of their sexual orientation or gender identity. The number of health facilities has increased to 327 resulting to 85% being within the radius of 8km in the communities and of those facilities at least 52% are youth friendly as reflected in the study by the Ministry of Health of 2017.

70. The Government is currently implementing SRHR – HIV knows No Borders targeting migrants to ensure their access to healthcare services. This programme further targets communities, religious sector, sex workers, AGYW and LGBTIQs.

114. Despite the progress made, Eswatini continues to experience a number of challenges in the promotion and protection of human rights. Some of the notable challenges include: (...)

- Eswatini 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.

Compilation of UN Information

10. While acknowledging the State's efforts to promote and protect the life and health of persons living with HIV/AIDS, the Human Rights Committee remained concerned at the continued high number of infections in Eswatini and the persistence of stigma and discrimination against such persons. The Committee recommended that Eswatini: step up intervention to address the needs of key populations, in particular women, young people, sex workers, and lesbian, gay, bisexual, transgender and intersex persons, including in rural areas; redouble its efforts to combat the high level of HIV/AIDS-related stigma and discrimination among the general population; and ensure that discrimination against persons with HIV/AIDS was legally prohibited in all contexts and that such laws were enforced effectively in practice.



12. The Human Rights Committee was concerned about reports that lesbian, gay, bisexual, transgender and intersex persons frequently faced discrimination, in particular in accessing adequate housing and employment, and was also concerned about reports of violence against those persons. The United Nations country team regretted that Eswatini intended to maintain the law criminalizing same-sex relations. The Human Rights Committee recommended that Eswatini clearly prohibit discrimination on the basis of sexual orientation and gender identity; combat stereotypes and negative attitudes towards persons on the basis of their sexual orientation or gender identity; adopt legislation explicitly prohibiting hate crimes against lesbian, gay, bisexual, transgender and intersex persons; and ensure that all acts of violence against them were effectively investigated. The country team made similar recommendations.

Summary of Stakeholder's Information

14. JS7⁴ recommended amending legislation related to the health and employment sectors to prohibit any discrimination, including on the basis of health status, disability, gender identity or sexual orientation; and improving the existing training manual for clinicians that is used by the ministry of health. UPRP-BCU⁵ recommended that Eswatini extend coverage of its current Health Promotion Programme, using different types of accessible media and scientific studies, to sensitize people on HIV issues, as a way of reducing stigma.

16. AI⁶, JS3⁷ and JS7 stated that LGBTI persons faced stigma and discrimination in Eswatini, and that same-sex relations were criminalized. They were concerned at barriers that hindered access to HIV services for LGBTI persons. RoH⁸ noted that, despite the Employment Act 1980, people had seen their employment' contracts terminated over their sexual orientation. AI, JS9⁹ and HRW¹⁰ recommended repealing all laws that criminalize consensual same-sex sexual conduct; eliminate all forms of discrimination based on sexual orientation and gender identity; and take measures to address the root causes of stigma and discrimination towards LGBTI persons. RoH recommended sensitizing State Prosecutors and other players in the Criminal Justice System on LGBTI issues.

17. Various stakeholders reported with concern that, in 2019, an application for registration of a LGBTI organization was rejected by the Government, arguing, among other reasons, that same-sex sexual acts were criminalized in Eswatini. They recommended creating and enabling an environment encouraging public debate and dialogue even on sensitive and controversial issues such LGBTI, and allowing registration of all NGOs without discrimination and restrictions.

⁴ Joint submission 7 submitted by: Southern Africa Litigation Centre and Eswatini Sexual and Gender Minorities; Rosebank, Johannesburg (South Africa). (Document says JS7 but another JS was uploaded instead)

⁵ The UPR Project at BCU, Birmingham (United Kingdom).

⁶ Amnesty International, London (United Kingdom).

⁷ Joint submission 3 submitted by: The Coordinating Assembly of NonGovernmental Organisations, the Justice and Law Initiative, Southern Africa Human Rights Defenders Network (The Defenders Network or SAHRDN), Women and Law in Southern Africa Research and Educational Trust Eswatini (WLSA) and the Youth Sustainable Development Centre; Geneva (Switzerland). (Document says JS3 but it was uploaded instead as JS5)

⁸ The Rock of Hope.

⁹ Joint submission 9 submitted by: African Sex Workers Alliance, and Sexual Rights Initiative; Manzini (Eswatini).

¹⁰ Human Rights Watch (Geneva, Switzerland).



B. SOGIESC Advanced Questions for Eswatini

- **Belgium:** Is the Eswatini government considering decriminalizing sexual relations between consenting adults of the same sex and taking all necessary measures to prevent discrimination and ensure the effective enjoyment of all rights by LGBTIs, as recommended by the Human Rights Committee?

C. Eswatini's Working Group Session

- **Final remarks:** In relation to the criminalization of sexual relations between consenting adults as well as the effective enjoyment of all rights of LGBTIs, let me draw your attention, Mr. President, to the fact that with regards to the legal framework in Eswatini, in particular the Sexual Offences and Domestic Violence Act, clearly classifies and criminalizes sexual offenses that are done without consent. Also, in the private settings, sexual offenses or activities are not penalized in Eswatini. In an effort therefore also to align the country's policies with international principles on the issue of LGBTI persons, the government has recently revised its national gender policy and in this process the LGBTI organizations were engaged as key stakeholders, to make inputs into the policy, for a comprehensive policy direction regarding their rights, and this was done consistently with national laws.

D. Recommendations for Cycle III (2021)

a) Remarks of States

- **Denmark:** We are concerned that the LGBTI-community continues to encounter discrimination and stigmatization.

b) The following recommendations will be examined by Greece, which will provide responses no later than the 49th session of the Human Rights Council:

- **Argentina:** Enact laws that expressly prohibit crimes motivated by prejudices against lesbian, gay, bisexual, transgender, and intersex persons (6.77)
- **Australia:** Repeal or amend laws discriminating against LGBTI persons and other minority groups, including those that criminalise consensual same-sex acts between adults (6.78)
- **Brazil:** Consider adopting legal and policy measures to prohibit discrimination based on sexual orientation and gender identity, including by decriminalizing same-sex relations (6.62)
- **Canada:** Prohibit discrimination based on sexual orientation and/or gender identity and decriminalize homosexual behaviour between consenting adults (6.68)
- **Chile:** Consider carrying out the relevant policies and procedures to prohibit all types of discrimination, based on sexual orientation or gender identity (6.69)
- **Costa Rica:** Decriminalize consenting same-sex relations and ensure the elimination of all forms of discrimination based on sexual orientation and gender identity (6.75)
- **Denmark:** Decriminalize same-sex conduct between consenting adults (6.60)



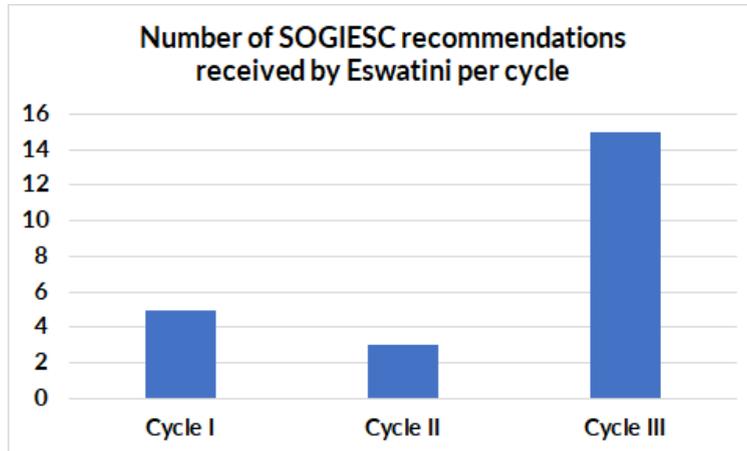
- **Fiji:** Take the necessary steps to combat discrimination and violence against women and children, and on the basis of sexual orientation and gender identity (6.61)
- **Iceland:** Decriminalize consensual sexual relations between adults of the same sex (6.63)
- **Iceland:** Adopt comprehensive anti-discrimination legislation clearly prohibiting discrimination on the basis of sexual orientation and gender identity and effectively investigate all acts of violence against LGBTI+ persons (6.64)
- **Italy:** Decriminalise consensual adult same sex relations and combat discrimination based on sexual orientation and gender identity (6.65)
- **Luxembourg:** Prohibit discrimination based on sexual orientation and gender identity; and decriminalize same-sex relationships (6.66)
- **Mexico:** Incorporate into national legislation the prohibition of discrimination based on sexual orientation and gender identity and repeal laws that criminalize consensual sexual relations between same-sex persons (6.67)
- **Spain:** Prohibit clearly in the legislation discrimination based on sexual orientation or gender identity, guarantee the effective investigation of all acts of violence against LGBTI persons, as well as consider decriminalizing consensual relationships between adults of the same sex (6.70)
- **United Kingdom:** Decriminalise consensual same-sex sexual conduct and take measures to eliminate discrimination based on sexual orientation and gender identity (6.74)

E. Recommendations for Cycle II (2016)

Recommendation	Recommending State	Response
Ensure and guarantee non-discriminatory access to health services, education, justice and employment for all persons, irrespective of their actual or perceived sexual orientation or gender identity.	Spain	Supported
Prohibit discrimination on the basis of sexual orientation and gender identity, particularly concerning the enjoyment of the right to health.	Slovenia	Supported
Decriminalize same-sex relations.	Slovenia	Noted



F. Graphic Comparison Between Cycles (1–3)



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

H. SOGIESC Mentions During Eswatini’s UPR Outcome (This section will be updated after the UPR Outcome of Eswatini at the 49th session of the Human Rights Council in March 2022)



GREECE UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 1 NOVEMBER 2021, 9:00-12:30
**DATE AND TIME OF THE ADOPTION OF THE REPORT: 5 NOVEMBER 2021,
15:00-18:00**

During the 39th UPR Working Group Sessions, Greece received 4 SOGIESC recommendations. It will respond to these recommendations no later than the 49th session of the Human Rights Council.

A. SOGIESC Information

National Report

20. In the Action Plan, the following high priority axes have been identified: combating child poverty and its effects on children, a child-friendly justice, protecting children in the context of migration and refugee flows, ensuring children's right to health, children's rights to education, protection of the family and children in the community – deinstitutionalization, elimination of existing discrimination – promotion of rights (with a focus on LGBTIQ+ persons), horizontal action for children with disabilities and promotion of the rights of the child at the international level, strengthening of child protection in audiovisual contents.

21. The Greek authorities continued, during the period of reference, to implement Law 4285/2014, which punishes, inter alia, public incitement to acts or activities which may result to discrimination, hatred or violence against individuals or groups of individuals defined by reference to race, colour, religion, descent, national or ethnic origin, sexual orientation, gender identity or disability, in a manner which endangers public order or threatens life, liberty or physical integrity of the abovementioned persons.

22. Under Article 82A of the Penal Code, the minimum penalties to be imposed are raised in case a crime presents racist characteristics. To this effect, it is not required to prove that the offender was motivated by hatred against the victim. It is sufficient to establish that the victim has been targeted by the offender on the basis of his/her characteristics (race, colour, national or ethnic origin, descent, religion, disability, sexual orientation, gender identity or gender characteristics).

23. Moreover, according to article 137A of the Penal Code, as amended in 2019, torture is punished even in the absence of the specific purposes set out in the definition of that crime, where the choice of the victim is made on account of the abovementioned characteristics.

26. In 2020, 222 incidents potentially involving racist motives were recorded. The main motive for the commission of racist acts was the race, colour or origin of the victim (69%), followed by religion (13%), disability (5%), sexual orientation (10%) and gender identity. Most victims were male (80%) and foreign nationals (65%).



27. The Racist Violence Recording Network (RVRN), one of the most active civil society actors in the field of the fight against racism, established on the initiative of the GNCHR and the UNHCR and comprised of 51 NGOs and civil society bodies, recorded, in its latest report published in April 2021, an increase in incidents of racist violence against refugees, migrants and supporters and noticed that the incidents where the perpetrators were citizens and/or members of extremist groups, took place in areas where refugees and migrants gathered, mainly in areas with accommodation and reception facilities. The RVRN also recorded incidents against LGBTQI+ individuals, many of which took place inside the victims' residence, combining domestic violence with the racist motive, as well as a significant number of incidents due to gender identity.

36. An important development since the 2nd cycle was the adoption of Law 4491/2017 on the legal recognition of gender identity, which, *inter alia*, allows for the change of the registered gender information with no requirement to undergo a medical procedure, examination or treatment. This also applies to minors, with their parents' or legal guardians' explicit consent and, for minors aged 15–17 years, with the opinion of a medical board.

37. Law 4538/2018 allows persons who have entered a civil partnership pact, including same-sex couples, to become foster parents. Gender identity and gender characteristics (in addition to sexual orientation) were added to the prohibited grounds of discrimination under Law 4443/2016.

38. The application of the law on the civil partnership pact has contributed to the elimination of stereotypes and prejudices. However, challenges remain in many areas, requiring cross-sectoral actions and policies.

39. In March 2021, by decision of the Prime Minister, a committee was set up, with the aim of drafting a National Strategy for the Equality of LGBTQI+ persons in Greece, chaired by the former CERD Vice-Chairman and former President of the ECHR Prof. Linos-Alexandre Sicilianos and composed of representatives of the academic community, NGOs defending the rights of LGBTQI+ persons, the Secretary General of the Ministry of Justice and the Chief Economic Adviser to the Prime Minister. The report was presented on 29 June 2021. Furthermore, training activities of police officers, judges and public prosecutors on hate-motivated crimes, based, *inter alia*, on sexual orientation and gender identity, are undertaken.

91. Most cases of alleged arbitrary incidents (45%) concern physical integrity or health infringement and 25% infringement of personal freedom. In many of the reported incidents of arbitrariness, persons belonging to vulnerable groups were involved (young persons, migrants), while a smaller number of cases concern allegations of discrimination on the grounds of origin (affecting Roma persons), sexual orientation, gender identity or characteristics.

[Compilation of UN Information](#)

40. The Working Group on discrimination against women and girls was pleased to note the high level of educational attainment for girls at all levels. It also noted, however, that



achievement among women in education did not translate into their progression in the economic sphere. The Working Group was also pleased to learn that there were three streams of gender equality, sexual orientation and gender identity content within the school curriculum; however, it noted that the content had been described as limited in scope. The Working Group recommended that Greece review the school textbooks and curricula in all schools, public and private, to eliminate gender stereotypes and ensure non-discrimination and gender equality in the core curriculum.

Summary of Stakeholder's Information

8. GNCHR¹¹ recommended that Greece take the necessary steps for the recognition and acceptance of different types of families, such as same-sex parents.

24. JS5¹² noted that lesbian, gay, bisexual and transgender groups had reported homophobic and transphobic hate speech, verbal harassment and inappropriate comments in the public discourse.

42. JS7¹³ noted that Greece had supported the full legal recognition of same-sex relationships, but failed to implement the same-sex marriage and the possibility for same-sex couples to adopt children had not been introduced. JS7 recommended that Greece take steps towards full legal recognition of same-sex relationships, including marriage and the possibility to adopt children.

51. EU-FRA¹⁴ acknowledged the new Law 4694/2019 on gender equality and combating gender-based violence, introducing a national mechanism for gender equality, which will also address discrimination based on gender identity and sexual orientation.

B. SOGIESC Advanced Questions for Greece

- **United Kingdom:** Following updates to Law 4285/14 in 2014 and 2015, what further steps is Greece taking to ensure the protection of victims of hate crimes based on gender identity and/or sexual orientation?

¹¹ Greek National Commission for Human Rights.

¹² Joint submission 5 submitted by: Racist Violence Recording Network (RVRN) is a coalition of forty-seven agencies, under the coordination of the UN High Commissioner for Refugees in Greece (UNHCR) and the Greek National Commission for Human Rights (GNCHR). The participating actors are the following: Aitima, Solidarity Now, Antigone - Information and Documentation Centre, University of Aegean Anti-Racist Observatory, Arsis, Doctors of the World (Mdm), Amnesty International, Network for Children's Rights, Network for Social Support of Refugees and Immigrants, "Pleiades - Hellenic Action for Human Rights", Hellenic League for Human Rights, Hellenic Red Cross, Greek Council for Refugees, Greek Forum of Migrants, Greek Forum of Refugees, Human Rights Commission of the Bar Association of Rhodes, Positive Voice, Medical Intervention, Caritas Athens, Caritas Hellas, Centre for Research on Women's Issues "Diotima", Center for Life, "Babel" Day Centre, Centre for the Support of Repatriated and Migrants - Ecumenical Refugee Program, Network for the Support of Refugee and Migrant Rights (Patras), World Without War and Violence, LATHRA? - Solidarity Committee for Chios refugees, METAction, Rainbow Families, Group of Lawyers for the Rights of Refugees and Migrants, Group of Lawyers for the Support of Refugee and Migrant Rights (Thessaloniki), Homosexual and Lesbian Community of Greece, Association of Afghans United In Greece, Association of Social Workers of Greece, Greek Transgender Support Association, Faros tou kosmou, Forum of Migrants in Crete, Refugee Support Aegean, Act Up Hellas, ASANTE, Colour Youth - LGBTQ Youth Community of Athens, Generation 2.0 RED, HIAS in Greece, HumanRights360, Melissa Network, PRAKSIS, A21 (Greece).

¹³ Joint submission 7 submitted by: Greek Helsinki Monitor (GHM); Minority Rights Group-Greece (MRG-G); Coordinated Organizations and Communities for Roma Human Rights in Greece (SOKADE) (Greece).

¹⁴ European Union Agency for Fundamental Rights (Austria).



- **United States of America:** What steps are the Government of Greece taking to ensure that authorities investigate and, as appropriate, hold accountable those responsible for, acts of violence or threats of violence targeting lesbian, gay, bisexual, transgender or intersex persons?

C. Greece's Working Group Session

- **Initial remarks (Mr. Panos Alexandris, Secretary General of the Ministry of Justice and Human Rights):** We have a robust legislative framework and punish acts which would result in discrimination, hatred, or violence against individuals or groups defined by references to race, color, religion, national or ethnic origin, sexual orientation, gender identity and characteristics, and disability. (...)

In addition, last March the Prime Minister of Greece supported the setting up of a committee to draft a national strategy of the equality of LGBTIQ+ persons chaired by the former vice chairman and president of the European Court of Human Rights in Strasbourg professor Sicilianos. The committee publishes its report in June and I'm confident that the implementation of relevant cross-sectorial actions and policies will contribute to the elimination of stereotypes and prejudices. Allow me to this point to pay tribute to a member of this community, Marina Galanou, a prominent defender of the rights of transgender persons who has recently passed away.

- **Final remarks (Minister of Justice and Citizen Protection):** In response to the questions and issues raised by Australia, Nigeria, Norway, Iceland, and others, the National Action Plan against racism and intolerance adopted in December 2020 recognizes uncovered forms of racism, xenophobia, antisemitism, anti-gypsyism, islamophobia, afrophobia, homophobia, transphobia, albinism, and disablism. It mainly focuses on awareness-raising, education, social integration policies, and justice. The commission of any offense on any ground constitutes an aggravated circumstance leading to penalty enhancement. (...)

The national anti-discrimination legislation includes multiple indicators covering race, color, national or ethnic origin, descent, religion or belief, disability or chronic conditions, AIDS, family or social status, sexual orientation, gender identity or characteristics. The Ministry of Justice along with the National Council against Racism and Intolerance recently produced a guide for victims of hate crimes. (...)

The national school judges core education curriculum for judges and prosecutors includes courses on human rights and specialized courses on homophobia, racism, and xenophobia. (...)

I'd like to thank Northern Ireland, UK, Panama, Malta, and Iceland for their recommendations and questions for the LGBTIQ+ people. So the National Strategy for Equality of LGBTIQ+ people is an innovative and comprehensive plan aimed at strengthening rights and removing all existing barriers. Its main priorities are to combat discrimination, to protect LGBTIQ+ people, and to promote inclusive societies. The Ministry of Justice is also implementing a project in Greece. Its main objective is to strengthen the mechanisms for protection, monitoring, and prevention of incidents of discrimination and violence and to improve the access to public bodies and services. Finally, an LGBTIQ+ victim has access to individual assessment as to what extent the



victim may benefit from special protection measures during the criminal proceedings to avoid any secondary victimization, intimidation, and retaliation.

D. Recommendations for Cycle III (2021)

a) Remarks of States

- **Australia:** Australia commends Greece on concrete steps made in respect of: LGBTI rights; gender equality; the rights of persons with a disability; controls on the armed forces and police; the status of Greece's Muslim minority in the Thrace region; and, combating anti-Semitism and hate speech.
- **Chile:** In this regard, we congratulate Greece on adopting the gender identity law and a law establishing the right of same-sex couples to apply to adopt children.
- **Iceland:** Iceland welcomes the delegation of Greece, welcomes the legal recognition of gender identity and encourages further consideration of the rights of LGBTI+ persons.
- **Israel:** Israel also welcomes the decision by the Prime Minister to set up a committee with the aim of drafting a National Strategy for the Equality of LGBTIQ+ persons in Greece.
- **Italy:** We also welcome the measures on promoting substantive gender equality and preventing and combating gender-based violence and the commitment to protect the rights of LGBTI persons.

b) The following recommendations will be examined by Greece, which will provide responses no later than the 49th session of the Human Rights Council:

- **Iceland:** Adopt the European Convention on Human Rights definition of hate speech crimes, and investigate, prosecute and condemn racist violence crimes and hate speech crimes against LGBTI+ persons (6.45)
- **Iceland:** Pass and implement laws that recognize same-sex marriage and the possibility to adopt children (6.114)
- **Israel:** Continue to develop policies to fight hate speech crimes, including those against LGBTIQ persons (6.46)
- **Malta:** Consider taking steps towards legal recognition of same-sex relationships, including marriage, and the possibility to adopt children (6.113)

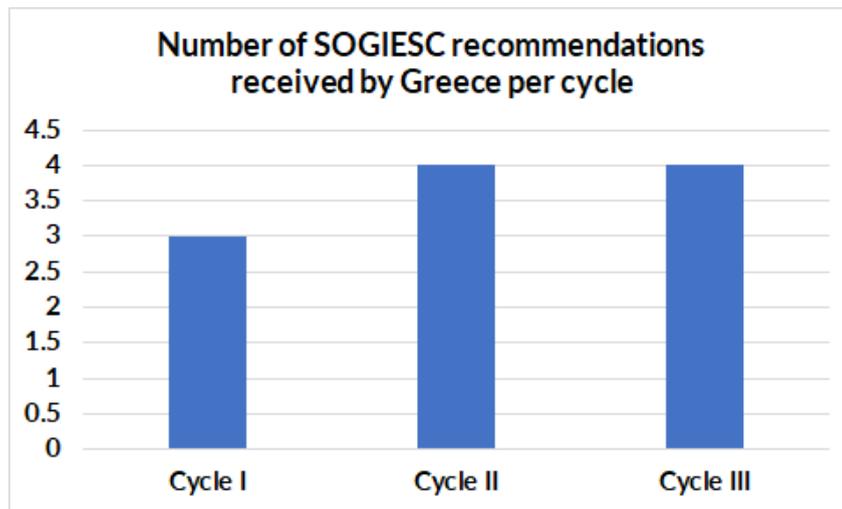
E. Recommendations for Cycle II (2016)

Recommendation	Recommending State	Response
Combat more actively the stereotypes and prejudices to which LGBTI people are subject, organizing public awareness campaigns and ensuring that the perpetrators of acts of violence on the grounds of sexual orientation are prosecuted and punished.	Chile	Supported
Adopt measures to fight against discrimination based on sexual orientation or gender identity.	Israel	Supported



Actively investigate instances of discrimination in employment, including against LGBTI persons.	United States of America	Supported
Take steps towards full legal recognition of same-sex relationships; this includes registered partnership, fiscal partnership, and marriage and the possibility to adopt children	Netherlands	Supported

F. Graphic Comparison Between Cycles (1–3)



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

H. SOGIESC Mentions During Greece’s UPR Outcome (This section will be updated after the UPR Outcome of Greece at the 49th session of the Human Rights Council in March 2022)



HUNGARY UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 3 NOVEMBER 2021, 14:30-18:00
**DATE AND TIME OF THE ADOPTION OF THE REPORT: 5 NOVEMBER 2021,
15:00-18:00**

During the 39th UPR Working Group Sessions, Hungary received 36 SOGIESC recommendations. It will respond to these recommendations no later than the 49th session of the Human Rights Council.

A. SOGIESC Information

National Report

85. The National Higher Education Act ensures equal opportunities for disadvantaged students during the higher education admission procedure and during their higher education studies. Students receive benefits in accordance with their condition, personal abilities and disability. In addition, there is no racial or ethnic discrimination or segregation in the courses offered in Hungarian higher education institutions, as students participate in the courses, regardless of their racial, ethnic origin or sexual orientation. (128.70, 128.75, 128.81, 128.85, 128.86, 128.88, 128.91, 128.92, 128.173, 128.178)

K. Sexual orientation

104. The Fundamental Law, as well as the Hungarian Act on Equal Treatment explicitly forbids/prohibits discrimination based on sexual orientation. Act XXIX of 2009 provides for the registered partnership of same sex couples. The rights guaranteed for so-called LGBTI persons are around average in European comparison based on the data of ILGA Europe (placing 27th among 49 European countries). Concerning the definition of family enshrined in the Fundamental Law, the Constitutional Court stated that it does not follow from the Fundamental Law that the state should not provide an objective institutional protection to *“many other forms of permanent emotional and economic cohabitations within the sociological definition of family which has common objectives, based on mutual care and meeting the definition of family in the sociological, more dynamic sense of the word, irrespective of their title defined by law”*. (128.118., 128.119., 128.120, 128.121, 128.122)

Compilation of UN Information

12. The Human Rights Committee expressed its concern that the ban on discrimination in the Fundamental Law did not explicitly list sexual orientation and gender identity among the grounds of discrimination and that its restrictive definition of family might give rise to discrimination. It was also concerned about the acts of violence and the prevalence of negative stereotypes and prejudice against lesbian, gay, bisexual and transgender persons. It underlined that Hungary should prohibit discrimination on all grounds and in all spheres and sectors, take the measures necessary to curb discrimination against lesbian, gay, bisexual and transgender



persons with regard to family arrangements and ensure the effective identification, recording and investigation of acts of violence motivated by the sexual orientation or gender identity of the victims, and the prosecution and punishment of perpetrators. The Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity urged Hungary to drop proposed legislation that would deny trans and gender diverse people the right to legal recognition and self-determination. Several other mandate holders also raised their concerns in that regard and indicated that couples, regardless of sexual orientation or gender identity, should be provided legal recognition. The Working Group on discrimination against women and girls stressed that the formulation of family should be interpreted as including the diversity of families and that it should never be used to undermine women's reproductive rights. It recommended that Hungary hold public figures accountable for sexist and abusive language and expressions affecting the dignity of women and lesbian, gay, bisexual, transgender and intersex persons, by applying fines or the penalty of exclusion from public proceedings.

15. The Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity noted that the parliament of Hungary had given the Prime Minister power to rule by decree without consulting other lawmakers before making policy decisions during the COVID-19 crisis. OHCHR recalled that, under international human rights law, emergency legislation and measures should be strictly temporary, limited to addressing the situation at hand and contain appropriate safeguards.

Summary of Stakeholder's Information

12. JS4¹⁵ recommended to adopt a comprehensive strategy and action plan covering all spheres of life to tackle discrimination based on sexual orientation and gender identity and to strengthen efforts to fighting homophobic and transphobic hate speech, by amending relevant provisions of the Fundamental Law and the Civil Code and by condemning such statements, especially if made by public officials.

13. AI¹⁶ recommended that Hungary amend the Fundamental Law by repealing the unnecessarily restrictive and discriminatory provisions introduced since 2016, including those which restrict the rights of LGBTI people. It further recommended to provide equal rights for LGBTI people, including legalising same-sex marriage and adoption by same-sex couples and by individuals.

14. JS8¹⁷ recommended that Hungary immediately halt smear campaigns against vulnerable groups, including refugees, migrants and Roma and LGBTQ people, and ensure that racist, homophobic, transphobic, xenophobic and misogynistic comments are not tolerated by state officials, and that Hungary actively support public campaigns and discourses that promote equality and inclusion of vulnerable groups and people.

¹⁵ Joint submission 4 submitted by: The Hungarian LGBT Alliance, Háttér Society, Transvanilla Transgender Association and Labriz Lesbian Association.

¹⁶ Amnesty International (London, United Kingdom).

¹⁷ Joint submission 8 submitted by: Amnesty International Hungary, Háttér Society, Hungarian Helsinki Committee and Hungarian Civil Liberties Union.



15. JS4 recommended that Hungary ensure that all textbooks and other educational materials authorized for use in public education cover sexual orientation and gender identity in an objective manner, and promote tolerance and respect for LGBTQI persons.

54. JS17¹⁸ recalled that the absence of a strong and comprehensive policy foundation to realise women's rights created an obstacle to duly address multiple and intersecting forms of discrimination against women, such as Roma women, lesbian women, women with disabilities, and migrant women.

73. JS4 recommended that Hungary amend the Asylum Law to specifically include gender identity and expression as grounds of persecution.

B. SOGIESC Advanced Questions for Hungary

- **Belgium:** Which concrete measures has the government of Hungary taken to implement the Human Rights Committee's recommendations regarding sexual orientation and gender identity? Will the government of Hungary repeal the provisions of the so-called "anti-paedophilia law" of 15 June 2021 that infringe freedom of expression related to gender identity?
- **Germany:** With regard to recent changes in the Hungarian Constitution that define the mother as female and the father as male, changes in the law on adoption that allow only married couples to adopt children, and changes in the law against child sex abuse which includes restrictions on portrayals of homosexuality and transgender people: How can these laws be brought in accordance with Article XV (2) of the Hungarian Constitution, which grants equal rights to every person without discrimination?
- **Panama:** What steps are being taken to prevent and investigate hate speech and attacks on the LGBTQI persons, migrants, refugees, asylum seekers and other minorities, especially when perpetrators are political leaders and other public or influential figures?
- **Sweden:** What measures will you take to ensure equality and non-discrimination of LGBTIQ-persons, migrants and persons belonging to the Roma minority?
- **United States of America:** What steps is Hungary taking to promote the human rights of LGBTQI+ persons, address threats of violence targeting the LGBTQI+ community, and hold perpetrators of such acts accountable?

C. Hungary's Working Group Session

- **Opening remarks (Mr. Péter Szijjártó, Minister of Foreign Affairs and Trade of Hungary, Head of Hungarian Delegation):** Dear colleagues, we have a very determined position back in Hungary on what we do mean under family. Our Constitution speaks about that very clearly. The Constitution says that the family is composed by a mother, a father, and the children. And our Constitution also says that mother is a women and father is a men. And we do respect that there are other vibes of approach in this regard,

¹⁸ Joint submission 17 submitted by: NANE Association, PATENT Association, Hungarian Women's Lobby and JolLet Foundation.



but we never accept if our right to think this way would be challenged. And especially we never accept if this approach of ours is being portrayed as if it was a violation, any kind of violation of any kind of human rights. Let me please take the opportunity, dear colleagues, to inform you about the fact that the Hungarian Parliament has just recently passed a law on the protection of the children. This law makes it sure that the parents do have the exclusive right to conduct the education of their children on sexual orientation. And they received many criticism and many attacks to this end also. Although I believe that most of those who criticize us have never read the law, but especially did not read the law before criticizing us. This law is being portrayed many times as if it was an anti-LGBT nature. But dear colleagues this is absolutely false, not true. This law does not say anything about anybody about the age of 18. This law does not say anything about adults having their orientation with whom they live together, or what they do with whoever. But this law definitely says that parents are the ones who know their children the best, and I am pretty sure that better than any NGO. And this law definitely forbids LGBTI activists and NGOs to go to schools and kindergartens and talk to our children. And this law definitely forbids direct pornography content, homosexual propaganda, or propaganda of gender change to be broadcast to children. And once again I want to underline children over 18. But in the meantime I have to underline, having looked at your preliminary questions, that in Hungary no one should be afraid or concerned because of belonging to any community. Our Constitution speaks about that very clearly and our government has a very clear commitment today.

- **Intervention made after 81 interventions (Anikó Raisz, State Secretary for Administration, Ministry of Justice):** The Hungarian Criminal Code builds on several sections with the problems of crimes motivated by racism or hatred towards a protected group. Violence against a member of a community, incitement against a community, use of symbols of dictatorship, and public denial of the crimes of national socialist and communist regimes. By criminalizing violence against a member of a community and incitement against a community the legislation offers protection for the freedoms and human dignity of communities, including national, ethnic, racial, or religious groups; as well as certain other groups of the population. In the latter case groups based on disability, gender identity, or sexual orientation are nominated expressly.

D. Recommendations for Cycle III (2021)¹⁹

a) Remarks of States

- **Austria:** However, Austria is concerned about developments in the areas of academic freedom, media pluralism, rights of LGBTIQ persons and judicial independence.

¹⁹ Three LGBTI-hostile recommendations were made by Belarus, China, and Egypt. The recommendation made by Belarus is as follows: "Share its national experience in supporting and strengthening the institution of the family as the natural and fundamental unit of society (6.176)". The recommendation made by China is as follows: "Continue to strengthen the protection of family and further protect the rights of women and children (6.229)". The recommendation made by Egypt is as follows: "Strengthen policies to support the family as the natural and fundamental unit of society (6.228)".



- **Canada:** Canada is concerned about the apparent increase in stigmatization of human rights defenders, LGBTI people and other vulnerable groups, which undermines human dignity and the pillars of a pluralistic society
Concerns also persist about amendments to the Hungarian Constitution in December 2020, which changed the definition of families to exclude transgender and other LGBTI people.
- **Denmark:** We are concerned about insufficient protection of the rights of persons belonging to sexual and other minority groups.
- **Germany:** Germany remains concerned about the rights of LGBTIQ persons, refugees and migrants, and independence of judiciary.
- **Ireland:** Ireland is also concerned about the protection of LGBTI+ rights in Hungary.
- **Netherlands:** We underline our concern with Hungarian anti-LGBTI laws, which have a devastating effect on the acceptance of LGBTI persons and can significantly impact their mental health.
- **Switzerland:** Switzerland is concerned about the situation of LGBT persons in Hungary, which has aggravated with the revision of the law on the matter.
- **United Kingdom:** We recognise Budapest holds the longest running PRIDE march in the region, but we are concerned by a series of measures introduced in Hungary in the past two years that discriminate against the LGBT+ community.

b) The following recommendations will be examined by Hungary, which will provide responses no later than the 49th session of the Human Rights Council:

- **Argentina:** Make progress in the development of anti-discrimination legislation so that it specifically includes discrimination based on sexual orientation and gender identity (6.85)
- **Australia:** Prevent discrimination against LGBTI persons by repealing laws that prohibit certain discussions about sexual orientation and gender identity with those under the age of 18 years (6.46)
- **Austria:** Revoke the new legislation purporting to protect children, which stigmatizes and discriminates against persons based on their sexual orientation and gender identity and establishes inadmissible links between homosexuality and paedophilia (6.221)
- **Canada:** Take steps to protect the rights of LGBTI persons, in particular allowing authorities to change the designation of the gender of individuals in official documents to reflect their gender identity (6.47)
- **Chile:** Take measures to increase women's participation in political and public life and to eradicate all forms of violence and discrimination based on sexual orientation, gender identity or gender expression (6.189)
- **Denmark:** Adopt a comprehensive strategy and action plan to counter violence, discrimination and stigmatisation based on sexual orientation and gender identity (6.179)
- **Dominican Republic:** Implement additional measures aimed at the promotion of equal rights considering the law on LGTBI persons (6.48)
- **Fiji:** Take the necessary steps to combat discrimination and violence against women and children, and on the basis of sexual orientation and gender identity (6.207)
- **Finland:** Abolish discriminatory legislative provisions vis-a-vis LGBTQI persons (6.49)



- **France:** Take the necessary measures to strengthen the efforts to combat discrimination based on origin, gender, sexual orientation and gender identity (6.67)
- **Germany:** Act against discrimination based on sexual orientation, and gender identity, and ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) (6.15)
- **Iceland:** Revert the current ban on legal gender recognition and develop a procedure for recognition based on personal autonomy and self-identification (6.91)
- **Iceland:** Re-establish the Equal Treatment Authority, adopt a comprehensive strategy and action plan to tackle discrimination based on sexual orientation and gender identity (6.95)
- **Iceland:** Guarantee the right of children to comprehensive sexuality education, including on the full diversity of sexual orientations, gender identities, and sex characteristics (6.226)
- **Ireland:** Take all the necessary steps to end stigmatisation of and discrimination against the LGBTI+ community, including by repealing legislation that uses child protection as a pretext for further marginalising LGBTI+ persons (6.50)
- **Israel:** Continue its work on tackling hate speech directed towards religious and racial minorities and LGBT persons (6.57)
- **Italy:** Take concrete measures to combat all forms of discrimination, including when based on religion or belief, ethnicity and sexual orientation, in compliance with international and European obligations. Consider revising legislative provisions that could result in discriminations (6.86)
- **Liechtenstein:** Revoke discriminatory provisions in the anti-paedophilia law, and actively promote tolerance and respect for persons with diverse sexual orientations and gender identities (6.84)
- **Liechtenstein:** Take effective steps to eliminate abusive language and incitement to hate, discrimination, hostility or violence against persons and communities based on their race, ethnicity, sexual orientation or gender identity, in particular in the public sphere (6.92)
- **Luxembourg:** Support the adoption of the Council of the European Union conclusions on the new European Union strategy on children's rights and ensure, at national level, that all textbooks and other teaching materials address sexual orientation and gender identity in an objective way, and promote tolerance and respect for LGBTI+ people (6.51)
- **Malta:** Take concrete measures to prevent and prohibit discrimination against LGBTQI people, and specifically same-sex couples and their children, in the fields of employment, education, healthcare, and access to social benefits (6.52)
- **Marshall Island:** Strengthen legislation and policies protecting against any forms of discrimination, especially discrimination against ethnic and sexual minorities as well as women (6.93)
- **Mexico:** Improve the systems for the prevention, reporting, investigation and prosecution of hate crimes, incitement to violence and discrimination against migrants, refugees, Roma and LGBT people (6.53)
- **Mexico:** Reform legislation that denies the right to legal recognition of gender change and criminalize all forms of domestic violence (6.94)



- **Netherlands:** Take effective measures to prevent and prohibit discrimination against LGBTI people, including by revoking the anti-LGBTI provisions of the anti-paedophilia law and re-establishing the Equal Treatment Authority (6.54)
- **New Zealand:** Adopt a comprehensive strategy and plan of action, including repealing any restrictive or discriminatory legislation, to ensure and uphold the equality and dignity of all human beings irrespective of their sexual orientation or gender identity (6.90)
- **Norway:** Strengthen measures to combat hate speech and hate crime, especially when targeted towards LGBTI persons, asylum seekers, migrants and Roma (6.55)
- **Norway:** Repeal the legislation banning the “promotion of homosexuality” among minors, and enacts legislation to protect LGBTI persons from discriminatory practices (6.56)
- **Portugal:** Develop a national action plan to combat discrimination based on sexual orientation and gender identity and promote awareness raising campaigns to combat stigmatization and bullying against LGBTI persons (6.58)
- **South Africa:** Strengthen measures to prevent racial hate crimes, the incitement of violence, and related discriminatory behaviour against refugees, migrants, the Roma and other ethnic and sexual minorities, including by State officials, and ensure the effective registration, investigation and prosecution of all reported hate crimes (6.97)
- **Spain:** Guarantee compliance with the rules against discrimination and violence against LGBTI people (6.79)
- **Spain:** Repeal the articles of the "Anti-Paedophilia Law" that prohibit the representation of gender identity other than the sex of birth, the change of sex and homosexuality (6.87)
- **Switzerland:** Promote and fully respect the rights of LGBTI people and the removal of stigmatizing and discriminatory provisions against them (6.42)
- **United States of America:** Combat intolerance and discrimination against members of vulnerable groups, including refugees, asylum seekers, migrants, women and girls, Roma, Muslims, Jews, and LGBTQI+ persons. This effort should include discouraging intolerant rhetoric, and repealing laws that ban public depictions of LGBTQI+ persons in the media and that refuse to legally recognize trans individuals' gender identity (6.44)
- **United Kingdom:** Repeal discriminatory legislation, including the 2020 amendments restricting adoptions for same-sex couples (6.83)
- **Uruguay:** Review anti-paedophilia legislation in accordance with its international human rights obligations to ensure that it focuses on combating this serious problem, including by removing provisions contrary to the human rights of the LGBTI population (6.45)

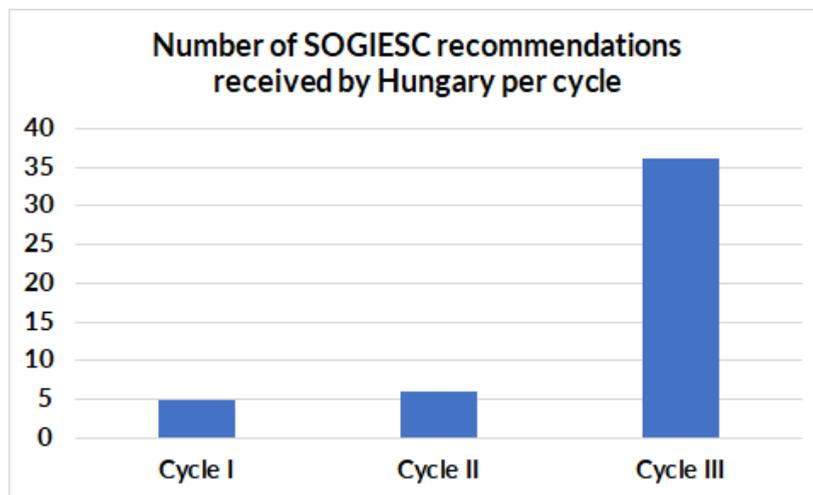
E. Recommendations for Cycle II (2016)

Recommendation	Recommending State	Response
Implement effectively its legislation and policies against hate speech and hate crimes with particular focus on the human rights protection of Roma, Jews, LGBTIs and other vulnerable groups.	Czech Republic	Supported



Adopt and implement a comprehensive strategy and action plan to tackle discrimination based on sexual orientation and gender identity.	Australia	Supported
Adopt a strategy and a comprehensive plan of action to counter discrimination based on sexual orientation and gender identity.	Chile	Supported
Take comprehensive measures to counter discrimination on the grounds of sexual orientation and gender identity.	Colombia	Supported
Fight against discrimination based on the origin, gender and sexual orientation, by continuing its efforts in the implementation of the existing instruments.	France	Supported
Adopt a comprehensive strategy in order to combat discrimination based on sexual orientation and gender identity	Greece	Supported

F. Graphic Comparison Between Cycles (1–3)



G. SOGIESC recommendations shared by HRDs during ILGA's UPR advocacy week in Geneva: Hungarian LGBT Alliance

1. Revert the current ban on legal gender recognition introduced by Act no. XXX of 2020, Art. 33, and develop a quick, transparent and accessible procedure for legal gender recognition based on personal autonomy and self-identification.
2. Revoke the anti-LGBTQI provisions of the anti-paedophilia law, and refrain from interpreting other child protection provisions in an arbitrary and discriminatory manner.
3. Reestablish the Equal Treatment Authority, and adopt a comprehensive strategy and action plan to tackle discrimination based on sexual orientation and gender identity covering all spheres of life.
4. Duly investigate and condemn hate speech and attacks on the LGBTQI persons, especially when perpetrators are political leaders and other influential figures and ensure accountability for these acts.



5. Ensure that textbooks and other educational materials used in public education cover sexual orientation and gender identity in an objective manner, and promote tolerance and respect for LGBTQI persons.
6. Ensure equal treatment to same-sex relations by removing discriminatory differences between registered partnership and marriage, and provide legal recognition to same-sex parenting.
7. Take concrete measures to prevent and prohibit discrimination against LGBTQI people, and specifically same-sex couples and their children in the fields of employment, education, healthcare and access to social benefits.

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

- I. **SOGIESC Mentions During Hungary's UPR Outcome (This section will be updated after the UPR Outcome of Hungary at the 49th session of the Human Rights Council in March 2022)**



IRELAND UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 10 NOVEMBER 2021, 14:30-18:00
**DATE AND TIME OF THE ADOPTION OF THE REPORT: 12 NOVEMBER 2021,
15:30-18:00**

During the 39th UPR Working Group Sessions, Ireland received 6 SOGIESC recommendations. It will respond to these recommendations no later than the 49th session of the Human Rights Council.

A. SOGIESC Information

National Report

104. Following the result of a referendum in May 2015, Ireland enacted the Marriage Act 2015,⁶⁴ which enabled same-sex couples to enjoy the same constitutional rights and protections as all families. The Gender Recognition Act 2015 has also been enacted. Notwithstanding these achievements, there remain structural barriers and challenges to LGBTI+ people achieving their full potential. This is now being addressed within the framework of a national strategy, the LGBTI+ Inclusion Strategy 2019-2021,⁶⁵ launched in 2019. It contains 108 actions aimed at transforming the lives of LGBTI+ people across Ireland.

Compilation of UN Information

37. The Committee on the Elimination of Discrimination against Women was concerned that medically irreversible and unnecessary sex assignment surgery and other treatments were reportedly performed on intersex children. It recommended that Ireland develop a rightsbased health-care protocol for intersex children, ensuring that children and their parents were informed of all options and that children were involved in decision-making.

Summary of Stakeholder's Information

27. JS5²⁰ recommended that Ireland regularly review laws and policies to prevent discrimination against LGBTI individuals. CoE-ECRI²¹ and JS5 recommended amending the Employment Equality Acts and Equal Status Acts to include the ground of gender identity and transgender protection.

76. AI²² and JS3²³ informed that the 2018 Health (Regulation of Termination of Pregnancy) Act (the Act) provided for abortion on request up to 12 weeks, subject to a mandatory three-day

²⁰ Joint submission 5 submitted by: Irish Council for Civil Liberties, Dublin (Ireland), Age Action, BeLonG To Youth Services, Immigrant Council of Ireland, Irish Family Planning Association, Irish Network Against Racism, Irish Penal Reform Trust, NASC, National Women's Council.

²¹ European Commission against Racism and Intolerance of the Council of Europe.

²² Amnesty International, London (United Kingdom).

²³ Joint submission 3 submitted by: Abortion Rights Campaign, Dublin (Ireland), Abortion Support Network, Termination for Medical Reasons Ireland.



waiting period, and permitted abortion under limited circumstances after 12 weeks, namely emergencies, when pregnancy poses a "risk to the life, or of serious harm to the health" of the pregnant person, or when a "condition [is] likely to lead to death of foetus" before or within 28 days of birth. JS3 and AI contended that the law was framed in terms of criminal offences, rather than access to healthcare, and that the three-day waiting period prohibited some women from accessing care in Ireland. JS3 indicated that, since the Act used the word "woman", it excluded transgender, intersex and non-binary people.

78. JS3, JS5 and IIPA recommended to decriminalise abortion in all circumstances. JS3 recommended to: improve the geographic distribution of care providers; increase access by authorising nurses, midwives, and other medics to provide abortion care; maintain telemedicine as a permanent feature of abortion care; repeal the 12-week limit, the three-day waiting period, ambiguous wording regarding abortions for health risks and 'fatal' foetal diagnoses, and refusal of care; make explicit the right of transgender people to access abortions; and provide free contraception to all.

B. SOGIESC Advanced Questions for Ireland

- **Panama:** How Ireland protects LGBTIQ persons against violence and harmful practices, such as the so-called "conversion therapy"?

C. Ireland's Working Group Session

- **Opening remarks (Mr. Roderic O'Gorman, Minister for Children, Equality, Disability, Integration & Youth):** Ireland achieved the world's first in 2018 with the launch of the LGBTI+ National Youth Strategy which was followed by publication of Ireland's first National LGBTI+ Inclusion Strategy in 2019. The strategies enable work across government to ensure that LGBTI+ people are treated equally and that their rights are protected. Ireland has robust equality legislation which provides the legislative framework for the promotion of equality in Irish society. This legislation has been in place for 20 years, and I feel that it is time to review the law in this area and to ensure that it is effectively promoting equality and combating discrimination. I've launched a review process starting with public consultation process currently underway, and plan to bring forward legislative proposals next year to strengthen the legislation, including enhancing gender identity protections, and will specifically look to strengthen protections for transgender people in line with the commitment in the program for government. (...)
- The Irish government has also responded flexibly to other crises, most recently in Afghanistan. It has offered protection for human rights defenders and LGBTI+.
- **Final remarks (Mr. Roderic O'Gorman, Minister for Children, Equality, Disability, Integration & Youth):** Ireland is also currently introducing for the first time hate crime legislation which will create aggravated offenses for offenses that were undertaken with a hate motivation covering areas like racism, anti-LGBTI+ discrimination, anti-women bias. Ireland is also in the process of revising its incitement to hatred legislation which as interveners pointed earlier on is very outdated. In terms of abuse, being of a racist or misogynist, or an anti-LGBTI+ nature that takes place online, Ireland



is currently passing an Online Safety and Media Regulation Bill through our National Parliaments. This will establish an Online Safety Commissioner, part of whose mandate will be to address online abuse irrespective of its origin.

D. Recommendations for Cycle III (2021)

a) Remarks of States

- **Chile:** We commend the creation of the Balance for Better Business Group, as well as the implementation of the LGBTI Inclusion Strategy to 2021.
- **Israel:** Finally, while acknowledging the existence of a LGBTI+ Inclusion Strategy.

b) The following recommendations will be examined by Ireland, which will provide responses no later than the 49th session of the Human Rights Council:

- **Chile:** Develop a health care protocol for intersex children, based on human rights, that ensures that children and parents are informed about all options and that children participate in decision-making, thus avoiding subjecting intersex children to interventions irreversible and medically unnecessary surgical procedures (6.162)
- **Democratic People’s Republic of Korea:** Develop new comprehensive strategy and action plan to eliminate all kinds of discrimination on the basis of race, religion and gender identity, and ensure non-discriminatory treatment of all minority communities within its territory (6.67)
- **Iceland:** Develop a rights-based healthcare protocol for intersex children, ensure that children and their parents are well informed of all options and that children are involved in decision-making (6.167)
- **Israel:** Enact legislation to prohibit ‘conversion therapies’ (6.79)
- **Malta:** Continue to take steps to remove any remaining structural barriers and challenges that preclude LGBTI+ people from achieving their full potential (6.82)
- **United States of America:** Expand protections against discrimination directed towards persons based on their gender identity, expression, sexual characteristics, or sexual orientation (6.80)

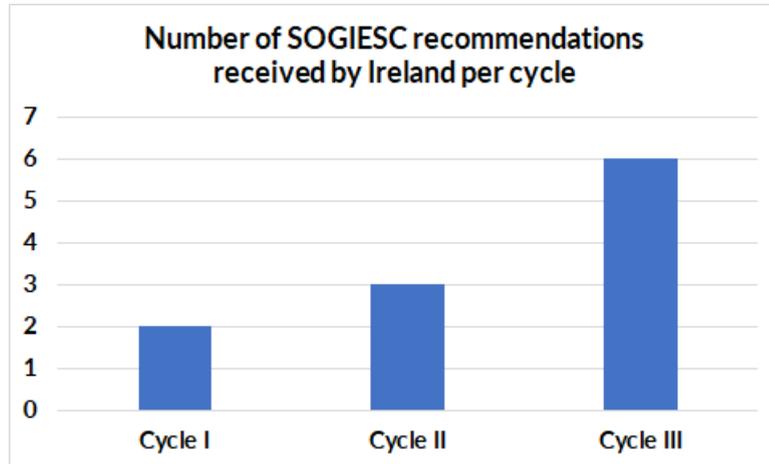
E. Recommendations for Cycle II (2016)

Recommendation	Recommending State	Response
Take further steps to address discrimination of LGBTI persons in access to goods, employment and services, including healthcare.	Denmark	Supported
Continue legislating so that there is no discrimination against LGBTI persons in the field of pensions.	Spain	Supported
Protect and promote reproductive rights without any discrimination, recognising reproductive rights include the right to the highest attainable standard of sexual and reproductive health, the right of all to decide freely and responsibly the number, spacing and timing of their children, as well as	Canada	Noted



decide on matters related to their sexuality, and to have the information and means to do so free from discrimination, violence or coercion.		
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F. Graphic Comparison Between Cycles (1–3)



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

H. SOGIESC Mentions During Ireland’s UPR Outcome (This section will be updated after the UPR Outcome of Ireland at the 49th session of the Human Rights Council in March 2022)



PAPUA NEW GUINEA UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 4 NOVEMBER 2021, 09:00-12:30
**DATE AND TIME OF THE ADOPTION OF THE REPORT: 9 NOVEMBER 2021,
16:30-18:00**

During the 39th UPR Working Group Sessions, Papua New Guinea received 14 SOGIESC recommendations. It will respond to these recommendations no later than the 49th session of the Human Rights Council.

A. SOGIESC Information

National Report

N/A

Compilation of UN Information

6. The discrimination faced by the lesbian, gay, bisexual and transgender community is highly pronounced. In May 2020, following the International Day against Homophobia, Transphobia and Biphobia, public threats were made on social media to burn the rainbow flag symbolizing support for the rights of lesbian, gay, bisexual and transgender persons. Lesbian, gay, bisexual and transgender persons experience victimization and violence, with numerous reported cases of blackmail, beatings and killings. In addition, significant adverse effects on access to mental and public health services have been reported. The United Nations country team recommended that Papua New Guinea direct the Constitutional and Law Reform Commission to carry out a review of the Criminal Code as a step towards repealing provisions that criminalize same-sex sexual relations, that it support the work of civil society organizations advocating the rights of lesbian, gay, bisexual and transgender persons and that it ensure that State bodies, particularly those involved in the provision of health care and law enforcement, receive awareness-raising training in order to ensure equal treatment of lesbian, gay, bisexual and transgender persons.

24. Local media provides independent coverage of the political opposition, as well as controversial issues such as alleged police abuse and official corruption. Nevertheless, media outlets are limited and access to communication tools, including the Internet, is lacking. A series of high-profile developments have demonstrated the need for consideration to be given to issues of freedom of speech. The Cybercrime Code Act 2016, which allows for the prosecution of people who publish defamatory material or incite to violence on social media, has raised concerns. In 2017, a women's rights and environmental activist was raped in retaliation to her vocal defence of women's rights and her complaints about the negative impact of mining operations. In 2018, an activist for environmental rights and the rights of lesbian, gay, bisexual and transgender persons faced threats and violence by government and



mining company officials following his efforts to raise awareness about the dangers of mining exploration and the tailings in the Sepik River.

Summary of Stakeholder's Information

17. Papua New Guinea's Constitution states that all persons are entitled to the fundamental rights and freedoms of the individual, which includes 'life, liberty, security of the person and the protection of the law' and "freedom from inhuman treatment'. It specifically states in the preamble and in article 55 that the same rights and privileges should be afforded irrespective of race, political opinion, colour, or sex, but does not include sexual orientation or gender identity. Joint Submission 2 (JS2 - Kaleidoscope and Sexual Rights Initiative - SRI) recommended to amend the preamble and article 55 of the Constitution to include sexual orientation and gender identity as grounds which cannot be used to restrict entitlement to fundamental rights and freedoms. It also advised to introduce laws and policies to prohibit discrimination on the basis of sexual orientation, gender identity, and intersex status.

18. Human Rights Watch advised to amend national legislation, including the national constitution, to include "sexual orientation" and "gender identity" as prohibited grounds for discrimination – including in the employment, housing, access to education, and health care sectors and prevent, and respond to such discrimination and decriminalize sexual relations between consenting adults of the same sex.

19. Joint Submission 13 (JS13 - Hetura NCD LGBT Group and KP Advocacy Consortium PNG) encouraged PNG to develop legislations and policies and implement comprehensive guidelines that allow legal gender recognition and the ability to self-identify in all official and administrative documents, including the option of identifying as male, female or an alternative option. It also stressed that proposed legal gender recognition processes should be quick, transparent, affordable and accessible, and respect free and informed choice, personal integrity and right to privacy. It recommended to implement awareness and sensitization programs for public officials, local representatives and other state actors on sexual orientation, gender identity and expression (SOGIE) and human rights issues to address stigma among trans and gender diverse people.

39. Joint Submission 2 (JS2 - Kaleidoscope and Sexual Rights Initiative) urged training for members of the police force in respect of LGBTQI issues, audit for police treatment of LGBTQI persons to aim to elimination police discrimination and violence towards LGBTQI persons and mechanisms to hold police accountable for harassment and impunity.

B. SOGIESC Advanced Questions for Papua New Guinea

- **Germany:** What is being done to combat discrimination and violence against LGBTI persons? What efforts are under way to decriminalize sex between men?

C. Papua New Guinea's Working Group Session

N/A



D. Recommendations for Cycle III (2021)

a) Remarks of States

- **Denmark:** We remain concerned by the prevalence of discrimination and stigmatisation against the LGBTI community.
- **Montenegro:** On another note, we recognize with deep concern that the LGBT community faces highly pronounced discrimination, and experiences victimization and severe violence.
- **New Zealand:** Lesbian, Gay, Bisexual and Transgender people in Papua New Guinea continue to be victims of violence, stigmatisation and discrimination.

b) The following recommendations will be examined by Papua New Guinea, which will provide responses no later than the 49th session of the Human Rights Council:

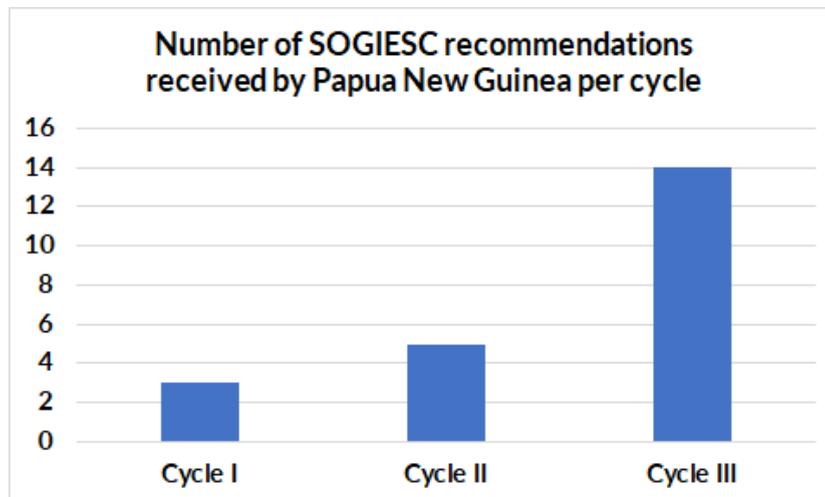
- **Argentina:** Amend the Criminal Code with a view to repealing provisions that criminalise same-sex sexual relations between consenting adults (6.53)
- **Canada:** Take immediate steps to decriminalize same-sex sexual relations between consenting adults by repealing section 2010 of the Criminal Code and pass legislation to prohibit discrimination based on sexual orientation or gender identity (6.54)
- **Denmark:** Decriminalize same-sex conduct between consenting adults by repealing sections 210 and 212 of the Criminal Code (6.55)
- **Fiji:** Take the necessary steps to combat discrimination and violence against women and children, and on the basis of sexual orientation and gender identity (6.44)
- **France:** Decriminalize consensual sexual relations between persons of the same sex (6.47)
- **Germany:** Repeal sections 210 and 212 of the Criminal Code Act in order to address discrimination based on sexual orientation and gender identity (6.56)
- **Iceland:** Repeal sections 210 and 212 of the Criminal Code in order to decriminalize sexual relations between men (6.57)
- **Iceland:** Amend the preamble and article 55 of the Constitution to include sexual orientation, gender identity and expression as grounds of non-discrimination (6.50)
- **Italy:** Decriminalize sexual relations between consenting same-sex adults (6.48)
- **Mexico:** Adopt a legal framework that prohibits discrimination on the basis of sexual orientation and gender identity (6.45)
- **Montenegro:** Review the Criminal Code with a view to repealing provisions that criminalize same-sex sexual relations (6.52)
- **New Zealand:** Decriminalize sexual relations between consenting adults of the same sex and include sexual orientation and gender as prohibited grounds of discrimination (6.49)
- **Spain:** Reform the Penal Code by repealing provisions that criminalize sexual relations between persons of the same sex (6.51)
- **United States of America:** Decriminalize consensual sexual relations between men and strengthen protections from societal violence and discrimination for LGBTIQ+ persons (6.46)



E. Recommendations for Cycle II (2016)

Recommendation	Recommending State	Response
Decriminalize sexual relations between consenting adults of the same sex and amend national legislation to include sexual orientation and gender as prohibited grounds for discrimination.	New Zealand	Noted
Take measures to prevent violence and discrimination against persons on the basis of their sexual orientation and gender identity.	Chile	Noted
Take all the necessary measures to decriminalise sexual relations between consenting same-sex adults and take additional measures to combat discrimination and violence against LGBT persons.	France	Noted
Decriminalize all same-sex relations between consenting adults by repealing all relevant provisions of the Criminal Code.	Slovenia	Noted
Decriminalize sexual relations between consenting adults of the same sex and amend national legislation to include sexual orientation as prohibited grounds for discrimination.	Sweden	Noted

F. Graphic Comparison Between Cycles (1–3)



G. [Video of Papua New Guinea's UPR Working Group Session](#)

H. SOGIESC Mentions During Papua New Guinea's UPR Outcome (This section will be updated after the UPR Outcome of Papua New Guinea at the 49th session of the Human Rights Council in March 2022)



SAINT VINCENT AND THE GRENADINES UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 2 NOVEMBER 2021, 14:30-18:00
**DATE AND TIME OF THE ADOPTION OF THE REPORT: 5 NOVEMBER 2021,
15:00-18:00**

During the 39th UPR Working Group Sessions, Saint Vincent and the Grenadines received 18 SOGIESC recommendations. It will respond to these recommendations no later than the 49th session of the Human Rights Council.

A. SOGIESC Information

National Report

LGBTQI

151. The Constitution of Saint Vincent and the Grenadines protects against all forms of discrimination and secures the protection of the law, including to persons of various sexual orientation.

152. The Gender Affairs Division within MONM conducted training workshops, most recently in 2019, to build the capacity of stakeholders including law enforcement officers, educators, social workers, and health care providers on the importance of respecting the human rights of and providing non-discriminatory services to the LGBTQI community. This training was supported by the Human Dignity Trust and the Equality Justice Alliance.

153. Over the years, several CSOs have championed the promotion of LBGT rights, including Vincy Chaps. Debates and education campaigns on the issue have also been prevalent in recent years and some CSO believe that societal attitudes of tolerance and acceptance towards LGBTI+ persons are improving.

154. A challenge to the buggery laws was issued in the state and is expected to be heard in the High Court by 2022.

Compilation of UN Information

16. The United Nations subregional team noted reports that lesbian, gay, bisexual and transgender persons faced stigma and discrimination, including challenges in accessing basic health-care and social services and greater difficulties in finding jobs. Two Committees and the subregional team were concerned about the criminalization of consensual same-sex relationships under the Criminal Code of 1990 and recommended that they be decriminalized. The Committee on the Rights of the Child was also concerned about the perception that lesbian, gay and bisexual children had a psychosocial disorder.



Summary of Stakeholder's Information

7. SVPPA²⁴ noted that the Constitution of Saint Vincent and the Grenadines prohibited discrimination based on sex, race, place of origin, political opinion, colour or creed, but that there was no specific legislation that addressed discrimination based on sexual orientation, gender identity or social status.

B. SOGIESC Advanced Questions for Saint Vincent and the Grenadines

- **Panama:** Has Saint Vincent and the Grenadines considering decriminalizing consensual sexual relations between adults whose gender expression is not heteronormative?
- **United Kingdom:** What steps is Saint Vincent and the Grenadines taking to eliminate discrimination against members of the LGBTQ+ community?

C. Saint Vincent and the Grenadines' Working Group Session

N/A

D. Recommendations for Cycle III (2021)

a) Remarks of States

- **Denmark:** Denmark welcomes the delegation of Saint Vincent & the Grenadines and commends it for its efforts to eliminate discrimination against women and girls. However, we remain concerned that the LGBTI community continues to face discrimination.
- **Ireland:** It is important to take concrete steps towards the realisation of rights of the LGBTI+ community in Saint Vincent and the Grenadines. We remain concerned that consensual same-sex conduct is illegal, and we encourage Saint Vincent and the Grenadines to engage with its LGBTI+ community, particularly in the areas of access to healthcare, social services and the labour market.
- **Netherlands:** We also remain concerned about discrimination against LGBTI persons, including through the criminalization of consensual same-sex conduct.
- **Spain:** Spain believes it is essential to respect the principle of non-discrimination on the grounds of sexual orientation and gender identity.
- **United Kingdom:** We also urge the Government to decriminalise consensual same-sex relations, whilst legislating against LGBTQ+ discrimination.
- **United States of America:** We commend St. Vincent and the Grenadines' continued commitment to [the promotion of] human rights. Improvements can still be made to address the sexual exploitation of children, discrimination and gender-based violence against women and LGBTQI+ persons, and to improve conditions in prison.

²⁴ Saint Vincent Planned Parenthood Association (Saint Vincent and the Grenadines).



b) The following recommendations will be examined by Saint Vincent and the Grenadines, which will provide responses no later than the 49th session of the Human Rights Council:

- **Australia:** Decriminalise consensual same-sex relations and review anti-discrimination legislation to ensure it provides comprehensive protection (6.59)
- **Brazil:** Redouble efforts to curb domestic and sexual violence and abuse, as well as to consider enacting legislation criminalizing sexual harassment and discrimination based on sexual orientation and gender identity (6.123)
- **Canada:** Prohibit discrimination based on sexual orientation and gender identity, including by repealing all laws criminalising sexual relations between consenting adults (6.62)
- **Chile:** Consider adopting legislation which provides full and effective protection against discrimination and prohibits direct, indirect and intersecting discrimination, including measures for its effective implementation, with a particular emphasis on discrimination on the grounds of gender, sexual orientation, and gender identity and expression (6.48)
- **Costa Rica:** Adopt national anti-discrimination legislation, in particular for the LGBTIQ+ population, including decriminalisation of consensual same-sex relations (6.54)
- **Denmark:** Decriminalize same-sex conduct between consenting adults by amending section 146 and 148 of the Criminal Code (6.55)
- **Iceland:** Decriminalize consensual sexual relationships between adults of the same sex and expand anti-discrimination legislation, to include a prohibition of discrimination on the basis of sexual orientation and gender identity (6.60)
- **Ireland:** Take all steps necessary to end discrimination and stigmatisation of LGBTI+ persons, including by amending the Criminal Code to decriminalise consensual same-sex sexual activity (6.49)
- **Israel:** Decriminalize same-sex relations and remove the buggery laws with respect to sexual acts between consenting adults (6.56)
- **Italy:** Decriminalize consensual adult same-sex relations and combat discrimination against LGBTI persons (6.50)
- **Marshall Islands:** Further strengthen legislation to prohibit any form of discrimination based on sexual orientation, gender identity or social status and specially to prevent any form of discrimination and harassment against women by including domestic violence as a criminal offence in the Domestic Violence Act (6.134)
- **Mexico:** Do not criminalize consensual sexual conduct between people of the same sex (6.57)
- **Netherlands:** Decriminalize consensual same-sex conduct, by abolishing section 148 of the Criminal Code (6.58)
- **Portugal:** Decriminalize sexual relations between consenting adults of the same sex and undertake concrete measures to combat stigma and discrimination against LGBTI persons (6.51)
- **Spain:** Decriminalize consensual homosexual relationships between adults and include legislation that prohibits discrimination based on sexual orientation and gender identity (6.61)



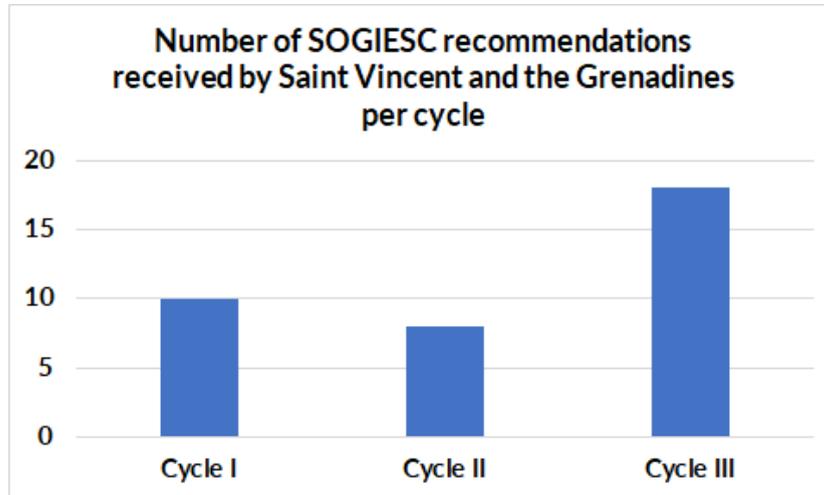
- **United States of America:** Reform laws under section 146 and 148 of Criminal Code of 1988 related to discrimination and gender-based violence against women and LGBTIQ+ persons, including by repealing provisions that may be used to criminalize consensual, same-sex sexual activity between adults, and establishing a law criminalizing domestic violence (6.52)
- **Uruguay:** Reaffirm its commitment to the principle of non-discrimination by encouraging the necessary debates for the prompt decriminalization of consensual sexual relations between adults of the same sex (6.53)
- **Uruguay:** Launch, in dialogue with civil society organizations, awareness campaigns aimed at addressing discriminatory gender norms and attitudes, including those that affect the enjoyment of human rights by women and girls and the LGBTI population (6.47)

E. Recommendations for Cycle II (2016)

Recommendation	Recommending State	Response
Reform laws related to discrimination and violence against women and LGBTI persons, including by repealing provisions which may be used to criminalize consensual, same-sex sexual activity between adults, and establishing a law criminalizing domestic violence.	United States of America	Noted
Enact legislation and take necessary measures to prohibit discrimination on the grounds of sexual orientation, gender identity and social status.	Mexico	Noted
Enact legislation prohibiting discrimination against LGBTI persons, including removing laws criminalising consensual same sex activity.	Australia	Noted
Decriminalize homosexuality and oppose all forms of discrimination and abuse against LGBTI persons.	Italy	Noted
Consider taking steps to decriminalize consensual same sex relations and abolish any discriminatory legislation and practices against LGBTI people.	Brazil	Noted
Decriminalize homosexual relations between consenting adults.	Spain	Noted
Abolish section 148 of the Criminal Code, which criminalizes consensual sexual practices between persons of the same sex, as a step towards decreasing discrimination of same-sex relationships	Netherlands	Noted
Take measures to prevent violence and discrimination against persons based on their sexual orientation and gender identity.	Chile	Noted



F. Graphic Comparison Between Cycles (1–3)



G. [Video of Saint Vincent and the Grenadines' UPR Working Group Session](#)

H. SOGIESC Mentions During Saint Vincent and the Grenadines' UPR Outcome (This section will be updated after the UPR Outcome of Saint Vincent and the Grenadines at the 49th session of the Human Rights Council in March 2022)



SAMOA UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 2 NOVEMBER 2021, 9:00-12:30
**DATE AND TIME OF THE ADOPTION OF THE REPORT: 5 NOVEMBER 2021,
15:00-18:00**

During the 39th UPR Working Group Sessions, Samoa received 17 SOGIESC recommendations. . It accepted 1 recommendation and noted the other 16 recommendations.

A. SOGIESC Information

National Report

69. The LERA provides ways for empowering gender equality in the workforce and continued efforts to improve women's access to employment. The legislation also ensures equal remuneration for male and female employees for work of equal value. Additionally, the LERA Amendment Bill proposes to prohibit employers from discriminating against employees or applicants for a position on the grounds of race, ethnicity, colour, gender, religion, political opinion, sexual orientation, social origin, marital status, pregnancy, family responsibilities, real or perceived HIV status, disability and participation in the activities of a trade union.

Compilation of UN Information

14. The United Nations country team indicated that, during the previous review, Samoa had noted six recommendations on combating discrimination and preventing violence based on sexual orientation and gender identity, including the recommendations to repeal provisions criminalizing sodomy between consenting adults. The Crimes Act 2013 criminalized sodomy, which was punishable with prison sentences of up to seven years. The United Nations country team recommended that Samoa repeal all provisions in the Crimes Act that criminalized sodomy between consenting adults and that it carry out awareness-raising campaigns to combat stigma against LGBTQI+ persons.

Summary of Stakeholder's Information

4. Despite the consideration of gender as a ground of discrimination in Samoa's employment law, there was still evidence of discrimination related to Sexual Orientation and Gender Identity (SOGI). Samoa should comprehensively reflect in laws and policies SOGI as a ground of discrimination and conduct awareness programmes.

6. Since 2015, OMB/NHRI²⁵ had worked closely with the Police and Corrections Services to conduct basic human rights trainings for law enforcement as part of their new recruits

²⁵ Office of the Ombudsman National Human Rights Institution *, Apia (Samoa).



programme, including to conduct gender sensitization and to raise awareness on issues persons of diverse sexual orientation and gender identities.

25. JS3²⁶ indicated that while the Labour and Employment Relations Act 2013 provided some protection against discrimination on the basis of sexual orientation, there remained an absence of comprehensive anti-discrimination laws or policies in place. This lack of protection created an environment that facilitated discrimination against LGBTQI persons, including Samoa's traditional Fa'afafine and Fa'atama community.

26. JS5²⁷ noted that Samoa was a deeply religious country and that it had changed its constitution to officially become a Christian country in 2017. There was a lack of awareness about sexual orientation and gender identity issues in the wider public.

27. JS5 stated that Samoa had four cultural genders – female, male, fa'afafine, fa'atama. Fa'afafine were male at birth and explicitly embodied feminine gender traits. Some identified as gay males, and some identified as transgender. Fa'atama were female at birth and explicitly embodied masculine gender traits. Despite being a culturally highly recognised identity, fa'afafine and fa'atama did not get recognition in local policies and legal instruments and still faced discrimination and obstacles to their social and legal recognition within Samoa.

28. JS5 recommended that Samoa: take legal, policy and administrative measures to combat prejudice, social stigma, violence and stereotyping of fa'afafine/fa'atama citizens of Samoa; and provide awareness programs for public officials and local representatives on sexual orientation and identity issues to address stigma.

29. JS3 recommended that Samoa implement anti-discrimination laws that protected all persons from discrimination on the basis of sexual orientation, gender identity and intersex status in all areas of public life. JS5 stated that it was pertinent for the Samoan government to review and amend existing legislation and policies to ensure the human rights and the right to equality and non-discrimination was extended to all, including the fa'afafine/fa'atama citizens.

30. JS3 and AI²⁸ noted that consensual adult same sex sexual conduct was criminalized. JS3 noted that the Crimes Act made it an offence to commit sodomy, punishable by up to 7 years imprisonment regardless of consent. It further criminalised attempts to commit sodomy and keeping a place of resort for homosexual acts.

31. AI recommended that Samoa immediately repeal all laws that criminalized consensual same sex sexual activity between adults. JS3 indicated that Samoa should decriminalise consensual sexual conduct, by repealing sections 67, 68 and 71 of the Crimes Act. JS5 and SFA²⁹ made similar recommendations.

²⁶ Joint submission 3 submitted by: The Sexual Rights Initiative, Ottawa (Canada), and Kaleidoscope Human Rights Foundation.

²⁷ Joint submission 5 submitted by: The Asia Pacific Transgender Network (APTAN), Bangkok (Thailand), Samoa Fa'afafine Association (SFA), and My Girls Club.

²⁸ Amnesty International, London (United Kingdom).

²⁹ Samoa Faafafine Association Inc, Apia (Samoa).



35. AI stated that despite accepting recommendations to address violence against women and girls and violence based on sexual orientation and gender identity, gender inequality was pervasive. SFHA³⁰ noted that sexual and gender-based violence was extremely high in Samoa.

70. JS5 noted that the recently approved Ministry of Health Sector and Implementation Plans 2021–2030 did not include any references to citizens with diverse sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC). SFA recommended that the Government, particularly the Ministry of Health, to be SOGIESC inclusive with its approach.

B. SOGIESC Advanced Questions for Samoa

- **Canada:** What steps is the Government taking to address discrimination and stigmatization of fa'afafine and fa'afatama persons?
- **Panama:** What steps have been taken to decriminalize consensual sexual relations between adults whose gender expression is not heteronormative?
- **United Kingdom:** What steps is the Government taking to prevent and respond to violence against women and girls and violence based on sexual orientation and gender identity?

C. Samoa's Working Group Session

- **Opening remarks (Ms. Fiame Naomi Mata'afa, Prime Minister and Minister of Foreign Affairs and Trade, Head of the Samoan Delegation):** The Fa'afafine and Fa'atama are unique in our Samoan society. The Samoa Fa'afafine Association (SFA) continues to work closely with government in key sectors such as health and business. There is renewed and strengthened engagement with the Samoa Fa'afafine Association as they continue to become an important dialogue partner in the UPR process. In sharing their priorities with government, they call for an in-depth understanding by the Human Rights Council of indigenous, cultural identities like Fa'afafine and Fa'atama but not just through the LGBTQI lenses. We continue to promote an open dialogue with SFA.
- **Intervention made after 16 interventions (Ms. Peseta Noumea Simi, Chief Executive Officer, Ministry of Foreign Affairs and Trade of Samoa):** On the issue of equality and non-discrimination, our recently launched inclusive governance Family Safety and Gender Equality policies ensure inclusion of non-discrimination against people of diverse gender identity, and this includes the groups that are unique to our situation, the Fa'afafine and Fa'atama, and as mentioned in the Prime Minister's opening statement, Fa'afafine and Fa'atama maintain a very open dialogue with the government on how to ensure we work closely to address their priorities. Some of them are in the room with us this evening, and that is a clear sign of progress in our engagement. They also call for understanding of the indigenous, cultural identities, but not just from the LGBTIQ lenses.
- **Final remarks (Ms. Peseta Noumea Simi, Chief Executive Officer, Ministry of Foreign Affairs and Trade of Samoa):** On the question of freedom from discriminatory legislation on the basis of sexuality or disability, article 15 of our Constitution has been

³⁰ Samoa Family Health Association, Apia (Samoa).



interpreted by the Supreme Court of Samoa as having the same intent as that of article 14 of the European Convention on Human Rights which provides that the enjoyment of the rights to freedom set out in the Convention “should be secured from discrimination on any ground”.

D. Recommendations for Cycle III (2021)

a) Remarks of States

- **Australia:** Australia urges Samoa to uphold the rights of LGBTI persons and continue working to reduce gender-based violence.
- **Denmark:** We remain concerned about continued discrimination and stigmatisation faced by persons based on their sexual orientation and gender identity.

b) The following recommendations have been examined and supported by Samoa:

- **Fiji:** Take the necessary steps to combat discrimination and violence against women and children, and on the basis of sexual orientation and gender identity (6.32)

c) The following recommendations have been examined and noted by Samoa:

- **Argentina:** Evaluate to decriminalize consensual sexual relations between adults of the same sex and carry out awareness campaigns to combat the stigma suffered by LGBTBIQ+ people (7.16)
- **Australia:** Repeal laws criminalizing private sexual activities between consenting adults, including sections 67, 68 and 71 of the Crimes Act, and take steps to protect LGBTI persons from discrimination (7.17)
- **Canada:** Repeal provisions that may be applied to criminalize sexual activity between consenting adults of the same sex (7.15)
- **Denmark:** Decriminalize same-sex relations between consenting adults by repealing sections 67, 68 and 71 of the Crimes Act (7.20)
- **France:** Repeal all laws criminalizing sexual relations between consenting adults of the same sex (7.14)
- **Germany:** Repeal laws that criminalize consensual same sex sexual activity for adults and strengthen anti-discrimination laws to ensure people are not discriminated against based on their sexual orientation or gender identity (7.13)
- **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 (7.9)
- **Iceland:** Enact legislation and implement policies that prioritise health needs of trans persons, including for HIV and STIs prevention and treatment and gender-affirmative care, and SOGI-awareness raising for service providers to ensure confidentiality, empathy, and respect in healthcare settings (7.25)
- **Italy:** Decriminalize consensual adult same sex relations (7.10)



- **Mexico:** Decriminalize consensual sexual relations between persons of the same sex, as well as adopt legislation that prohibits discrimination based on sexual orientation and gender identity (7.11)
- **New Zealand:** Review and strengthen anti-discrimination laws relating to same sex relations between consenting adults, sexual orientation, and gender (7.7)
- **Netherlands:** Decriminalise consensual same-sex sexual conduct by repealing section 67, 68 and 71 of the Crimes Act (7.19)
- **Portugal:** Decriminalize sexual relations between consenting adults of the same sex and undertake concrete measures to combat stigma and discrimination against LGBTI persons (7.12)
- **Spain:** Repeal all provisions from the Penal Code that criminalize and punish relations between person of the same sex, and that the necessary measures be adopted to combat the stigma suffered by LGBTQI+ people, and that put their physical and moral integrity at risk (7.18)
- **United States of America:** Decriminalize consensual sexual relations between men and strengthen protections from societal violence and discrimination for lesbian, gay, bisexual, transgender, queer, and intersex persons (7.8)
- **Uruguay:** Strengthen Samoa’s commitment to the principle of non-discrimination, including through the adoption of legislation aimed at prohibiting discrimination based on sexual orientation and gender identity (7.6)

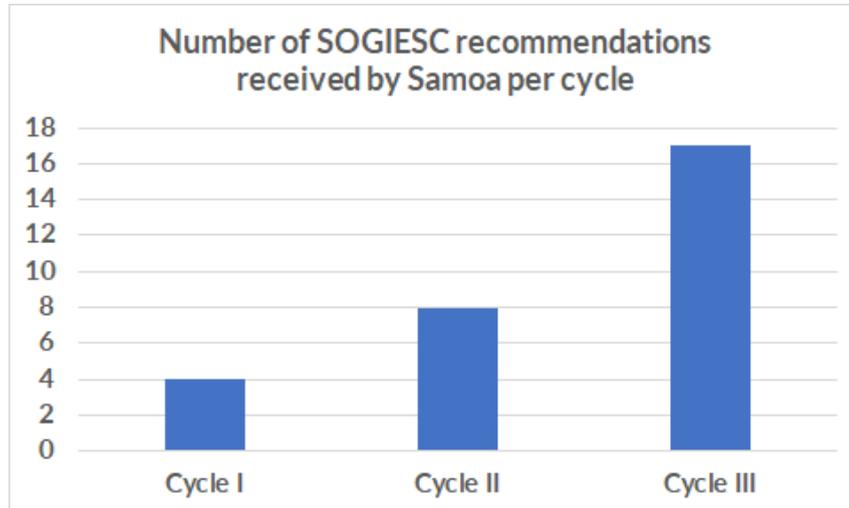
E. Recommendations for Cycle II (2016)

Recommendation	Recommending State	Response
Prohibit discrimination on the ground of gender identity in employment legislation, such as by amending the Labour and Employment Relations Act, 2013.	Netherlands	Supported
Take steps to address inequalities affecting human rights in the area of discrimination based on sexual orientation and gender identity.	New Zealand	Noted
Repeal all provisions criminalizing same-sex relations between consenting adults.	Slovenia	Noted
Complete the updating of legislation by decriminalizing homosexual relations between consenting adults.	Spain	Noted
Combat discrimination based on sexual orientation and gender identity by decriminalizing “sodomy” and quote: “indecentcy between males,” end quote, which currently constitute crimes punishable by prison sentencing for up to seven years.	United States of America	Noted
Repeal laws that criminalise consensual same sex-conduct, and prohibit discrimination on the grounds of sexual orientation or gender identity in all areas of public life, including employment, health and education, bringing Samoa’s legislation into conformity with its commitment to equality	Canada	Noted
Adopt measures to prevent violence and discrimination against persons on the basis of their sexual orientation and gender identity.	Chile	Noted



Adopt measures to reduce violence against women and girls and violence based on sexual orientation and gender identity.	Slovenia	Supported
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F. Graphic Comparison Between Cycles (1–3)



G. SOGIESC recommendations shared by HRDs during ILGA’s UPR advocacy week in Geneva: Samoa Fa’afafine Association Inc

1. Ensure meaningful and effective participation of LGBT communities in the legal and policy reform processes, including by allocating below the line budget and financial assistance to enhance and strengthen the resourceful support from local groups like SFA.
2. Enact legislation and implement policies that prioritise the health needs of trans persons as part of health service provision, including for HIV and STIs prevention and treatment and gender-affirmative care, and SOGI-awareness raising for service providers to ensure confidentiality, empathy, and respect in healthcare settings.
3. Remove “sodomy” from the criminal code and annul legal and policy provisions that are used to arrest, punish or discriminate on the basis of sexual orientation, gender identity, gender expression or sex characteristics (SOGIESC), including laws that directly or indirectly criminalise LGBTI+ people.
4. Implement policies to ensure access to gender neutral and adequate facilities in public, not limited to just male and female.
5. Enact anti-discrimination laws that expressly prohibit discrimination on the grounds of sexual orientation, gender identity and expression and sex characteristics.
6. Accessing equal opportunities at employment and educational sectors without SOGIESC discriminatory criteria such as attire etiquette.
7. Adopt laws and regulations that respect, protect, fulfill and promote the right to decent work and rights at work of LGBT people in Samoa and ensure that these legislative and regulatory measures extend to informal and digital economies as well.



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

- I. **SOGIESC Mentions During Samoa's UPR Outcome (This section will be updated after the UPR Outcome of Samoa at the 49th session of the Human Rights Council in March 2022)**



SUDAN UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: POSTPONED

The review of Sudan was postponed until the 40th Session of the UPR Working Group.

A. SOGIESC Information

National Report

N/A

Compilation of UN Information

12. The Human Rights Committee was concerned about the persistence of entrenched discriminatory provisions in legislation, in particular in the areas of family law and personal status, and regarding sexual orientation. The Committee noted that article 31 of the Interim Constitution did not define discrimination, nor did it provide for a list of prohibited grounds of discrimination. The Committee recommended that the Sudan enact comprehensive legislation providing full and effective protection against discrimination in all spheres and containing a non-exhaustive list of prohibited grounds of discrimination, including sexual orientation and gender identity.

13. The United Nations country team recommended that the Sudan amend its discriminatory laws and consider adopting a comprehensive anti-discrimination law to promote equality and fight against discrimination based on gender, ethnicity, religion, region, disabilities, sexual orientation or other social status.

Summary of Stakeholder's Information

20. JS19³¹ recommended to carry out prompt, impartial, and effective investigations into all allegations of ill-treatment, persecution and extrajudicial killings based on sexual orientation or gender identity and punish all those responsible, including law enforcement and prison officials.

21. Human Rights Watch recommended to repeal article 148 of the Sudanese Criminal Act, which criminalizes "sodomy" and to pass comprehensive anti-discrimination legislation that prohibits discrimination on the grounds of sexual orientation and gender identity and includes effective measures to identify and address such discrimination and gives victims of discrimination an effective remedy.

B. SOGIESC Advanced Questions for Sudan

³¹ Joint submission 19 submitted by: Sudan SOGI Coalition, Khartoum, Sudan.



N/A

C. Sudan's Working Group Session³²

D. Recommendations for Cycle III (2021)

a) Remarks of States

b) The following recommendations were examined and accepted by Sudan

E. Recommendations for Cycle II (2016)

Recommendation	Recommending State	Response
Adopt measures in the legislative and political spheres, including appropriate budget allocation, to guarantee, prevent and eradicate discrimination on religious grounds, ethnic composition, gender or sexual orientation.	Honduras	Noted
Push forward for the elimination of discriminatory provisions affecting LGBTI persons.	Chile	Noted

F. Graphic Comparison Between Cycles (1–3)

G. SOGIESC recommendations shared by HRDs during ILGA's UPR advocacy week in Geneva: Sogi Coalition of Sudan

1. Carry out prompt, impartial, and effective investigations into all allegations of ill-treatment, persecution and extrajudicial killings based on sexual orientation or gender identity and punish all those responsible, including law enforcement and prison officials.
2. Repeal article 148 of the Sudanese Criminal Act, ending the criminalization of consensual same-sex acts between adults.
3. Repeal Articles 151,152 and 153 of Sudanese Criminal Act which violate basic personal freedoms and rights that have been used to control and punish women and LGBTQI+ persons using vague and broad wording, such as public indecency and morality.
4. Repeal Articles 19, 20 and 21 of the Sudanese Informatics Offenses Act (Amendment) 2020.
5. Adopt legislative, administrative, judicial, and other measures necessary to curb violence against persons based on their real or imputed sexual orientation or gender identity.
6. Adopt a national inclusive anti-discrimination legislation that contains protection in the instances that discrimination occurs based on sexual orientation and gender identity, real or perceived.

³² The review of Sudan was postponed until the 40th Session of the UPR Working Group.



7. Introduce a Gender Identity Recognition Law, that would guarantee non-conforming and trans persons to have documentation according to their gender identity, protecting their access to all their other rights with proper documents.

H. Video of Sudan's UPR Working Group Session

I. SOGIESC Mentions During Sudan's UPR Outcome



SURINAME UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 1 NOVEMBER 2021, 14:30-18:00
**DATE AND TIME OF THE ADOPTION OF THE REPORT: 5 NOVEMBER 2021,
15:00-18:00**

During the 39th UPR Working Group Sessions, Suriname received 9 SOGIESC recommendations. It accepted 3 recommendations and will respond to the other 6 recommendations no later than the 49th session of the Human Rights Council.

A. SOGIESC Information

National Report

23. Education on human rights is incorporated in the curricula of the Law Enforcement Officers training. In this context seminars in identifying discrimination and violence against the Lesbian, Gay, Bisexual and Transgender (LGBT) community were organized by the LGBT Platform Suriname.

25. The Government of Suriname (Ministry of Labour, Employment Opportunity and Youth Affairs) has submitted the Bill on Equal Treatment in Employment to The National Assembly (the Parliament) in 2019. This Bill prohibits among others discrimination on the basis of sexual orientation, gender identity, LGBT individuals in the labour market and related labour issues.

Compilation of UN Information

14. The Committee on the Rights of the Child recommended that the State intensify efforts to ensure the effective elimination of any form of discrimination against children from Amerindian and Maroon communities, children of Haitian migrants, children living with HIV/AIDS, lesbian, gay, bisexual, transgender and intersex children and other groups of children in marginalized situations through, among other things, awareness-raising campaigns and education, especially at the community level and in schools.

15. The United Nations country team stated that the Government of Suriname had not sufficiently taken the necessary steps to adopt legislative and other measures to explicitly prohibit discrimination on the basis of sexual orientation and gender identity and that it had not intensified measures to prevent and sanction violence against lesbian, gay, bisexual, transgender and intersex persons. There were also no legal regulations that specifically addressed the status of transgender persons. It recommended that the Government enact legislation that specifically addressed discrimination against lesbian, gay, bisexual, transgender and intersex individuals.

16. The Committee on the Elimination of Discrimination against Women was concerned that lesbian, bisexual and transgender women and intersex persons continued to face



discrimination and harassment, in particular with regard to their rights to education, employment and health.

Summary of Stakeholder's Information

10. JS1³³ stated that still little progress could be reported towards the enactment and adoption of necessary robust and comprehensive legislation and policies to effectively prevent and punish all forms of rights violations based on sexual orientation or gender identity in all settings.

11. JS1 recommended that the Government enact and adopt comprehensive legislation and policies that prevent all forms of discrimination based on sexual orientation and gender identity and provide appropriate civil and criminal legal remedies to victims of these forms of discrimination.

12. JS1 recommended that the Government continue to reform the legal framework on the right to family life, utilizing the ongoing Civil Code reform process, as well as the applicable policy framework to eliminate all direct and indirect forms of discrimination against LGBTQI persons.

13. JS1 recommended that the Government review and where necessary revise existing policies and measures on gender, gender re-assignment and on supplementing the civil status registers in accordance with a re-assigned gender and sex to make them compatible with the Constitution and related binding legal provisions of human rights treaties.

35. JS1 stated that the right to family life through marriage was exclusively guaranteed for couples of opposite sexes by Article 80 in conjunction with Article 138 of the Civil Code. It noted that the Civil Code was under review, but that so far no attention had been given to the aspect of discrimination on sexual orientation and gender identity of Article 80.

36. JS1 stated that the fact that LGBTQI married couples were ineligible to adopt a child, due to the opposite-sex element of the marriage requirement, constituted a discriminatory and unfair treatment based on sexual orientation.

72. JS1 stated that women, girls, lesbian, bisexual and trans women, women living with HIV, sex workers and migrant women and girls in vulnerable situations experienced sexual and gender-based violence, discrimination and stigmatization in the private and the public domain. It stated that risk factors included young age, low educational level, pregnancy and early cohabitation with a male partner. In addition, social and cultural attitudes contributed significantly to maintaining entrenched gender roles within society.

B. SOGIESC Advanced Questions for Suriname

³³ Joint submission 1 submitted by: Professional Associates for Representation, Equality and Acceptance, Paramaribo (Suriname); Stichting Lobi Health Center, Paramaribo (Suriname); Women's Rights Centre, Paramaribo (Suriname).



N/A

C. Suriname's Working Group Session

- **Intervention made after 40 interventions (Mr. Kenneth Amoksi, Minister of Justice and Police of Suriname):** I can also comment on the issue of LGBTQI. We have article 80 in our Constitution. We guarantee the rights of them. So although there might not be particular laws to facilitate these laws, but in our Constitution we respect our own laws, So there is no hesitation on the government side not to guarantee these rights.
Non-discrimination based on sexual orientation: The government of Suriname remains committed to promote and defend the human rights for all, and based on the principle of equality in which all who are within the territory of Suriname have an equal claim to protection of persons and property and does not discriminate on the grounds of births, sex, race, language, religious origin, political beliefs, economic position, or any other. Both the Constitution of the Republic of Surinam, I can repeat article 8 paragraph 2, and the revised Penal Code prohibits discrimination based on sexual orientation.
Mr. Vice President, steps have been taken to make national registration compatible with international law. Amendments have been made to laws that explicitly prohibit discrimination in all its forms and manifestations. The government has assembled and submitted the bill of Equal Treatment and Employment to the National Assembly in 2019. This bill prohibits among others discrimination on the basis of sexual orientation, gender identity, LGBT individuals on the labor market and related issues. This bill is pending approval by Parliament.
Mr. Vice-President, meanwhile there are regular discussions with LGBT organizations with regards to issues which require particular attention. Based on the request of the LGBT community, the government of Suriname has recently approved raising of the rainbow flags. In addition, Mr. Vice-President, seminars on identifying discrimination and violence against lesbian, gay, bisexual, and transgender community were organized by the LGBT Platform Suriname, allowing more awareness in this regard.
As to a multicultural society, Mr. Vice-President, the subject of sexual orientation and gender identity is one that requires a broad consultation process at the national level involving all sectors of the society including civil society. The national process of consultations is an ongoing one.

D. Recommendations for Cycle III (2021)³⁴

a) Remarks of States

- **Chile:** Furthermore, we underscore the electoral process on 2020 and the presentation of a draft law on equal treatment in the workplace which prohibits discrimination on the grounds of sexual orientation or gender identity in the labour market.
- **Costa Rica:** My delegation is grateful to the distinguished delegation of Suriname for the presentation of their third report and we commemorate the efforts made for the

³⁴ One LGBTI-hostile recommendation was made by Haiti. The recommendation made by Haiti is as follows: "Support, through economic and social policies, the institution of the family and the preservation of family values (7.35)".



implementation of the recommendations from the second cycle as well as the establishment of a National Institution for Human Rights, as well as for the training given to the law enforcement staff on the rights of the LGBTIQ+ populations through several seminars. Costa Rica welcomes the changes made to combat discrimination in the workforce (...).

b) The following recommendations have been examined and supported by Suriname:

- **Chile:** Continue taking measures to eradicate all forms of violence and discrimination against women, girls and LGBTI persons (6.64)
- **Italy:** Strengthen the efforts to combat all forms of violence and discrimination against women and girls, children and LGBTI persons (6.68)
- **United Kingdom:** Seek training for law enforcement and judicial officers to ensure accountability for gender-based violence and discrimination against LGBTI communities (6.75)

c) The following recommendations will be examined by Suriname, which will provide responses no later than the 49th session of the Human Rights Council:

- **Argentina:** Consider passing legislation that specifically addresses discrimination on the basis of sexual orientation and gender identity (7.26)
- **Australia:** Enact legislation to explicitly prohibit discrimination on the basis of sexual orientation and gender identity (7.27)
- **Fiji:** Take the necessary steps towards the adoption of legislative and other measures to explicitly prohibit discrimination on the basis of sexual orientation and gender identity (7.22)
- **Iceland:** Make Article 80 of the Civil Code gender neutral to guarantee the full enjoyment of the right to family life by LGBTI+ persons (7.23)
- **Iceland:** Review and make compatible with applicable law, all policies and measures on gender recording in the deeds of the Civil Registry, to allow supplementing the registers of birth following gender and sex re-assignment (7.24)
- **Israel:** Enact legislation that specifically addresses discrimination against LGBT persons (7.25)

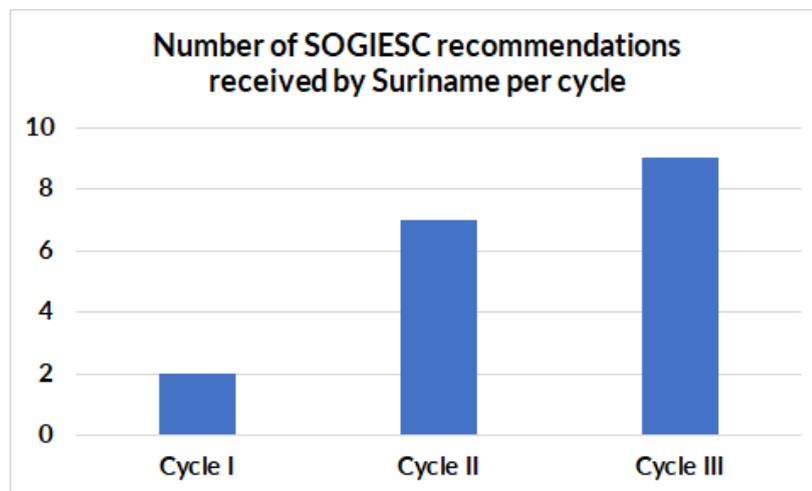
E. Recommendations for Cycle II (2016)

Recommendation	Recommending State	Response
Develop and implement training programmes for current and trainee police officers to address stigmatisation and discrimination of LGBTI persons.	Ireland	Supported
Take all necessary steps to adopt legislative and other measures to explicitly prohibit discrimination on the basis of sexual orientation and gender identity.	Netherlands	Supported
Enact legislation that specifically addresses discrimination against LGBTI individuals.	Australia	Supported



Adopt specific legislation to prevent discrimination based on sexual orientation or gender identity.	Chile	Supported
Take effective steps for the country's legal framework to protect the rights of LGBTI people.	Brazil	Supported
Intensify measures to prevent and sanction violence against LGBTI persons.	Chile	Supported
Adopt legislation and promote measures to prevent discrimination based on race, disability, sexual orientation and gender identity.	Mexico	Noted

F. Graphic Comparison Between Cycles (1–3)



G. SOGIESC recommendations shared by HRDs during ILGA's UPR advocacy week in Geneva: Stichting Lobi Health Center; Women's Rights Centre; PAREA

1. Design and implement measures in partnership with key experienced stakeholders to ensure the Availability, Accessibility, Acceptability and Quality of sexual and reproductive health services amongst which the full range of family planning services, and health education of adolescents including information and counseling on all methods of family planning.
2. Develop and implement in partnership with relevant stakeholders, comprehensive and budgeted maternal healthcare policies and measures that ensure accessible, sufficient, and timely obstetric care for all women, addressing postnatal care, maternal mortality causes and a surveillance and monitoring system.
3. Incorporate the Inter-American Model legislation Femicide in its entirety in the Criminal Code and in line with it, develop and carry out a well-resourced comprehensive multi-sectoral policy.
4. Reform the criminal regime through the inclusion of gender and HIV-status in article 500a of the Penal Code and by abolishing the offence of indecent conduct by women.
5. Facilitate an in-depth public debate that includes women's organizations and labor unions to provide input to the current draft legislation around sexual harassment at the



workplace, and raise awareness on sexual rights, for specific target groups in culturally appropriate language.

6. Review and make compatible with applicable law, all policies and measures on gender recording in the deeds of Civil Registry, to allow supplementing the registers of birth following gender and sex re-assignment.
7. Amend Article 80 of the Civil Code by making it gender neutral to guarantee the full enjoyment of the right to family life by LGBTQI+ people.

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

- I. **SOGIESC Mentions During Suriname's UPR Outcome (This section will be updated after the UPR Outcome of Suriname at the 49th session of the Human Rights Council in March 2022)**



TAJIKISTAN UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 4 NOVEMBER 2021, 14:30-18:00
**DATE AND TIME OF THE ADOPTION OF THE REPORT: 9 NOVEMBER 2021,
16:30-18:00**

During the 39th UPR Working Group Sessions, Tajikistan received 12 SOGIESC recommendations. It will respond to these recommendations no later than the 49th session of the Human Rights Council.

A. SOGIESC Information

National Report

64. The Criminal Code provides for penalties for the commission of offences against family members, including: in article 109 (2) (Incitement to suicide of a person who is materially or otherwise dependent on the perpetrator); article 117 (2) (c) (Cruel treatment of a person who is materially or otherwise dependent on the perpetrator); article 138 (3) (a) (Rape of a close relative); article 139 (3) (b) (Sexual assault of a close relative); article 140 (Forcing a person to engage in sexual relations or homosexual or lesbian sex or to commit other acts of a sexual nature by exploiting his or her material or other dependence); article 141 (2) (b) (Sexual relations or other acts of a sexual nature with a person under 16 years of age where the perpetrator is a parent or other person responsible for the victim's upbringing); article 142 (2) (c) (Depraved acts committed by a parent or other person responsible for the victim's upbringing); and article 142 (2) (d) (Depraved acts committed against a close relative).

Compilation of UN Information

10. The Human Rights Committee noted reports of deep-rooted discrimination against lesbian, gay, bisexual and transgender individuals, including homophobic and transphobic rhetoric by public officials, violence and harassment, arbitrary arrest, detention and extortion by law enforcement officials. The Committee against Torture recommended that Tajikistan publicly condemn acts of torture and other types of abuse against lesbian, gay, bisexual, transgender and intersex persons. The United Nations country team highlighted the authorities' failure to implement human rights mechanisms' recommendations in that area.

Summary of Stakeholder's Information

12. The Sexual Rights Initiative noted that Tajikistan had yet to receive a recommendation on the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons in the UPR framework. LGBTI persons in Tajikistan face wide-spread hate-crimes, discrimination and violence. JS2³⁵ said that Tajikistan had neglected recommendations to end repressions on the

³⁵ Joint submission 2 submitted by: Anti-Discrimination Centre "Memorial" (ADC), Brussels (Belgium), and Human & Art Laboratory initiative in Central Asia.



basis of sexual orientation and gender identity and the practice of maintaining official and unofficial lists of LGBTI+ persons. Three stakeholders also referred to the existence of such lists.

13. JS11³⁶ and JS2 reported on the stigmatization and discrimination faced by people living with HIV/AIDS in Tajikistan. JS6³⁷ noted the increase, since 2018, of discriminatory practices by law enforcement agencies against them.

B. SOGIESC Advanced Questions for Tajikistan

- **Belgium:** How will the government of Tajikistan ensure that all credible allegations of arbitrary detention, extortion, torture and other ill-treatment of LGBTI persons by government agents or of their abuse by non-state actors are promptly, thoroughly, impartially and independently investigated, and that suspected perpetrators are brought to justice in fair trials?
- **Spain:** Have the authorities of Tajikistan considered the drafting of a specific law against discrimination on grounds of gender and sexual orientation, in order to properly implement the provisions ensuring equality and non-discrimination among citizens enshrined in the Constitution?
- **United Kingdom:** What steps is the Government of Tajikistan taking to protect vulnerable individuals, including children, persons with disabilities, LGBT+ persons, and persons diagnosed with HIV/AIDS from violence and discrimination?
- **United States of America:** Would the government of Tajikistan consider adding gender and sexuality as protected classes in its draft anti-discrimination law?

C. Tajikistan's Working Group Session

- **Final remarks (Mr. Ramazon Rahimzoda, Minister of Internal Affairs):** In light of these norms of the Constitution, the state protects the rights of LGBT persons and those who undermine their rights are brought to justice. In the Republic of Tajikistan, people belonging to the LGBT community have not been held responsible for any crimes.

D. Recommendations for Cycle III (2021)

a) Remarks of States

- **Netherlands:** We welcome the decriminalization of consensual same-sex relations between adults, yet remain concerned about wide-spread hate crimes, discrimination

³⁶ Joint submission 11 submitted by: Bureau of Human Rights and Rule of Law, Jahon, Independent Center for Protection of Human Rights, World of Law, Parent Association of Children with Disabilities, League of the Disabled Women "Ishtiroq", Safoi Konibodom, Legal Initiative, Your Choice, Coalition of Public Organizations "From Legal Equality to Actual Equality", Tajikistan Network of Women Living with HIV, and National Association of Disabled Persons of Tajikistan, Dushanbe (Tajikistan).

³⁷ Joint submission 6 submitted by: Human Rights Centre, Bureau for Human Rights and Rule of Law, Your Choice, Legal Initiative, Pamir Lawyers Association, Independent Centre for Human Rights, Office for Civil Liberties, League of Women Lawyers, Gulrukhsor, Saodat, League of Women with Disabilities "Ishtirok", Nachoti Kudakon, Khurshedi Zindagi, Sayokhat, Women and Society, Imkoniyat, Lawyers, Society Development Foundation, Legal Education Center, Justice for Women, Bonuvoni Fardo, The world of law, and Gamkhori, Dushanbe (Tajikistan).



and domestic, physical, psychological and sexual violence committed against members of the Tajik LGBTI community.

- **Ireland:** However, Ireland is concerned by restrictions on the right to freedom of expression and we are also troubled by longstanding discrimination, stigma and violence towards LGBTI+ people in Tajikistan.
- **United Kingdom:** The United Kingdom welcomes Tajikistan's implementation of legislation to reduce gender-based violence. We urge the authorities to take further action to protect the human rights of women, children, the LGBT community, and religious and minority groups.

b) The following recommendations will be examined by Tajikistan, which will provide responses no later than the 49th session of the Human Rights Council:

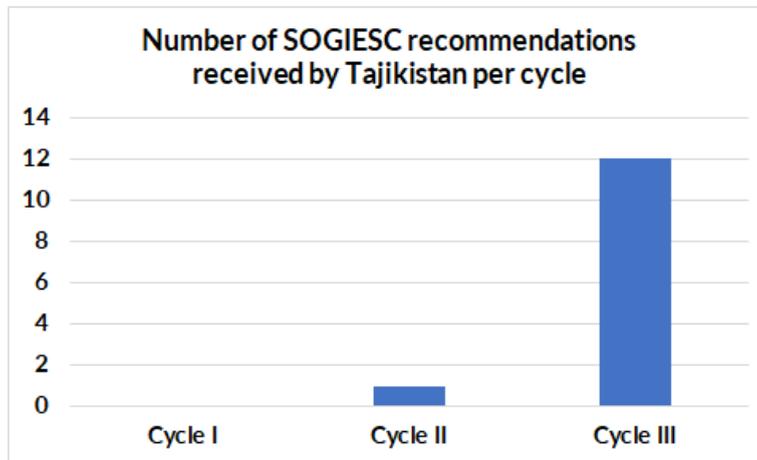
- **Argentina:** Provide effective protection against all forms of discrimination and violence based on sexual orientation and gender identity, both in law and in practice, and conduct awareness-raising campaigns to combat the stigma affecting LGTBQI people (6.92)
- **Canada:** Adopt comprehensive anti-discrimination legislation to protect the rights of vulnerable groups, irrespective of their gender identity, sexual orientation, HIV status, disability or other characteristics (6.94)
- **Chile:** Take measures to eliminate discrimination and abuse based on people's sexual orientation and gender identity (6.95)
- **Costa Rica:** Continue efforts to ensure a robust legal framework that is respectful of the rights of people with different sexual orientations and gender identities (6.66)
- **Fiji:** Take the necessary steps to combat discrimination and violence against women and children, and on the basis of sexual orientation and gender identity (6.98)
- **Iceland:** Devise and implement procedures to ensure protection against reprisals for LGBTI+ persons who lodge complaints about extortion and physical abuse by law enforcement officials and non-state actors (6.100)
- **Iceland:** Hold accountable officials, public figures and authors of media and online publications calling violence and hate speech against LGBTI+ persons (6.125)
- **Ireland:** Adopt a comprehensive anti-discrimination legislation, which adequately and effectively protects LGBTI+ persons from discrimination and violence (6.77)
- **Italy:** Take concrete measures to combat all forms of discrimination and violence, including domestic violence, based on gender, sexual orientation and gender identity (6.101)
- **Mexico:** Adopt a comprehensive legislative framework to prohibit all forms of discrimination; and repeal policies or provisions that promote stigmatization or segregation, especially against ethnic and religious minorities and against LGBTI people (6.87)
- **Netherlands:** Cease discrimination of LGBTI persons based on their sexual orientation or gender identity and actively work towards the eradication of societal homophobia and transphobia (6.88)
- **United Kingdom:** Adopt comprehensive anti-discrimination legislation to end discrimination on the basis on gender identity and sexual orientation, and end the practice of maintaining lists of LGBT persons (6.91)



E. Recommendations for Cycle II (2016)

Recommendation	Recommending State	Response
Conduct mandatory human rights training for law enforcement agencies, including training on hate crimes	Slovenia	Supported

F. Graphic Comparison Between Cycles (1–3)



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

H. SOGIESC Mentions During Tajikistan’s UPR Outcome (This section will be updated after the UPR Outcome of Tajikistan at the 49th session of the Human Rights Council in March 2022)



THAILAND UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 10 NOVEMBER 2021, 09:00-12:30
DATE AND TIME OF THE ADOPTION OF THE REPORT: 12 NOVEMBER 2021,
15:30-18:00

During the 39th UPR Working Group Sessions, Thailand received 12 SOGIESC recommendations. It accepted 7 recommendations and will respond to the other 5 recommendations no later than the 49th session of the Human Rights Council.

A. SOGIESC Information

National Report

LGBTI+

99. The Government places importance on the promotion and protection of the human rights of LGBTI+ persons, with significant developments, as follows:

- After five years of implementation, the **Gender Equality Act B.E. 2558 (2015)** is being amended to ensure more efficient protection and promotion of the rights of all, including LGBTI+ persons, and to support the work of the Committee on the Determination of Unfair Gender Discrimination (The Committee on DUGD).
- The **Civil Partnership Act (B.E.)** was drafted to allow LGBTI+ persons to register as life partners, thus entitling them to certain rights and benefits equal to married couples under the Civil and Commercial Code. The draft Act promotes the right to marriage and family and at present, the Ministry of Justice is in the process of reviewing the draft before resubmitting it to the Cabinet.
- Since 2019, the Committee on the Empowerment of Families has amended its definitions related to family to include same-sex married couples.

100. In 2019, Thailand saw the election of the first transgender Member of Parliament to the House of Representatives.

Compilation of UN Information

11. The Human Rights Committee noted with concern that section 17 of the Gender Equality Act (2015) allowed for exceptions to gender discrimination on grounds of religion and national security. The same Committee expressed concern about reports of discrimination and violence against lesbian, gay, bisexual, transgender and intersex persons, and against indigenous and stateless persons, and about reports of travel restrictions on migrants who had regularized their status. The Committee on the Elimination of Discrimination against Women expressed similar concerns.



49. The Committee on the Elimination of Discrimination against Women expressed serious concern that women human rights defenders, in particular those advocating for land rights, protection of the environment and the rights of indigenous women, rural women, lesbian women, bisexual women, transgender women and Muslim women in the southern border provinces, had increasingly become targets of lawsuits, harassment, violence and intimidation by authorities and business enterprises.

Summary of Stakeholder's Information

7. Despite some progress following the enactment of the Gender Equality Act in 2016, JS10³⁸ and JS11³⁹ expressed concern about employment discrimination, invisibility and silencing, unreported violence and abuse, family and societal pressure to conform to gender norms and roles of LGBTIQ+ people as they were insufficiently protected by Thailand's legal frameworks and the severe challenges in accessing their rights.

8. JS11, JS12⁴⁰ and JS13⁴¹ noted same-sex marriage and transgender identity were not legally recognised. LGBTIQ+ women, lesbian and transgender women were particularly vulnerable and suffered discrimination to access health and social services, employment, harassment and bullying. JS10, JS14⁴² and JS26⁴³ also expressed concern about persistent discrimination of LGBTIQ+ youth in schools and the education and health systems, genderbased crimes, misrepresentation in media and degrading and humiliating treatment, due to lack of family acceptance, often resulting in mental health conditions. JS15⁴⁴ indicated LGBTIQ+ youth from indigenous communities were affected by homophobia and the lack of acceptance by their families. It further mentioned the increased risks that LGBTIQ women had of being forcibly married and "corrective rape".

9. JS11 reported barriers in accessing health care and social services, including denials of medical services and treatments and incidents of LGBTIQ+ persons suffering stigmatisation, intimidation, transphobic attacks and judicial harassment for their human rights work and activism. Furthermore, JS11 and JS12 highlighted that COVID-19 exacerbated the challenges faced by the LGBTIQ+ community, leaving them more vulnerable regarding economic impact, violence and discrimination and access to health.

B. SOGIESC Advanced Questions for Thailand

³⁸ Joint submission 10 submitted by: Togetherness for Equality (TEA) (Thailand), Feminist's Liberation Front (FLF) (Thailand); NOT SURE about it.

³⁹ Joint submission 11 submitted by: Manushya Foundation (Thailand), Rainbow Sky Association of Thailand (RSAT), Health and Opportunity Network (HON), Sirisak Chaited, MPlus Foundation, CAREMAT, Andaman Power, Rainbow Dream Group Thailand, Ruangaroon Lampang Group, Tamtang (Thailand).

⁴⁰ Joint submission 12 submitted by: Kaleidoscope (Australia), Sexual Rights Initiative (SRI) (Switzerland).

⁴¹ Joint submission 13 submitted by: Manushya Foundation (Thailand), Health and Opportunity Network, Empower, Thai Positive Women Network (2 more that are UNCLEAR).

⁴² Joint submission 14 submitted by: Manushya Foundation, Young Pride Club, BUKU Classroom, Isaan Gender Diversity Network, Deaf Thai Rainbow Club, The Volunteer House for Children and Youth, The Coalition of Innovation for Thai Youth (Thailand).

⁴³ Joint submission 26 submitted by: Save the children, Plan International, ECPAT Foundation, World Vision Foundation Thailand, The Life Skills Development Foundation, PYNA Organisation, Association of Children and Youth for the Peace in the Southernmost Provinces of Thailand, The Foundation of Transgender Alliance for Human Rights.

⁴⁴ Joint submission 15 submitted by: Sangsan Ankot Yawachon Development Project (Sangsan), V-Day Thailand, (LBTQ) Indigenous Youth For Sustainable Development (IY4SD) from MaeSamLaep Community (Thailand).



- **Belgium:** Is the government of Thailand considering further steps to promote equal rights for LGBTI by extending the premises of its Civil Partnership Bill, given that the current term of ‘partner’ still excludes them from several rights and benefits?
- **Panama:** What measures have been adopted to protect LGBTIQ women from forced marriage and “corrective rape”?

C. Thailand’s Working Group Session

- **Opening remarks (Mr. Thani Thongphakdi, Permanent Secretary, Ministry of Foreign Affairs):** To promote the rights of LGBTI+, the Committee on the Empowerment of Families has invented these definitions related to family to include same-sex couples. Significant developments in legislation also include ongoing efforts to revise a law on gender equality and/or developing a specific law on civil partnership.
- **Intervention made after 40 interventions (Ms. Nareeluc Pairchaiyapoom, Director of International Human Rights, Division, Rights and Liberties Protection Department):** Regarding the issue of the Civil Partnership Act and rights of LGBTI, the Ministry of Justice has been putting forward the enactment of the Civil Partnership Bill since 2013, aiming to allow same-sex couples to register as life-time partners and legalize their relationships. In addition, a number of activities have also been held aiming to address the problems faced by LGBTI. One study was conducted by the Ministry of Justice in collaboration with the UNDP on the situation of trans inmates, followed by the proposed recommendations to the Department of Correction. Training of law enforcement officers has been organized with promote understanding of the right of LGBTI. This year, the Ministry of Justice has also adopted the new regulations for the protection of prisoners, to ensure the appropriate treatments of the vulnerable groups including the LGBTI, based on individual needs. The Ministry of Justice has also continued to join hands with various stakeholders to organize awareness-raising activities to bring to public knowledge and understanding on LGBTI rights, build an LGBTI-friendly environment, and create a society where all people can live in diversity and harmony.

D. Recommendations for Cycle III (2021)

a) Remarks of States

- **Canada:** Canada would welcome the development of national legislation that enshrines in law the approach Thailand has taken on LGBTI inclusion, particularly in recognizing same-sex unions and in prohibiting discrimination based on sexual orientation and gender identity.
- **Iceland:** Iceland welcomes the delegation of Thailand and is encouraged by measures taken to improve women’s access to health care services and steps taken to improve the rights of LGBTI+ persons.
- **Mexico:** Also, we praise the recognition of civil unions between persons of the same sex.



- **Netherlands:** We commend Thailand for making improvements in the acceptance of LGBTI persons at both a legislative and societal level.

b) The following recommendations have been examined and supported by Thailand:

- **Argentina:** Train educational personnel, both in public and private institutions, and review the Basic Education curriculum to promote a positive and respectful attitude towards diversity, including sexual orientation and gender identity (5.47)
- **Canada:** In line with Thailand’s international commitments, strengthen efforts to protect the rights of persons who are marginalized and most vulnerable, including women, migrant workers, children, and LGBTI persons, while also taking steps to foster their fuller inclusion and to increase women’s participation in decision-making (5.129)
- **Chile:** Maintain efforts to promote and protect the rights of LGBTIQ + people (5.49)
- **Fiji:** Take the necessary steps to combat discrimination and violence against women and children, and on the basis of sexual orientation and gender identity (5.45)
- **Finland:** Include the right to non-discrimination of people of diverse sexual orientations and gender identities in sexual health education (5.50)
- **Israel:** Further develop policies to ensure full enjoyment of rights and equality to LGBTIQI persons (5.48)
- **Mexico:** Combat discrimination based on sexual orientation and gender identity, especially in education, employment and health (5.46)

c) The following recommendations will be examined by Thailand, which will provide responses no later than the 49th session of the Human Rights Council:

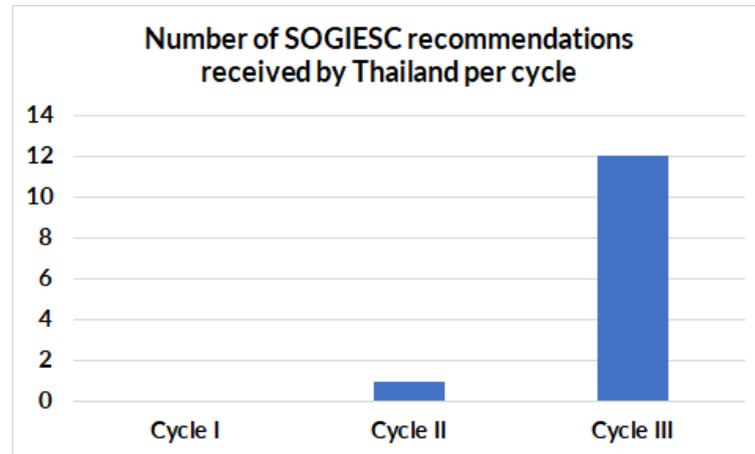
- **France:** Amend the Civil and Commercial Code to recognise same-sex marriage (6.30)
- **Iceland:** Recognize same-sex marriage by the end of 2022 (6.28)
- **Iceland:** Enact a Gender Identity, Gender Expression and Sex Characteristics Act by 2023 in consultation with LGBTI+ groups in Thailand (6.29)
- **Luxembourg:** Amend the Civil and Commercial Code to recognise same-sex marriage (6.30)
- **Netherlands:** Amend legislation to recognize equality in marriage for LGBTI persons (6.31)

E. Recommendations for Cycle II (2016)

Recommendation	Recommending State	Response
Intensify efforts to promote policies in the area of prevention, sanction and eradication of all forms of violence against women, including measures aimed at promoting their rights regardless of its religion, race, sexual identity or social condition.	Mexico	Supported



F. Graphic Comparison Between Cycles (1–3)



G. SOGIESC recommendations shared by HRDs during ILGA's UPR advocacy week in Geneva: Young Pride Club; Manushya Foundation

1. Amend the Civil and Commercial Code, Book 4, Section 1448 to recognize same-sex marriage, by the end of 2022.
2. Enact a Gender Identity, Gender Expression and Sex Characteristics Act in consultation with LGBTIQ+ groups in Thailand, by 2023, to ensure all persons in Thailand have the right to the recognition of their gender identity; the free development of their person according to their gender identity; be treated according to their gender identity and; to be identified in that way in the documents providing their identity; and bodily integrity and physical autonomy, without any prejudice and without being forced to undergo a sex-reassignment surgery.
3. In line with the 2015 Concluding Observations of the Committee on Economic, Social and Cultural Rights to Thailand, adopt a comprehensive anti-discrimination law that prohibits discrimination on all grounds, including sexual orientation and gender identity, by the end of 2022.
4. In line with the 2017 Concluding Observations of the Human Rights Committee to Thailand, amend the 2015 Gender Equality Act by the end of 2022 to eliminate any limitation on the protection against gender-based discrimination, including gender-harassment and gender-based hate speech and hate crimes and intensify measures to ensure that LGBTIQ+ people do not suffer from discrimination and violence, and have access to remedy while perpetrators are held into account.
5. In line with Article 28 of the CRC, Article 26 of the UDHR, and with Section 10 of the National Education Act, amend the 2003 Child Protection Act by 2023 to clearly include protection of LGBTIQ+ Children and Youth from discrimination, violence and acts of prejudice in all spheres of society: schools, within families, communities, workplaces.
6. In line with Article 24 of the CRC, and Sections 47 and 55 of the 2017 Constitution, ensure that LGBTIQ+ Youth and Children have access to adequate, available and good



quality health services, including mental, sexual and reproductive health services, and HIV services.

7. Reform the National Action Plan on Business & Human Rights (NAP-BHR) and existing labour laws to comply with international human rights standards, including related ILO conventions, by 2022, to ensure businesses respect the human rights of LGBTIQ+ employees and customers.
8. Adopt gender-responsive approaches to COVID-19, that account for marginalized and vulnerable communities, including LGBTIQ+ Youth and Children, notably by reinforcing and extending access to health services, social protection schemes and relief plans.

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

- I. **SOGIESC Mentions During Thailand's UPR Outcome (This section will be updated after the UPR Outcome of Thailand at the 49th session of the Human Rights Council in March 2022)**



TRINIDAD AND TOBAGO UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 9 NOVEMBER 2021, 09:00-12:30
**DATE AND TIME OF THE ADOPTION OF THE REPORT: 12 NOVEMBER 2021,
15:30-18:00**

During the 39th UPR Working Group Sessions, Trinidad and Tobago received 15 SOGIESC recommendations. It noted all 15 recommendations.

A. SOGIESC Information

National Report

N/A

Compilation of UN Information

13. The United Nations country team noted that the Constitution prohibited discrimination on the basis of race, origin, colour, religion and sex, but that no specific legislation addressed discrimination based on sexual orientation or gender identity. The Equal Opportunity Act did not prohibit discrimination based on sexual orientation, gender identity or HIV status. The United Nations country team recommended that Trinidad and Tobago amend the Equal Opportunity Act to include sexual orientation, gender identity and the status of living with HIV/AIDS as prohibited grounds for discrimination.

14. The United Nations country team noted that in a landmark judgment on 12 April 2018 in the matter of Jason Jones, which was currently being appealed by the State, the High Court of Trinidad and Tobago had ruled that national laws criminalizing same-sex relations were unconstitutional. The 2012 Children Act had decriminalized consensual sexual relations for children of the opposite sex, but did not extend the same protection to children of the same sex. 15. The United Nations country team recommended that Trinidad and Tobago decriminalize sexual relations between consenting adults of the same sex by repealing articles 13 and 16 of the Sexual Offences Act, and amend the Children Act to decriminalize consensual sexual relations between minors of the same sex.

72. The United Nations country team recommended that Trinidad and Tobago prioritize gender-based violence and increase budgetary allocation to the Gender and Child Affairs Division and the Domestic Violence Hotline (800-SAVE); that it adopt and implement, in a consultative manner, a national gender policy with special measures for the prevention of sexual and gender-based violence, regardless of legal or migratory status, nationality, gender identity or sexual orientation; and that it approve and implement the national strategic action plan on gender-based and sexual violence.



Summary of Stakeholder's Information

5. JS3⁴⁵ recommended that Trinidad and Tobago take steps to establish a national human rights mechanism in line with Principles Relating to the Status of National Institutions (the Paris Principles), which includes within its mandate discrimination and violence based on sexual orientation, gender identity or expression, with appropriate resources dedicated to its functioning.

6. The Alliance of Pride and Trans of Trinidad and Tobago (APTTT/JS2) noted the systemic and systematic discrimination towards LGBTQI+ persons and reported on incidences of abuse and violence perpetrated against them. JS3 noted that there was no legal protection against discrimination or hate crimes based on sexual orientation, gender identity or expression in Trinidad and Tobago. The Equal Opportunity Act, prohibiting specific forms of discrimination, did not include discrimination against LGBTI persons. Moreover, JS3 stated that several laws perpetuated discrimination against LGBTI persons. For example, family and relationship laws provided recognition and protection for nonmarital, co-habitational relationships, but defined those relationships as between persons of the opposite sex.

7. JS3 recommended that Trinidad and Tobago amend the Equal Opportunity Act to end the discrimination on the basis of sexual orientation and to add LGBTI status as a protected status under the Act.

8. JS3 noted that no legal recognition of gender identity was possible. APTTT/JS2 stated that an amendment of gender markers was not allowed. Transgender persons could change their name in public registries and on some key documents. However, the failure to officially recognize the gender identity through the amendment of the gender marker exposed transgender persons to abuse and humiliation. Without proper and accurate identity documents trans-persons could not access essential services, including social benefits or social and medical support.

9. APTTT/JS2 recommended that the authorities create a legislative framework for the recognition of trans-persons affirmed gender identities and remove all Constitutional and legislative barriers preventing the recognition of trans and non-binary identities by the next review.

10. JS3 stated that sections 13 and 16 of the Sexual Offences Act (1986) criminalized consensual sexual behaviour between adults with prison sentences of between 5 years to 25 years. In 2018, Inter-American Commission on Human Rights-Organization of American States (IACHR-OAS) welcomed the decision of the High Court of Justice of Trinidad and Tobago declaring unconstitutional the criminalization of consensual sexual relations between adults of the same sex. APTTT/JS2 recommended that the authorities accept the decision of the High Court of 2018 (Jones vs The Attorney General) and decriminalize same sex consensual relations by removing section 13 and 16 of the Sexual Offences Act, Chapter 11:28.

⁴⁵ Joint submission 3 submitted by: Family Planning Association of Trinidad and Tobago, Coalition Advocating for the Inclusion of Sexual Orientation: Sec and Gender Justice and the CEDAW Committee of Trinidad and Tobago (Trinidad and Tobago).



B. SOGIESC Advanced Questions for Trinidad and Tobago

- **Austria:** Austria would be grateful if the delegation could provide information with regard to the protection of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons against discrimination and on the strategies in place to enhance the effectiveness to address gender-based violence in the country.
- **Belgium:** Is the government of Trinidad and Tobago considering to decriminalize sexual relations between consenting adults of the same sex by repealing articles 13 and 16 of the Sexual Offences Act?
- **Panama:** What steps have been taken to decriminalize consensual sexual relations between adults whose gender expression is not heteronormative?
- **Spain:** Does Trinidad and Tobago plan to amend its Sexual Offences Act to decriminalize same-sex sexual relations between adults?
- **United States of America:** What is the Government of Trinidad and Tobago doing to prevent discrimination against all individuals, including those who are LGBTQI+?

C. Trinidad and Tobago's Working Group Session

- **Opening remarks (Mr. Faris Al Rawi, Attorney General and Minister of Legal Affairs of Trinidad and Tobago):** The issues of discrimination as a result of sexual orientation, now before our courts, now are able to treat with by virtue of Privy Council decision. That ability to get closer to transparency which resembles the wording of our Constitution. Our constitution is absolutely clear that there is no discrimination in our society.
- **Intervention made after 19 interventions (Mr. Faris Al Rawi, Attorney General and Minister of Legal Affairs of Trinidad and Tobago):** With respect to equality of rights in the sphere of discrimination as it relates to sexual orientation, Trinidad and Tobago is again currently before its highest court of appeal, that is the Privy Council. In this particular matter, the two sections referred to by delegates, that is Section 13 and 16 of the Sexual Offences Act, which criminalizes same-sex consensual conduct. Those sections are before the Privy Council, we are awaiting the decision as to whether the High Court and Court of Appeals rulings which have already struck down these sections will be upheld. This is important because the sphere of affect of this particular matter goes much further than the current Sexual Offences Act. In fact, there are 27 other laws that are under review on the same issue. As we are a Commonwealth country where the Privy Council decisions have important effects in terms of interpretation of laws, we are bound by the outcome of this particular decision, which we expect somewhere in the course of the year 2022. Upon receiving that judgment, we will soon be taking steps in terms of national discussion and legislative consideration on the many issues that affect the several laws being 27 in total.
- **Intervention made after 39 interventions (Mr. Faris Al Rawi, Attorney General and Minister of Legal Affairs of Trinidad and Tobago):** With respect to the several recommendations again on gender-based violence, again on looking at the Sexual Offences Act in the particular sections that treat with preference in terms of sexual



orientation and expression, we are very pleased to also inform that we have developed a Sexual Harassment Bill. In the Sexual Harassment Bill, a combination between the Industrial Court and the Equal Opportunities Commission is intended to allow for complaints of a sexual harassment nature, which includes orientation issues. That legislation is intended to allow again for a fair and full protection under due process so that there can be a visible and measured response to harassment issues.

D. Recommendations for Cycle III (2021)

a) Remarks of States

- **Denmark:** Denmark welcomes the delegation of Trinidad and Tobago and commends it on adopting its new National Sexual and Reproductive Health Policy. However, we remain concerned about discrimination faced by the LGBT community.
- **Montenegro:** We encourage the country to further bring its domestic legislation into line with the international human rights instruments that it ratified or acceded to, and continue its efforts to harmonize national legislation with international human rights norms, including a constitutional reform. In this regard, we would be grateful if the delegation could inform on the country's possible intention to amend the Equal Opportunity Act to include sexual orientation, gender identity and the status of living with HIV/AIDS as prohibited grounds for discrimination.
- **Netherlands:** Building on the establishment of a gender-based violence unit by the police as a response to the ongoing problem of domestic violence, further measures would be welcomed to extend protections to same-sex couples accordingly.

b) The following recommendations have been examined and noted by Trinidad and Tobago:

- **Argentina:** Adopt the additional measures necessary to guarantee the full enjoyment of human rights by groups in vulnerable situations who suffer discrimination, especially because of their sexual orientation or gender identity (7.40)
- **Australia:** Amend the Equal Opportunity Act to prohibit discrimination against LGBTI persons, and remove laws criminalising consensual same sex relations (7.41)
- **Canada:** Implement policies and programs to prevent discrimination based on sexual orientation and gender identity (7.49)
- **Chile:** Continue taking measures to eradicate all forms of violence and discrimination against women, girls and LGBTI people (7.86)
- **Costa Rica:** Amend its national framework to include sexual orientation, gender identity, and living with HIV / AIDS as grounds for discrimination (7.39)
- **Denmark:** Decriminalize same-sex conduct between consenting adults by repealing sections 13 and 16 of the Sexual Offences Act (7.42)
- **Fiji:** Take the necessary steps to combat discrimination and violence against women and children, and on the basis of sexual orientation and gender identity (7.78)
- **France:** Take all necessary measures to fight against discrimination based on sexual orientation and gender identity (7.43)



- **Germany:** Modify the Equal Opportunities Act to include the prohibition of discrimination on sexual preference and orientation (7.44)
- **Iceland:** Establish a well resourced national human rights mechanism in line with the Paris Principles, to address discrimination and violence against LGBTI+ persons (7.37)
- **Iceland:** Decriminalize consensual sexual relations between adults of the same sex by removing section 13 and 16 of the Sexual Offences Act (7.45)
- **Italy:** Take further steps to combat all forms of violence, abuses and discrimination based on sexual orientation and gender identity (7.46)
- **Netherlands:** Ensure full implementation of legislation ending discrimination based on gender identity or sexual orientation and conduct independent investigation into all acts of discrimination against LGBTI persons (7.47)
- **Panama:** Adopt the National Gender Policy and the National Strategic Action Plan to end sexual and gender-based violence to ensure that gender-based violence is prioritized and receives increased budgetary allocation to implement communication campaigns addressing negative social norms and special measures to prevent sexual and gender-based violence against all women, girls, men and boys, regardless of their legal or migratory status, nationality, gender identity or sexual orientation (7.84)
- **United States of America:** Reform laws to strengthen protections against discrimination and gender-based violence including or LGBTQI+ persons, including by establishing a law criminalizing discrimination against LGBTQI+ individuals on the basis of their sexual orientation, gender identity, and expression (7.48)

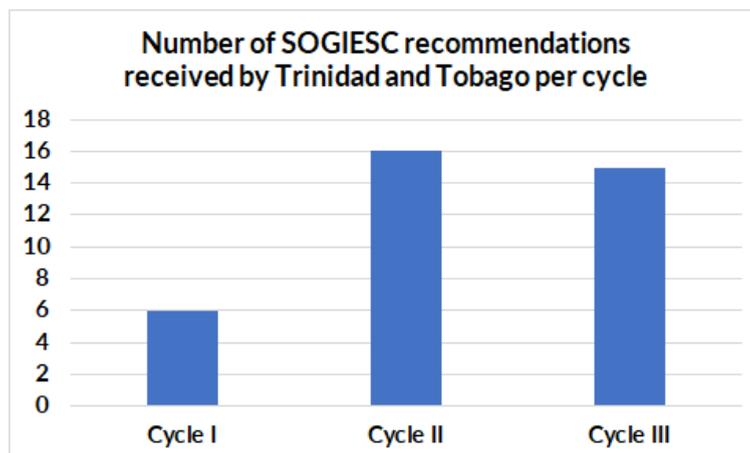
E. Recommendations for Cycle II (2016)

Recommendation	Recommending State	Response
Take into account the recommendations of the National Commission for Equal Opportunities concerning the need to amend the Equal Opportunities legislation so that it covers the elderly, persons living with HIV and discrimination on the grounds of sexual orientation.	Colombia	Noted
Put into effect first cycle recommendations 87.23 and 88.50, and develop policy and programmatic responses to the needs of LGBTI persons.	United States of America	Noted
Amend the Equal Opportunity Act to include sexual orientation and gender identity as prohibited grounds for discrimination, as part of a proactive strategy to promote respect for the dignity and rights of all individuals.	Canada	Noted
Adopt legislation prohibiting discrimination on the grounds of sexual orientation and gender identity, introducing also awareness-raising programs that promote respect for sexual diversity.	Chile	Noted
Enact legislation prohibiting discrimination against LGBTI persons, including removing laws criminalising same sex activity.	Australia	Noted
Repeal articles 13 and 16 of the Law on Sexual Offences of 1986, penalizing sexual relations between consenting individuals of the same sex. Despite the fact that laws criminalizing same sex activity are not enforced, a formal withdrawal of the law is highly recommended.	Netherlands	Noted



Take steps to combat discrimination of LGBTI people in legislation and practice, including decriminalisation of sexual activities between consenting adults of the same sex.	Norway	Noted
Decriminalize sexual relations between consenting adults of the same sex.	Slovenia	Noted
Decriminalization of homosexual relations between consenting adults.	Spain	Noted
Take additional measures as necessary to ensure the full enjoyment of human rights by vulnerable groups that are suffering from discrimination, such as LGBTI persons, including investigation and punishment of cases of discrimination and repealing of laws that criminalize and stigmatize them.	Argentina	Noted
Repeal all provisions that criminalize consensual same-sex relationships or that discriminate against LGBTI persons.	France	Noted
Repeal all provisions that criminalize consensual same-sex relationships or that discriminate against LGBTI persons.	Germany	Noted
Decriminalize homosexuality and combat all forms of discrimination and abuse against LGBTI persons.	Italy	Noted
Decriminalize same sex relations including in the Sexual Offences Act.	Montenegro	Noted
Take concrete measures with a view to decriminalizing consensual same-sex relations and abolishing any discriminatory legislation against LGBTI people, even if it is not applied in practice.	Brazil	Noted
Review the Children Act of 2012 in order to decriminalize consensual sexual relations between minors of the same sex.	Chile	Noted

F. Graphic Comparison Between Cycles (1–3)



G. [Video of Trinidad and Tobago's UPR Working Group Session](#)



H. SOGIESC Mentions During Trinidad and Tobago's UPR Outcome (This section will be updated after the UPR Outcome of Trinidad and Tobago at the 49th session of the Human Rights Council in March 2022)



UNITED REPUBLIC OF TANZANIA UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 5 NOVEMBER 2021, 9:00-12:30
**DATE AND TIME OF THE ADOPTION OF THE REPORT: 9 NOVEMBER 2021,
16:30-18:00**

During the 39th UPR Working Group Sessions, United Republic of Tanzania received 14 SOGIESC recommendations. It noted all 14 recommendations.

A. SOGIESC Information

National Report

N/A

Compilation of UN Information

9. The United Nations country team stated that the enforcement of gender discriminatory policies remained a major impediment to achieving gender equality.

10. It also stated that the criminalization of same-sex relations had led to discrimination and increased the vulnerability and social marginalization of lesbian, gay, bisexual, transgender and intersex persons, negatively impacting their access to social services.

11. In 2018, the United Nations High Commissioner for Human Rights expressed alarm at the statement made by the Regional Commissioner of Dar es Salaam that a committee would be established to track and arrest gay persons and to encourage people to report those suspected of being gay. The High Commissioner warned that that could turn into a witchhunt and could be interpreted as a licence to carry out violence, intimidation, bullying, harassment and discrimination against those perceived to be lesbian, gay, bisexual or transgender. She stated that, in the United Republic of Tanzania, those people had already been subjected to growing violence, harassment and discrimination over the previous two years and that those defending their rights to health and to a life free from discrimination, violence and arbitrary arrest had themselves been increasingly targeted, even arrested. The plan announced by the United Republic of Tanzania also included attempts to “cure” gay people – a practice condemned as harmful, unethical and without scientific basis by the Committee against Torture and the World Health Organization. The High Commissioner warned that that practice could further stigmatize lesbian, gay, bisexual and transgender individuals.

Summary of Stakeholder’s Information

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26. COC-Nederland⁴⁶ stated that despite the efforts made by the State under Review, sexual minorities had continued to experience stigma, discrimination and violence in the form of verbal and physical abuse, mob justice and corrective rapes.

27. JS4⁴⁷ stated that there had been a crackdown on the LGBTIQ+ community and the organisations working with this community, including those tackling HIV/AIDS.

55. JS4 stated that harassment of human rights defenders had continued despite the State under Review stating at the previous review that a conducive environment for them had already existed in the country. AI stated that human rights defenders had been subjected to arbitrary arrest, detention, prosecution, intimidation, harassment and threats. JS4 stated that those working with, or belonging to, the LGBTIQ+ community had been targeted for harassment and physical abuse. AU-ACHPR⁴⁸ urged the State under Review to ensure that all human rights activists were able to operate in an environment without fear of any acts of violence, threats, reprisals, discrimination, pressure and any arbitrary acts by state and nonstate actors.

75. HRW⁴⁹ stated that the State under Review had prevented LGBT persons from accessing health care, including by banning community-based organizations from providing HIV and public health services. COC-Nederland stated that there was inadequate HIV and STI related protective gear and some protective gear had been banned for distribution to key populations.

B. SOGIESC Advanced Questions for the United Republic of Tanzania

- **Belgium:** Will the government of Tanzania consider decriminalizing same-sex relations, and how does it plan to prevent discrimination and acts of harassment and violence against persons to be perceived lesbian, gay, bisexual, transgender and intersex as well as their families?
- **United Kingdom:** What steps is the Government taking to protect the LGBTIQ community from undue interference and harassment, to support them to fully enjoy their human rights, and allow consensual same-sex, adult conduct?
- **United States of America:** Will Tanzania consider decriminalizing same-sex sexual conduct to signal zero tolerance for discrimination, abuse, and harassment on the basis of gender identity, expression, or sexual orientation?

C. United Republic of Tanzania's Working Group Session

- **Opening remarks (Mr. Palamagamba John Aidan Mwaluko Kabudi Minister for Constitutional and Legal Affairs, Head of the Delegation):** On other issues, the United Republic of Tanzania also received other questions from member states which we wish to offer some explanations. One was on same-sex relations from the USA and UK. They

⁴⁶ Federatie van Nederlandse Verenigingen tot Integratie van Homoseksualiteit – COC Nederland, Amsterdam (Netherlands).

⁴⁷ CIVICUS: World Alliance for Citizen Participation, Johannesburg (South Africa) and East and Horn of Africa Human Rights Defenders Project, Kampala (Uganda) (Joint Submission 4).

⁴⁸ The Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa of the African Commission on Human and Peoples' Rights.

⁴⁹ Human Rights Watch, Geneva, (Switzerland).



wanted to know our position on decriminalizing and desanctioning same-sex relations as well as protecting people who engage in these relationships. Same-sex relations remain prohibited under Section 154 of Penal Code. Same-sex relations are also not condoned within our customs, traditions, and beliefs systems. Therefore, the State does not promote a policy which promotes these relationships. However, Tanzania is governed by rule of law and acts on violence, abuse, and discrimination against any Tanzanian is not tolerated, as it is prohibited by the Constitution and in our Penal Code. Once reported to the police, it will be investigated, prosecuted, and adjudicated within our justice system in the United Republic of Tanzania.

- **Intervention made after 30 interventions (Mr. Palamagamba John Aidan Mwaluko Kabudi Minister for Constitutional and Legal Affairs, Head of the Delegation):** There are matters of which we again will reiterate our position at the right time on same-sex relations, of which our Penal Code criminalizes such offenses, and there are good reasons for that which will be later-on dialogued when we continue.
- **Final remarks (Mr. Palamagamba John Aidan Mwaluko Kabudi Minister for Constitutional and Legal Affairs, Head of the Delegation):** For example, under the Constitution of Tanzania, nobody is supposed to be treated like a convict, which means there is presumption of innocence and the state is required to prove beyond reasonable doubt any criminal offense which it profiles against the person in court. This includes people who are involved or alleged to be involved in same-sex relations and we have a very interesting decision by the High Court of Tanzania in the case of Mwanahamisi Abdallah & Hamisi v Republic in 1986 Reports of 265, where the court clearly say that the proof of same-sex relations which are prohibited by the way the law in Tanzania is strictly on the part of the state to prove beyond reasonable doubt that the offense was actually committed.

D. Recommendations for Cycle III (2021)

a) Remarks of States

- **Montenegro:** We deeply deplore that the criminalization of same-sex relations has led to the increased discrimination, vulnerability and social marginalization of LGBT persons, negatively impacting their access to social services.
- **Spain:** Spain regrets the persecution and discrimination suffered by LGBTI people.

b) The following recommendations have been examined and noted by the United Republic of Tanzania:

- **Argentina:** Consider enacting legislation that decriminalizes same-sex sexual relations (8.46)
- **Australia:** Repeal or amend laws discriminating against LGBTI persons, including Section 154 of the Penal Code that criminalises consensual same-sex acts among adults (8.47)
- **Canada:** Prohibit discrimination based on sexual orientation or gender identity and decriminalize same-sex activity between consenting adults (8.48)



- **Chile:** Adopt urgent measures to modify the penal code and eliminate the criminalization of consensual sexual relations between adults of the same sex (8.49)
- **Czechia:** Improve further the independence of the judicial system and its impartial attitude towards the LGBTI community and ceasing of criminalisation of its activities (8.73)
- **Fiji:** Take the necessary steps to combat discrimination and violence against women and children, and on the basis of sexual orientation and gender identity (8.50)
- **Fiji:** Ensure that section 154 of the Penal Code does not criminalise, or is not interpreted in a manner that criminalises, same-sex relations (8.51)
- **Iceland:** Decriminalize consensual sexual relations between adults of the same sex (8.52)
- **Iceland:** Respect the right to confidentiality and dignity of LGBTI+ persons by banning invasive and demeaning procedures disguised as evidence gathering such as anal examination (8.53)
- **Italy:** Decriminalize consensual adult same sex relations and combat discrimination against LGBTI persons (8.54)
- **Netherlands:** Strengthen the legal protection of individuals belonging to the most vulnerable groups, among which sexual minorities and women, and ensure prevention and investigation of all forms of violence, including domestic and sexual violence and female genital mutilation (8.41)
- **South Africa:** Enhance measures to prevent discrimination against all vulnerable groups, including all persons living with HIV and persons from the LGBTQI community (8.45)
- **Spain:** Decriminalize same-sex sexual relations between consenting adults (8.55)
- **Uruguay:** Affirm its commitment to the principle of non-discrimination, promoting the necessary debates to review the Penal Code as soon as possible with the aim to put an end to the criminalization of consensual sexual relations between adults of the same sex (8.108)

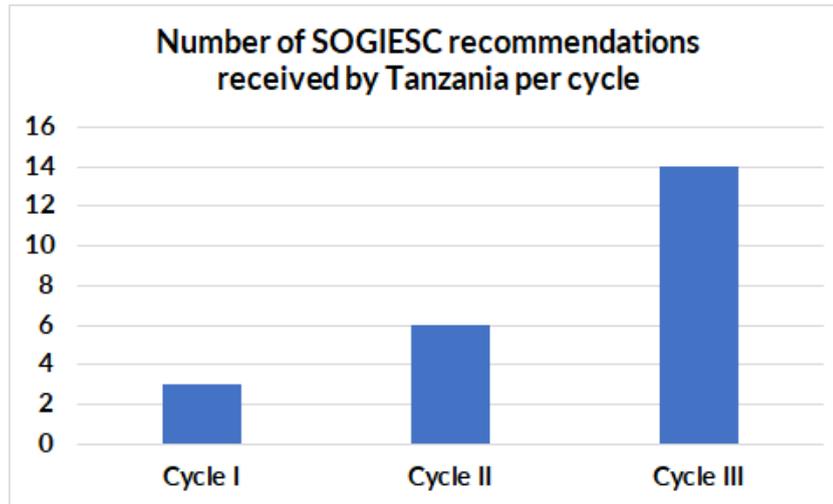
E. Recommendations for Cycle II (2016)

Recommendation	Recommending State	Response
Strengthen the legal protection of individuals belonging to groups in the most vulnerable situations: persons living with albinism; LGBTI persons; elderly women; pastoralist and hunter-gatherers/community with specific needs; and people with disabilities, in comprehensive anti-discrimination legislation.	Sweden	Noted
Eliminate the criminalization of homosexuality and adopt urgent measures to amend the Criminal Code to this effect.	Uruguay	Noted
Take urgent steps to amend the penal code and eliminate the criminalization of consensual sexual relations between adults of the same sex.	Chile	Noted
Effectively implement the National Human Rights Action Plan and publicly call for an end to attacks, abuse and discrimination against persons with disabilities, persons with albinism, LGBTI persons, and people living with, at risk of and affected by HIV/AIDS.	Canada	Noted



Repeal provisions criminalizing homosexuality, with the aim at fully respecting the principles of equality and non-discrimination.	France	Noted
Combat impunity for crimes committed against sexual minorities, ensure that their right to assembly and association is upheld and ensure the right to equal treatment in accessing health services and justice.	Norway	Noted

F. Graphic Comparison Between Cycles (1–3)



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

1. The government must ensure that the office of the Registrar is aware freedom of assembly and association as stipulated on the URT Constitution and allow Sexual Minorities and Marginalised Populations operate without fear of scrutiny.
2. The government should implement Article 20 of the Constitution of the United Republic of Tanzania of 1977 as well as protecting the Constitutional right for all Tanzanian citizens. By implementing non-discrimination policies and ensuring accountability, including prosecution in cases of discrimination and harassment.
3. The government should immediately repeal section 154 Cap. 16 of the penal code that criminalises "carnal knowledge against the order of nature" with 14-30 years imprisonment.
4. Respect the right to health, confidentiality and dignity of patients by no longer employing forced anal examination.
5. Develop and enforce guidelines to guide political leaders, government officials and public figures on how to address public speeches without violating human rights, freedom and safety & security of any citizen regardless of gender, race, color or creed.
6. The Government should reinforce anti-discrimination policies and guidelines in employment and ensure that employment opportunities are not subjected to discrimination. The Government should taking measures to promote full inclusion in employment through affirmative action.
7. The Government should compensate victims of Human rights violations.



H. [Video of United Republic of Tanzania's UPR Working Group Session](#)

- I. **SOGIESC Mentions During United Republic of Tanzania's UPR Outcome (This section will be updated after the UPR Outcome of the United Republic of Tanzania at the 49th session of the Human Rights Council in March 2022)**