



SOGIESC OPPORTUNITIES IN THE 47th HUMAN RIGHTS COUNCIL SESSION
21 JUNE - 15 JULY 2021

This report contains weekly updates on SOGIESC issues mentioned in the reports that will be presented during the 47th Human Rights Council Session.

The objective of this report is to identify opportunities for engagement or participation at the Human Rights Council.

The structure of the report is based on the Items of the agenda of the Human Rights Council.



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AGENDA OF THE 47th HUMAN RIGHTS COUNCIL SESSION

DRAFT PROGRAMME OF WORK FOR THE 47th SESSION OF THE HUMAN RIGHTS COUNCIL (21 JUNE - 15 JULY 2021)

AS OF 4 MAY 2021 (SUBJECT TO CHANGE)

		Week 1		Week 2		Week 3		Week 4	
		21 June		28 June		5 July		12 July	
M O N D A Y	10.00 – 13.00	Item 1 – Opening	10.00 – 13.00	ITEM 3	10.00 – 12.00	Annual discussion on women’s rights (HRC res. 6/30)	10.00 – 12.00	Annual PANEL on TECHNICAL COOPERATION (HRC res. 18/18 and 45/32)	
		ITEM 2 - Presentation of HC annual report		ID with SR on violence against women					
		ID on HC report on State response to pandemics (res. 44/2)		ID with SR on trafficking	12.00 – 13.00	ID with SR on privacy (cont’d)	12.00 – 13.00	ITEM 9	
		ID with SR on Eritrea						ID on HC report on systemic racism (res. 43/1)	
	13.00 – 15.00	BREAK	13.00 – 15.00	BREAK	13.00 – 15.00	BREAK	13.00 – 15.00	BREAK	
	15.00 – 18.00	ID with SR on Eritrea (cont’d)	15.00 – 18.00	ID with SR judges and lawyers	15.00 – 18.00	ITEM 3 - Presentation of reports	15.00 – 18.00	ITEM 9 ID on HC report on systemic racism (cont’d)	
		ID on HC annual report		ID with WG on TNCs		ITEM 4		ITEM 7	
						ID with SR on Belarus		ID with SR on Occupied Palestinian Territory (cont’d)	
						ID on HC report on Venezuela (res. 45/20)			
		22 June		29 June		6 July		13 July	
T U E S D A Y	10.00 – 13.00	ITEM 2	10.00 – 13.00	ITEM 3	10.00 – 12.00	Annual discussion on women’s rights (HRC res. 6/30)	10.00 – 13.00	ITEM 10	
		ID on HC annual report (cont’d)		ID with SR on trafficking (cont’d)	12.00 – 13.00	ID on HC report on Venezuela (res. 45/20) (cont’d)		ID on HC oral presentation on Ukraine (res. 41/25) and interim report of SG on human rights in Crimea (GA res. 75/192)	
								ID on IE oral update on Central African Republic (res. 45/35)	

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	13.00 – 15.00	BREAK	13.00 – 15.00	BREAK	13.00 – 15.00	BREAK	13.00 – 15.00	BREAK
	15.00 – 18.00	ITEM 2 <i>ITEM 2 - Presentation of reports (Iran) and oral updates (Nicaragua)</i>	15.00 – 16.00	ID with WG on TNCs (cont'd) ID with SR on extreme poverty	15.00 – 18.00	ID with COI Syrian Arab Republic ID on HC oral update on Myanmar	15.00 – 18.00	ID on IE oral update on Central African Republic (res. 45/35) (cont'd) <i>ITEM 10 -- Presentation of HC oral update on Georgia</i>
		ITEM 3 ID with SR housing	16.00 – 18.00	Panel on tenth anniversary of Guiding Principles on Business and Human Rights (HRC res. 44/15)				ITEM 1 Decisions and conclusions
		23 June		30 June		7 July		14 July
W E D N E S D A Y	10.00 – 12.00	HIGH-LEVEL PANEL ON PREVENTION OF AND RESPONSE TO FEMALE GENITAL MUTILATION (HRC res. 44/16)	10.00 – 12.00	PANEL ON CLIMATE CHANGE (HRC res. 44/7) accessible	10.00 – 12.00	QUADRENNIAL PANEL ON SPORT & OLYMPIC IDEAL (HRC res. 37/18 and 43/18) accessible	10.00 – 13.00	ITEM 1 Decisions and conclusions (cont'd)
	12.00 – 13.00	ITEM 3 ID with SR on health	12.00 – 13.00	ITEM 3 ID with SR on extreme poverty (cont'd)	12.00 – 13.00	ITEM 4 ID on HC oral update on Myanmar (cont'd)		
	13.00 – 15.00	BREAK	13.00 – 15.00	BREAK	13.00 – 15.00	BREAK	13.00 – 15.00	BREAK
	15.00 – 18.00	ID with SR on migrants ID with IE on international solidarity	15.00 – 18.00	ID with SR on extreme poverty (cont'd) ID with SR on summary executions	15.00 – 18.00	ID with SR on Myanmar (oral progress report) <i>ITEM 5 - Presentation of report of Forum on Business and Human Rights</i>	15.00 – 18.00	Decisions and conclusions (cont'd)



	24 June		1 July		8 July		15 July	
T H U R S D A Y	10.00 - 13.00	ITEM 3	10.00 - 13.00	ITEM 3	10.00 - 13.00	ITEM 6	10.00 - 13.00	ITEM 1
		ID with SR on health (cont'd)		ID with SR peaceful assembly		UPR adoptions		Decisions and conclusions (cont'd)
		ID with SR education		ID with SR freedom of expression		Micronesia, Lebanon, Mauritania, Saint Kitts and Nevis, Australia, Saint Lucia, Nepal, Oman, Austria, Myanmar, Rwanda, Georgia, Nauru, Sao Tome and Principe		
	13.00 - 15.00	<i>BREAK</i>	13.00 - 15.00	<i>BREAK</i>	13.00 - 15.00	<i>BREAK</i>	<i>BREAK</i>	<i>BREAK</i>
15.00 - 18.00	ID with IE on international solidarity (cont'd)	15.00 - 18.00	ID with SR on leprosy	15.00 - 18.00	ITEM 6	13.00 - 15.00	- Decisions and conclusions (cont'd)	
	ID with SR on SOGI				UPR adoptions		- Appointment of SP mandate holders	
							- Adoption of the session report	
	25 June		2 July		9 July			
F R I D A Y	10.00 - 13.00	ID with SR on education (cont'd)	10.00 - 13.00	ITEM 3	10.00 - 13.00	ITEM 6	15.00 - 18.00	
		ID SR on IDPs		ID with SR freedom of expression (cont'd)		UPR adoptions		
				ID with WG on arbitrary detention on its study on drug policies				
	13.00 - 15.00	<i>BREAK</i>	13.00 - 15.00	<i>BREAK</i>	13.00 - 15.00	<i>BREAK</i>	<i>BREAK</i>	<i>BREAK</i>
15.00 - 18.00	ID with WG on discrimination against women	15.00 - 18.00	ID with Special Adviser on Prevention of Genocide (HRC res. 43/29)	15.00 - 18.00	ITEM 6			
			ID with SR on privacy		UPR ADOPTIONS			



ITEM 1: ORGANIZATIONAL AND PROCEDURAL MATTERS

- [A/HRC/47/1 Agenda and annotations*](#)

Annotations

3. Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Rights of peoples, and of specific groups and individual

Protection against violence and discrimination based on sexual orientation and gender identity

56. In its resolution 41/18, the Human Rights Council decided to extend the mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity for a period of three years and requested the Independent Expert to continue to report annually on the implementation of the mandate to the Council. The Council will consider the report of the mandate holder, Victor Madrigal-Borloz (A/HRC/47/27).

ITEM 2: ANNUAL REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND REPORTS OF THE OFFICE OF THE HIGH COMMISSIONER AND THE SECRETARY-GENERAL

- [A/HRC/47/20-E/CN.6/2021/6 Report of the United Nations Entity for Gender Equality and the Empowerment of Women on the activities of the United Nations trust fund in support of actions to eliminate violence against women - Note by the Secretary-General](#)

III. Spotlight Initiative of the European Union and the United Nations

28. In Argentina, the Fundación Andhes (Abogados y abogadas del noroeste argentino en derechos humanos y estudios sociales), a women-led non-governmental organization, in partnership with CLADEM, an international network of women's organizations and activists, implemented a project to address violence against cisgender, transgender and lesbian women. The training of counsellors had to be redirected to an online platform, which required a rethinking of the entire process in terms of communication channels, techniques, materials, connectivity and the financial support to enable digital methods. A comprehensive advisory space was also maintained through phone calls, WhatsApp or video calls: 328 women were assisted during 2020.

IV. Achievements

A. Leaving no woman or girl behind

35. Addressing the needs of underserved women and girls is central to the work of the trust fund. It is precisely those groups, often at the intersection of different forms of discrimination, who are most frequently overlooked when efforts to address violence against women are developed and implemented. At least 75 projects supported by the trust fund in 2020 were focused on those who



have historically been marginalized, including refugee and internally displaced women and girls; women and girls living with disabilities; indigenous women; and lesbian, bisexual and transgender women, among others.

(...)

39. Grantees were also ensuring the provision of services for lesbian, gay, bisexual, transgender and intersex people, who were also particularly at risk during the COVID-19 pandemic. For example, in Albania, a project run by the Shelter for Abused Women and Girls in partnership with Streha, a shelter for lesbian, bisexual and transgender women survivors of domestic violence, rapidly adjusted its work to maintain services during the pandemic. The project provided safe accommodation in shelters and rented apartments, food, hygiene materials and psychological support.

C. Improving access to multisectoral services

50. In Albania, the Shelter for Abused Women and Girls and its partner, the Streha Centre for Lesbian, Bisexual and Transgender Women Survivors of Domestic Violence, brought together two well-established shelters to provide multisectoral services for survivors of violence in four remote areas of the country (Vorë, Lushnjë, Shkodër and Skrapar). The project offered services to 27 survivors, including 9 lesbian, bisexual or transgender women and girls. All survivors were offered a range of services: safe accommodation, medical examinations and medication, transport and psychosocial services, legal assistance and career opportunities through professional training. Some 82 per cent of those who came into contact with the project reported a greater awareness of gender-based violence and of the services available to address and report it. Outreach activities enabled the project to reach an additional 16 members of the lesbian, bisexual and transgender community in Tirana, Elbasan and Mat.

D. Fostering implementation of law and policy

55. In Malaysia, Persatuan Kesedaran Komuniti Selangor is using a trust fund grant to provide both cisgender and transgender women with the language, tools, knowhow and support to counter sexual and gender-based violence. With the support of Justice for Sisters, a key organization working with the transgender community in Malaysia, the organization seeks to defend and promote women's right to freedom of expression and engagement in decision-making in public and political spaces. The project has reached more than 50 beneficiaries, and it has also released the first of three videos to raise public awareness about sexual and gender-based violence. Through an ongoing research process with participants, the grantee has identified the challenges to exercising their rights in engaging with Members of Parliament and other key government decision makers.



- [A/HRC/47/23 Central role of the State in responding to pandemics and other health emergencies, and the socioeconomic consequences thereof, in advancing sustainable development and the realization of all human rights - Report of the Office of the United Nations High Commissioner for Human Rights](#)

II. Situation of economic, social and cultural rights

A. Overview

7. Although most States are making genuine efforts to minimize the socioeconomic impact of the crisis, critical gaps remain. Perhaps most egregious is the exclusion of women from COVID-19-related policymaking and decision-making, which has led to policies that fail, generally, to adequately address the gendered social and economic consequences of the pandemic. The impact on older persons, persons with disabilities, persons in detention, lesbian, gay, bisexual, transgender and intersex persons and other populations and groups has been severe; there are also other areas, including climate change and the environment, business and human rights, and international and unilateral sanctions, that must be addressed in any effort to build back better. Due to space limitations, the present report incorporates by reference the guidance produced by OHCHR on the protection of human rights in all these contexts.

V. Data

A. Context

26. Comprehensive, good quality and up-to-date data is essential for evidence-based planning, policy design, monitoring and accountability. Disaggregating data by income, age, sexual orientation, gender identity, race, ethnicity, wealth quintile and other distinctions, as locally relevant, helps to identify inequalities and to understand why they exist. Consequently, key information should emerge, including on the identity and size of populations and groups that have been or are at an increased risk of being left behind in the COVID-19 response and the barriers they face in realizing their economic, social and cultural rights, as well as in equally benefiting from development efforts. Currently, data is not consistently disaggregated, in particular by sex and gender, and in low-income countries in particular, data on infection and deaths linked to COVID-19 are even less likely to be disaggregated by sex.

VI. People on the margins

B. Key actions

32. States should:

(...)

(d) Protect equal access to education for all children, including girls and children with diverse gender identities and those with disabilities, and reduce inequality in access to quality education.



- [A/HRC/47/42 Panel discussion on the rights of indigenous peoples - Report of the Office of the United Nations High Commissioner for Human Rights](#)

B. Interactive discussion

36. Representatives directed additional enquiries at the panellists on a number of issues, including how States could effectively address the heightened level of risk that indigenous human rights defenders experienced; what further steps the Human Rights Council could take to better protect indigenous human rights defenders from attacks and reprisals; what recommendations they had for States to more effectively support women, two-spirit, takatāpui, lesbian, gay, bisexual, transgender and intersex indigenous human rights defenders; whether they had any additional comments on the study by the Expert Mechanism on the Rights of Indigenous Peoples on land rights,³ which touched on the persecution of defenders of indigenous land; and how States could work together to ensure that women indigenous human rights defenders had equal access to protection from threats of violence and intimidation in the future.

- [A/HRC/47/44 Annual full-day discussion on the human rights of women - Report of the Office of the United Nations High Commissioner for Human Rights](#)

B. Overview of presentations

9. Reflecting on the role of accountability mechanisms, Ms. Hossain underlined good practices in documenting intersecting human rights violations experienced by women and girls. She referred to the work of the independent international fact-finding mission on Myanmar on mobilizing support to enhance protection for women and girls on the ground. She recommended that the Human Rights Council build on that experience to work with other investigative bodies. The Council should require analysis of the gendered impact of all human rights violations, including sexual and reproductive health and rights. Ms. Hossain further suggested that thematic experts and specialized support staff, such as interpreters with experience of women's rights and mental health, be included in such bodies, in order to support women and girls participating in investigations. As the prospects for accountability through international justice were distant, particularly in humanitarian contexts, she suggested that emphasis be placed on the empowerment of women. That entailed giving them a safe space to voice their concerns with access to counselling services and mental health support. She further pointed out ways in which such empowerment could be achieved: (a) access to education, training and employment, which would increase life choices and mitigate the risks of violence; (b) partnerships with local women's organizations for mutual support and enforcement of legal rights; (c) availability of justice services within the family and community, including online and offline and through hotlines, virtual courts, community radio and social media; and finally (d) access to social security and safe housing, and protection against reprisals. She concluded that nationality, ethnicity, religion, sexual orientation or other status, such as disability, should not be factors of discrimination in the enjoyment of human rights by women and girls in humanitarian settings.

C. Statements by representatives of States and observers

35. During the dialogue, speakers reiterated the manifold negative impacts of the pandemic on women and girls, such as increased rates of sexual and gender-based violence, restricted access to sexual and reproductive health care and rights, school dropouts and additional layers of



vulnerability for already marginalized women, such as poor women or lesbian, bisexual and transgender women. The COVID-19 pandemic had exacerbated existing gender inequalities, with women and girls bearing the brunt of unpaid care and informal work and with less access to social protection. Speakers stressed that weakened access to sexual and reproductive health care was resulting in increased rates of maternal mortality and morbidity, adolescent pregnancies, HIV infections and sexually transmitted diseases. In particular, several speakers stressed that abortion should be recognized as essential health care and remain available during pandemics, and that the crisis should not serve as a pretext to consciously curb access to essential services. In that context, speakers asked what could be done to ensure better access to and information about sexual and reproductive health and rights, to safeguard women's socioeconomic rights and to encourage Member States to share evidence on effective measures to prevent and reduce gender-based violence.

D. Responses of panellists and concluding remarks

38. In her concluding remarks, Ms. Ochieng emphasized that women were exposed to violence because they had been forgotten by the system and policies were not enforced. In the Kibera settlement, looking at the right to abortion in the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol), the rights to non-discrimination and protection from violence enshrined in the Convention on the Elimination of All Forms of Discrimination against Women and Sustainable Development Goal 1 on poverty, it was clear that human rights obligations were not being implemented. She encouraged the international community to act in solidarity and work together to ensure that no woman was left behind and that all could access their rights equally, by implementing existing policies and by developing new policies to protect women. She concluded by stressing that violence should not be women's everyday reality nor should they be subjected to poverty, regardless of their age, colour, sexual orientation, gender identity or disability.

- [A/HRC/47/45 Human rights in the administration of justice, including juvenile justice - Report of the United Nations High Commissioner for Human Rights*](#)

II. Human rights impact of the COVID-19 pandemic on persons deprived of liberty

A. Overcrowding

9. Overcrowding in detention centres is also made worse by the criminalization and issuance of custodial sentences for behaviour that is protected by international human rights law. In the context of reducing incarceration, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health has noted that several United Nations entities and human rights mechanisms have called for the immediate closure of compulsory drug detention centres and the decriminalization of non-violent drug offences, same-sex sexual activity and sex work and affording legal recognition to transgender persons.



- [A/HRC/47/46 Analytical study on the promotion and protection of the rights of older persons in the context of climate change - Report of the Office of the United Nations High Commissioner for Human Rights](#)

II. Climate change impacts on older persons

6. Older persons do not constitute a homogenous group, or one that has a clearly agreed definition. There is enormous variance among older persons in political and economic power, economic and social class, community integration, and other factors including gender, disability, race and ethnicity, indigeneity, and sexual orientation and gender identity, which has significant impacts on their enjoyment of human rights. Furthermore, “the needs, vulnerabilities and capacities of the old and the older old (those 80 years of age and over) are considerably different”. Older persons are often excluded, overlooked and neglected in research and data collection. Individuals often do not self-identify within the category of older persons, which is complex, socially constructed and context-specific, and data tend not to be disaggregated within higher age brackets.

I. Multiple and intersecting forms of discrimination

1. Differential effects of gender

36. Gendered social roles and expectations have complex effects on climate risks for older people. In some societies, older men are more socially isolated and thus have more difficulty in accessing assistance to cope with the negative effects of climate change. However, in situations of emergency or strained family resources brought on by climate impacts, older women are sometimes more likely to be viewed as a burden and to suffer abuse or neglect. In some countries, older women are blamed for extreme weather through accusations of witchcraft or sorcery, and face violence or exclusion as a result. Transformation of traditional livelihoods and of cultural and social practices also has varying effects on men and women because of their different social roles. Social norms around gender orientation and sexual identity may also compound the negative human rights effects of climate change for lesbian, gay, bisexual, transgender and intersex older persons.

- [A/HRC/47/47 Implementation and enhancement of international cooperation in the field of human rights - Report of the United Nations High Commissioner for Human Rights](#)

III. Implementation and enhancement of international cooperation in the field of human rights

A. Office of the United Nations High Commissioner for Human Rights

6. Enabling public participation, civic space and a safe environment for civil society

57. Humanitarian funds were awarded to 31 grants in 28 countries to aid victims of contemporary slavery and 180 grants in 79 countries to aid victims of torture. OHCHR provided technical cooperation to lesbian, gay, bisexual, transgender and intersex persons in Honduras, Liberia, Mexico, Serbia, Tunisia, Ukraine and Uruguay and in West Africa.



- [A/HRC/47/53 Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers - Report of the United Nations High Commissioner for Human Rights*](#), **

II. Reversing cultures of denial, dismantling systemic racism and accelerating the pace of action

14. The systemic racism experienced by Africans and people of African descent is shaped by intersectionality or the combination of several identities, including sex, gender, sexual orientation, gender identity, nationality, migration status, disability, religion, socioeconomic and other status. Women of African descent stand at the crossroads of intersectionality and inequality and therefore face multiple forms of discrimination arising from their racial or ethnic origin combined with gender-based discrimination and harmful gender stereotyping.¹

III. Ending impunity for human rights violations by law enforcement officials and closing trust deficits

29. As noted in paragraph 7 above, OHCHR has received information concerning over 190 incidents of deaths of Africans and people of African descent in contact with law enforcement officials, 98 per cent of which were reported in Europe, Latin America and North America, mostly during the past 10 years. Although most of the victims were men – particularly young men from impoverished communities and men with psychosocial disabilities – approximately 16 per cent were women, 11 per cent were children and 4 per cent were lesbian, gay, bisexual, transgender or intersex persons.

IV. Ensuring that the voices of people of African descent and those who stand up against racism are heard and that their concerns are acted upon

48. The clampdown on anti-racism protests that has occurred in some countries must be seen within a broader context in which individuals who stand up against racism face reprisals, including harassment, intimidation and sometimes violence. In Europe and the United States, some civil society activists of African descent reported harassment, surveillance, threats to their safety, including online, stigmatization and other forms of pressure. Information was received concerning the alleged killings of 70 human rights defenders of African descent in Latin America (57 men, 12 women and 1 transgender woman). In Honduras, for example, human rights defenders, including Garifuna women leaders, have allegedly faced arbitrary killings and enforced disappearances, as well as criminal charges linked to their defence of the ancestral collective lands and cultural rights of the Garifuna people. In Colombia, 14 human rights defenders of African descent were reportedly killed in 2020 and others reported receiving death and other threats. In 2018, Marielle Franco, a politician and human rights defender of African descent campaigning against police violence and for the rights of people of African descent, was killed in Brazil.



- [A/HRC/47/54 Annual report of the United Nations High Commissioner for Human Rights*](#)

I. Introduction

3. While the COVID-19 pandemic continued to affect its activities, OHCHR actively pursued its mandate, agilely adapting to the new circumstances, including through remote human rights monitoring and online delivery of technical assistance and capacity-building support. OHCHR provided timely advice on human rights-based responses to COVID-19 and offered evidence-based policy options for protecting and promoting human rights in the pandemic recovery process, including through guidance notes on matters relating to civic space, detention, indigenous peoples, migrants, minority groups, women, racial discrimination, lesbian, gay, bisexual, transgender and intersex persons, older persons, persons with disabilities, business and human rights, access to vaccines and states of emergency.

II. Activities of the Office of the High Commissioner

D. Non-discrimination

6. Sexual orientation, gender identity and sex characteristics

95. OHCHR continued to raise awareness of the human rights concerns of lesbian, gay, bisexual, transgender and intersex persons, including through the Free & Equal public information campaigns of the United Nations. OHCHR provided technical cooperation in relation to the human rights situation of lesbian, gay, bisexual, transgender and intersex persons in Benin, Bolivia (Plurinational State of), Cabo Verde, Costa Rica, the Dominican Republic, Gambia, Ghana, Guatemala, Honduras, Liberia, Mexico, Panama, Senegal, Serbia, Tunisia, Ukraine and Uruguay, as well as regionally in West Africa.

96. The High Commissioner made a submission to the Inter-American Court of Human Rights in relation to State obligations concerning appropriate investigation of the killing of a transgender woman.

97. OHCHR launched an e-learning course to guide United Nations staff on integrating the human rights of lesbian, gay, bisexual, transgender and intersex persons into their work. It also engaged with business and civil society in the implementation of the Standards of Conduct for Business on tackling discrimination against lesbian, gay, bisexual, transgender and intersex persons, in collaboration with the World Economic Forum.

F. Participation

1. Enhancing and protecting civic space and people's participation

122. In 2020, OHCHR supported 34 "senior fellows" from minority groups and indigenous communities to receive on-the-job training in OHCHR and United Nations field presences. Under another fellowship programme, it provided virtual training on capacity-building for 28 participants of African descent from 14 countries, and hosted a transgender human rights defender as part of



the LGBTI Fellowship Programme. The United Nations Voluntary Fund for Victims of Torture continued its fellowship programme, awarding two fellowships.

- [A/HRC/47/59 Summary of the high-level panel discussion to mark the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action - Report of the United Nations High Commissioner for Human Rights](#)

III. Summary of the high-level panel discussion

B. Interactive discussion

36. Representatives of the following intergovernmental organizations, national human rights institutions and non-governmental organizations also took the floor: Action Canada for Population and Development, in a joint statement also on behalf of the Sexual Rights Initiative and the Coalition of African Lesbians; the Cairo Institute for Human Rights Studies, in a joint statement also on behalf of Al-Haq, Al Mezan Centre for Human Rights, Habitat International Coalition, Palestinian Centre for Human Rights, the Palestinian Initiative for the Promotion of Global Dialogue and Democracy, and the Women's Centre for Legal Aid and Counselling; Franciscans International; International Association of Democratic Lawyers; International Youth and Student Movement for the United Nations; and the National Commission on Human Rights of Indonesia.

(...)

42. Many speakers acknowledged the systemic nature of racism, noting that racism was not only perpetuated by individuals but also social and institutional structures and that it was imperative to fight against both visible forms of racism and its underlying causes. They highlighted that systemic racism occurred in all kinds of settings and was intersectional in nature. They emphasized that responses had to address the root causes of racism, including through dialogue, policies and education, and not only its manifestations. They added that responses to racial discrimination also had to be intersectional in nature, taking into account not only race, but also gender, ethnic and social origins, religious beliefs, sexual orientation and gender identity, migration status and disability, among other compounding factors.

IV. Recommendations

65. During the high-level panel discussion, the speakers made a number of recommendations. In summary, speakers:

(...)

(o) Also urged States and stakeholders to address the underlying causes of systemic and structural racism and related forms of intolerance, not only their manifestations, and called for responses that were intersectional in nature, taking into account not only race, but also other compounding factors, such as gender, ethnic and social origins, religious beliefs, sexual orientation and gender identity, migration status and disability;

(...)



ITEM 3: PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT

- [A/HRC/47/3 Communications report of Special Procedures* - Communications sent, 1 December 2020 to 28 February 2021; Replies received, 1 February to 30 April 2021](#)

Joint report by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Working Group of Experts on people of African descent; the Independent Expert on the enjoyment of human rights of persons with albinism; the Working Group on Arbitrary Detention; the Special Rapporteur on the situation of human rights in Belarus; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the situation of human rights in Cambodia; the Independent Expert on the situation of human rights in Central African Republic; the Special Rapporteur in the field of cultural rights; the Special Rapporteur on right to development; the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea; the Special Rapporteur on the rights of persons with disabilities; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the right to education; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; the Special Rapporteur on the situation of human rights in Eritrea; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the right to food; the Independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the rights of indigenous peoples; the Special Rapporteur on the human rights of internally displaced persons; the Independent expert on the promotion of a democratic and equitable international order; the Independent Expert on human rights and international solidarity; the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; the Special Rapporteur on the elimination of discrimination against persons affected by leprosy and their family members; the Independent Expert on the situation of human rights in Mali; the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination; the Special Rapporteur on the human rights of migrants; the Special Rapporteur on minority issues; the Special Rapporteur on the situation of human rights in Myanmar; the Independent Expert on the enjoyment of all human rights by older persons; the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967; the Special Rapporteur on extreme poverty and human rights; the Special Rapporteur on the right to privacy; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material; the Independent Expert on protection against violence and discrimination based on



sexual orientation and gender identity; the Special Rapporteur on contemporary forms of slavery; the Independent Expert on the situation of human rights in the Sudan¹; the Independent Expert on the situation of human rights in Somalia; the Special Rapporteur on the situation of human rights in the Syrian Arab Republic; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on trafficking in persons, especially women and children; the Special Rapporteur on the promotion of truth, justice, reparation & guarantees of non-recurrence; the Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights; the Special Rapporteur on violence against women, its causes and consequences; the Special Rapporteur on the human rights to safe drinking water and sanitation; and the Working Group on the issue of discrimination against women in law and in practice.

Abbreviations

Sexual orientation and gender identity - Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity

II. Statistics on communications and replies by mandate

Mandate	Reporting period: 1 December 2020 to 28 February 2021			Reporting period: 1 June 2006 to 30 April 2021		
	Communications Sent	Replied to by 30 April 2021	Response rate	Communications sent	Replied to by 30 April 2021	Response rate
(...)	(...)	(...)	(...)	(...)	(...)	(...)
Sexual orientation and gender identity	10	5	50%	81	47	58%
(...)	(...)	(...)	(...)	(...)	(...)	(...)

Appendix

Mandates of special procedures (until 31 March 2021)

Mandate title	Human Rights Council Resolution
(...)	(...)
Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity	41/18



- [A/HRC/47/24 Access to justice as an integral element of the protection of rights to freedom of peaceful assembly and association - Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule*](#)

I. Introduction

5. The language of submission of the present report is English. However, the Special Rapporteur wishes to point out that notwithstanding United Nations translation policies, the language found in all the translated versions of the report is meant to be understood as inclusive of all, regardless of sex, social gender or gender identity.

III. Access to justice

A. International legal framework

18. In the present report, the term “everyone” refers to every human being without discrimination on the basis of race, colour, sex, property, birth, age, national, ethnic or social origin, language, religion, economic condition, political or other opinion, sexual orientation or gender identity, disability or other status, and any ground that is aimed at or may result in the undermining of the enjoyment of human rights on an equal basis. Certain attention should be paid to the specific obstacles for accessing justice emanating from the specific situations that specific groups might find themselves in, either temporarily or permanently.

19. Factors that may put some persons trying to access justice in a vulnerable situation can be personal, including age, gender, sexual orientation, religion, nationality, ethnicity, and physical and mental health. In addition, socio-cultural factors can be an issue, such as attitudes towards minorities or the stereotypes that the media has towards certain categories of people, including journalists, protesters, environmental defenders, women, and lesbian, gay, bisexual, transgender and intersex persons. Some groups, including children and groups protected under specific international or regional standards, should always be considered as being in a situation of vulnerability when accessing justice.

B. Access to justice in the context of freedom of peaceful assembly and of association and strengthening of civic space

23. In successive reports and public statements, the Special Rapporteur has noted the worrying trend of closing of civic space, which prevailed during 2020, where 43.4 per cent of the global population lived in countries rated as having a repressed civic space. Following the World Health Organization declaration of a pandemic in January 2020, Governments around the world took extraordinary measures to restrict fundamental freedoms in order to respond to an unprecedented health emergency. Individuals and groups continued to mobilize, using alternative forms of protests such as “pot-banging” protests in Brazil, balcony protests in Spain, car protests in the Republic of Korea, and a global lesbian, gay, bisexual, transgender and intersex pride gathering online.



IV. Effective realization of access to justice in the context of the rights to freedom of peaceful assembly and of association

35. States are duty-bound to ensure that education is aimed at strengthening respect for human rights and fundamental freedoms, but they should also ensure that individuals and groups can access information on demand. Everyone, without exception, has the right to have access to any relevant information from a variety of sources, in addition to the right of individuals to request and receive information that may affect the exercise of their individual rights. However, public authorities must provide accessible information for all regarding the legal framework governing the rights to freedom of peaceful assembly and of association and ensure public awareness about the law and relevant regulations. That information should include any procedures to be followed by those wishing to exercise the right, who the responsible authorities are, the rules applicable to those officials and the remedies available for alleged violations of rights. Some countries have adopted measures that serve to improve familiarity with, and accessibility and understanding of, the law, especially for groups in vulnerable situations. The Special Rapporteur welcomes initiatives such as the one from the Ministry of Justice of Slovakia, which operates a grant scheme for civil society associations that promotes the human rights of persons with disabilities, children, lesbian, gay, bisexual, transgender and intersex persons, or people who have experienced gender-based violence, providing legal help and awareness-raising campaigns.

- [A/HRC/47/24/Add.1 Observations on communications transmitted to Governments and replies received - Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association*](#)

V. Tabulation of cases transmitted, and replies received to communications sent

Country	Letter Type	Communication Number	Letter date	Subject	Substantive replies	Acknowledge replies
(...)	(...)	(...)	(...)	(...)	(...)	(...)
Poland	JAL	POL 1/2020	20 Jan 2021	Information received concerning (i) the increased use of hate speech and violence against lesbian, gay, bisexual, trans and gender diverse ("LGBT") persons, including the creation of so-called "LGBT Free" zones by municipalities, (ii) restrictions on and attacks against Pride marches, (iii) a proposed bill to criminalize sexuality education, and (iv) restrictions on Polish schools' initiative "Rainbow Friday"; (v) possible withdrawal from the Istanbul Convention, and (vi) the Polish Episcopal Conference's calling for the creation of "conversion therapy" clinics.	1	0
(...)	(...)	(...)	(...)	(...)	(...)	(...)



Mexico	JAL	MEX 10/2020	01 Oct 2020	<p>En este contexto, quisiéramos señalar a la atención urgente del Gobierno de su Excelencia la información que hemos recibido en relación con la detención e inicio de investigaciones penales en contra de Carla Verónica Martínez Jiménez, Isela Verenice Olimpia Montoya y Verónica Durán Lara, todas ellas familiares de personas desaparecidas, defensoras de derechos humanos, y también miembros de la organización Colectivo A Tu Encuentro, así como de la defensora María del Carmen Ramírez, activista de la organización civil Guanajuato Despertó, por su participación en manifestaciones en el estado de Guanajuato, en México. El Colectivo A Tu Encuentro lleva a cabo actividades para la búsqueda de verdad y justicia sobre las personas desaparecidas, incluyendo la interposición de denuncias, búsquedas forenses en campo y en servicios forenses, así como búsquedas de vida en centros penitenciarios y hospitalarios. Además dicha organización participa en mesas de interlocución con autoridades estatales y federales para que se de atención a la búsqueda de sus familiares bajo un enfoque integral y participativo. Según la información recibida: El 10 de julio a las 9:00 a.m., las Señoras Isela Verenice Olimpia Montoya, Carla Verónica Martínez Jiménez, Verónica Durán Lara y María del Carmen Ramírez, fueron detenidas durante una manifestación, por agentes de las Fuerzas de Seguridad Pública del Estado, cerca de la glorieta Santa Fe a unos metros de la caseta de cobro Guanajuato-Silao, en la Ciudad de Guanajuato. Dicha manifestación pacífica, tenía como propósito denunciar la falta de participación de familiares de personas desaparecidas en la elección del titular de la Comisión de Búsqueda estatal recientemente establecida mediante la Ley sobre desapariciones. Anteriormente, el 9 de julio 2020, las personas mencionadas se reunieron durante la manifestación para mostrar las fotografías de sus familiares en el Teatro Juárez en la Ciudad de</p>	0	0
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			<p>Guanajuato. Cabe destacar que la movilización, según se informa, se dio de manera pacífica y haciendo ejercicio de los derechos a la libertad de expresión y a la libertad de reunión pacífica y de asociación. Después de su arresto, las señoras Olimpia Montoya, Martínez Jiménez, Durán Lara y Ramírez, fueron trasladadas a las instalaciones de la Dirección de Policía Municipal Preventiva de Guanajuato, Guanajuato. Inicialmente se les comunicó que se les detenía por haber obstruido la vía pública. En los registros policiales de la detención en el apartado de circunstancias que motivaron la detención únicamente se mencionan las conductas de obstrucción. Se señala que en ningún momento se informó a las defensoras de que estaban detenidas por lesiones. Sin embargo, posteriormente se declaró legal la detención por obstrucción y lesiones. Se inició la carpeta de investigación identificada con el número 63433/2020 del índice de la Agencia de investigación número 3 de la ciudad de Guanajuato. A las 3:00 p.m. del mismo día, las personas mencionadas fueron liberadas. Sin embargo, se les informó que seguirían siendo investigadas. Tras la solicitud de la copia de la carpeta de investigación, se descubrió que la investigación oficial se sostiene mediante la denuncia por agentes de las Fuerzas de Seguridad Pública del Estado de Guanajuato. En la información de la carpeta de investigación, se encuentra como único elemento de evidencia del delito, la presencia de las personas mencionadas en el lugar de los hechos, mientras se llevaba a cabo la manifestación. No se hace referencia a acciones o conductas llevadas a cabo por las señoras Montoya, Martínez Jiménez, Durán Lara y Ramírez de manera individualizada, señalando circunstancias específicas de tiempo, modo y lugar, que pudieran actualizar el delito de lesiones a los elementos de seguridad. Además, ninguno de los testimonios documentados en la carpeta de investigación señalaba explícitamente la participación de</p>		
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				<p>mujeres como autoras materiales de actos de violencia. Según la información recibida, se documentan también deficiencias procesales y un uso desviado del derecho penal, particularmente dirigido en contra de mujeres familiares de personas desaparecidas que ejercían su derecho a la libertad de reunión para exigir verdad y justicia. Las personas mencionadas, debían firmar el acta de lectura de derecho sin presencia de un defensor legal para poder ser liberadas. El 16 de julio de 2020, las defensoras presentaron un escrito solicitando la terminación de la investigación penal en contra de ellas, sin obtener respuesta. El mismo día, las personas mencionadas interpusieron una denuncia por delito de abuso de autoridad y falsedad de declaraciones ante la autoridad del Ministerio Público, pero en vano. En el caso de la señora Carla Verónica Martínez Jiménez, la criminalización del hecho, mediática y por declaraciones de funcionarios, resultó en la pérdida de su empleo. Según la información recibida, las acciones por parte del Estado resultan no solamente en la detención arbitraria de personas ejerciendo su derecho a la libertad de expresión, a participar en asuntos públicos y el derecho a la libertad de reunión, sino que también sostiene la re victimización continua de familiares de personas desaparecidas, generando un contexto aún más adverso en su búsqueda de verdad y justicia. Tras los hechos de la manifestación, se señaló el uso arbitrario y desproporcionado de la fuerza por parte de los agentes de las Fuerzas de Seguridad Pública del Estado, que fueron superiores en número a los protestantes durante la manifestación. Según la información recibida, la manifestación se llevó a cabo de forma pacífica y se informa de que el uso de la fuerza fue iniciado por la operación policial. El secretario de seguridad pública del Estado de Guanajuato dio declaraciones públicas justificando la acción policial de las cuáles se desprende que la decisión de actuar violentamente contra una</p>	
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				<p>manifestación hasta ese momento pacífica se debía únicamente a la afectación al tráfico rodado. Además, no se consideró la especial vulnerabilidad de las participantes de la manifestación, siendo principalmente mujeres familiares de personas desaparecidas. Estos casos se darían en un contexto de creciente violencia y graves violaciones de derechos humanos, incluyendo desapariciones forzadas, así como la ausencia de mecanismos de participación por familiares de personas desaparecidas en procesos de búsqueda de verdad y justicia, generando así la re victimización institucional de familiares de personas desaparecidas en el estado de Guanajuato. Sin establecer de antemano una conclusión sobre los hechos anteriormente expuestos, quisiéramos expresar nuestra profunda preocupación por la reciente detención y las investigaciones penales en contra de las defensoras anteriormente mencionadas Isela Verence Olimpia Montoya, Carla Verónica Martínez Jiménez y Verónica Durán Lara, familiares de personas desaparecidas y la defensora María del Carmen Ramírez por su participación en manifestaciones en el estado de Guanajuato, México. De confirmarse, las alegaciones arriba mencionadas podrían configurar violaciones de los derechos a la libertad y a la seguridad personal, a la libertad de reunión pacífica y de asociación y a las garantías de debido proceso, estipulados en los artículos 9 y 10 de la Declaración Universal de los Derechos Humanos y los artículos 9, 14, 21 y 22 del Pacto internacional de Derechos Civiles y Políticos (PIDCP), ratificado por México el 23 marzo 1981. Asimismo, nos preocupa que estas alegaciones puedan constituir violaciones graves de las obligaciones contenidas en la Declaración sobre la protección de todas las personas contra las desapariciones forzadas y la Convención Internacional para la protección de todas las personas contra las desapariciones forzadas, ratificada por México en 18 de marzo</p>		
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				<p>de 2008. En cuanto a las medidas de seguridad de los Estados en su respuesta a la crisis de COVID -19, la Alta Comisionada de las Naciones Unidas para los Derechos Humanos declaró que las medidas para contener y combatir la propagación de COVID-19 deberían llevarse a cabo siempre en estricta conformidad con las normas de derechos humanos y de manera necesaria y proporcional al riesgo evaluado. Asimismo, el Experto Independiente sobre la protección contra la violencia y la discriminación por motivos de orientación sexual o identidad de género subrayó que los gobiernos no deben utilizar las medidas de COVID19 para dirigirse a las personas por su orientación sexual o identidad de género o para enjuiciarlas. Los Estados deberán garantizar que las víctimas de violaciones de los derechos humanos que se hayan perpetrado utilizando la norma COVID-19 como excusa o como resultado de las medidas aplicadas para hacer frente a la pandemia tengan acceso a la reparación, incluida la no repetición y las reparaciones. En relación con las alegaciones arriba mencionadas, sírvase encontrar adjunto el Anexo de referencias al derecho internacional de los derechos humanos el cual resume los instrumentos y principios internacionales pertinentes.</p>		
(...)	(...)	(...)	(...)	(...)	(...)	(...)
Cambodia	JAL	KHM 2/2020	01 May 2020	<p>Information received concerning the alleged arbitrary arrest and detention of Ms. Ven Rachana, an online clothes seller, and Ms. Morn Eva, a transgender woman. We also refer to the comments made by Government officials targeting human rights NGOs that issued a statement in defence of women's rights following their detention.</p>	1	0
(...)	(...)	(...)	(...)	(...)	(...)	(...)



- [A/HRC/47/26/Add.1 A framework for legislation on rape \(model rape law\) Report of the Special Rapporteur on violence against women, its causes and consequences*](#)

III. Guiding Human Rights Principles and State Obligations

B. Non-discrimination

7. Criminal provisions on rape should cover and protect all persons, without any discrimination, including men, boys and gender diverse persons. Implementation of all relevant criminal law provisions, in particular measures to protect the rights of victims, should be secured without discrimination on any ground such as sex, age, gender, race, colour, caste, language, religion, political or other opinion, national or social origin, ethnicity, association with a national minority, sexual orientation, gender identity, state of health, disability, marital status, migration status, property, birth, occupation or other status. This should include recognition of intersecting forms of discrimination and their compounded negative impact on the victims of rape or the heightened risk of rape they face.

IV. Constitutive elements of rape

B. Criminal law provisions on rape should cover and protect all persons

(a) Criminal provisions on rape should cover and protect all persons without any discrimination; men, boys and gender diverse persons should be covered. This does not change the fact that rape predominantly affects women and girls;

(...)

V. Model Rape Law

B. Sentencing, aggravating and mitigating circumstances

(...)

Article 8. Aggravating circumstances

23. The following non-exhaustive list of circumstances should be taken into consideration as aggravating circumstances in the determination of the sentence in relation to the offence of rape:

(...)



(b) conditions of the victim or context that make them particularly vulnerable to sexual violence:

(...)

(v.) the offence was committed with an additional discriminatory motive against a victim because of their race, caste, ethnicity, sexual orientation, gender identity, disability, age, migrant or refugee or other status;

(...)

E. Data collection and rape watch observatories

(...)

40. States, should collect, analyze and publish yearly anonymized disaggregated statistical data on rape, including but not limited to:

(...)

(g) Administrative and judicial data on rape cases' victims and perpetrators, disaggregated by sex, age and type of violence as well as the relationship of the perpetrator to the victim, geographical location and any other factors deemed relevant, such as race/ethnicity/nationality status/immigration status/caste/sexual orientation/disability/ and gender identity;

(...)

- [A/HRC/47/28 Strategic priorities of work Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Tlaleng Mofokeng](#)

III. The way forward: context, challenges and opportunities

15. The mandate holder will look into how gender reaches into disability; disability wraps around class; class strains against abuse; abuse snarls into sexual orientation; and sexual orientation folds on top of race, with everything finally piling into a single human body. In particular, she will look into the obstacles that stand between individuals and their enjoyment of sexual and reproductive health rights. These obstacles are interrelated and entrenched, operating at different levels: in clinical care, at the level of health systems, and in the underlying and social determinants of health.



A. Policy approach to the right to health: a focus on non-discrimination in sexual and reproductive health rights

20. WHO indicates that sexual health is fundamental to the overall health and well-being of individuals, couples and families, and to the social and economic development of communities and countries. Sexual health, when viewed affirmatively, requires a positive and respectful approach to sexuality and sexual relationships. It also requires the possibility of having pleasurable and safe sexual experiences, free of coercion, discrimination and violence. Sexual health-related issues are wide-ranging, and encompass sexual orientation and gender identity, sexual expression, relationships and pleasure.

22. It is therefore important to have a policy approach that acknowledges that the concept of sexuality is not linked only to the ability to reproduce. Achieving sexual health and wellbeing depends on: access to comprehensive, good-quality information about sex and sexuality; knowledge about the risks the concerned individuals may face and their vulnerability to adverse consequences of unprotected sexual activity; ability to access sexual health care; and living in an environment that affirms and promotes sexual health. These elements will ensure that we truly “leave no one behind.

23. The Special Rapporteur expresses her support for the Declaration of Principles on Equality, which was adopted by a number of experts in 2008 and which emphasizes that equality is integral to the enjoyment of all human rights, recognizing not only that each kind of inequality is unique but also that different inequalities exist under overarching aspects that connect them. Referring to the Declaration, it has been noted that the unified framework highlights the intersections between:

- (a) Types of discrimination based on different prohibited grounds, such as race, gender, religion, nationality, disability, sexual orientation and gender identity;
- (...)

IV. Themes as priorities

A. Global health in the era of the COVID-19 pandemic

45. Specific examples within countries paint an even more dire picture, owing to, inter alia, an unequal and unfair application of national laws, as is the example of a case in Uganda where, shortly after the emergence of the pandemic, lesbian, gay, bisexual and transgender persons were arrested for allegedly not adhering to social distancing regulations in a raid of a shelter in Kyengera. Various United Nations experts expressed concern that the shelter had been raided on the basis of the perceived sexual orientation and gender identity of the residents. In a press release, they noted that emergency powers to combat crises, such as the COVID-19 pandemic, derived their strength and legitimacy from strict adherence to their object and purpose, and stressed that any emergency response linked to the pandemic must be proportionate, necessary and non-discriminatory. They highlighted that emergency powers that were used for different purposes – and not for a very specific and defined one – could constitute arbitrary use. In this case, concern was expressed about a possible violation of the prohibition of arbitrary detention.



B. Sexuality, gender-based violence and femicide

54. However, specific groups of women affected by various forms of discrimination, such as women with disabilities, migrant women and lesbian, bisexual and transgender women, are particularly vulnerable to violence. For example, lesbian women face violence based on their sexual orientation or gender identity. Both the Committee on the Elimination of Discrimination against Women and the Special Rapporteur on violence against women have expressed concern about the occurrence of rape targeting lesbian women with the intention of “curing” them of their sexual orientation.

55. The Special Rapporteur asserts that the term “corrective rape” is wrong and that “homophobic rape” better locates the violence on the person, and particularly lesbian women, based on their sexual orientation. She rejects the idea that there is something fundamentally wrong and hence needing correction. It is important to also recognize sexuality-based violence to ensure that the right to health protections are not solely focused on a person’s gender. Another issue of concern refers to women and girls with disabilities who are particularly exposed to forced sterilization, especially when they have intellectual disabilities.

56. According to a recent report of the International Lesbian, Gay, Bisexual, Trans and Intersex Association, 69 countries still criminalize consensual same-sex relationships between adults. In the light of the statistics outlining violence against women noted above, the impact of this criminalization on lesbian and transgender women who experience homophobic rape and other forms of sexual violence is that when they are raped or abused, they are denied adequate medical and legal assistance owing to the prejudices in law and practice that are already held against them.

57. One of the previous mandate holders explained that legislation criminalizing same sex consensual activity violated the realization of the right to health because it deterred those engaging in consensual same-sex conduct from seeking out and gaining access to health services. Lesbian, gay, bisexual, transgender and intersex persons are disproportionately affected by intersectional discrimination in the context of sexual and reproductive health. Where available, gender-affirming treatment is often very expensive, and public or private health insurance coverage is usually not available. Many individuals within this group, including adolescents, are deterred from approaching health-care workers out of fear of judgmental attitudes linked to social norms that stigmatize their sexual behaviour.

58. On the other hand, health-care workers are often not trained to meet the needs of lesbian, gay, bisexual and transgender persons, not only in terms of sexual health, but also regarding their general health. It is not uncommon that health-care workers refuse to treat them altogether, or respond with hostility when compelled to do so, with attitudes ranging from public humiliation, verbal abuse or psychiatric evaluations, to a variety of coerced procedures. The latter can include forced sterilization, State-sponsored forcible anal examinations for the prosecution of suspected homosexual activities, and invasive virginity examinations. In other cases, they are subjected to hormone therapy and genital normalizing surgeries under the guise of so-called “reparative/conversion therapies”. These medical procedures are hardly ever medically necessary, and they can cause scarring, loss of sexual sensation, pain, incontinence and lifelong depression. Such procedures may also be unscientific, harmful and, in all cases, contribute to stigma.

59. Since 2011, the Human Rights Council has adopted several resolutions on human rights, sexual orientation and gender identity. While relevant violations linked to sexual orientation and gender identity have been addressed by the mandate since its establishment, the first Council resolution



on this particular subject, adopted in 2011, paved the way for the first comprehensive United Nations report on the subject. The report presented evidence of a pattern of systematic violence and discrimination directed against lesbian, gay, bisexual, transgender and intersex persons in all regions. In 2016, a mandate to specifically deal with these matters was created.

60. Women human rights defenders are also targeted by State power and are ostracized by their communities as they are seen as threats to culture and religion. For example, at its seventy-ninth session, the Working Group on Arbitrary Detention noted with concern the arbitrary detention, harassment and torture, reportedly by law enforcement authorities, of a Ugandan woman human rights defender working on women's rights and the rights of lesbian, gay, bisexual, transgender and intersex people, for being highly critical of the President on social media.

64. In its resolution 275, on protection against violence and other human rights violations of persons on the basis of their real or imputed sexual orientation or gender identity, the African Commission on Human and Peoples' Rights strongly urged States to end all acts of violence and abuse, whether committed by State or non-State actors, including by enacting and effectively applying appropriate laws prohibiting and punishing all forms of violence, including those targeting persons on the basis of their imputed or real sexual orientation or gender identities, ensuring proper investigation and diligent prosecution of perpetrators, and establishing judicial procedures responsive to the needs of victims.

C. Sexual and reproductive health rights

2. Criminalization of consensual sex between adolescents of similar ages

73. As already highlighted by the previous mandate holder, adolescents have the right to be provided with the tools and information to navigate sex safely. States should therefore adopt a comprehensive gender-sensitive and non-discriminatory sexual and reproductive health policy for all adolescents and to integrate it into national strategies and programmes. The policy must be consistent with relevant human rights standards and recognize that unequal access by adolescents constitutes discrimination. The Special Rapporteur plans to build on her predecessors' reports on the right to health of adolescents and on the criminalization of same-sex conduct and sexual orientation, sex work and HIV transmission, through the lens of substantive equality and intersectionality.

3. Sex workers

75. In a report on deprivation of liberty and the right to health, the previous mandate holder referred to restrictions on the liberty of movement that have appeared over the last 200 years as a tool of social control, often used as a default, to promote "morals", public safety and public health. He highlighted the existence of punitive legal frameworks and public policies that lead to the detention of individuals on the grounds of behaviours, identities or status socially labelled as "immoral". They include sex work, sexual orientation and gender identity, drug use, HIV status, non-adherence to tuberculosis treatment and exposure to infectious diseases, and health-care services needed only by women, such as abortion. Incarceration linked to those types of behaviour hinders the realization of the right to health.



E. Racism and the right to health

90. It has been largely documented that racism leads to increased rates of mortality and morbidity. Therefore, in order to comprehensively address the systemic racism embedded in global health, an intersectional approach must be employed because race interacts with other social locations, including gender; sexual orientation; level of education; and economic, disability or other status, to determine an individual's access to health care.

- [A/HRC/47/28/Add.1 Visit to Fiji Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Dainius Pūras](#)

II. Right to health

B. Normative and institutional framework

20. In November 2019, Fiji was reviewed in the context of the third cycle of the universal periodic review, during which it committed to implement various recommendations relevant to the right to health, including expanding efforts to improve medical health services, their quality and accessibility by groups in vulnerable situation, and further investments in the training of health-care professionals in order to, inter alia, ensure that lesbian, gay, bisexual, transgender and intersex (LGBTI) persons have access to health-care services and HIV treatment in a non-discriminatory manner.

C. National health-care system

Developments and challenges

48. Strong regulatory mechanisms should ensure non-discrimination and equal access by, for example, prohibiting the denial of access to affordable and adequate health services, goods and facilities, in particular to life-saving treatment in the event of inability to pay, or by combating corruption and providing guidance to private actors on how to respect human rights. Enforcement mechanisms must ensure that the right to health is realized and that any disproportionate impact on persons in a vulnerable situation is assessed and mitigated, including with respect to rural population, those living in poverty, women, children, older persons, LGBTIQ persons, persons with chronic illnesses and those who require palliative care. The State should further develop mechanisms to provide remedies against potential right-to-health abuses through judicial and non-judicial mechanisms that can settle grievances with impartial and transparent processes, safeguards for the protection of witnesses, victims and their legal representatives, as well as through the widespread dissemination of information about the remedies and support for organizations working with victims.

IV. Right to health of women and children

B. Gender-based violence

82. Victims of gender-based violence include lesbians, bisexual women, transgender men, transmasculine and gender non-conforming people. One study found that 83 per cent of persons



between 25 and 34 years of age in this population had experienced physical and/or sexual violence by their intimate partners, exacerbated by the trauma already experienced during frequent acts of abuse while growing up and stress linked to social stigmatization, isolation and lack of family support, among others. Sex workers, especially female and transgender ones, and men who have sex with men, avoid health care services because of stigma, discrimination, fear of poor treatment and a lack of confidentiality about their work or behaviour. Calls to repeal laws criminalizing sex workers have not been successful. While Fiji has decriminalized homosexuality, LGBTIQ persons still do not enjoy certain rights in health, such as the right to donate blood.

VI. Conclusions and recommendations

102. The Special Rapporteur recommends that the authorities of Fiji:

(...)

(f) Develop a comprehensive public health policy that ensures psychosocial assessment and support in maternal and perinatal care, in close consultation with organizations advocating for feminist, women's and LGBTIQ persons' rights;

(...)

- [A/HRC/47/29 Disproportionate impact of the coronavirus disease \(COVID19\) pandemic on persons affected by leprosy and their family members: root causes, consequences and the way to recovery - Report of the Special Rapporteur on the elimination of discrimination against persons affected by leprosy and their family members. Alice Cruz](#)

VII. Conclusions and recommendations

63. The lived experiences of persons affected by leprosy and their family members in the context of the COVID-19 pandemic acutely illustrate the relevance of the content of general comment No. 36 (2018) of the Human Rights Committee. While recognizing the linkage between the right to life and the enjoyment of a life with dignity, as well as affirming the protection of vulnerable groups and the fight against health-related and disability-related stigmatization as part of the duty of States parties to the International Covenant on Civil and Political Rights to protect the right to life, the Committee also called for measures to ensure adequate general conditions that included the fulfilment of fundamental economic and social rights. The Committee on Economic, Social and Cultural Rights has identified the undermining of health-care systems in the past decades, the inadequacy of social programmes to respond to poverty and the increase in discrimination, stigmatization and inequality as determining factors for the current health, social and economic crises that disproportionately affect those who are more vulnerable. Discrimination in law and in practice, together with substantive discrimination with regard to access to social and economic rights, has left persons affected by leprosy in a situation of extreme vulnerability to COVID-19 and to the crisis that has unfolded, compromising their right to life and unveiling, in practice, the indivisibility, interdependence and interrelation of human rights. The principle of universality of human rights as provided for in the Universal Declaration of Human Rights has hardly been fulfilled, and the pandemic disclosed the multiple divides that persist and result in the denial of the enjoyment of substantive equality for a significant part of the world population, including persons affected by leprosy. Over the course of the pandemic, the enjoyment of social and economic rights



has been compromised not only by structural material deprivation, but also by the intersections of the latter with gender, race, age, disability status and sexual orientation, among other historically oppressed social categories. Such a fact calls for legal and policy frameworks that can ensure de facto universal access to economic, social and cultural rights for the most vulnerable. The principle of progressivity should be applied in a reasonable manner that firmly recognizes poverty as a human rights violation and that guarantees minimum core obligations in a way that is proportional to the needs of vulnerable groups and groups that have been discriminated against. Such is the core principle for building back better by placing those who have systematically been pushed furthest behind at the centre of an inclusive recovery.

- [A/HRC/47/30 Report on means to address the human rights impact of pushbacks of migrants on land and at sea* - Report of the Special Rapporteur on the human rights of migrants, Felipe González Morales](#)

III. Study on means to address the human rights impact of pushbacks of migrants on land and at sea

C. International legal framework

2. The principle of non-refoulement

41. Non-refoulement is a fundamental principle of international human rights and refugee law prohibiting all forms of removal and transfer of any individual, regardless of their status, when there are substantial grounds for believing that the individual would be at risk of irreparable harm, such as death, torture or cruel, inhuman or degrading treatment or punishment, persecution, enforced disappearance or other serious human rights violations, in the place to which they are to be transferred or removed, or of further transfer to a third State where there would be a real risk of such violations (chain refoulement). The principle of nonrefoulement under international human rights law is characterized by its absolute nature without any exception, applying to all persons, including all migrants, at all times, irrespective of their citizenship, nationality, statelessness, migration status, gender, sexual orientation and gender identity.

3. Safeguarding human rights at international borders

49. Pushbacks often exacerbate situations of vulnerability, including those based on multiple and intersecting forms of discrimination, such as on the basis of gender, age, race, ethnicity, nationality, migration status, sexual orientation and gender identity, and other factors. States should protect migrants at all stages of the migratory process and guarantee access to justice to remedy any discriminatory treatment or human rights violations that they experience. The Special Rapporteur has provided guidance to States on providing effective access to justice for all migrants at every stage of the migration process. Further, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Committee on the Rights of the Child have provided child-sensitive guidance to States on ensuring due process guarantees and access to justice for migrant children.



- [A/HRC/47/31 International solidarity in aid of the realization of human rights during and after the coronavirus disease \(COVID-19\) pandemic - Report of the Independent Expert on human rights and international solidarity, Obiora Chinedu Okafor](#)

A. Economic and social rights

B. Civil and political rights

20. On a related note, although contact tracing during health emergencies is an important aspect of combating its spread, and the use of digital solutions greatly facilitates such a task, especially in a truly global pandemic, it has also been abused. Some surveillance methods adopted by States to facilitate “contact-tracing” and ensure adherence to quarantine rules have raised concerns over the right to privacy and data protection, especially in the light of their mandatory use. The creation of centralized and opaque databases, powered by mass surveillance applications, erected without safeguards because of the alleged want of time, are a long-term threat to human rights, even in so-called “advanced democracies”. There exists

the unsettling precedent of measures taken during health emergencies becoming permanent features of injustice, systemic inequality and segregation, especially for historically marginalized groups, in particular along gender, age, sexual orientation, socioeconomic, cultural and racial lines. That concern applies not only to States, democratic or illiberal, but also to publicly mandated, private, commercially provided applications or joint endeavours of States and private sector enterprises, across the globe, with examples in Europe, North America, the Middle East and North Africa, Central and South America, Africa and in the Asia-Pacific region.

- [A/HRC/47/32 Right to education: the cultural dimensions of the right to education, or the right to education as a cultural right - Report of the Special Rapporteur on the right to education, Koumbou Boly Barry](#)

IV. Selected national experiences

48. Allowing students some freedom in terms of school dress and the wearing of religious symbols is a way of respecting cultural diversity. According to the submissions, in Japan and the Philippines there are strict school uniform regulations that promote rigid gender norms and pose problems with respect to the rights of lesbian, gay, bisexual, transgender and intersex persons.

(...)

50. Some submissions raised the important point that arguments based on cultural background are not always compatible with international law, particularly if they are used to exclude or discriminate against people, such as pregnant girls and young mothers, or to prevent access to specific classes, such as drama, swimming and sex education classes, or access to information about lesbian, gay, bisexual, transgender and intersex persons.



- [A/HRC/47/38/Add.1 Visit to Romania - Report of the Working Group on discrimination against women and girls*](#)

III. Public and political life

A. Political participation and representation in public institutions

27. Further measures are needed to ensure the equal participation of women in all spheres of public and political life, in particular to increase the participation of women who face significant challenges in occupying elected or appointed positions, such as Roma women, women with disabilities, LGBTIQ+ women, and women living in rural areas. The Working Group has found that the most significant increase in the number of women in national parliaments over the years has been witnessed in countries where special measures, such as gender quotas, have been effectively implemented.

V. Health

A. Access to health care

54. The experts were also alerted to the lack of specialized services for women and girls living with HIV/AIDS, and some cases of denial of services, as well as the limited availability of psychological and psychiatric services for women victims/survivors of sexual violence, and a lack of specialized services, such as hormone therapy, for transgender persons. Furthermore, there are no targeted programmes for persons who use drugs, including women engaged in prostitution/sex work.

VI. Family and culture

66. Backlash is also observed in relation to the rights of lesbian, gay, bisexual, transgender, intersex and queer persons. In Romania, same-sex civil partnership is not recognized in law. Transgender persons face problems with legal recognition of their assumed identity, in many cases being obliged to undergo full medical transition, including sterilization: this requirement is incompatible with human rights standards.

67. Measures are needed to ensure that the culture of Romanian society is inclusive of all its inhabitants, and values the contributions of all people, including women and girls of ethnic minority backgrounds, and of diverse sexualities and gender identities, as well as women and girls with disabilities.

B. Recommendations

93. With regard to public and political life, the Working Group recommends that the Government:
(c) Encourage the participation of women and girls from different groups in society, in particular women with disabilities, LGBTIQ+ women, and Roma women, in public and political life;

(...)

95. With regard to health, the Working Group recommends that the Government:

(a) Ensure full access to quality health-care services to all women and girls, by taking into account the needs of women and girls facing intersectional discrimination, such as Roma women and girls,



women and girls with disabilities, migrant and refugee women and girls, women and girls living with HIV/AIDS, women engaged in prostitution/sex work, and LGBTIQ+ women;

(...)

96. With regard to family and cultural life, the Working Group recommends that the Government:
(a) Take measures, including legislative and educational, to ensure that the culture of Romanian society is inclusive and values the contributions of all its inhabitants, including women and girls of ethnic minority backgrounds, and of diverse sexual orientations and gender identities, as well as women and girls with disabilities;

(...)

- [A/HRC/47/39 Guiding Principles on Business and Human Rights at 10: taking stock of the first decade - Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises](#)

A. Mandatory human rights due diligence

39. There are multiple ways in which human rights due diligence can materialize – ranging from disclosure requirements to the broader French mandate for companies to undertake due diligence and develop “vigilance” plans, similar to compliance programmes. In all cases, however, and not least because the negotiations for regulatory processes are often transactional, these developments will need to be followed with great attention to ensure meaningful due diligence that is aligned with the Guiding Principles. The Working Group has stressed that the nature of legal obligations and liability regimes for these types of measures will need to be carefully calibrated and further clarified to avoid divergent or arbitrary interpretation, and that it will also be essential to guard against unintended consequences such as “check box” due diligence approaches or empty promises for effective remedies by States and businesses. The Working Group, other special procedures and United Nations agencies have also stressed the need for such measures to address the heightened risks facing children, women and LGBTI+ persons, indigenous peoples, human rights defenders, and religious and ethnic minorities, and to address racial discrimination.

- [A/HRC/47/39/Add.1 Taking stock of investor implementation of the Guiding Principles on Business and Human Rights - Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises*](#)

IV. Progress and gaps in investor uptake

D. Progress on screening human rights risks, yet the data dilemma persists

65. A root cause of these challenges has been the inconsistent integration of the Guiding Principles process framework across the myriad reporting frameworks, benchmarks and other data and research products used by investors to assess companies. Moreover, because of general aggregation of ratings across individual ESG factors, companies that contribute to human rights harms may be deemed strong performers on ESG overall due to their high rankings on environmental criteria, despite, for example, discriminating against employees based on gender



identity or systematically breaching user privacy. For example, ESG funds with heavy exposure to technology companies have outperformed traditional funds during the COVID-19 crisis, yet multiple sources have attributed this improved financial performance to the funds' low exposure to energy-sector companies.

- [A/HRC/47/39/Add.2 The Guiding Principles on Business and Human Rights: guidance on ensuring respect for human rights defenders - Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises*](#)

V. The Guiding Principles on Business and Human Rights: guidance on ensuring respect for human rights defenders

2. States should set forth clear expectations for business enterprises regarding the importance of respecting the rights of human rights defenders

Guidance for business relating to respect for human rights defenders

What background information should the guidance include?

Information on the role of human rights defenders in promoting and protecting rights, drafted in collaboration with civil society and human rights defenders, which includes information about recent developments, and information about:

(...)

- The risks human rights defenders face in the context of business activities (e.g. criminalisation, harassment, strategic lawsuits against public participation (SLAPPs), threats and intimidation, smear campaigns, physical attacks and killings), including risks facing specific groups of human rights defenders (e.g. women human rights defenders, indigenous human rights defenders, LGBTI human rights defenders, human rights defenders living with disabilities, and trade unionists).

V. The Guiding Principles on Business and Human Rights: guidance on ensuring respect for human rights defenders

B. Pillar II: The corporate responsibility to respect human rights

3. Raising awareness and building capacity to strengthen effective due diligence that takes human rights defenders into account

64. Illustrative actions that business enterprises should take:

(...)

- train staff to engage with human rights defenders directly, in an environment of dignity and respect, including in relation to specific groups¹⁰⁹, and ensure that training is sensitive to, for example, gender, race, ethnicity, age, disability, gender identity or sexual orientation. Such training can also focus on safe digital security protocols for communication with defenders.



- [A/HRC/47/39/Add.3 Role of national human rights institutions in facilitating access to remedy for business-related human rights abuses - Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises*](#)

III. Diverse pathways for NHRIs to facilitate access to remedy

22. Irrespective of how NHRIs contribute to facilitating access to remedy for business-related human rights abuses, they should integrate a gender perspective. They should also keep in mind differentiated and the often disproportionate impact of human rights abuses on individuals or communities in situations of vulnerability and marginalisation such as children, indigenous peoples, migrant workers, informal economy workers, internally displaced persons, people with diverse sexual orientation and gender identities, persons with African descent, refugees, and persons with disability. Several NHRIs such as those of Albania, Argentina, Armenia, Australia, Canada, Chile, Colombia, Georgia, Honduras, India, Nigeria, Malaysia, Peru, Poland, Slovakia, Slovenia, South Africa and Venezuela are already taking various steps to engage individuals and communities impacted in a differentiated and disproportionate manner.

- [A/HRC/47/39/Add.4 Quinto Foro regional de América Latina y el Caribe sobre Empresas y Derechos Humanos* - Informe del Grupo de Trabajo sobre la cuestión de los derechos humanos y las empresas transnacionales y otras empresas](#)

Resumen

(...)

In relation to socio-economic recovery from the pandemic, participants stressed the importance of putting people and the planet at the centre of government responses. They concluded that States should adopt policies to stimulate decent work and to protect workers, in the formal and informal economy, through social protection systems and capacity building; and provide support to enterprises, including MSMEs, which are more likely to create economic, social and environmental value. States should also avoid measures to relax social and environmental safeguards and should reinforce the requirement for free, prior, and informed consultation (FPIC) in the framework of economic development projects, as well as strengthening mechanisms for the protection of human rights defenders. During the Forum's discussions, participants highlighted the deeply concerning situations experienced by certain population groups in the context of business activities in the region: such as rural communities, including indigenous and Afro-descendant peoples; women, LGBTIQ people, children, human rights defenders and workers in vulnerable situations. It was noted that, transition to sustainable energy entails social and environmental impacts for LAC communities that must be considered and mitigated. These situations of vulnerability and the lack of responses to prevent, mitigate and remedy the impacts on their human rights, have fuelled conflicts in the region and exacerbated mistrust among different actors. The most recurrent call from participants was for a continuous and meaningful dialogue between governments, companies, civil society, workers and affected communities. Meaningful dialogue and participation requires transparency, prior information and capacity building. In addition, guarantying the right to free, prior and informed consent, including through meaningfully consulting potentially affected communities before the design and execution of business activities, is still far from being a reality in the region. A call was made to Governments to move from envisaging the right to consultation of



indigenous peoples as a mere right to be involved or to have their views heard, to realizing their right for communities to self-determination, giving or withholding their consent to the project in question, or negotiating the conditions under which the project will be designed, implemented, monitored and evaluated.

(...)

This year, the participation of the business sector has been record-breaking accounting for 30% of all participants. This says as much about companies' interest in the issue as it does about their willingness to learn and listen. In order to translate the commitment of businesses to respect human rights into real change in the lives of people and for the planet, it was suggested that this commitment should be assumed at the highest level and throughout all the departments and operational structures of companies, to achieve fundamental change in the business model based on respect for human rights and sustainability. It was requested by participants that companies, including investors, advance in the implementation of human rights due diligence processes in all company activities, including business relationships, supply chains, and community relations, based on a contextualized assessment of human rights impacts, with the participation of stakeholders in its development and monitoring. It was also requested to increase transparency on the impacts of business activity on human rights, how companies respond to these impacts and what the results are, including through public reports based on benchmarking frameworks on the subject. This analysis and publication of human rights impacts should take into account the differentiated impacts they may have on various groups, such as women, LGBTI people, indigenous communities, etc. A proactive role for business associations and large companies to support MSMEs in their due diligence exercises and for their regularization was also suggested.

III. La responsabilidad de las empresas de respetar los derechos humanos

A. Debida diligencia en materia de derechos humanos y conducta empresarial responsable

45. Los procesos de debida diligencia se deben de llevar a cabo con el apoyo de organizaciones independientes de derechos humanos, y deben ser contextualizados, en base a una evaluación de impactos sobre los derechos humanos. En la región, aún existen muy pocas evaluaciones de impactos sobre los derechos humanos llevados a cabo por las empresas. Se alentó a las empresas a llevar a cabo esos estudios, basados en los estándares internacionales y con la participación de las y los titulares de derechos humanos. Esto último requiere tomar medidas para que puedan participar de forma significativa e informada. Las organizaciones de la sociedad civil juegan un rol de enlace importante entre las comunidades afectadas y las empresas. Una atención especial debe de ser brindada a las mujeres, personas LGBTI, niños/as y adolescentes, migrantes, pueblos indígenas, personas con discapacidad, etc. Los procesos de evaluación deben ser continuos y los informes deben de ser públicos. Para apoyar la construcción de esas evaluaciones de impactos en los derechos humanos, se ha desarrollado por el Instituto Danés de Derechos Humanos, un guía y una caja de herramientas.



VI. Situaciones de particular atención

D. Igualdad de género

96. Las panelistas consideraron importante:

(...)

- Considerar los efectos de la pandemia en mujeres y personas LGBTI; incluyendo medir los efectos de la pandemia en las labores de cuidado de las mujeres en la región con la finalidad de crear políticas económicas acordes.

(...)

98. En relación con las personas LGBTI, se reflexionó sobre la importancia de seguir combatiendo la discriminación y promover espacios inclusivos para todas las personas. A nivel regional, existen prácticas y leyes que discriminan y criminalizan a las personas LGBTI. En general, entre las iniciativas positivas en la región, se mencionó el caso de Costa Rica, donde se han adoptado acciones tales como la capacitación y sensibilización en instituciones públicas, y la realización de campañas y talleres de sensibilización para empresas. Asimismo, se mencionó la adopción de la Declaración de San José, que incluye principios en contra de la discriminación por orientación sexual e identidad de género y a favor de los derechos humanos de las personas LGBTI en espacios de trabajo.

99. Los y las asistentes compartieron otras experiencias regionales en torno a la creación de cámaras de comercio LGBTI que funcionan como aliadas de los Estados y de organismos internacionales en la materialización de los derechos de las personas LGBTI. En el caso de Colombia, se destacó el trabajo de la Cámara de Colombia con la campaña de las Naciones Unidas “Libres e Iguales” y su impacto en la sensibilización de ejecutivos, líderes de equipos en empresas. Asimismo, se mencionó la prevalencia de condiciones profundamente masculinas y tradicionales en sectores como el de los hidrocarburos.

100. Durante la sesión, las y los asistentes reflexionaron sobre los retos que implica la participación de empresas de seguridad privada contratadas por los Estados para silenciar a las personas LGBTI en los espacios públicos, y, por otro lado, la existencia de empresas que se constituyen como centros y clínicas para el tratamiento de la farmacodependencia y terapias de conversión de personas LGBTI.

101. Las y los asistentes señalaron algunas recomendaciones sobre la situación de las personas LGBTI relacionadas con las empresas:

- a) El Estado debe servir como puente entre la sociedad civil y las empresas.
- b) Las empresas deben proveer estadísticas que ayuden a entender la situación de la población LGBTI.
- c) Profundizar en el alcance de los Principios Rectores, y su importancia para el respeto de los derechos humanos de todas las personas sin distinción alguna, incluyendo a las personas LGBTI.
- d) Mencionar expresamente a las personas LGBTI como personas en situación de vulnerabilidad en los Principios Rectores y el borrador del Tratado vinculante sobre empresas y derechos humanos.
- e) Resaltar el rol de las Cámaras de Comercio, de la sociedad civil y del sector sindical como elemento clave en la agenda inclusiva de personas LGBTI.



- f) Capacitar al personal de las empresas para que puedan trabajar a favor de una agenda inclusiva.
- g) Impulsar el tema de empresas y personas LGBTI no únicamente en el ámbito urbano, sino trasladarlo también al contexto rural y a otros sectores.

VIII. Principales conclusiones, desafíos y oportunidades discutidas en el V foro

106. Todos los Gobiernos representados en el Foro han demostrado avances significativos en materia de políticas públicas para fortalecer la conducta empresarial responsable y el respeto de los derechos humanos, en particular, a través de desarrollo de PAN. Asimismo, se recalcó sobre la importancia de fortalecer la coherencia de políticas públicas, incluso en relación a otras agendas como la lucha contra la corrupción y los ODS. También se destacó la importancia de transversalizar la perspectiva de género en esos esfuerzos e incluir la dimensión de derechos humanos en las compras públicas. Se resaltó la urgencia de formular acciones específicas para PYMEs y la regularización del sector económico informal, para proteger contra los abusos de derechos humanos relacionados con la actividad económica. De las discusiones con las y los participantes representantes de varios sectores interesados, se formularon las siguientes recomendaciones a los Estados de la región, con el fin de fortalecer su acción para proteger a las personas contra violaciones de derechos humanos en el contexto de la actividad empresarial:

(...)

- d) Garantizar la transversalización de la perspectiva de género en los PAN, políticas de conducta empresarial responsable y políticas económicas, considerando la interacción entre el género, la raza y otras categorías de diferencias en la vida de las mujeres y personas LGBTI. Recursos deben de ser previstos para tal efecto.

(...)

108. Durante las conversaciones del Foro Regional, se compartieron ejemplos de prácticas y de compromisos de las empresas –micro, pequeñas, medianas, grandes empresas, asociaciones de empresas y empresas públicas - para cumplir con su responsabilidad de respetar los derechos humanos. Con el fin de consolidar esos compromisos y que se traduzcan en un cambio en la vida de las y los titulares de derechos humanos y en el planeta, las y los participantes representando diferentes sectores de la sociedad, han recomendado al sector empresarial lo siguiente:

(...)

- e) Aumentar la transparencia sobre los impactos de la actividad empresarial sobre los derechos humanos, como las empresas responden a esos impactos y cuáles son los resultados, inclusive a través informes públicos basados en marcos de referencia/benchmarking en la materia. Esos informes deberían incluir información sobre las operaciones en territorios de poblaciones locales y sobre el impacto diferencial de derechos humanos sobre grupos de la población, como las mujeres, LGBTI, las comunidades rurales, incluyendo pueblos indígenas, las personas migrantes, niños, niñas y adolescentes; así como las acciones para prevenir, mitigar y remediar esos impactos, y sus resultados.

(...)



k) Transversalizar la perspectiva de género en las operaciones empresariales, en especial en las acciones para la recuperación de la crisis ocasionada por la COVID-19. Impulsar el tema de empresas y personas LGBTI; capacitar al personal de las empresas para que puedan trabajar a favor de una agenda inclusiva no únicamente en el ámbito urbano, sino también en el contexto rural y otros sectores.

- [A/HRC/47/40 Arbitrary detention relating to drug policies - Study of the Working Group on Arbitrary Detention*](#), **

IV. Discriminatory drug control measures directed at specific groups

51. The war on drugs may be understood to a significant extent as a war on people. Its impact is often greatest on those who are poor, but also frequently overlaps with discrimination in law enforcement directed at vulnerable groups. This has been referred to as the intersectionality of different forms of discrimination, which reinforces disadvantage. The Working Group has observed that criminalization of drug use facilitates the deployment of the criminal justice system against drug users in a discriminatory way, with law enforcement officers often targeting members of vulnerable and marginalized groups, such as minorities, people of African descent, indigenous peoples, women, persons with disabilities, persons with AIDS and lesbian, gay, bisexual, transgender and intersex persons. Homeless persons, sex workers, migrants, juveniles, the unemployed and ex-convicts may also be vulnerable. The Working Group has encouraged States to take measures to prohibit discriminatory practices of arrest and detention of members of vulnerable and marginalized groups in their drug-control efforts.

E. Lesbian, gay, bisexual, transgender and intersex persons

64. Lesbian, gay, bisexual, transgender and intersex persons who use drugs are disproportionately impacted by drug policies in many countries. They may not seek support or treatment from health-care providers because of previous or anticipated experiences of discrimination and arbitrary detention.

- [A/HRC/47/43/Add.1 Visit to New Zealand - Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and on the right to nondiscrimination in this context, Leilani Farha*](#)

II. Legal framework

C. National legal framework

18. It should be noted that New Zealand has, through section 21 of the Human Rights Act of 1993, comprehensive non-discrimination legislation that prohibits discrimination by public and private actors on the grounds of sex; marital status; religious or ethical belief; colour; race; ethnic or national origin, which includes nationality and citizenship; disability; age; political opinion; employment status; family status; or sexual orientation. Section 53 of the Act explicitly prohibits discrimination in the areas of land, housing and accommodation. For example, a property owner cannot turn down a potential tenant because of his or her religion, disability or sexual orientation.



Section 12 of the Residential Tenancies Act of 1986 also makes it unlawful for anyone to discriminate on those grounds when granting, renewing, changing or ending a tenancy.

III. Issues related to the right to adequate housing

G. Impact of COVID-19

55. During the COVID-19 lockdown, many people worked for reduced wages or were made redundant. The crisis has had a disproportionate effect on those who were already living on or below the poverty line, with insecure housing and work. Certain industries, such as tourism and hospitality, are likely to take longer to recover and there is a real risk of prolonged unemployment within regions, and among Maori, Pacific peoples, women, single parents, persons with disabilities, LGBT+ and migrant communities.

IV. Groups at risk of discrimination and social exclusion

B. Persons in situations of homelessness

66. According to data obtained through a homelessness count in Auckland in 2018, over 45 per cent of the homeless population in that city was under 18 years old. About 43 per cent of those surveyed were Maori, although Maori represent only 11 per cent of the city's total population. Similarly, single parents, particularly single mothers, Pacific peoples, LGBTQI+ persons, and persons with disabilities were all disproportionately represented among individuals living in situations of homelessness.

VI. Recommendations

85. The Special Rapporteur makes the following recommendations to local governments and the national Government in New Zealand:

(...)

(aa) Further improve the monitoring and implementation of housing policies by establishing independent accountability and monitoring mechanisms and by regularly publishing data, disaggregated by age, population group (Maori, Pacific peoples), gender and sexual orientation, and disability, on housing affordability, housing conditions and housing overcrowding, compliance with healthy home standards, homelessness, accessibility of private and public housing for persons with disabilities, security of tenure, rent, mortgage and utility areas, evictions, duration on the waiting list for accessing public housing, and time spent in transitional housing before accessing long-term housing.



ITEM 4: HUMAN RIGHTS SITUATIONS THAT REQUIRE THE COUNCIL'S ATTENTION

- [A/HRC/47/49 Report of the Special Rapporteur on the situation of human rights in Belarus, Anaïs Marin](#)

III. Legal framework and related developments

24. The Special Rapporteur reiterates her concern that internationally recognized provisions for non-discrimination, which are crucial for the attainment of the Sustainable Development Goals of the 2030 Agenda for Sustainable Development, have not been implemented in practice. Women and vulnerable groups, including persons with disabilities, linguistic and religious minorities, LGBTQI persons and persons living with HIV are still subject to discrimination. The Special Rapporteur urges the Government to adopt a comprehensive nondiscrimination policy to guarantee equal rights for all in law and in practice.

ITEM 5: HUMAN RIGHTS BODIES AND MECHANISMS

- [A/HRC/47/50 Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises](#)

VII. Issues in focus

A. Groups at risk

58. Participants also addressed the culturally sensitive, intersectional and multilayered question of gender-based violence affecting women, girls and lesbian, gay, bisexual, transgender and intersex people across vulnerable groups such as indigenous persons, migrant workers, victims of trafficking, sex workers, domestic workers, persons with disabilities and refugees. Participants stressed that the COVID-19 pandemic had exacerbated the situation of gender-based violence faced by women, girls and lesbian, gay, bisexual, transgender and intersex people because they had been forced to work from home, where their abusers would also be, and mobility constraints limited their reporting opportunities.

- [A/HRC/47/51 Current levels of representation of women in human rights organs and mechanisms: ensuring gender balance - Report of the Human Rights Council Advisory Committee* , **](#)

III. Impact of the underrepresentation of women in international bodies

18. The prohibited grounds of gender discrimination considered in the report are based on guidance provided by the Committee on the Elimination of Discrimination against Women and the Human Rights Council. The Committee has defined gender as socially constructed identities, attributes and roles for women and men and society's social and cultural meaning for these biological differences resulting in hierarchical relationships between women and men and in the distribution of power and rights favouring men and disadvantaging women. This requires the



application of an intersectional approach to gender discrimination that recognizes and addresses the impact of multiple and intersecting forms of discrimination across many lines, including race, class, sexual orientation, age, ethnicity and gender identity, disability and other forms of historical and structural discrimination.

Annex II

Gender underrepresentation in United Nations bodies and mechanisms

B. Special procedures

54. Some special procedure mandates have never been held by a woman. In particular, among the individual mandates, as at 1 May 2021 there were 11 mandates that had never been held by a woman. Those concerned the following mandates (the number in parenthesis indicates the number of persons who held the specific mandate – all male):

(...)

(vii) Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (2);

(...)

- [A/HRC/47/52 Possible impacts, opportunities and challenges of new and emerging digital technologies with regard to the promotion and protection of human rights - Report of the Human Rights Council Advisory Committee*](#)

IV. Challenges: potential violations of human rights through the use of new technologies

G. Cyberviolence

28. The Special Rapporteur on the right to privacy has pointed out that new technologies have amplified some forms of gender abuse. Although domestic violence and abusive behaviour towards women and individuals of diverse gender identities existed before the emergence of new technologies, the frequency and seriousness of cybermisogyny and other forms of cyberabuse have become amplified by new technologies. The Special Rapporteur on violence against women, its causes and consequences, too has underlined that women and girls are being subjected to online violence.

ITEM 6: UNIVERSAL PERIODIC REVIEW

- **Australia** received 5 SOGIESC recommendations. It will respond to the recommendations no later than the 47th session of the Human Rights Council.
- **Austria** received 11 SOGIESC recommendations. It accepted 5 recommendations and noted the other 6 recommendations.



- **Federated States of Micronesia** received 4 SOGIESC recommendations. It will respond to the recommendations no later than the 47th session of the Human Rights Council.
- **Georgia** received 23 SOGIESC recommendations. It will respond to the recommendations no later than the 47th session of the Human Rights Council.
- **Lebanon** received 18 SOGIESC recommendations. It will respond to the recommendations no later than the 47th session of the Human Rights Council.
- **Mauritania** received 6 SOGIESC recommendations. It will respond to the recommendations no later than the 47th session of the Human Rights Council.
- **Myanmar** received 4 SOGIESC recommendations. It will respond to the recommendations no later than the 47th session of the Human Rights Council.
- **Nauru** received 5 SOGIESC recommendations. It will respond to the recommendations no later than the 47th session of the Human Rights Council.
- **Nepal** received 4 SOGIESC recommendations. It will respond to the recommendations no later than the 47th session of the Human Rights Council.
- **Oman** received 3 SOGIESC recommendations. It will respond to the recommendations no later than the 47th session of the Human Rights Council.
- **Rwanda** received 4 SOGIESC recommendations. It noted 3 recommendations and will respond to the other recommendation no later than the 47th session of the Human Rights Council.
- **Saint Kitts and Nevis** received 22 SOGIESC recommendations. It will respond to the recommendations no later than the 47th session of the Human Rights Council.
- **Saint Lucia** received 19 SOGIESC recommendations. It will respond to the recommendations no later than the 47th session of the Human Rights Council.
- **Sao Tome and Principe** received 6 SOGIESC recommendations. It will respond to the recommendations no later than the 47th session of the Human Rights Council.

ITEM 7: HUMAN RIGHTS SITUATION IN PALESTINE AND OTHER OCCUPIED ARAB TERRITORIES

ITEM 8: FOLLOW-UP AND IMPLEMENTATION OF THE VIENNA DECLARATION AND PROGRAMME OF ACTION

ITEM 9: RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED FORMS OF INTOLERANCE, FOLLOW-UP AND IMPLEMENTATION OF THE DURBAN DECLARATION AND PROGRAMME OF ACTION



ITEM 10: TECHNICAL ASSISTANCE AND CAPACITY-BUILDING

REPORTS THAT DO NOT ADDRESS SOGIESC ISSUES

- A/HRC/47/18 Operations of the Voluntary Fund for Participation in the Universal Periodic Review - Report of the Office of the United Nations High Commissioner for Human Rights
- A/HRC/47/19 Operations of the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review - Report of the Office of the United Nations High Commissioner for Human Rights
- A/HRC/47/21 Situation of human rights in Eritrea - Report of the Special Rapporteur on the situation of human rights in Eritrea, Mohamed Abdelsalam Babiker*
- A/HRC/47/22 Situation of human rights in the Islamic Republic of Iran - Report of the Secretary-General*
- A/HRC/47/24/Add.2 Ending Internet shutdowns: a path forward Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association*
- A/HRC/47/24/Add.3 Guidelines for lawyers in support of peaceful assemblies - Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association*
- A/HRC/47/25 Disinformation and freedom of opinion and expression - Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan
- A/HRC/47/26 Rape as a grave, systematic and widespread human rights violation, a crime and a manifestation of gender-based violence against women and girls, and its prevention - Report of the Special Rapporteur on violence against women, its causes and consequences, Dubravka Šimonović
- A/HRC/47/28/Add.2 Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health on his visit to Fiji - Comments by the State*
- A/HRC/47/34 Implementation of the non-punishment principle - Report of the Special Rapporteur on trafficking in persons, especially women and children, Siobhán Mullally*
- A/HRC/47/35 The coronavirus disease (COVID-19) pandemic: impact and challenges for independent justice - Report of the Special Rapporteur on the independence of judges and lawyers, Diego García-Sayán
- A/HRC/47/36 Global fund for social protection: international solidarity in the service of poverty eradication - Report of the Special Rapporteur on extreme poverty and human rights, Olivier De Schutter
- A/HRC/47/36/Add.1 Visit to the European Union Report of the Special Rapporteur on extreme poverty and human rights, Olivier De Schutter*, **
- A/HRC/47/36/Add.2 Report of the Special Rapporteur on extreme poverty and human rights on his visit to the European Union - Comments by the State*
- A/HRC/47/37 Housing, land and property issues in the context of internal Displacement - Report of the Special Rapporteur on the human rights of internally displaced persons, Cecilia Jimenez-Damary



- A/HRC/47/38 Women's and girls' sexual and reproductive health rights in crisis - Report of the Working Group on discrimination against women and girls
- A/HRC/47/41 Third quadrennial analytical report on conscientious objection to military service, in particular on new developments, best practices and remaining challenges - Note by the Secretariat
- A/HRC/47/43/Add.2 Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and on the right to non-discrimination in this context, Leilani Farha, on her visit to New Zealand - Comments by the State*
- A/HRC/47/48 Freedom of opinion and expression Report of the Office of the United Nations High Commissioner for Human Rights - Note by the Secretariat*
- A/HRC/47/55 Situation of human rights in the Bolivarian Republic of Venezuela - Report of the United Nations High Commissioner for Human Rights*, **
- A/HRC/47/58 Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine - Report of the Secretary-General*
- A/HRC/47/60 Summary of the one-day intersessional meeting with a dialogue on cooperation in strengthening capacities for the prevention of genocide - Note by the Secretariat
- A/HRC/47/61 The right to privacy in the digital age - Note by the Secretariat
- A/HRC/47/G/1 Note verbale dated 5 April 2021 from the Permanent Mission of Azerbaijan to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights
- A/HRC/47/G/2 Letter dated 29 March 2021 from the Permanent Representative of the Syrian Arab Republic to the United Nations Office at Geneva addressed to the President of the Human Rights Council
- A/HRC/47/G/3 Note verbale dated 6 April 2021 from the Permanent Mission of the United Arab Emirates to the United Nations Office at Geneva addressed to the President of the Human Rights Council
- A/HRC/47/G/4 Note verbale dated 6 April 2021 from the Permanent Mission of the United Arab Emirates to the United Nations Office at Geneva addressed to the Office of the President of the Human Rights Council