

**SOGIESC OPPORTUNITIES IN THE 33<sup>RD</sup> HUMAN RIGHTS COUNCIL SESSION**  
**(September 13 – September 30, 2016)**

*This report contains weekly updates of the reports that will be presented on the 33rd Human Rights Council Session and that mention SOGIESC issues on their content.<sup>1</sup>*

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

*The structure of the report will be based on the Items of the Agenda of the HRC.*

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<sup>1</sup>Searched key words: Sexual orientation, gender identity, gender expression, sex characteristics, same-sex, LGBTI, SOGIESC, HIV, lesbian, gay, bisexual, trans, intersex, homosexual, sexual minorities and sexual and gender minorities.

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AGENDA OF THE 33<sup>RD</sup> HUMAN RIGHTS COUNCIL

 DRAFT PROGRAMME OF WORK FOR THE 33<sup>RD</sup> SESSION OF THE HUMAN RIGHTS COUNCIL (13-30  
 September 2016)  
 as of 29 August 2016 (subject to change)

	WEEK 1		WEEK 2		WEEK 3		
	12 September		19 September (non-stop)		26 September (non-stop)		
MONDAY	09.00	UNITED NATIONS HOLIDAY	09.00	ITEM 4 - ID with Commission of inquiry on the Syrian Arab Republic	09.00	ANNUAL DISCUSSION ON THE INTEGRATION OF A GENDER PERSPECTIVE (HRC resolution 6/30)	
	12.00		12.00	12.00	General debate on ITEM 4	12.00	General debate on ITEM 8
	15.00		15.00	15.00	General debate on ITEM 4 (cont'd)	15.00	ITEM 9 - ID with WG of Experts on People of African Descent
	18.00		18.00	18.00		18.00	General debate on ITEM 9
TUESDAY	13 September (non-stop)		20 September (non-stop)		27 September (non-stop)		
	09.00	ITEM 2 – Oral update by the HC	09.00	HALF-DAY PANEL DISCUSSION ON VIOLENCE AGAINST INDIGENOUS WOMEN AND GIRLS (HRC res. 18/8 and 30/4)	09.00	General debate on ITEM 9 (cont'd)	
	12.00	ITEM 3 - Clustered ID with: - IE on democratic & equitable int'l order - SR on unilateral coercive measures	12.00	ITEMS 3 & 5 - Clustered ID with: - SR on indigenous peoples - Expert Mechanism on the Rights of Indigenous Peoples (EMRIP)	12.00	ITEM 10 - ID on HC oral update on Ukraine - ID on HC report on DRC	
	15.00	ITEM 3 - Clustered ID (cont'd) ITEM 3 - Clustered ID with - SR on water and sanitation - WG on arbitrary detention	15.00	ITEM 5 - ID with HRC Advisory Committee General debate on ITEM 5, incl. on Report of IGWG on rights of peasants*	15.00	- ID on DRC (cont'd) - Enhanced ID on Burundi	
WEDNESDAY	14 September (non-stop)		21 September		28 September (non-stop)		
	09.00	ITEM 2 - General debate on the oral update by the HC	09.00	ITEM 6 - UPR outcomes Suriname, Saint Vincent and the Grenadines, Samoa	09.00	ITEM 10 - ID on Libya (cont'd) - ID with SR on Cambodia - ID with IE on Sudan	
	12.00	General debate (cont'd)	12.00	General debate on ITEM 5 (cont'd)	12.00	- ID with IE on Sudan (cont'd) - ID with IE on Central African Republic - ID with IE on Somalia	
	15.00	ITEM 3 - Individual ID with IE on the rights of older persons	15.00	BREAK	15.00		
THURSDAY	15.00		15.00		15.00		
	18.00	HIGH-LEVEL PANEL DISCUSSION ON THE 5 <sup>TH</sup> ANNIVERSARY OF THE UNITED NATIONS DECLARATION ON HUMAN RIGHTS EDUCATION AND TRAINING (HRC resolution 31/21)	18.00	ITEM 6 - UPR outcomes Greece, Sudan, Hungary	18.00	- ID with IE on Somalia (cont'd) - General debate on ITEM 10, incl. on SG/HC reports (Yemen; Cambodia)*	

	15 September (non-stop)		22 September (non-stop)		29 September (non-stop)	
T H U R S D A Y	09.00 12.00	<b>ITEM 3 - Individual ID</b> ( <i>cont'd</i> )	09.00 12.00	<b>ITEM 6 - UPR outcomes</b> Papua New Guinea, Tajikistan, United Republic of Tanzania	09.00 12.00	<b>General debate on ITEM 10</b> ( <i>cont'd</i> )
	12.00 15.00	<b>ITEM 3 - Clustered ID with:</b> - WG on enforced disappearances - SR on contemporary forms of slavery	12.00 15.00	<b>PANEL DISCUSSION ON YOUTH AND HUMAN RIGHTS</b> ( <i>HRC resolution 32/1</i> )	12.00 15.00	<b>ITEM 1</b> Decisions and conclusions
	15.00 18.00	<b>ITEM 3 - Clustered ID</b> ( <i>cont'd</i> ) <b>ITEM 3 - Clustered ID with:</b> - WG on use of mercenaries - SR on hazardous wastes	15.00 18.00	<b>ITEM 6 - UPR outcomes</b> Antigua and Barbuda, Swaziland, Trinidad and Tobago	15.00 18.00	Decisions and conclusions ( <i>cont'd</i> )
		<b>16 September (non-stop)</b>		<b>23 September</b>		<b>30 September</b>
F R I D A Y	10.00 13.00	<b>ITEM 3 - Clustered ID</b> ( <i>cont'd</i> ) <b>General debate on ITEM 3</b> , incl. on Report of WG on the right to development, and on HC/OHCHR/SG thematic reports*	09.00 13.00	<b>ITEM 6 - UPR outcomes</b> Thailand, Ireland <b>General debate on ITEM 6</b>	09.00 13.00	<b>ITEM 1</b> Decisions and conclusions ( <i>cont'd</i> )
	13.00 15.00	<b>General debate on ITEM 3</b> ( <i>cont'd</i> )	13.00 15.00	<i>BREAK</i>	13.00 15.00	<i>BREAK</i>
	15.00 17.00	<b>General debate on ITEM 3</b> ( <i>cont'd</i> )				- Decisions and conclusions ( <i>cont'd</i> ) - Election of HRC Advisory Committee members - Appointment of SP mandate holders - Adoption of the session report
	17.00 18.00	<b>ITEM 5 - Complaint procedure</b> ( <i>closed meeting</i> )	15.00 18.00	<b>General debate on ITEM 7</b>	15.00 18.00	

\* These general debates are preceded by the presentation of the relevant reports.

## ITEM 1: ORGANIZATIONAL AND PROCEDURAL MATTERS

### 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

#### Strengthening policies and programmes for universal birth registration and vital statistics development- Report of the United Nations High Commissioner for Human Rights. A/HRC/33/22

Leaving no one behind: a human rights-based approach to monitoring

(b) Data disaggregation is a human rights obligation, a commitment in the 2030 Agenda and a need that is recognized in national statistics systems. It is essential to reveal and enable assessment of inequality and discrimination. A human rights approach in this regard requires focusing on the most disadvantaged or marginalized groups, and on inequalities within the population. Capacities and partnerships should be developed to support States in collecting and publishing data disaggregated by grounds of discrimination recognized in international human rights law, which include sex, age, ethnicity, migration or displacement status, disability, religion, civil status, income, sexual orientation and gender identity. Data disaggregation is not a value-neutral exercise, and the associated risks must be addressed. A human rights approach requires that efforts to improve the quality and use of disaggregated data be consistent with the protection of the right to privacy. A participatory approach and the principle of self-identification can help improve response rates among “hard-to-count” or marginalized populations, and is particularly relevant for those who are discriminated against or excluded from traditional household surveys or administrative records (e.g. homeless persons or migrants). In some contexts, civil society organizations and service providers are best placed to reach these populations and collect data. Decisions concerning collection of data on particularly vulnerable or marginalized groups, including, “legally” invisible groups, for instance, should be made in close partnership or consultation with the group concerned to mitigate associated risks. The registration of children immediately after birth has an impact on the statistical system’s capacity to disaggregate data, and is instrumental for the accuracy of vital statistics and the sampling design of surveys;

(e) The right to privacy and data protection should be balanced with that of access to information. Increased use of big data and demand for data disaggregation present a challenge to the protection of these rights, as acknowledged in the call for a data revolution. Personal data, including but not limited to data on ethnicity, sexual orientation, gender identity or health status, should be handled only with the express consent of the individual concerned. Data collected to produce statistical information must be strictly confidential, used exclusively for statistical purposes and regulated by law, in accordance with the International Covenant on Civil and Political Rights. Data should not be published or publicly accessible in a manner that permits identification of individual data subjects, either directly or indirectly, and should be secured against both natural and human dangers;

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

#### [Implementation of the technical guidance on the application of a human rights-based approach to reduce and eliminate preventable mortality and morbidity of children under 5 years of age- Report of the United Nations High Commissioner for Human Rights. A/HRC/33/23](#)

20. In the context of the discussions on the technical guidance, OHCHR has been approached by different stakeholders raising child health issues requiring urgent attention from a rights perspective, including: pain management for the newborn child; palliative care for children; consent issues regarding surgeries, including for intersex children; paediatric medicines; children born with severe impairments and life-threatening health conditions, including severely premature babies; abandonment of the newborn; and the role of health personnel in assessing violence against children, including shaken baby syndrome and sexual violence. Stakeholders also raised the inequitable access of infants and young children to HIV testing, treatment and care, especially in sub-Saharan Africa, contributing to disproportionately high AIDS-related mortality rates among children.

#### [Report of the Independent Expert on the enjoyment of all human rights by older persons. A/HRC/33/44](#)

Legal, institutional and policy framework

30. There are also programmes and policies that address specific groups of older persons, such as those living on the street, indigenous older persons and older lesbian, gay, bisexual, transgender and intersex persons.

**UPDATE 08/30/2016**

#### [Report of the Special Rapporteur on the human right to safe drink and sanitation. A/HRC/33/49 \(gender equality\)](#)

Note by the Secretariat

Gender equality is a fundamental human rights principle, yet inequalities between men and women, and on the basis of gender identity, are observed in all countries and often translate into unequal opportunities and grave human rights violations. The Special Rapporteur explains that a transformative approach is a prerequisite for ultimately achieving gender equality in the enjoyment of the human rights to water and sanitation. This approach requires challenging social norms, stereotypes and intra-household patterns, while also promoting gender-responsive interventions that prioritize the implementation of women's specific needs. At the same time, the Special Rapporteur indicates that tackling the material and structural determinants of gender inequalities in access to water, sanitation and hygiene could serve as an entry point to address gender inequality more broadly.

I. Introduction

2. Many of the challenges to achieving gender equality in access to water, sanitation and hygiene are well documented: where water is not available in the home, women and girls are primarily responsible for water and hygiene at the household level and bear the greatest burden for collecting water. Other challenges related to inequality include access to sanitation, menstrual hygiene and toilets for lesbian, gay, bisexual, transgender, intersex and gender non-conforming people and an increased risk of gender-based violence.

9. Many legal constituencies, however, have laws in place that hinder the equal enjoyment of the rights to water and sanitation. In many countries, land ownership, which is a precondition for gaining access to water, is often denied to women by family laws that also make it difficult for women to inherit land. Some countries criminalize open defecation while at the same time closing down public sanitation facilities. Public urination and defecation is often criminalized and laws that aim to keep cities clean may discriminate against homeless persons who have no other option but to relieve themselves in the open. Among them are many women and girls in desperate need of an adequate facility that offers privacy. Some States allow individuals to use toilets in a manner consistent with that person's chosen gender identity while other States oblige persons to use only those toilets that correspond with the biological sex listed on their birth certificate. Restrictive gender recognition laws not only severely undermine transgender peoples' ability to enjoy their rights to basic services, it also prevents them from living safely, free from violence and discrimination. Water and sanitation facilities must be safe, available, accessible, affordable, socially and culturally acceptable, provide privacy and ensure dignity for all individuals, including those who are transgender and gender non-conforming.

#### Intersectionality and multiple forms of discrimination

12. Although women — at every economic level, all over the world — may suffer disproportionate disadvantages and discrimination, they cannot be seen as a homogenous group. Different women are situated differently and face different challenges and barriers in relationship to water, sanitation and hygiene. Gender-based inequalities are exacerbated when they are coupled with other grounds for discrimination and disadvantages. Examples include when women and girls lack adequate access to water and sanitation and at the same time suffer from poverty, live with a disability, suffer from incontinence, live in remote areas, lack security of tenure, are imprisoned or are homeless. In these cases, they will be more likely to lack access to adequate facilities, to face exclusion or to experience vulnerability and additional health risks. The effects of social factors such as caste, age, marital status, profession, sexual orientation and gender identity are compounded when they intersect with other grounds for discrimination. In some States, women sanitation workers are particularly vulnerable, as they are exposed to an extremely dirty environment and contamination, which have a far greater impact during pregnancy and menstruation. Women belonging to certain minorities, including indigenous peoples and ethnic and religious groups, may face exclusion and disadvantages on multiple grounds. Those factors are not exhaustive and may change over time.

13. In humanitarian situations, including in times of conflict or natural disaster, when water and sanitation sources are at a minimum, the specific needs of women and girls are often not taken into account. It is vital to better understand and share experiences about the kinds of responses that can be deployed across the diverse range of emergencies, including the most adequate and effective adaptations and interventions. It further requires an integrated approach and ongoing coordination among all sectors concerned. Lesbian,



gay, bisexual, transgender, intersex and gender non-conforming people face additional challenges in areas affected by disaster. A recent United Nations assessment found that, in Europe, women and girls who are refugees are vulnerable to violence and lack services that specifically meet their needs, such as private bathing and sanitation facilities. Some women have reported having stopped eating or drinking to avoid going to the toilet where they felt unsafe. The reaction of Governments and others to these situations is considered inadequate and there is an emphasis on the urgent need to scale up such response efforts.

#### Gender-based violence and sanitation-related psychosocial stress

27. Women fear violence by men in public toilets and open defecation sites, and along the routes leading to both. Some women and girls looking for a place to defecate have reportedly been exposed to rude remarks, brick-throwing, stabbing and rape. Gender-based violence also occurs at places to collect water, bathe and wash clothes. Abuse of boys is reportedly a common and underrecognized phenomenon, and one that receives even less attention, as shame and cultural restrictions or taboos concerning homosexuality deters boys from reporting such abuse.

30. People who do not conform to a fixed idea of gender may experience violence and abuse when using gender-segregated sanitation facilities. Gender non-conforming people face harassment in or avoid gender-segregated public toilets altogether out of fear. For example, transgender girls who use the boys' toilets and transgender boys who use the girls' toilet in schools are highly vulnerable to bullying, harassment and assault by other students. Research from India indicates that transgender persons face difficulties in finding rental housing and are often forced to live in remote slum areas, where access to water and sanitation facilities is poor.

31. States must take all measures necessary to remove the barriers that deter people from using sanitation facilities. A concerted approach is needed against violence based on gender identity and initiatives must aim to increase respect and acceptance throughout society. A basic level of recognition of rights is needed. Too many States have laws that punish people on the basis of their sexual orientation and gender identity and expression. States should attach considerable importance to training and supporting teachers and administrators on non-violent learning environments. Malta, for example, has enacted guidelines for schools to promote the learning of human diversity that is inclusive of trans, gender-variant and intersex students, promoting social awareness, acceptance and respect.

#### Extra-household access

48. Standards in regulations and building codes should include special needs for women and girls, and must be developed for schools, hospitals, the workplace, market places, places of detention and public transport hubs and public institutions, among other places. Standards should consider general menstrual hygiene needs, but also who the users are likely to be. Standards must subsequently be implemented, put in practice and accordingly be enforced at all levels. Everyone should be able to use the toilet corresponding to the person's gender identity and States must pay attention to the special needs of more vulnerable persons, including those with disabilities and the elderly.

52. Adequate water and sanitation services, including menstrual hygiene facilities, must be accessible in the workplace, without hindrance, for all employees, in a manner that corresponds with their gender identity. The Special Rapporteur has noted that there is an urgent need to recognize and address the



currently neglected lack of facilities that allow for adequate sanitation and menstrual hygiene management for women and girls in the workplace. Women and girls risk their health or miss out on workdays when such facilities are lacking. For example,

58. Women's and girls' voices are indispensable to ensuring that their needs are understood and prioritized, including on material and privacy requirements for menstrual hygiene management. In many cases, they are not consulted about the placement of water points and sanitation facilities, nor do they participate in designing the type of facility best suited to their needs or easiest for them to use, even though women and girls most often use these facilities and are primarily responsible for maintaining them. Including women and girls in making decisions about the design and location of facilities is even more relevant for those who have special needs because of a disability or their age or because they are pregnant, live in remote areas or are homeless, for example. Trans or gender non-conforming users of planned facilities must be given opportunities to participate. Some may find it useful to have access to a gender-neutral facility, while in other communities it may be acceptable for persons to simply use the toilet they feel most comfortable with.

60 per cent of all women working in sub-Saharan Africa and South Asia work in the agriculture sector and their workplace often does not include facilities that would allow them to manage their sanitation and menstruation, or those facilities are located far away from the place of work. Regulations often do not apply to women working in the informal sector, and women working in public spaces such as markets often have no access to facilities altogether. In the manufacturing industry and in dense urban areas, women and girls sometimes work in overcrowded spaces where privacy is limited and sanitation facilities and spaces are inadequate to manage their menstruation.

Monitoring progress on the equal enjoyment of the human rights to water and sanitation

72. In addition, it would be important to monitor how gender inequalities, including among lesbian, gay, bisexual, transgender, intersex and gender non-conforming persons, manifest themselves in extra-household settings, including in facilities in public institutions. This would reveal gender inequalities in the realm of many other human rights, since a lack of access to facilities outside the home severely impedes women and girls from attending school and participating in work, among other opportunities.

In line with the above, the Special Rapporteur recommends that States:

(d) Create an enabling environment for women and girls to safely use water and sanitation facilities. Discrimination and violence based on gender identity must be prevented, investigated and remedied, and those responsible must be prosecuted;

#### [Report of the Working Group on enforced or Involuntary Disappearances. A/HRC/35/51](#)

65. Finally, migrants are often the object of multiple forms of discrimination based on grounds such as their race, national origin, language, religion, gender, age, sexual orientation etc. Those multiple forms of discrimination may accumulate or intersect to constitute a unique and distinct form of discrimination, or intersectional discrimination (see, for example, E/CN.4/2005/85).

**UPDATE 09/06/2016**

[Outcome of the high-level panel discussion on the occasion of the tenth anniversary of the Human Rights Council. A/HRC/33/26](#)

8. Those negative trends must be reversed and human rights violations must be prevented. The Deputy Secretary-General highlighted some of the available tools, including the 2030 Agenda for Sustainable Development and the commitment therein to leave no one behind and start with those furthest behind, as well as the Secretary-General's ground-breaking Human Rights Up Front Initiative, based on promoting early warning, on principled and coordinated United Nations action and on closer engagement with Member States in a spirit of dialogue, transparency and cooperation. Finally, there must be a commitment to adopt human rights-based approaches to development that builds on free, active and meaningful participation, accountability, non-discrimination in all areas, including sexual orientation, equality and the empowerment of all.

[Report of the Independent Expert on the enjoyment of all human rights by older persons on her mission to Costa Rica. A/HRC/33/44/Add.1](#)

Recommendations to the Government

76. The Independent Expert recommends that Costa Rica conduct an updated study into the situation of older persons in order to pinpoint the trends and challenges that currently affect them, and in particular older women and women who live in rural and remote areas, women who belong to indigenous populations, populations of African descent, migrant, refugee and undocumented populations and lesbian, gay, bisexual, transgender and intersex persons. The study will be a vital tool for discussing and analysing the challenges posed by the ageing population and for developing specific public policies which improve the living conditions of these groups, which lack visibility. The Independent Expert also stresses the need to ensure that older persons are included and effectively participate in meetings and consultations which concern them.

102. Whenever older persons live in homes or establishment that provide them with care or treatment, the State should ensure respect for the diversity of needs, diets, beliefs or religions, together with the right to privacy. Particular attention should be given to the diversity of older persons living in these establishments, to ensure respect for cultural and religious diversity and sexual orientations.

**UPDATE 09/13/2016**

[Methods of work of the Working Group on Arbitrary Detention. A/HRC/33/66](#)

Implementation of the mandate of the Working Group

(e) When the deprivation of liberty constitutes a violation of international law on the grounds of discrimination based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability, or any other status, that aims towards or can result in ignoring the equality of human beings (category V).

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

### ITEM 5: HUMAN RIGHTS BODIES AND MECHANISMS

#### Report of the open-ended intergovernmental working group on a draft United Nations declaration on the rights of peasants and other people working in rural areas. A/HRC/33/59<sup>2</sup>

Second reading of the draft declaration

32. The following account presents a summary of comments made on the text. Detailed proposals for the revision of the text are listed in annex III.

40. The representative of Egypt suggested amendments to articles 2, 3, 4 and 5. Regarding article 4, the representative could not accept the concept of gender identity. That view was supported by the representative of the Russian Federation. Regarding article 5, the constitution of Egypt gave sovereignty over natural resources to the people, not to a specific group.

69. The representative of Egypt made specific comments on articles 6, 9, 10, 11 and 12. The representative requested the deletion of article 6 (2) (c), which contained a reference to informed consent and the choice of women in relation to their own bodies; the deletion of "regardless of the concept of the family" in article 6 (2) (l); and the deletion of "gender" and "gender identity" in article 6 (2) (m). Regarding articles 9, 10, 11 and 12, Egypt would like to see a reference to the necessity to respect applicable laws.

70. The representative of the European Union raised a question about whether the title referred to substantive rights, which needed clarification. The representative stated that article 6 was very long but useful, and that it was important to keep the reference to gender identity, although the European Union was uncertain whether it should be specific to rural women. The representative made detailed comments on a number of articles.

71. The representative of Argentina expressed satisfaction with how the text addressed women's rights and insisted on keeping the reference in article 6 to gender identity and various forms of families. Regarding article 7, the representative indicated a preference for the term "security of the person", rather than physical and personal security. Regarding article 8, the representative suggested maintaining only a reference to nationality and not to "legal existence", and requested clarification about the right of "combination" in article 11.

## ANNEX

### Article 4

3. States shall ensure that gender identity is not a barrier to realizing the human rights and fundamental freedoms set out in the present declaration and other international human rights instruments

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<sup>2</sup> The draft text being discussed is available here: <http://www.ohchr.org/EN/HRBodies/HRC/RuralAreas/Pages/2ndSession.aspx> under the title "Advanced version of the new text of draft declaration"

(m) The right to be free from multiple forms of discrimination, in recognition that gender compounds other forms of discrimination based on sex, gender, ethnic origin, disability, degree of poverty, gender identity, migrant status, marital or family status, literacy or other grounds.

Programme on Women's Economic, Social and Cultural Rights, South Asian Feminist Alliance for Economic, Social and Cultural Rights and Community Self-Reliance Centre proposed the following article:

#### Article 25

Social security should be universal, but not uniform, ensuring specific and multiple vulnerabilities; and special temporary measures for socially and economically excluded groups including single women, female-headed households, migrants and migrant workers; Dalit, tribal; sexual and gender minorities; women with occupational stigma and women in conflict areas.

**Update 09/06/2016**

[Report of the Expert Mechanism on the Rights of Indigenous Peoples on its ninth session, Geneva, 11-15 July 2016. A/HRC/33/56](#)

Proposals to be submitted to the Human Rights Council

91. The Chair-Rapporteur invited observers to share their recommendations regarding the Expert Mechanism's proposals to the Council. The following is a non-exhaustive list of suggestions made for future studies to be undertaken by the Expert Mechanism:

1. (a) The situation of indigenous human rights defenders;
2. (b) Discrimination facing indigenous peoples in business and access to financial services; (c) Forced assimilation and destruction of culture;
3. (d) Indigenous peoples and the right to food;
4. (e) The implementation of the right to self-determination in accordance with article 3 of the Declaration;
5. (f) The implementation of collective rights;
6. (g) The promotion and protection of the rights of lesbian, gay, bisexual, transgender and intersex indigenous persons.

92. Ms. Yamada highlighted the important role that States and national human rights institutions could play in disseminating the Expert Mechanism's studies and applying its advice. She also expressed support for the theme of indigenous human rights defenders.

## ITEM 6: UNIVERSAL PERIODIC REVIEW

[Report of the Working Group on the Universal Periodic Review. Suriname. A/HRC/33/4](#)

Presentation by the State Under Review

31. As a multicultural society, the subject of sexual orientation and gender identity and expression required a broad-based consultation process at the national level, involving all sectors of society, including the civil society. In that respect, the Ministry of Justice and Police would commence such a consultation process in July 2016, starting with faith-based organizations.

35. Article 500a of the Penal Code criminalized occupational discrimination, including discrimination based on sexual orientation.

37. Lesbian, gay, bisexual and transgender persons could submit requests for permission to carry out activities under the same legal conditions as all other organizations and legal entities in Suriname. The principle of equality remained applicable when it came to fundamental rights, such as the right to freedom of thought and expression and the right to freedom of association and peaceful assembly. It had been a regular occurrence that police protection and surveillance had been provided to organizations of lesbian, gay, bisexual, transgender and intersex persons when they carried out public activities.

60. Ireland commended the effective abolition of the death penalty through its elimination from the Penal Code. It noted references to the death penalty in the Military Penal Code and encouraged Suriname to amend it. It was also concerned that Suriname's legislative environment could interfere with the enjoyment of the right to freedom of expression. It was also concerned that the lesbian, gay, bisexual, transgender and intersex community faced discrimination.

65. As to the discrimination against lesbian, gay, bisexual, transgender and intersex persons, to which Ireland referred, the Minister stressed that they were not discriminated against either in law or in general. In a few years, Suriname would hopefully be able to report about specific legislation guaranteeing that they had equal rights. Suriname had 20 different ethnic groups with different religions and needed some kind of consensus to pass legislation on the issue. Nevertheless, it was important to note that the Ministry of Justice and Police defined the rights of lesbian, gay, bisexual, transgender and intersex persons as human rights.

111. As to the question from Australia regarding the situation of lesbian, gay, bisexual, transgender and intersex individuals, Suriname was trying to increase awareness, despite difficulties in creating acceptance among more than 20 ethnic groups.

133. The recommendations formulated during the interactive dialogue/listed below have

been examined by Suriname and enjoy the support of Suriname:

133.56 Take all necessary steps to adopt legislative and other measures to explicitly prohibit discrimination on the basis of sexual orientation and gender identity (Netherlands);

133.57 Enact legislation that specifically addresses discrimination against lesbian, gay, bisexual, transgender and intersex individuals (Australia);

133.58 Adopt specific legislation to prevent discrimination based on sexual orientation or gender identity (Chile);

133.59 Take effective steps for the country's legal framework to protect the rights of lesbian, gay, bisexual, transgender and intersex people (Brazil);

133.60 Intensify measures to prevent and sanction violence against lesbian, gay, bisexual, transgender and intersex persons (Chile);

133.61 Develop and implement training programmes for current and trainee police officers to address stigmatisation and discrimination of lesbian, gay, bisexual, transgender and intersex persons (Ireland);

The following recommendations will be examined by Suriname which will provide responses in due time, but no later than the thirty-third session of the Human Rights Council in September 2016:

135.33 Adopt legislation and promote measures to prevent discrimination based on race, disability, sexual orientation and gender identity (Mexico);

[Report of the Working Group on the Universal Periodic Review. Saint Vincent and the Grenadines. A/HRC/33/5\\*](#)

Interactive dialogue and responses by the State under review

23. Australia commended Saint Vincent and the Grenadines for acceding to a range of international human rights instruments and the opening of the Belle Isle prison. It remained concerned by the conditions at the old prison in Kingstown. It regretted that violence and discrimination against lesbian, gay, bisexual, transgender and intersex persons had not been addressed appropriately.

45. Referring to comments made by one delegation on the need to implement legislation to protect lesbian, gay, bisexual, transgender and intersex persons against violence, the delegation reiterated that every citizen in Saint Vincent and the Grenadines was afforded protection against violence, which was ensured under the Constitution and existing criminal laws.

70. The United States of America commended the progress made by Saint Vincent and the Grenadines in addressing prison conditions. It remained concerned about reports of discrimination and violence against women and lesbian, gay, bisexual, transgender and intersex persons and about reported use of excessive force by police and sex trafficking, including forced prostitution of women and prostitution of impoverished children by their family members.

80. The recommendations formulated during the interactive dialogue/listed below will be examined by Saint Vincent and the Grenadines, which will provide responses in due time, but no later than the thirty-third session of the Human Rights Council in September 2016:

80.37 Reform laws related to discrimination and violence against women and lesbian, gay, bisexual, transgender and intersex persons, including by repealing provisions which may be used to criminalize consensual, same-sex sexual activity between adults, and establishing a law criminalizing domestic violence (United States of America);

80.38 Enact legislation and take necessary measures to prohibit discrimination on the grounds of sexual orientation, gender identity and social status (Mexico);

80.39 Enact legislation prohibiting discrimination against lesbian, gay, bisexual, transgender and intersex persons, including removing laws criminalising consensual same sex activity (Australia);

80.40 Decriminalize homosexuality and oppose all forms of discrimination and abuse against lesbian, gay, bisexual, transgender and intersex persons (Italy);

80.43 Consider taking steps to decriminalize consensual same sex relations and abolish any discriminatory legislation and practices against lesbian, gay, bisexual, transgender and intersex people (Brazil);

80.44 Decriminalize homosexual relations between consenting adults (Spain);

80.45 Abolish section 148 of the Criminal Code, which criminalizes consensual sexual practices between persons of the same sex, as a step towards decreasing discrimination of same-sex relationships (Netherlands);

80.72 Take measures to prevent violence and discrimination against persons based on their sexual orientation and gender identity (Chile);

#### [Report of the Working Group on the Universal Periodic Review. Samoa. A/HRC/33/6](#)

Interactive dialogue and responses by the State under review

60. The Netherlands noted progress made by Samoa in promoting human rights within its legislative and policy frameworks. It expressed concern about discrimination on the ground of gender identity. The Netherlands encouraged Samoa to engage more widely with the United Nations human rights system.

61. New Zealand commended Samoa on progress made in increasing participation by women in Parliament and government leadership positions. New Zealand noted that further work was required in the area of lesbian, gay, bisexual and transgender rights.

96. The following recommendations will be examined by Samoa, which will provide responses in due time, but no later than the thirty-third session of the Human Rights Council, in September 2016:

96.31 Take steps to address inequalities affecting human rights in the area of

discrimination based on sexual orientation and gender identity (New Zealand);

96.32 Repeal all provisions criminalizing same-sex relations between consenting adults (Slovenia);

96.33 Complete the updating of legislation by decriminalizing homosexual relations between consenting adults (Spain);



96.34 Combat discrimination based on sexual orientation and gender identity by decriminalizing “sodomy” and “indecency between males”, which currently constitute crimes punishable by prison sentencing for up to seven years (United States of America);

96.35 Repeal laws that criminalize consensual same-sex conduct, and prohibit discrimination on the grounds of sexual orientation or gender identity in all areas of public life, including employment, health and education, bringing the legislation of Samoa into conformity with its commitment to equality (Canada);

96.36 Adopt measures to prevent violence and discrimination against persons on the basis of their sexual orientation and gender identity (Chile);

96.37 Adopt measures to reduce violence against women and girls and violence based on sexual orientation and gender identity (Slovenia);

### [Report of the Working Group on the Universal Periodic Review. Greece. A/HRC/33/7](#)

#### A. Presentation by the State under review

19. A legislative review of equality and non-discrimination policies was almost complete. Amendments enacted had included reinforcing the competences of the Ombudsman and the explicit inclusion of “gender identity” and “gender characteristics” as grounds for non-discrimination.

#### B. Interactive dialogue and responses by the State under review

50. Canada noted with satisfaction the adoption of a law recognizing same-sex civil partnerships and encouraged Greece to extend full legal equality to lesbian, gay, bisexual, transgender and intersex persons.

134. The recommendations listed below have been examined by Greece and enjoyed

the support of Greece:

134.64 Combat more actively the stereotypes and prejudices to which lesbian, gay, bisexual, transgender and intersex persons are subject, organizing public awareness campaigns and ensuring that the perpetrators of acts of violence on the grounds of sexual orientation are prosecuted and punished (Chile);

134.65 Adopt measures to fight against discrimination based on sexual orientation or gender identity (Israel);

134.66 Actively investigate instances of discrimination in employment, including against lesbian, gay, bisexual, transgender and intersex persons (United States of America);

### [Report of the Working Group on the Universal Periodic Review. Sudan. A/HRC/33/8](#)

141. The recommendations listed below were noted by the Sudan:

141.17 Adopt measures in the legislative and political spheres, including appropriate budget allocation, to guarantee, prevent and eradicate discrimination on religious grounds, ethnic composition, gender or sexual orientation (Honduras);

141.21 Push forward for the elimination of discriminatory provisions affecting lesbian, gay, bisexual, transgender and intersex persons (Chile);

#### [Report of the Working Group on the Universal Periodic Review. Hungary. A/HRC/33/9](#)

109. It was important to address issues relating to the lesbian, gay, bisexual and transgender community in the context of hate speech, in order to criminalize such acts against lesbian, gay, bisexual and transgender persons. The delegation considered Hungary to be in the middle ground in terms of acknowledging the rights of lesbian, gay, bisexual and transgender persons.

128. The recommendations formulated during the interactive dialogue/listed below will be examined by Hungary, which will provide responses in due time, but no later than the thirty-third session of the Human Rights Council, in September 2016:

128.103 Implement effectively its legislation and policies against hate speech and hate crimes with particular focus on the human rights protection of Roma, Jews, lesbian, gay, bisexual, transgender and intersex persons and other vulnerable groups (Czech Republic);

128.118 Adopt and implement a comprehensive strategy and action plan to tackle discrimination based on sexual orientation and gender identity (Australia);

128.119 Adopt a strategy and a comprehensive plan of action to counter discrimination based on sexual orientation and gender identity (Chile);

128.120 Take comprehensive measures to counter discrimination on the grounds of sexual orientation and gender identity (Colombia);

128.121 Fight against discrimination based on the origin, gender and sexual orientation, by continuing its efforts in the implementation of the existing instruments (France);

128.122 Adopt a comprehensive strategy in order to combat discrimination based on sexual orientation and gender identity (Greece);

#### [Report of the Working Group on the Universal Periodic Review. Papua New Guinea. A/HRC/33/10](#)

46. Regarding the rights of lesbian, gay, bisexual, transgender and intersex persons, the issue needed to be understood by the population. A national consultation process was required in order to address the issue in a comprehensive way.

104. The recommendations formulated during the interactive dialogue/listed below will be examined by Papua New Guinea, which will provide responses in due time, but no later than the thirty-third session of the Human Rights Council in September 2016:

104.75 Decriminalize sexual relations between consenting adults of the same sex and amend national legislation to include sexual orientation and gender as prohibited grounds for discrimination (New Zealand);

104.76 Take measures to prevent violence and discrimination against persons on the basis of their sexual orientation and gender identity (Chile);

104.77 Take all the necessary measures to decriminalize sexual relations between consenting same-sex adults and take additional measures to combat discrimination and violence against lesbian, gay, bisexual and transgender persons (France);

104.78 Decriminalize all same-sex relations between consenting adults by repealing all relevant provisions of the Criminal Code (Slovenia);

104.79 Decriminalize sexual relations between consenting adults of the same sex and amend national legislation to include sexual orientation as prohibited grounds for discrimination (Sweden);

#### [Report of the Working Group on the Universal Periodic Review. Tajikistan. A/HRC/33/11](#)

52. Slovenia commended Tajikistan for the progress achieved since its review, including in fostering good governance and reducing poverty. It noted the State's cooperation with the United Nations human rights mechanisms. Slovenia expressed concern about cases of child marriage, widespread homophobia and discriminatory practices against lesbian, gay, bisexual, transgender and intersex persons.

115. The recommendations formulated during the interactive dialogue and listed below have been examined by Tajikistan and enjoy the support of Tajikistan:

115.85 Conduct mandatory human rights training for law enforcement agencies, including training on hate crimes (Slovenia);

#### [Report of the Working Group on the Universal Periodic Review. United Republic of Tanzania. A/HRC/33/12](#)

Interactive dialogue and responses by the State under review

107. Australia commended efforts made to strengthen the capacity of the Commission for Human Rights and Good Governance. It encouraged the United Republic of Tanzania to protect the rights of all persons regardless of sexual orientation, and expressed concern about freedom of expression, particularly in the media.

133. The delegation stated that homosexuality and abortion were illegal. It thanked all delegations for their participation in the review.

137. The recommendations below did not enjoy the support of the United Republic of Tanzania:

137.33 Strengthen the legal protection of individuals belonging to groups in the most vulnerable situations — persons living with albinism; lesbian, gay, bisexual, transgender and intersex persons; elderly women;

pastoralists and hunter-gatherers and communities with specific needs; and people with disabilities — in comprehensive anti-discrimination legislation (Sweden);

137.42 Eliminate the criminalization of homosexuality and adopt urgent measures to amend the Criminal Code to this effect (Uruguay);

137.43 Take urgent steps to amend the penal code and eliminate the criminalization of consensual sexual relations between adults of the same sex (Chile);

137.44 Effectively implement the National Human Rights Action Plan and publicly call for an end to attacks, abuse and discrimination against persons with disabilities, persons with albinism, lesbian, gay, bisexual, transgender and intersex persons and people living with, at risk of and affected by HIV/AIDS (Canada);

137.53 Repeal provisions criminalizing homosexuality, with the aim of fully respecting the principles of equality and non-discrimination (France);

### [Report of the Working Group on the Universal Periodic Review. Antigua and Barbuda. A/HRC/33/13](#)

Interactive dialogue and responses by the State under review

12. Australia welcomed the engagement of Antigua and Barbuda in the universal periodic review process, particularly given its status as a small island developing State. It commended Antigua and Barbuda for its ratification in 2016 of the Convention on the Rights of Persons with Disabilities. It noted that no executions had taken place in Antigua and Barbuda since 1991, which, in practice, had established a moratorium on the death penalty. Australia remained concerned that violence and discrimination against lesbian, gay, bisexual, transgender and intersex persons had not been addressed, and that prison conditions in Antigua and Barbuda were worsening, owing to overcrowding, inadequate food and hygiene, and gang violence, among other factors. Australia urged Antigua and Barbuda to take action to improve prison conditions, including by addressing the backlog of criminal cases. Australia made recommendations.

28. Germany welcomed the delegation of Antigua and Barbuda and thanked it for its presentation of the national report. Germany commended the achievements of Antigua and Barbuda in the area of human rights, and particularly welcomed the passing of the Domestic Violence Bill and the Child Justice Bill in 2015. Germany remained concerned about the low age of criminal responsibility and regretted that Antigua and Barbuda continued to have a place in law for the death penalty. Germany stated that equality and non-discrimination were crucial to a democratic society and that the criminalization of lesbian, gay, bisexual, transgender and intersex persons constrained their chances of reporting cases of discrimination and violence. Germany made recommendations.

39. Regarding lesbian, gay, bisexual, transgender and intersex persons, the delegation considered that changes would take time. However, it stated that such persons were not brutally treated in the Caribbean in general and in Antigua and Barbuda in particular. The Constitution recognized the same rights for all people but it would take time to change personal prejudices, and to sensitize people. The Government was working on this but it was not possible to force such change on the psyche of the people. The delegation recognized the existence of legal provisions considering sexual relations between adults of the same sex as a crime, but no one was prosecuted under them. The delegation considered that that law was only used

against adults who had molested children. The delegation recalled that those provisions had been inherited but recognized that they had to change at some point if the Government was serious about human rights.

43. Mexico acknowledged the reform of the juvenile justice system and urged the Government to ensure its full implementation. Mexico welcomed the ratification of the Convention on the Rights of Persons with Disabilities and invited the country to harmonize its legislation in accordance with the Convention. Mexico noted the adoption of the law to prevent trafficking in persons as well as the enhanced measures to combat that crime. Mexico called upon Antigua and Barbuda to work to reduce the high rate of teenage pregnancies and HIV prevalence and to guarantee access to social and health services for all, including vulnerable persons and persons from the lesbian, gay, bisexual, transgender and intersex community. Mexico made recommendations.

47. The Netherlands noted that Antigua and Barbuda had stated in its report that lesbian, gay, bisexual, transgender and intersex persons were generally not discriminated against. It remained concerned, however, about the full rights of such persons, in particular of those from the lower economic bracket. It noted the explanations given by the Government. In view of recent calls from society in Antigua and Barbuda for a full reinstatement of the death penalty, the Netherlands asked the Government to address this negative trend. The Netherlands made recommendations.

53. A similar situation applied to issues pertaining to lesbian, gay, bisexual, transgender and intersex persons. The delegation considered that it would take time to sensitize Antiguan society, which was very moral and religious. The delegation added that if the Government were to force these issues, the reaction from society would be negative and regressive.

59. Spain congratulated Antigua and Barbuda on its recent ratification of the Convention on the Rights of Persons with Disabilities and encouraged it to continue in that vein. Spain considered respect for the principle of non-discrimination on the grounds of sexual orientation as essential. Spain made recommendations.

62. The United States of America noted the efforts of Antigua and Barbuda to eliminate violence and discrimination against persons with HIV/AIDS, especially among the police forces. It recognized administrative efforts to provide prisoners with adequate complaint mechanisms but remained concerned about the harsh, overcrowded conditions in Her Majesty's Prison. It also noted the high incidence of violence against women, especially spousal abuse and sexual harassment, and the existence of laws that criminalized same-sex sexual activity between consenting adults. The United States made recommendations.

76. The recommendations formulated during the interactive dialogue/listed below have been examined by Antigua and Barbuda and enjoy the support of Antigua and Barbuda:

76.13 Continue the efforts to ensure that national legislation prohibits discrimination on the grounds of disability, sexual orientation, gender identity and social status (Mexico);

77. The recommendations below did not enjoy the support of Antigua and Barbuda and would thus be noted:

77.35 Continue efforts at protecting all members of society from discrimination, harassment and violence, regardless of their sexual orientation (South Africa);

77.36 Adopt the additional necessary measures to ensure the full enjoyment of human rights by the vulnerable groups which are subjected to discrimination, such as lesbian, gay, bisexual, transgender and intersex persons, including the investigation and punishment of cases of discrimination, as well as the abrogation of norms that criminalize and stigmatize (Argentina);

77.37 Enact legislation prohibiting discrimination against lesbian, gay, bisexual, transgender and intersex persons, including removing laws criminalizing same-sex activity (Australia);

77.38 Carry out awareness and education campaigns in favour of non-discrimination based on sexual orientation (Spain);

77.39 Eliminate the provisions that criminalize same-sex sexual relations between adults (Chile);

77.40 Put an end to the legal discrimination against lesbian, gay, bisexual, transgender and intersex persons and to the criminalization of homosexuality (France);

77.41 Abolish all provisions that criminalize consensual same-sex relationships and adopt a national policy to promote tolerance and address discrimination and violence against lesbian, gay, bisexual, transgender and intersex persons (Germany);

77.42 Repeal articles 12 and 15 of the Sexual Offences Act of 1995 that criminalize sexual relations between consenting individuals of the same sex, which are contradictory to the commitment of non-discrimination (Netherlands);

77.43 Decriminalize relations between persons of the same sex (Honduras); 77.44 Decriminalize sexual relations between consenting adults of the same sex (Slovenia); 77.45 Decriminalize consenting homosexual relations between adults (Spain);

77.46 Reform the penal code to decriminalize private, same-sex sexual activity between consenting adults (United States of America);

77.47 Take concrete measures with a view to decriminalizing consensual same-sex relations and abolishing any discriminatory legislation against lesbian, gay, bisexual, transgender and intersex persons, even if such laws are not applied in practice (Brazil);

### [Report on the Working Group on the Universal Periodic Review. Trinidad and Tobago. A/HRC/33/15](#)

Interactive dialogue and responses by the State under review

31. The Netherlands welcomed the ongoing parliamentary debate on equal rights and non-discrimination with regard to the lesbian, gay, bisexual, transgender and intersex community. Since discrimination based on sexual orientation remained prevalent, the Netherlands highlighted the need to improve the fulfilment of the rights of lesbian, gay, bisexual, transgender and intersex persons.



34. Norway, noting the legislative reforms relating to violence against women, said that the high level of gender-based violence nevertheless remained a concern. Norway was also worried about the continued stigmatization of and discrimination against lesbian, gay, bisexual, transgender and intersex persons, as well as those living with HIV. It noted with concern that Trinidad and Tobago had failed to outlaw child marriage.

54. Spain congratulated Trinidad and Tobago on the ratification of the Convention on the Rights of Persons with Disabilities. Spain urged the State to sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. Trinidad and Tobago should continue to combat all forms of discrimination, particularly discrimination based on sexual orientation. Spain praised the State's efforts to combat sexual and gender-based violence.

60. The United States of America commended efforts to assist persons with disabilities and provide greater safeguards for persons with HIV/AIDS. It noted efforts to improve aspects of the justice sector, but remained concerned about reports of police ill-treatment and poor prison conditions. The United States was also concerned about violence and discrimination against women and the lack of respect for the human rights of lesbian, gay, bisexual, transgender and intersex persons.

65. Australia commended the ratification of the Convention on the Rights of Persons with Disabilities in 2015. However, persons with disabilities continued to face discrimination. Australia also remained concerned that violence and discrimination against lesbian, gay, bisexual, transgender and intersex persons had not been addressed through legislative and policy instruments.

70. Chile welcomed the entry into force of the Trafficking in Persons Act, the ratification of the Convention on the Rights of Persons with Disabilities and the establishment of the national policy on refugees and asylum seekers. However, there were concerns about the State's retention of the death penalty in its legislation, discrimination against lesbian, gay, bisexual, transgender and intersex persons, violence against women and children and the early marriage of girls.

78. Germany welcomed the fact that no executions had been carried out since 1999, but noted with concern that there appeared to be continued support for retaining the death penalty. Germany remained worried that provisions criminalizing and discriminating against lesbian, gay, bisexual, transgender and intersex persons were still in effect. Germany indicated that more action was needed to safeguard children against sexual and other physical abuse.

80. Reference was made to previous responses on the subject of police mistreatment, prison conditions, gender equality, the death penalty, early marriage, vulnerable groups, such as lesbian, gay, bisexual, transgender and intersex persons, the ratification of the Convention against Torture and the Rome Statute of the International Criminal Court.

93. Montenegro noted concerns expressed by the Committee on Economic, Social and Cultural Rights and asked Trinidad and Tobago to elaborate on its possible intention to amend the Equal Opportunity Act, 2000, to afford protection to individuals on the grounds of sexual orientation and gender identity and to indicate whether a definition of discrimination against women had been incorporated into the draft national policy.



108. The following recommendations will be examined by Trinidad and Tobago, which will provide responses in due time, but no later than the thirty-third session of the Human Rights Council, in September 2016:

108.36 Take into account the recommendations of the National Commission for Equal Opportunities concerning the need to amend the Equal Opportunities legislation so that it covers the elderly, persons living with HIV and discrimination on the grounds of sexual orientation (Colombia);

108.37 Put into effect first cycle recommendations 87.23 and 88.50, and develop policy and programmatic responses to the needs of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons (United States of America);

108.38 Amend the Equal Opportunity Act to include sexual orientation and gender identity as prohibited grounds for discrimination, as part of a proactive strategy to promote respect for the dignity and rights of all individuals (Canada);

108.39 Adopt legislation prohibiting discrimination on the grounds of sexual orientation and gender identity, introducing also awareness-raising programs that promote respect for sexual diversity (Chile);

108.40 Enact legislation prohibiting discrimination against LGBTI persons, including removing laws criminalising same sex activity (Australia);

108.41 Repeal articles 13 and 16 of the Law on Sexual Offences of 1986, penalizing sexual relations between consenting individuals of the same sex. Despite the fact that laws criminalizing same sex activity are not enforced, a formal withdrawal of the law is highly recommended (Netherlands);

108.42 Take steps to combat discrimination of LGBTI people in legislation and practice, including decriminalisation of sexual activities between consenting adults of the same sex (Norway);

108.43 Decriminalize sexual relations between consenting adults of the same sex (Slovenia) (Spain);

108.44 Take additional measures as necessary to ensure the full enjoyment of human rights by vulnerable groups that are suffering from discrimination, such as LGBTI persons, including investigation and punishment of cases of discrimination and repealing of laws that criminalize and stigmatize them (Argentina);

108.45 Put an end to discrimination (particularly legal discrimination) against LGBT persons and to criminalization of homosexuality (France);

108.46 Repeal all provisions that criminalize consensual same-sex relationships or that discriminate against LGBTI persons (Germany);

108.47 Decriminalize homosexuality and combat all forms of discrimination and abuse against LGBTI persons (Italy);

108.48 Decriminalize same sex relations including in the Sexual Offences Act (Montenegro);

108.49 Take concrete measures with a view to decriminalizing consensual same-sex relations and abolishing any discriminatory legislation against LGBTI people, even if it is not applied in practice (Brazil);

108.50 Review the Children Act of 2012 in order to decriminalize consensual sexual relations between minors of the same sex (Chile);

#### [Report of the Working Group on the Universal Periodic Review. Swaziland. A/HRC/33/14](#)

##### B. Interactive dialogue and responses by the State under review

68. On sexual minorities, the delegation stated that Swaziland did not deny access to services based on an individual's sexual orientation. The delegation indicated that, though there would be no efforts at the present stage to decriminalize same-sex relations, Swaziland did not prosecute anyone for engaging in consensual same-sex relations.

108. The following enjoy the support of Swaziland, which considers that they are already implemented or in the process of implementation:

108.4 Prohibit discrimination on the basis of sexual orientation and gender identity, particularly concerning the enjoyment of the right to health (Slovenia);

108.5 Ensure and guarantee non-discriminatory access to health services, education, justice and employment for all persons, irrespective of their actual or perceived sexual orientation or gender identity (Spain);

#### [Report of the Working Group on the Universal Periodic Review. Thailand. A/HRC/33/14](#)

##### Interactive dialogue and responses by the State under review

75. The 2015 Gender Equality Act protected everyone from gender-based discrimination, including persons whose sexual expression was different from their biological sex.

158. The recommendations formulated during the interactive dialogue/listed below have been examined by Thailand and enjoy the support of Thailand:

158.84 Intensify efforts to promote policies in the area of prevention, sanction and eradication of all forms of violence against women, including measures aimed at promoting their rights regardless of its religion, race, sexual identity or social condition (Mexico);

#### [Report of the Working Group on the Universal Periodic Review. Ireland. A/HRC/33/17](#)

##### Presentation by the State under review

7. Key recent human rights developments had included the adoption by referendum of a Constitutional amendment to provide for same-sex marriage. Ireland was at the forefront of introducing self-determined gender recognition under the Gender Recognition Act 2015, which allowed adults to determine their own

gender without recourse to medical or psychological opinion, and provided for a person's preferred gender to be fully recognized by the State.

#### Interactive dialogue and responses by the State under review

19. Israel was deeply concerned about hate crimes, unnecessary surgery on intersex children, and persistent discrimination against lesbian, gay, bisexual, transgender and intersex children. Israel was worried about reports of non-consensual use of psychiatric medication, electroshocks and other coercive practices in mental health services.

33. The Netherlands congratulated Ireland on its referendum amending the Constitution to allow same-sex marriage. It encouraged further action on ratifying the Optional Protocol to the Convention against Torture and on removing all constitutional obstacles restricting access to abortions.

34. New Zealand commended progress on gender equality and the Constitutional amendment allowing same-sex marriage, while noting the need for further work on the sexual and reproductive health policy for adolescents.

58. South Africa commended Ireland for submitting a voluntary interim report and enacting legislation ensuring that same-sex couples could marry. It urged Ireland to reinstate the age of 14 years as the age of criminal responsibility, as was established in the 2001 Children Act.

59. Spain congratulated Ireland for its national and international commitment to human rights and for the recent adoption of the law on same-sex marriage.

72. The United Kingdom welcomed the decision to extend marriage rights to same-sex couples and the constitutional amendment strengthening children's rights. It encouraged Ireland to ratify the Optional Protocol to the Convention against Torture.

73. Slovenia welcomed the ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, and the adoption of legislation on same-sex marriage. It noted persistent challenges regarding freedom of religion or belief in the education system and on access to abortion. It regretted that its previously accepted recommendations on ratification of the Optional Protocol to the Convention against Torture and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography had not been implemented.

74. Uruguay welcomed the constitutional and legal measures Ireland had adopted against discrimination based on sexual orientation and gender identity, and the establishment of the Irish Human Rights and Equality Commission. Uruguay noted that the treaty bodies had underlined the restrictiveness of legislation on abortion.

114. Brazil commended legislation ensuring same-sex marriage and ongoing measures to ratify the Optional Protocol to the Convention against Torture. Brazil encouraged Ireland to consider developing

programmes to address housing needs, especially those of persons in vulnerable situations and persons affected by poverty.

135. The recommendations formulated during the interactive dialogue have been examined by Ireland and enjoy the support of Ireland:

135.119 Take further steps to address discrimination of lesbian, gay, bisexual, transgender and intersex persons in access to goods, employment and services, including healthcare (Denmark);

136.49 Continue legislating so that there is no discrimination against lesbian, gay, bisexual, transgender and intersex persons in the field of pensions (Spain);

#### **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**

#### **[National institutions for the promotion and protection of human rights. Report of the Secretary-General. A/HRC/33/33](#)**

##### Capacity-building

33. In November 2014, in partnership with the United Nations Children's Fund (UNICEF) and the national human rights institution of Chile, OHCHR conducted a workshop for civil society organizations on the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. In 2015, also in partnership with the national human rights institution of Chile, OHCHR organized a seminar on alternative reporting to the Committee on Economic, Social and Cultural Rights and a regional seminar on business and human rights, and launched a joint publication on social protests and human rights. In August 2015, other activities were jointly carried out on sexual and reproductive rights, and on social protests, as well as training on lesbian, gay, bisexual, transgender and intersex rights.

38. In 2015, OHCHR and the National Human Rights Institution of Guatemala issued a joint report to assess the implementation of the Government's strategy to combat malnutrition. OHCHR provided support and training to the National Human Rights Institution on various topics, including human rights in the context of elections, business and human rights, food security, the rights of indigenous peoples, labour rights, lesbian, gay, bisexual, transgender and intersex rights, and preventive detention.

##### Asia and the Pacific

70. In August 2015, the national human rights institutions of Fiji, New Zealand and Samoa participated in the launch of the Free and Equal campaigning the Pacific, organized by OHCHR. In November 2015, those institutions also participated in a regional workshop on universal periodic review, which OHCHR organized in Suva.

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

**UPDATE 09/13/2016**

[Report of the Working Group of Experts on People of African Descent on its mission to Italy. A/HRC/61/Add.1](#)

34. Since 2013, the National Office against Discrimination has been responsible for protecting individuals against all forms of discrimination, whether based on race, ethnic origin, religion, personal opinion, disability, age, sexual orientation or gender identity. The Working Group learned that the Office had carried out a number of initiatives to raise awareness of and promote action to eliminate discrimination and inequality. The Office works closely with the Observatory for Protection against Acts of Discrimination to encourage the reporting of hate crimes and ensure the right to non-discrimination and equality. There are also plans to establish a national working group on interactive dialogue between the Government and religious institutions.

## ITEM 10: TECHNICAL ASSISTANCE AND CAPACITY-BUILDING

### REPORTS THAT DO NOT ADDRESS SOGIESC ISSUES

REPORTS THAT DO NOT ADDRESS SOGIESC ISSUES
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- Composition of the staff of the Office of the United Nations High Commissioner for Human Rights- Report of the United Nations High Commissioner for Human Rights. A/HRC/33/18
- Question of the death penalty. Report of the Secretary-General. A/HRC/33/20
- Summary report on the expert workshop to discuss existing guidance on the implementation of the right to participate in public affairs – Report of the Office of the United Nations High Commissioner. A/HRC/33/25
- Activities of the Global Alliance of National Human Rights Institutions in accrediting national institutions in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). A/HRC/33/34
- Workshop on effective, inclusive and participatory mechanisms and methodologies to mainstream human rights in the formulation and implementation of public policies. A/HRC/33/35
- Report of the Independent Expert on the promotion of a democratic and equitable order. A/HRC/33/40
- Report of 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. A/HRC/33/43
- Addendum-Mission to Belgium. A/HRC/33/43/Add.2
- Addendum-Mission to European Union. A/HRC/33/43/Add.4
- Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences. A/HRC/33/46
- Report of the Special Rapporteur on the human right to safe drinking water and sanitation on his mission to Botswana. A/HRC/33/49/Add.3
- Report of the Special Rapporteur on the human right to safe drinking water and sanitation on his mission to Tajikistan: comments by the State. A/HRC/39/49/Add.4
- Report of the Working Group on Arbitrary Detention. A/HRC/33/50
- Report of the Working Group on Arbitrary Detention. Comments by El Salvador. A/HRC/33/50/Add.3
- Report of the Working Group on Arbitrary Detention. Comments by Peru. A/HRC/33/51/Add.3
- Reports of the Human Rights Council Advisory Committee on its sixteenth and seventeenth sessions. A/HRC/33/52
- Report of the Working Group of Experts on People of African Descent on its seventeenth and eighteenth sessions. A/HRC/33/61
- Follow-up report on how technical guidance on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal mortality and morbidity has been applied to States and other relevant actors- Report of the United Nations High Commissioner for Human Rights. A/HRC/33/24
- Human rights and indigenous peoples – Report of the United Nations High Commissioner for Human Rights. A/HRC/33/27
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