

**Outcomes of the 17<sup>th</sup> UPR session**  
**Final adoption Country Reports**  
**UN Human Rights Council - 25<sup>th</sup> session**

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## SAUDI ARABIA

**Recommendations:** *Withdraw reservations to CEDAW; implement CEDAW recommendations; criminalise femicide; take measures to eliminate discrimination against women; prohibit early and forced marriage; criminalise violence against women; abolish the system of guardianship; take measures to eliminate patriarchal and gender stereotypes.*

**Status:** *Recommendations related to withdrawing CEDAW recommendations generally rejected, measures to criminalise femicide, eliminate discrimination against women and patriarchal and gender stereotypes accepted in part, some measures to prohibit early and forced marriage and/or child marriage and the system of guardianship accepted, others rejected.*

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### STATEMENTS

#### Saudi Arabia

In the area of women's and children's rights and the fight against domestic violence crimes, many measures have been taken, most importantly, the issuance of the regulation on "protection from abuse," which aims to protect members of society from exploitation and maltreatment, especially women and children, and other categories such as the elderly, and to monitor and document any cases of violence. It should be noted that employees who impede the receipt of complaints of domestic violence are held accountable and can be questioned under this regulation.

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#### FIDH

FIDH welcomes Saudi Arabia's acceptance of recommendations pertaining to access to shelters for victims of domestic abuse and the enforcement of legislation that criminalises all forms of violence against women, such as the "Protection from Abuse" Act. [...However] we regret that Saudi Arabia rejected key recommendations to withdraw general reservations to the CEDAW convention and to invite the UN Working Group on discrimination against women to visit the country.

We note that while the government accepted some recommendations to make efforts to abolish institutionalised male guardianship, this system and the gender segregation policy, which are among the root causes of violations of women's rights, remain firmly in place for the time being. Women require permission from their guardians to access government services and resources, enroll in universities, or travel. They suffer from discrimination at all levels, including in marriage, divorce and child custody. We urge the government to immediately revoke the male guardianship system and to remove reservations to the CEDAW convention.

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## **Human Rights Watch**

Though Saudi Arabia accepted general recommendations to abolish the male guardianship system and all discrimination against women, as it did following its first UPR in 2009, it rejected specific recommendations such as removing reservations to CEDAW that would allow women to pass their nationality to children, set a minimum marriage age of 18, or end the male guardianship system by royal decree.

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## **Center for Inquiry**

Saudi Arabia is suffering gender apartheid. The cornerstone of this patriarchal abuse is the male guardianship system. Guardianship removes women's ability to make decisions, thus ensuring their subjugation. The male guardian – whether the father, brother, husband or even son – undertakes the decision-making regarding matters of body, health, marriage, and travel. This violates fundamental human rights and enables violence against women.

In a state where judges and clerics are granted license to interpret cases, often to fit their own patriarchal prejudices, women remain unprotected and without a voice. Removing male guardianship would have far-reaching positive ramifications, including greater access to healthcare and greater economic productivity. Indeed, nearly 2 in 3 women are unemployed in Saudi Arabia, due in part by the guardianship system that impedes applying for jobs and commuting to work.

We welcome progress in women's rights and gender de-segregation, such as the co-educational King Abdullah University for Science and Technology. However, it is clear that this, along with the recent inclusion of women in the Shura Council, will be in vain if male guardianship is not overturned.

We thus urge the Saudi government to move towards abolishing the system of guardianship and for the OHCHR and states that have submitted this recommendation to strictly monitor the process.

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## **Amnesty International**

The authorities deny the existence of systemic discrimination against women. Within days of the UPR Working Group session in October 2013, the authorities publicly stated that they would punish all women who dare to drive a car or participate in the *Women to Drive* campaign.

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## **Saudi Arabia – concluding remarks**

Another factor to take into account is the cultural diversity of all countries, as the difference between cultures of the world is an undeniable fact and an inevitable reality and the attempts to impose certain cultures on communities in matters of human rights brings more harm than good to those same human rights. Hence it is necessary to take into account the cultural diversity and reinvest it in the protection and promotion of human rights, and that this should be considered as part of the concept of “universal human rights”.

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## SENEGAL

**Recommendations:** *Take measures to address discrimination and prosecution based on sexual orientation and gender identity; repeal laws that might be used to criminalise consensual relations between adults of the same sex; start a national dialogue on the acceptance of homosexuality.*

**Status:** *Rejected.*

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### STATEMENTS

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#### **Action Canada for Population and Development & Sexual Rights Initiative**

Our organisations remain equally concerned with Senegal's complete refusal to respect, protect and fulfil the rights of individuals with diverse sexual orientations, gender identities and expressions. We therefore urge the government to revisit recommendations #126.1 – 126.14. Specifically, we are greatly disturbed by the rejected of recommendation #126.11 to take steps to combat the persecution of persons on the basis of their sexual orientation or gender identity, in particular by removing Article 319.3 from the Penal Code so as to decriminalise consensual sexual conduct between persons of the same sex.

As our organisations have previously recommended, the government must:

- Address the unmet need for family planning by providing all individuals with access to a range of affordable modern methods of contraception.
- Decriminalise consensual sexual relations between persons of the same sex.
- Address the sexual and reproductive health needs of young people and adolescents by, in part, increasing the budget for the Ministry of Health to provide young people and adolescents with access to the services and information they are entitled to, and providing them with access to youth-friendly health information and services.

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#### **Amnesty International**

Amnesty International is disappointed by Senegal's outright rejection of all recommendations to amend national legislation which currently permits discrimination against minorities, and to ensure the respect for the human rights of LGBTI persons. Amnesty International calls on Senegal to ensure the universality of human rights of all individuals, irrespective of gender, sexual orientation or gender identity, and to release all persons imprisoned or detained on the grounds of their sexual orientation or gender identity.

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## **Response of the delegation of Senegal**

There were other issues that were brought to our attention, for instance, the issue of equality for all Senegalese. We are taking all possible steps in this area of course, but I think it is also important to bear in mind that Senegal is aware of what needs to be done. We are not trying to sweep anything under the carpet. We know that there are certain demands and we will listen to them to deliver the rights of all people of Senegal. (...) I think it's also important perhaps to respond to the LGBT issue. We've responded to this issue in the past during our last passage through the UPR process. We made it clear that the right to life of all citizens are respected but what we call "acts against nature" are acts that are carried out publicly in the street. That is what is punished. But people who carry out such acts in private homes are not punished and are not prosecuted. So that needs to be clearly understood as well.

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## NIGERIA

**Recommendations:** Undertake measures, including through human rights education and training, to modify traditional practices that hamper the full respect for the human rights of women. Continue awareness-raising campaigns to eradicate harmful traditional practices and introduce sex education in the school curricula.

**Status:** Accepted.

**Recommendations:** Revise laws discriminating against LGBTI persons, including refraining from signing into law any new legislation criminalizing same sex relations; Establish policies and procedures that protect the human rights and security for all Nigerians including LGBT persons, their families and associates; enact legislation to prevent violence against people based on sexual orientation; Release all persons imprisoned or detained on the grounds of their sexual orientation or gender identity.

**Status:** Rejected.

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## STATEMENTS

### Nigeria

Recommendation 137.8 [Continue awareness-raising campaigns to eradicate harmful traditional practices and introduce sex education in the school curricula] enjoys our support and acceptance. We are aware that these practices (harmful traditional practices) are deeply rooted in ancient traditional beliefs and cultural practices, which cannot be exorcised overnight. We are however using both legislation and advocacy to sensitise the people of the dangerous health and social implications of such practices. The Federal Government through the Ministry of Women Affairs and Social Development, the National Human Rights Commission and State Ministries of Culture and Tourism will continue to educate the people and raise awareness on this matter.

On the issue of sex education, we wish to inform the Council that the Federal Government encourages educational institutions in the country to adopt a progressive approach to the introduction of sex education in their curricula. Advocacy on sex education will continue on a progressive basis given the cultural sensitivities on the part of parents, religious bodies and other stakeholders in the education of young people.

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## **United States**

We are deeply disappointed that the government rejected recommendations from the U.S. and several other member states to establish policies and procedures that protect the human rights and fundamental freedoms of all Nigerians, including LGBT persons, their families and associates. The U.S. condemns the undue restrictions placed upon freedoms of expression, association and assembly for all Nigerians, regardless of sexual orientation, through the Same Sex Marriage Prohibition Act. We urge the government to uphold its international human rights obligations and to repeal this act.

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### **Center for Reproductive Rights:**

The right to family planning services and information is rooted in the rights to equality and non-discrimination, education and health. ... Unsafe abortion and lack of access to post-abortion care has led to a significant number of maternal deaths in the country. These deaths are a direct result of Nigeria's restrictive abortion law which means most abortions are clandestine and unsafe.

We support the recommendation made to Nigeria on introducing sexuality education in the school curricula as such education in Nigerian schools remains drastically inadequate leaving adolescents without accurate and evidence-based information to prevent unplanned and unwanted pregnancies.

We urge the government of Nigeria to undertake effective and sustainable measures to increase access to family planning services and information, and to subsidize or cover the costs; provide sexuality education in schools; and improve access to safe abortion and post abortion care including by reviewing the impact of its restrictive abortion law on the country's maternal mortality incidence.

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### **Women's International League for Peace and Freedom:**

The Violence against Persons Prohibition Bill was drafted as a response to the consistent failure of Nigerian authorities to adopt and implement legislation to address and prevent sexual violence. The aim of the Bill is to eliminate the occurrence of gender-based violence in Nigeria. The policy has been rejected twice in the past year.

Member States have recommended that the Nigerian Senate pass the Violence against Persons Prohibition Bill. We welcome Nigeria's acceptance of these recommendations and we urge the Senate of Nigeria to promptly pass the Bill.

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## **International Humanist and Ethical Union**

In its UPR report, the Nigerian delegation attempted to justify denying equality for homosexuals on the grounds that “all attempts to integrate sexual orientation into existing universally recognized human rights had so far failed” and that “national and cultural values” prevented it from accepting related recommendations.”

However, no further ‘integration’ is necessary; anti-homosexuality legislation is simply unacceptable under existing international human rights law. This has been reiterated by the Secretary General, and by the High Commissioner who affirmed that "the principle of universality admits no exception".

Moreover, since when have national and cultural values been accepted by this Council as taking precedence over the universality of human rights? To cite popular support for anti-homosexuality legislation is irrelevant as it is the State’s role as human rights guarantor to protect equality "without distinction of any kind”.

It is deplorable the Nigeria not only fails to address rampant homophobia, but also enshrines it in domestic law.

Nigeria claimed that "there was no policy or practice of witch-hunting people on the basis of their sexual orientation". That is semantics: the Chairman of Bauchi State Shariah Commission reportedly said that they are “on the hunt” for homosexuals; while the deputy head of the Hisbah in Kano state declared that they will "wage serious war” against them.

For more information regarding equality for homosexuals and its place in international human rights legislation, may we direct the Nigerian delegation to the OHCHR’s “Born Free and Equal” guidebook.

We implore Nigeria to honour its membership to this Council and to the latter’s founding principle by accepting and implementing UPR recommendations 138.1-138.10 such that equality may be enjoyed by all Nigerians, without discrimination.

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## **Amnesty International**

On 6 January this year, Nigeria signed into law the Same Sex Marriage (Prohibition) Act. The new law criminalises same-sex relationships, socialising in the LGBTI community and the activities of many human rights and civil society organisations. It is discriminatory and violates the rights to freedom of expression, association, and peaceful assembly. Moreover, the law could be used to harass, coerce, or blackmail people by law enforcement officers or members of the public. We call on the government to repeal the law and to ensure that all Nigerians enjoy the human rights guaranteed by the Constitution.

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## **International Lesbian and Gay Association**

We are deeply concerned about the disturbing human rights situation presented by the Same Sex Marriage [Prohibition] Act signed by the President of Nigeria on 7th of January 2014.

Its title is misleading. This new law actually criminalizes the freedom of assembly of all Nigerian citizens, the freedom of expression of sexual minorities, as well as anyone who supports or sustains them, including human rights defenders or those who express opinion that challenges the conduct of the government, with a prison sentence of up to 10 years.

Following the presidential assent to the Act in January, innocent Nigerians have been targeted based on perceptions of their sexual orientation and gender identity. Series of mass arrests and mob violence has been recorded in different parts of Nigeria and perpetrators have enjoyed impunity.

Mr President, we will like to bring to your notice the following few cases amongst several:

1. On the 23rd Jan 2014 an angry mob calling for persons alleged homosexuals to be hanged, threw stones into a court where the persons were being prosecuted in Bauchi State in Northern Nigeria.
2. On the 12th and 13th of Feb 2014, in Gishiri village in the capital city of Abuja, a mob of about 40 persons attacked and severely battered 14 young men alleged to be homosexuals, forcing them to flee their homes at midnight. These men remain homeless in Abuja as we speak.
3. Other cases include blackmail and extortion often with the connivance of law enforcement agents.

Last October, the Attorney General of Nigeria- Barrister Mohammed Bello Adoke said and I quote "there will not be any witch-hunt of homosexuals in Nigeria". However, this law is currently being used for this purpose of witch-hunt and very little effort is made by the Police to prosecute perpetrators of this violence.

We are extremely disappointed that, of all the recommendations made my member states to the Federal Republic of Nigeria at the recent UPR session, to protect its sexual and gender non-conforming citizens, not one was accepted, on the premise that the majority of Nigerians are against homosexuality. The opinion of the majority does not excuse the State from carrying-out its constitutionally-required mandate to provide security for all and ensure there is a favourable environment for the enjoyment of human rights by all persons in Nigeria.

Mr President, we use this opportunity to call on the Government of the Federal Republic of Nigeria:

- To investigate all cases of violence suffered on basis of perceived or real sexual orientation and gender identity, if required in partnership with the National Human Rights Commission.
- To thoroughly review its penal and administrative laws with a view to repealing all discriminatory laws including those that adversely affect women, children, persons with disabilities, refugees, ethnic and sexual minorities.

### **Association for Progressive Communications**

We are deeply concerned by the rejection of the number of important recommendations by Nigeria, including recommendations to "ensure the universality of human rights, safeguarding and protecting human rights of all Nigerians irrespective of gender, age, sexual orientation, gender identity or religious affiliation", and to establish policies and procedures to protect the human rights and security for all Nigerians including LGBT persons, the families and associates. We urge the Government of Nigeria to reconsider policies and practices that are in clear violation of international human rights standards and commitments.

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### **Response of the delegation of Nigeria**

Even though we do not wish to revisit at this time the questions surrounding the issues of LGBT, let me reiterate also that Nigeria does not adopt a policy of witch-hunting any group of its citizens or residents in the country. What has come about as the anti-gay marriage law is strictly the outcome of a democratic process which no democratic country can actually ignore.

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## MEXICO

**Recommendations:** *Carry out follow-up mechanisms on UPR recommendations that enable to verify the implementation and impact of norms and measures adopted to promote equal rights and non-discrimination for all citizens, particularly vulnerable groups such as women, children, ethnic minorities and LGBT communities, among others;; Intensify efforts to guarantee universal access to health services, information and education on health and sexual and reproductive rights, particularly for adolescents.*

**Status:** *Accepted*

**Recommendation:** *Preserve and protect the natural family institution and marriage as the conjugal union between a man and a woman based on their free consent*

**Status:** *Rejected*

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## STATEMENTS

### Mexico

The Mexican government said the recommendations accepted would promote protection of persons in vulnerability in any form of discrimination based on gender, race, religion and sexual orientation. The acceptance of the recommendations coincides with today's publication of the reforms to the Law to Prevent and Fight Against Discrimination that extends the protection. The Mexican Government accepted all the recommendations related to sexual and reproductive rights, reducing inequality and gender stereotypes.

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### Malaysia

My delegation appreciates the openness and transparent approach demonstrated by Mexico in its UPR process. Malaysia acknowledges the continuous efforts made by Mexico in the promotion and protection of human rights in various areas including poverty eradication and gender equality, among others.

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### India

My delegation thanks the Government of Mexico for accepting our recommendation to focus on marginalized groups of the society. In this regard we also take positive note that the country has made laudable progress in reducing poverty and inequality.

### **JASS Asociadas por lo Justo**

It addressed the violence and discrimination against women. It particularly focused the statement on the protection of human rights defenders who are in risk due to gender roles, corruption and organized crime.

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### **Save the Children**

In Guerrero and Oaxaca states, mortality rates double the national average of 43 maternal deaths for every 100 thousand births and 54% of them affect indigenous women. Save the Children calls Mexico to guarantee access to a universal health care services system prior to, during and after child delivery, especially for women and families with living conditions below the poverty line, to develop family planning policies and to ensure access to birth control methods.

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### **Action Canada for Population and Development / Sexual Rights Initiative**

Mexican government must note that gender stereotypes are still very strong in Mexico and are a significant obstacle to the realization of women's and LGBT people human rights and sexual and reproductive rights. The measures to eliminate gender-based discrimination and violence adopted by Mexico do not recognize the concept of gender identity; consequently these measures do not protect persons from discrimination on the grounds of gender identity.

Violence against transgender people remains high and systematic in many aspects, at institutional such as within educational, health, legal systems as well as domestic and social levels. It also called the attention that there is enough evidence that violations of LGBT people human rights remains in Mexican society.

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### **Mexico – CONCLUDING REMARKS**

Mexico announced that in the following days, the Decree to combat Homophobia would be published.

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## MAURITIUS

**Recommendations:** *Repeal Section 250 of the Criminal Code which criminalises sexual conduct between consenting adults of the same sex.*

**Status:** *Government has not yet taken any policy decision regarding the decriminalization of sodomy. In view of the sensitivity of the issue, further consultations are required.*

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### STATEMENTS

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#### **Mauritius**

I wish to reiterate that our Constitution guarantees to all citizens the right to equal protection and benefit of the law without discrimination based on race, caste, colour, sex, religious beliefs, place of origin and political opinions. In addition, a number of legislative measures have been adopted to warrant effective exercise of civil, political, economic, social and cultural rights, to maintain a conducive environment for equal opportunities for all and to sustain a cohesive and harmonious society in our multi-racial and multi-ethnic island state.

Mauritius fully subscribes to the principles established in the Universal Declaration of Human Rights. We respect the principle of universality of human rights and consider human rights to be indivisible, with economic, social and cultural rights as important as civil and political rights. The manner in which rights are attained and implemented must nevertheless take into account specific national circumstances and our multi-ethnic makeup. Mauritius shall build on its achievement in human rights even as it addresses the recommendations made to it.

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#### **Canadian HIV/AIDS Legal Network**

We welcome the steps Mauritius has taken towards non-discrimination, including on the ground of sexual orientation. Such measures are important in efforts to combat HIV/AIDS. Mauritius has indicated that "further consultations are required" on the issue of decriminalisation of consensual same-sex conduct. We note that Mauritius accepted recommendations to legislate in this area during the first cycle of the UPR, and we would consider that this remains an accepted recommendation awaiting implementation. Could the delegation indicate its timetable for consultations with a view to decriminalising consensual same-sex conduct in accordance with both its commitment during the first cycle and its international human rights obligations?

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## JORDAN

**Recommendations:** Strengthen legislation protecting women and girls from forced or underage marriage and strengthen its penal code regarding rape, in particular by removing article 308 and amending the Penal Code to remove the exemption of those accused of honour crimes from prosecution, and strengthen the enforcement of this legislation, particularly in refugee camps; Take further steps to address discrimination against women, with a particular focus on reducing violence against women; Increase efforts to promote awareness on social level through continuing campaigns that aim at combating all types of discrimination linked to negative cultural norms while protecting the cultural identity of the society; Strengthen measures to protect women who are victims of or are threatened with violence; Increase efforts to promote awareness on social level through continuing campaigns that aim at combating all types of discrimination linked to negative cultural norms while protecting the cultural identity of the society; Continue working to eradicate the practices that allow rapists to avoid prosecution if they marry their victims; Continue with the measures aimed at eradicating practices customs involving revenge practices and “honour” crimes.

**Status:** Accepted.

**Recommendations:** Consider the inclusion of “gender” among the criteria of discrimination; Remove extenuating circumstances for “honour” killings.

**Status:** Rejected, see below response in Jordan’s statement

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## STATEMENTS

### Jordan

*In response to recommendation 119.3:*

The constitution in Jordan considers people equal before the law. The fact that gender is not mentioned would not be considered as a basis for discrimination because all of the rights that have been included in the national legislations and all the rights that are those of males are the same as the rights for females, and the same applies to duties.

*In response to recommendation 119.7:*

The general law in the criminal code does not equate the crime perpetrated by somebody consciously or under some influence, and the sanction is also different. Therefore a person perpetrating a crime while had lost control will not go unpunished. Nevertheless, he cannot be punished in the same way as one who committed the crime with predetermination and full will. Therefore, the extenuating circumstance for a crime alleged to have been committed for honour reasons must be evidenced in accordance with article 340 of the penal code, and this is an additional burden of proof on the accused. Therefore to ask for removing this extenuating circumstance would adversely impact the prosecution of perpetrators of crime under the pretext of honour.

### **The National Center for Human Rights, Jordan**

There is also a need for more efforts to combat domestic violence, as well as other forms of discrimination and inequality against women at work places, Initiatives to empower women to reach decision-making positions are still modest.

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### **Human Rights Watch**

Women in Jordan continue to experience systematic discrimination in law, including in personal status issues and an inability to pass their Jordanian citizenship to children. By refusing recommendations to lift Jordan's reservations to articles 9 and 16 of CEDAW, Jordan missed an opportunity to take an important step towards ending this discrimination. (...)

We regret that Jordanian authorities took the approach to simply accept the more general recommendations, therefore missing the important opportunity created by the UPR to make concrete pledges to address important human rights shortcomings raised by many states during the UPR debate.

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### **Amnesty International**

Discrimination against women in law and practice is widespread and it is therefore regrettable that Jordan has rejected recommendations to withdraw their reservations to the Convention on the Elimination of All Forms of Discrimination against Women, as well as to amend the Citizenship and Nationality Law to enable Jordanian women to pass on their nationality to their children and spouses on an equal basis with Jordanian men. We urge Jordan to keep these recommendations under review with a view to implementing them in due course.

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### **Verein Sudwind Entwicklungspolitik**

We also urge Jordan to withdraw the reservation on article 9 paragraph 2 of CEDAW. The inability of Jordanian women to pass their nationality to their spouses and children has a huge negative impact on such families from many different aspects, namely: economical, social, and psychological.

To improve the human rights situation in the country we recommend Jordan to: (...)

- Withdraw all reservations on the Convention on the Elimination of All Forms of Discrimination against Women.

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## MALAYSIA

**Recommendations:** *Take legislative and practical steps to guarantee that LGBTI persons can enjoy all human rights without discrimination; Introduce legislation that will decriminalize sexual relations between consenting adults of the same sex; respect the fundamental rights of LGBT persons; Enact legislation prohibiting violence based on sexual orientation.*

**Status:** *Rejected.*

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### STATEMENTS

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#### Malaysia

On recommendations that do not enjoy support, the government does not completely reject the possibility of revisiting those recommendations as appropriate. Malaysia has taken steps since the 1<sup>st</sup> cycle in 2009. The government has set up a steering committee to work on a national human rights action plan with working groups for 5 key areas, including (1) civil and political rights, (2) socio-economic rights, (3) rights of vulnerable and marginalized groups. (...) The government is looking for ways to engage with civil society at the grassroots level.

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#### Human Rights Commission Malaysia

SUHAKAM welcomes the increasing attention among NGOs towards the UPR process. and regrets any reprisals against NGOs. (...) Their participation should not be seen as a threat; and SUHAKAM regrets any punitive actions taken by the authorities against NGOs for their involvement in human rights issues. The Commission would also urge that accession to the remaining core international human rights should be given priority (ICCPR, ICESCR, ICERD and CAT, ed. JH).

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#### Algeria

Algeria particularly welcomes the approval of recommendations made by Algeria to continue consultations in the run up to ratifying international human rights treaties and measures to counter trafficking of migrants.

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## **Botswana**

We applaud the legislative reforms aimed at enhancing the enjoyment of civil and political rights. These include (...) the promulgation of the Peaceful Assembly Act of 2012.

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## **Brunei Darussalam**

Brunei Darussalam welcomes Malaysia's continuous efforts in ensuring the socioeconomic rights of its people through the implementation of its various government programmes. In particular, we commend its initiatives on enhancing the well-being of children, the empowerment of women in the labour force as well as on ensuring access to education for all its young citizens.

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## **China**

China thanks Malaysia for having accepted its recommendations to pursue international and regional cooperation and step up the fight against human trafficking.

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## **Cuba**

Cuba congratulates Malaysia's progress and tangible results in implementation of recommendations of the first cycle of the UPR that shows real commitment to improving the human rights situation for its people. That involves a number of areas such as education and health, combating poverty, and also the promotion of women's rights, the rights of the child, the rights of people with disabilities and the rights of indigenous people.

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## **Asia Pacific Forum on Women, Law and Development**

We congratulate Malaysia for accepting recommendations on women's rights, including "to launch a comprehensive national policy on gender equality". (...)

But we are disappointed: Malaysia rejected recommendations to remove its reservations to CEDAW, CRC and CRPD. Malaysia stated that it is "unfounded" that Malaysia's "Islamic Family Law ... discriminates Muslim women on marriage issues." Malaysia should therefore have no objections to removing its reservations to Article 16 of CEDAW, on equality in marriage. Malaysia rejected Canada's recommendation to criminalise marital rape. (...)

Malaysia stated that child marriage has "never been a trend". In Malaysia, girls aged 16 can be legally married; and girls below 16 and boys below 18 can be married with special permission. In 2012, more than 1000 such special permissions were given. (...)

The government has directly and indirectly harassed human rights groups which participated in the UPR, including declaring the coalition COMANGO illegal. Moving forward, we hope the government will meaningfully engage with NGOs.

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**Several NGOs** criticised Malaysia for not sufficiently fighting corporal punishment, including of youth; the use of the death penalty; reported cases of reprisals against NGOs; police misconduct; denial of due process, and; restrictions to freedom of assembly.

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### **Commonwealth Human Rights Initiative**

CHRI regrets Malaysia's rejection of all recommendations related to sexual orientation and gender identity. "Carnal intercourse against the order of nature" is punished with imprisonment and whipping in Malaysia. In addition to a breach of international obligations the provisions have allegedly been used to harass opponents of the government. Criminalisation of same-sex conduct encourages and reinforces intolerance, abuse, discrimination and marginalisation, leading to an overall destabilisation of society. CHRI urges the government to issue a moratorium on prosecutions and to take necessary action to protect members of the SOGI community and all human rights defenders from threats, intimidation and violence.

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### **Human Rights Watch**

The recommendations addressed to Malaysia reflect the broad concerns about its unwillingness to sign and ratify core UN human rights conventions and bring its domestic legislation into conformity with international law, in particular concerning the rights to freedom, association, and assembly, and due process rights. (...)

Human Rights Watch regrets that Malaysia refuses to recognize the basic rights of its LGBT population, and has failed to repeal penal code article 377 B, which criminalizes consensual adult sexual relations.

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### **Action Canada for Population and Development**

We commend the government's acceptance of recommendations to step up its efforts to reduce maternal mortality, including through an increased access to quality family planning; take necessary steps to ensure the accessibility of the sexual and reproductive health services in Government facilities; take effective measures to reverse the increasing trend of HIV/AIDS incidence by strengthening the National Strategic Plan on HIV/AIDS prevention. (...)

We strongly encourage the government to remove any legal barriers to access abortion services, ensure access to a range of contraceptive methods and integrate comprehensive sexuality education as part of formal school curriculum.

We are concerned, however, with Malaysia's complete refusal to respect, protect and fulfil the rights of individuals with diverse sexual orientations, gender identities and expressions through the rejection of recommendations to decriminalize same-sex sexual relations. Rejecting these recommendations is a refusal by the government to guaranteeing the rights of individuals with diverse sexualities, gender identities and expressions to live free from all forms of stigma, discrimination and violence.

We remain equally concerned regarding the government's rejection of recommendation for criminalizing marital rape through the removal of the exception in Section 375 of the Penal Code. This represents a gross violation of women's right to live free from all forms of violence and we urge the government to reconsider its position on this issue.

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#### **Concluding statement by Malaysia**

The government acknowledges that there remain challenges in the protection of human rights in the country. In this regard, the government will continue to undertake necessary action with a view to improve in certain key areas. Malaysia remains committed to reviewing its position on the six core human rights instruments. (...)

The government continues to engage with UN mechanisms. It has therefore decided to extend an invitation to the Special Rapporteur on the trafficking of persons and the Special Rapporteur on the right to health. The government wishes to further emphasise that it welcomes engagement with all stakeholders on human rights in general and on the UPR and its follow up implementation in particular. Such engagement should be undertaken in accordance with the law in the interest of full transparency and accountability of all parties involved.

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## CENTRAL AFRICAN REPUBLIC

**Recommendations:** *Strengthen the institutional and legal human rights framework, in order to ensure effective and impartial investigations into all reports of extrajudicial killings, enforced disappearances, torture, other ill-treatment and sexual violence against women and children and to bring those responsible to justice; Facilitate immediate access for victims of sexual violence to available services; Continue its efforts in fighting acts of sexual violence, including the establishment of mechanisms for the identification, reporting and monitoring of such cases; Develop and apply, as a matter of priority, strategies aimed at combatting sexual violence against women, and especially girls, and ensure that they are provided with support for physical and mental health; Establish training and awareness mechanisms to combat sexual violence against women and fight the culture of denial and stigma so the women may seek medical care and establish judicial complaints against perpetrators; Step-up efforts aimed at combating and eradicating FGM and other traditional harmful practices; Take additional steps to strengthen the sexual and reproductive health and rights of girls and women.*

**Status:** *Accepted.*

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## STATEMENTS

### Central African Republic

En matière de droits de l'homme, la feuille de route du Gouvernement de Transition a dans ses préoccupations :

- La protection de la population civiles vulnérables contre toutes les formes de violences en particulier celles basées sur le genre ;
- L'assistance humanitaire en vue d'assurer un retour rapide des populations déplacées et réfugiés dans leurs communautés de base ;
- La bonne Gouvernance et l'Etat de droit, à travers une bonne administration Judiciaire et l'intensification de la lutte contre l'impunité.

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### Statements by States and other stakeholders

The following delegations took the floor to express support for the adoption of CAR's UPR report: Venezuela, Morocco, Mozambique, Namibia, Rwanda, Senegal, South Sudan, Sudan, USA, Mauritania, Angola and Benin.

There were also no NGO statements on sexual orientation, gender identity or related issues. However, Amnesty International, Jubilee Campaign and Christian Solidarity Worldwide, and Rencontres Africaine pour la defense de droits de l'homme expressed concern about extrajudicial executions, sectarian violence based on religion, civilian protection, violence, torture, rape, the collapse of government, and the situation of refugees and IDPs.

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## BELIZE

**Recommendations:** *Adjust immigration laws to international standards to which Belize is a party, to avoid discrimination against vulnerable groups in particular persons with cognitive disabilities and LGBT; Provide state authorities, including law enforcement and judicial officials, with human rights training for the protection of women and members of minority groups, such as lesbian, gay, bisexual, and transgender persons; Ensure the prohibition of discrimination on the grounds of sexual orientation and gender identity; Take all necessary measures to guarantee the human rights of LGBT individuals and that they do not face persecution of any kind; Review and adapt its Constitution and laws to ensure that discrimination on grounds of sexual orientation and gender identity is prohibited; Ensure its Criminal Code provisions do not criminalize individuals based on sexual orientation.*

**Status:** *Belize accepted recommendations on equality and non-discrimination, including in relation to gender equality, non-discrimination against persons living with HIV/AIDS, and measures to combat violence. Belize rejected the recommendations on minimum age of marriage, which had been increased to 16 years with parental consent and with due regard to cultural factors this would require extensive national consultations to raise even further. Recommendations relating to sexual orientation and gender identity were “noted” by the delegation, which indicated that these “remain under review”.*

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## STATEMENTS

### Belize

The recommendations supported by Belize related to issues such as racial discrimination, equity and non-discrimination, child labour, juvenile justice, the right to health and to education, the rights of migrants and of persons with disabilities, women’s rights and addressing violence against women, preventing and combating trafficking in persons, expanding the scope of human rights treaty obligations and strengthening institutional infrastructure and policy measures. There were also a number of recommendations that Belize had accepted relating to the right to development and poverty reduction.

In relation to the recommendations relating to the Second Option Protocol to the International Covenant on Civil and Political Rights on the abolition of the death penalty, the Government was not able to support them.

We are of the view that many [recommendations] require further national consultations, and others have financial implications that merit further considerations (...), still others are *sub judice* such as those recommendations relating to decriminalization of the same sex activity (...).

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## **UNICEF**

UNICEF welcomed Belize's efforts towards increased protection of children through legislative reforms, such as the move to amend the criminal code to increase penalties for violence against children. UNICEF commended the adoption of the Commercial Sexual Exploitation Bill and the amendments to the Trafficking in Persons Prohibition Act. (...) UNICEF encouraged Belize to consider raising the minimum legal age of marriage to bring it in line with the Convention on the Rights of the Child and to take steps to reduce the incidence of child marriage.

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## **Algeria**

Algeria welcomed, in particular, the fact that Belize had accepted its recommendation on continuing efforts aimed at implementing the national policy of gender equality.

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## **Canadian HIV/AIDS Legal Network and United Belize Advocacy Movement**

We wish to address three issues:

First of all, we would like to congratulate Belize for its sincere efforts in consulting its LGBT citizens in 2013 while drafting its national report, as well as the Prime Minister's statement underlining the State's responsibility to all its citizens.

However, the United Belize Advocacy Movement remains concerned that several recommendations accepted in the report have no timelines or budgetary allocations. We urge the State to include a timeline for steps to be taken and to assign a budget for implementation.

Secondly, contrary to the State's view on recommendation 97.7 on the right of equality before the law, equal protection of the law, and non-discrimination, Belize is not acting in conformity with its international commitments. Discrimination remains unaddressed in and out of the education system. We urge the State to develop a practical mechanism, and seek technical support to expand its capacity to respond to discrimination based on sexual orientation and gender identity.

Third, we consider Belize's commitment to the principles of the newly approved gender policy an important first step in strengthening policy frameworks that address rights concerns based on sexual orientation. However, its reluctance to address recommendations 99.28 to 99.39 affecting its LGBT citizens in any substantive way remains a cause for concern, and leads us to question the Government's commitment to human rights as laid down in the constitution and international law.

States have commended Belize on its progress in responding to HIV, gender issues and economic concerns of citizens, but these advances have not affected LGBT people in any visible way.

No adequate domestic institutional mechanisms exist for reporting and seeking redress from human rights violations; such reports go without investigation or prosecution. And no legislative amendment has been made to end current discriminatory laws based on sexual orientation and gender identity. While having little legal basis in the immigration act homosexual people are banned from entering the country, and a vague definition in Section 53 of the Criminal Code does not distinguish between consensual same-sex relations and rape. The current statute sanctions and promotes impunity, which drives violence, stigma, and legislative invisibility.

Will the Government follow the example of other States and substantively address the social disparities affecting its LGBT citizens in a timely manner?

Finally, we congratulate the State on its willingness to reflect on the recommendations affecting LGBT people in Belize and its recent embrace of the Convention on the Rights of Persons with Disabilities, and thank the many other States who made many substantive recommendations.

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#### **Action Canada for Population and Development / Sexual Rights Initiative**

We appreciate the willingness and commitment of the government to improve laws and policies relating to an increase in efforts to provide information and education on sexually transmitted infections to its population, as well as to combat stigma against people living with HIV/AIDS.

However, we are concerned that despite the outcome of the Belizean UPR in the 1<sup>st</sup> cycle, no activities were carried out to address discrimination on the ground of sexual orientation. In fact non-heterosexual persons remain one of the most discriminated groups in Belize.

Moreover, we are very disappointed at the lack of acceptance of several recommendations received by Belize regarding violations of human rights based on sexual orientation and gender identity. These include ensuring the prohibition of discrimination on that basis; ensuring that the Belizean Criminal Code does not criminalise individuals based on their sexual orientation or the removal of domestic legislation that outlaws same sex activity between consenting adults, among others.

We urge the Belizean government to address this issue by adopting and implementing laws and policies that will eliminate discrimination on the grounds of sexual orientation and gender identity as recommended by several states during the current UPR cycle.

Keeping this in mind, we urge the Government of Belize to reconsider its response and recommend the following:

To decriminalize consensual same sex sexual activity between consenting adults by repealing Chapter 101 section 53 in the Belizean Criminal Code.

And to take all necessary measures to guarantee the human rights of LGBT individuals to ensure they do not face persecution of any kind.

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## CHAD

**Recommendations:** *Intensify the implementation of its laws, policies and programmes aimed at combating violence against women; Develop new strategies to overcome the difficulties posed by traditional and customary practices which lie in the way of promoting human rights; Strengthen measures to combat more effectively all forms of discrimination and violence against women, taking into account that in this matter, customs and traditions are often the main obstacle to overcome, in order to achieve the objectives; Continue strengthening measures aimed at addressing impunity for sexual and gender-based violence; Ensure that women and girls who are victims of rape and other forms of violence benefit from the medical assistance and the psychological support that they need; Carry out awareness-raising campaigns on sexual and gender-based violence, as recommended by the UNHCR, and ensure that all the reported cases receive an adequate response; Take measures to prevent the criminal behaviour of its military and police units assigned in peacekeeping missions, responsible for acts of sexual violence, and enforce the respect for international and human rights law among its peacekeeping units.*

**Status:** *Chad accepted recommendations to address sexual and gender-based violence, including female genital mutilation, as well as early and enforced marriage, while providing mixed responses to recommendations relating to accountability and addressing harmful traditional practices.*

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## STATEMENTS

### Chad

*In response to recommendation 110.56:*

National legislation enshrines equality between men and women. Article 13 of the Constitution of 31 March 1996, revised by Constitutional Law 8/PR/2005 of 15 July 2005 states that Chadians of both genders have the same rights and the same duties. They are equal before the law. Law 17 on the General Status of the Civil Service provides for equal access to employment. Law 16 on the Education System prioritizes and encourages schooling for girls. Equality between women and men is one of the priorities for the Republic of Chad. We will continue to take measures to promote the equality of status of men and women in social life. The government of Chad is committed to promoting gender equality in the labour market and hopes one day to achieve a balance between men and women in posts of responsibility.

*In response to recommendation 110.62:*

The government has taken measures to combat harmful traditional practices. There is law number 006/PR/2002 on promotion of reproductive health which punishes these practices. There are awareness raising campaigns which are organized by the government and its partners. The draft penal code punishes the various forms of exploitation of minors in general, and girls in particular. In

the draft code of persons in the family provisions have been taken to protect children and widows against harmful practices. The draft code for the protection of children is currently being adopted by the National Assembly.

*In response to recommendation 110.108, 110.110, 110.112, 100.113, 110.119:*

The government of Chad grants particular importance to displaced persons living on our territory. They also benefit from security and protection as well as access to justice. We are a signatory to the Convention of Kampala on Refugees and Displaced Persons. There is law 006/PR/2002 of 15 April 2002 on promotion of reproductive health which makes that a priority and bans female genital mutilation, early marriage and domestic and sexual violence. The government has undertaken a vast awareness raising campaign among traditional, religious and customary leaders with a view to eliminating these harmful practices. The perpetrators of these infractions, denounced by victims, are prosecuted and punished under the law. The same goes for military units and the police forces who are involved in peacekeeping missions and who are responsible for actual sexual violence.

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### **Amnesty International**

With violence against women and girls remaining widespread, Amnesty International welcomes and is encouraged by Chad's support of recommendations to ensure that women and girls who are victims of rape and other forms of violence be given the medical assistance and psychological support that they need as well as their commitment to protect women and girls from all forms of violence, including female genital mutilation and forced marriage. We again look forward to the swift implementation of these recommendations.

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### **OCAPROCE**

The government of Chad has carried out various actions to strengthen the protection of women's rights, as well as a national gender policy and a national strategy to combat gender-based violence.

OCAPROCE is very concerned by the situation of women and girls in the country. We recommend to the Chadian government that the sanctions stipulated against perpetrators of violence against women in articles 325 and following of the penal code, as well as sanctions against those who carry out female genital mutilation be implemented.

We also recommend the adoption of a specific law to combat violence and discrimination against women, one which would ban, *inter alia*, early and forced marriage and conjugal rape. We also encourage the effective implementation of economic, social and cultural rights of women and children.

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## CHINA

**Recommendations:** *Prohibit discrimination based on sexual orientation and gender identity; take measures to promote gender equality and eradicate stereotypes; protect the family as the fundamental and natural unity of society (Egypt); include a prohibition of discrimination of any kind, including discrimination based on sexual orientation and gender identity, ethnicity, religion and infection with HIV, in labour and employment law in line with international standards (Netherlands).*

**Status:** *Accepted. China maintained that recommendations to prohibit discrimination based on sexual orientation and gender identity are "already implemented".*

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During China's UPR report adoption, the International Service for Human Rights called for a moment of silence to remember human rights defender Cao Shunli who died in detention. Unfortunately the Chinese delegation prevented the moment of silence from being respected. NGO representatives in the Council chamber stood, and held photos of Cao in remembrance. Cao Shunli was arrested in relation to her advocacy work on the UPR of China. Many statements made during the General Debate under Item 6 dealt with cases of reprisals and intimidation against human rights defenders engaging with the UN, and mentioned the case of Cao Shunli specifically. China denied that there was any connection between this case and its UPR.

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## STATEMENTS

### **COC Netherlands, joined by International Lesbian and Gay Association**

This statement is made on behalf of a coalition of Chinese LGBT organisations working on issues of sexual orientation and gender identity in China.

We would like to acknowledge and praise the fact that the Chinese government has accepted recommendation 186.89, on the establishment of anti-discrimination laws and regulations to ensure that lesbian, gay, bisexual and transgender (LGBT) persons enjoy equal treatment: and recommendation 186.90, on inclusion of prohibition of discrimination of any kind, including discrimination based on sexual orientation and gender identity, in labour and employment law.

At the same time, we express our concern at the Chinese government marking these recommendations as "already implemented". While Chinese legislation incorporates prohibitions of discrimination against different groups in Chinese society, such as women and disabled persons, no Chinese laws currently entail any mention of discrimination based on sexual orientation and gender identity. As NGOs signal widespread discrimination and stigma faced by LGBT persons in numerous settings, we perceive this as a serious gap in current Chinese legislation.

We therefore encourage China to work towards the full implementation of both recommendations. This includes adopting an explicit prohibition of discrimination based on sexual orientation and gender identity in existing and future laws and regulations, and also includes the adoption of measures promoting a society understanding and supporting of diversity.

We call on the government to do the following:

- To adopt clear regulations indicating that non-sexual LGBT content in the media is permissible; to take measures reducing stigma against LGBT individuals in the media; and to develop a comprehensive sexual education curriculum ensuring that information on sexual diversity is included accurately and objectively.
- To increase action promoting the mental and physical health of LGBT populations, including effective access for people living with HIV/AIDS to treatment and surgical operations in Chinese hospitals; access to adequate support for individuals encountering discrimination, bullying and harassment; broadened access to sex reassignment surgeries; and prohibition of harmful "conversion therapies" claiming to change the sexual orientation of people.
- To adopt a comprehensive domestic violence law that recognizes and protects survivors of same-sex intimate partner violence.
- To simplify procedures for gender identity change on all legal documents, including academic transcripts, for transgender people.
- And to grant permission for LGBT NGOs to officially register as such with government departments.

In conclusion, we reiterate our hopes that the government will actively take up its role in combating discrimination based on sexual orientation and gender identity, and look forward to an overall strengthening of dialogue between government and NGOs.

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### **Action Canada for Population and Development and SRI**

The Sexual Rights Initiative (SRI) welcomes the positive actions that the Chinese government has taken to recognize the human rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people in China. In its report to the Working Group on the Universal Periodic Review, released in October 2013, China openly shared that Hong Kong will continue making efforts to strengthen the protection of the rights of people based on different sexual orientations.

In addition, in its response to recommendations from the governments of the Netherlands and Ireland on establishing anti-discrimination laws or instruments in schools and in the workplace to protect the human rights of LGBTI people, or people with a different sexual orientation or gender identity from any form of discrimination, the Chinese government recognized through its response to recommendation 186.89 and 186.90 that LGBTI people are equal before the law, and should be protected under existing laws, such as China's Law on Regional National Autonomy, the Law on the Protection of Rights and Interests of Women, the Law on the Protection of Rights and Interests of the

Elderly, the Law on the Protection of Minors, the Law on the Protection of Rights and Interests of Disabled Persons, and the Law on the Promotion of Employment.

However, the Sexual Rights Initiative wants to encourage the Chinese government to take further positive actions to fulfill its responsibility to protect LGBTI people in China. The current laws that forbid discrimination are only based on the grounds of ethnicity, religion, gender, age, disability and “other aspects”. Yet without legal interpretation of the term “other aspects” LGBTI individuals are prevented from seeking court redress to protect their rights when they encounter discrimination in schools, at the workplace or in other circumstances.

Therefore, we recommend that the Chinese government either clarifies the term “other aspects” or specifically includes reference to sexual orientation and gender identity in the above mentioned laws, so as to ensure that all people including all women, the elderly, children, people with a disability and workers can enjoy equal rights without discrimination, regardless of their sexual orientation or gender identity.

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## MONACO

**Recommendations:** *Establish a mechanism that monitors gender equality in employment, wage discrimination against women and discrimination on sexual orientation.*

**Status:** *Accepted.*

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### STATEMENTS

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#### Monaco

For a number of these recommendations, implementation is already underway. (...) I would like to mention the establishment in 2013 of a High Commissioner for the protection of rights, freedoms and mediation.(...)

On the decriminalisation of defamation, it is not envisaged by the Principality of Monaco in that it is a stand-alone criminal offence. This criminalisation is not a hinderance to the freedom of expression. (...)

This review I do hope will underscore the headway made by the Principality of Monaco, which will continue to work at both national and international level to protect the most vulnerable persons with the greatest determination.

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#### Council of Europe

The Council of Europe is notably interested in (...): Problems related to the discrimination of foreigners and insufficient overall procedural guarantees against discrimination (as recommended by the Commission against Racism and Intolerance (ECRI) and the Council of Europe Commissioner for Human Rights)); (...)

We also invite the Government of Monaco to do its utmost for the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence.

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The following delegations took the floor to express support for the adoption of Monaco's UPR report: Nigeria, Moldova, Togo, Vietnam, Algeria and Cuba.

There was no mention of sexual orientation, gender identity or related issues and there were no NGO statements.

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## CONGO

**Recommendations:** *Adopt legal measures to eliminate all forms of discrimination against women and girls, including legislation concerning the right of ownership, sharing and inheritance of land for women; Increase its efforts to ensure the full realisation of women's civil, political, economic, social and cultural rights by establishing national programmes to empower women's organisations and groups through the provision of technical and financial support and microcredit; Strengthen the implementation of measures and provisions to eradicate all forms of discrimination and sexual violence against women and girls, including the development of programs of dissemination, prevention and assistance; Step up its efforts to end discriminatory traditional practices by organising large-scale awareness-raising campaigns on women's rights, which target local and religious leaders as well as the population in general; Design and implement an action plan to address gender based violence including domestic violence and sexual harassment; Create a system, to include training for law enforcement, legal professionals and health care personnel, for providing legal and medical aid to survivors of gender based violence, including rape and sexual violence, domestic violence, and female genital mutilation; Improve the implementation of national legislation on sexual violence and ensure that perpetrators are brought to justice.*

**Status:** *Accepted.*

**Recommendations:** *Guarantee equal rights for all citizens, and fight against all forms of discrimination based on sexual orientation or gender identity; Increase rate of women participation in decision-making in the legislative organ to 25%.*

**Status:** *Rejected.*

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## STATEMENTS

The following delegations took the floor to express support for the adoption of Monaco's UPR report: Rwanda, Senegal, Sri Lanka, Sudan, Togo, Venezuela, Angola, Algeria, Belarus, Benin, Botswana, Burkina Faso and Chad.

### Congo

With respect to women's rights, the status of women in the Congo has improved over the years, with progress being made in the areas of gender equality, training, employment and the participation rate of women in the public life. However, some obstacles linked to the socio-cultural context had still to be overcome by means of education and greater awareness. Since January 2014, the Government has embarked on a wide-ranging campaign on women's rights.

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## **Benin**

Benin encouraged the Congo to pursue its efforts and achievements in terms of upholding human rights, particularly in the area of education, health care, empowerment of women, child protection as well as the justice system.

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## **Botswana**

Botswana also noted progress made in addressing human rights of women and children, in particular measures taken to combat trafficking in persons involving children and women. Botswana commended the Congo for the efforts made to address issues of gender equality.

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## **Burkina Faso**

Burkina Faso noted that significant progress has been made, particularly in terms of reducing poverty and protecting the rights of women, children, the elderly, persons with disability, indigenous peoples as well as the fight against corruption in the justice system.

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## **OCAPROCE**

OCAPROCE congratulates the Congolese Government for creating the Ministry for the Promotion of the Women and the Women Integration and Development. However it expressed concern regarding legal dispositions, traditional and local practices that discriminate on issues of marriage, inheritance and rights of property. It recommended the Congolese Government to put efforts to implement the economic, social and cultural rights of women and children in its country.

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## **Franciscans International**

FI expressed its concern regarding the corruption in the country, especially within the distribution of health services and medical materials. It encourages the government to establish measures to fight corruption in the health system to guarantee that all the population can access to these services.

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### **Rencontre Africaine pour la Défense des Droits de l'Homme**

The speaker highlighted that issues concerning the exploitation of children and maltreatment of women had to be addressed by the government in order to implement all the recommendations. It urges the government to make a permanent invitation to the special procedures mandates.

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### **Congo – Concluding remarks**

The Government said that it needs time and resources to implement some recommendations and to have results.

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## MALTA

**Recommendations:** *Continue taking measures to eradicate gender discrimination and to promote effective equality and the overcoming of traditional stereotypes, for instance through awareness raising campaigns or programs at the education field; Adopt further measures to combat all forms of discrimination, including discrimination based on sexual orientation and gender identity; Continue to strengthen its legislative and institutional frameworks to enhance the rights of LGBTI people; Take concrete steps in ensuring comprehensive sexuality education for children and young people.*

**Status:** *Accepted.*

**Response:**

18. NCPE will provide training to educators to further empower them to endorse equality and non-discrimination issues per ground, including gender and family responsibilities.

21. In 2012, the hate crime legislation (Criminal Code) was extended to cover additional grounds, including gender identity and sexual orientation.

22. Another Bill currently being discussed proposes the introduction of protection from discrimination on the ground of sexual orientation.

23. The Government is also working on a Gender Identity Bill to enhance the rights of every person to affirm their own gender, and to have their gender affirmation legally recognized.

24. Amendments to the Civil Code removed the legal obstacles for persons who have undergone a legally recognized change in sex to be considered s pertaining to the acquired sex for all intents and purposes of civil status, including marriage.

**Recommendations:** *Sustain its policy that recognizes the family, based on the stable relationship between a man and a woman, as the natural and fundamental unit of society (Holy See);*

**Status:** *Rejected*

**Recommendations:** *Provide, in accordance with its obligations under international human rights law instruments, effective protection for the family as the fundamental and natural unit of society.*

**Response:** NCPE and The Forum for the Family are currently revisiting the definition of Family and updating the Family policy in order to better reflect today's reality.

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## STATEMENTS

### Malta

In its statement Malta addressed plans to set up a NHRI in accordance with the Paris Principles and the promotion of rights for vulnerable groups. With regard to equality the government indicated that

a bill on civil unions is currently being discussed in Parliament for two persons of the same or of different sex. (...)

A consequence of this Bill is the strengthening of Malta's laws on discrimination. Persons who use any threatening, abusive or insulting words or behaviour, or else display any written or printed material which is threatening, abusive or insulting with the intent of stirring up violence or hatred on these grounds becomes liable to imprisonment upon conviction.

This amendment will ensure that no law entails any provision that is discriminatory, nor may any person acting by virtue of any written law cause a person to experience discriminatory treatment on the ground of sexual orientation.

While the Government of Malta remains committed to sustain the traditional family model, as the fundamental unit of society, it has embarked upon legislation that does not discriminate against any form of other family model.

Malta further safeguards the rights of transgender persons. In fact, amendments to the Civil Code removed the legal obstacles for persons who have undergone a legally recognised change in sex to be considered as pertaining to the acquired sex for all intents and purposes of civil status, including marriage.

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### **Council of Europe**

We thank the Government of Malta for the recent measures taken to pave the way for the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence.

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The following delegations took the floor to express support for the adoption of Monaco's UPR report: Djibouti, Libya, Moldova, Togo, Algeria and Cuba .

There was no mention of sexual orientation, gender identity or related issues in NGO statements. These focused mostly on the position of migrants, asylum seekers and refugees. In their statement ACPD and SRI focused on access to safe and legal abortion and reproductive health care services with reference to recommendations by CEDAW, CRC and Special Rapporteurs on Torture and on Health, to decriminalize, review existing legislation and include into national health policy.

## ISRAEL

**Recommendations:** *Continue all efforts to eliminate discrimination based on sexual orientation and gender identity (Greece); Intensify its efforts to combat gender-based violence against women and girls, including from minority communities (Sweden);*

**Status:** *Accepted*

**Response:**

“Israel has been committed to gender equality since its inception, enacting the Equal Rights for Women Law 5711-1951 only three years after the State was founded. This is a testimony to the emphasis given to gender-related issues in Israel. Major progress has been made in recent years, in particular, pertaining to equality for women and the promotion and development of rights for the LGBT community, as discussed at length in Israel's national report.

“The issue of civil marriages is a complex and delicate issue which many societies today are called to respond to, and Israel is no exception. This matter has spurred an active parliamentary debate within Israel which has already resulted in a number of proposals, including bills put forward by the current Government, relating to recognition of "domestic unions" within Israel. The matter is of utmost concern as it relates not only to same-sex couples but also to those who are not members of a recognized religion or are unable to marry in a religious ceremony for whatever reason. Public debate is still ongoing as we attempt to strike an appropriate balance between individual's right to marry and the need to protect certain religious values.”

**Recommendations:** *on gender equality and non-discrimination, responding in writing:*

**Status:** *Partly accepted*

**Response:** “Equality and non-discrimination are the cornerstones of Israel's democratic society. This commitment has been reiterated in a series of laws and court rulings. Public authorities and public institutions must fully adhere to the principle of equality and are prohibited from engaging in any act or practice of racial discrimination against persons, groups, or institutions. Israeli Courts have maintained time and again that the principle of equality is a constitutional principle.”

**Several recommendations were rejected** by Israel “due to the fact that they contain the term ‘State of Palestine’. Israel considers that the term ‘State of Palestine’ was adopted as a result of a General Assembly resolution 67/19 and at the request of the PLO delegation to the UN. Israel wishes to reiterate that the term does not imply the existence of a sovereign State of Palestine, nor recognition as such; the issue of statehood, as well as all other permanent status issues will be decided between the parties only as part of a process of direct bilateral negotiations.”

[Note: Whilst Greece was the only country that explicitly raised sexual orientation and gender identity during the UPR of Israel, wider issues of discrimination and occupation that also affect

LGBTIQ people more broadly in Israel, Palestine and the occupied territories remain a serious concern. There were many other references in the report and recommendations that were relevant or are similar to those excerpted here. We recommend that those interested read the full report of the UPR working group, available online at:

<http://www.ohchr.org/EN/HRBodies/UPR/Pages/ILSession15.aspx>

## STATEMENTS

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Israel did not send a delegation to its UPR adoption due to a strike in its Ministry of Foreign Affairs, however, responses to recommendations were provided in an Addendum to the Working Group report. During the discussion, speakers regretted that Israel had been unable to send a delegation to participate in the discussion and some delegations deplored the continuation of human rights violations in the occupied territories, such as the expansion of illegal settlements, detentions and torture. Delegations noted that recommendations from the first cycle had not been implemented. Speakers encouraged Israel to address the human rights situation in the Occupied Palestinian Territory, and to adopt recommendations, including those on solitary confinement for children in military detention, women's rights and the rights of migrants.

States that took the floor included Pakistan, Syria, United Kingdom, United States, Venezuela, Canada, Cuba, Egypt, and Montenegro.

The following NGOs also took the floor: Touro Law Centre, International Commission of Jurists, International Federation for Human Rights Leagues, Human Rights Watch, Al-Haq, Amnesty International, International Association of Jewish Lawyers and Jurists, and United Nations Watch. The latter was the only NGO to reference SOGI issues.

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### UN Watch

Today's report contains valuable comments and recommendations, and we call on Israel to pay attention to them in order to better promote and protect human rights for all. These include the recommendations for Israel:

- To consider additional measures to improve the status of women in all communities with a view to promote equality in law and practice;
- To continue its efforts to eliminate discrimination based on sexual orientation and gender identity; and
- To take all necessary measures to fight against manifestation of religious intolerance, and to thoroughly investigate all cases of religious hatred, including acts of vandalism of religious sites.