



**34th UPR WORKING GROUP SESSIONS
SOGIESC RECOMMENDATIONS
4–15 November 2019**

This report contains a summary and the SOGIESC recommendations of the 34th UPR Working Group Sessions.

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

The report is based on the draft report submitted by the Working Group and notes taken by ILGA during the Working Group Sessions.

For further information on the UPR, please contact: upr@ilga.org.



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ANGOLA UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 7 NOVEMBER 2019, 14:30-18:00
DATE AND TIME OF THE ADOPTION OF THE REPORT: 12 NOVEMBER 2019, 16:30 – 18:00

During the 34th UPR Working Group Sessions, Angola received 5 SOGIESC recommendations. It accepted all 5 recommendations.

A. SOGIESC Information

National Report

19. In January 2019, a new Criminal Code was adopted that reinforces the principle of equality and non-discrimination enshrined in article 23 of the Constitution. Article 214 of the Criminal Code provides for a prison term of up to 2 years for any person who commits discriminatory acts on the grounds of race, colour, ethnicity, place of birth, sex, sexual orientation, illness, physical or mental disability, belief or religion, political or ideological beliefs, social status or origin, or on any other grounds.

Compilation of UN Information

5. The Human Rights Committee welcomed the adoption in 2019 of the new Penal Code, which criminalized acts of discrimination based on sexual orientation, and female genital mutilation. It also noted the introduction of specific provisions in the new Code to criminalize acts of corruption. 12 However, the Committee expressed concern about the

6. In 2019, the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity applauded the State's decision to decriminalize same-sex relations by eliminating in the new Penal Code a previous provision on "vices against nature" and reportedly adopting provisions outlawing discrimination on the basis of sexual orientation.

10. The Human Rights Committee stated that Angola should take measures to effectively protect indigenous peoples, foreign nationals, persons living with HIV/AIDS, persons with disabilities, persons with albinism and lesbian, gay, bisexual and transgender persons and safeguard their fundamental rights, while ensuring that all cases of discrimination were duly addressed; and to carry out broad education and awareness-raising campaigns that promoted equality, tolerance and respect for diversity



Summary of Stakeholder's Information

7. Front Line Defenders (FLD) reported that on 23 January 2019, the Angolan National Parliament had approved the text of a new Penal Code, which introduced important changes on human rights issues, such as the decriminalization of homosexuality and the decriminalization of abortions in some cases. However, in most cases the termination of a pregnancy was still considered a crime. The new Code also failed to promote the right to freedom of expression, with defamation still treated as a criminal offence.

8. JS4¹ noted that article 71 of the previous code, which had been interpreted as criminalizing homosexuality, had been replaced with an article that made punishable discrimination on the basis of sexual orientation and that an article regarding access to unemployment or services condemned any employer who fired and refused to employ someone because of sexual orientation. This was a major improvement for Angola's LGBTI community, as access to employment had been a challenge to the enjoyment of rights of this group.

11. The Southern Africa Litigation Centre (SALC) indicated that the new Penal Code had introduced several measures aimed at fostering a culture of non-discrimination, noting, among others, the inclusion of provisions addressing discrimination on the grounds of sexual orientation and disabilities.

12. AI stated that LGBTI people continued to face discrimination, intimidation and harassment by both non-state actors and state actors. JS4 recommended that Angola review the current domestic violence law to broaden its scope to include gender-based violence that can include the unique situations faced by LGBTIQ people.

58. JS4 highlighted the need to increase clinical competencies and sensitization of health providers on LGBTIQ issues. JS4 recommended that Angola revise the HIV plan to include LGBTIQ people as key population to respond to.

B. SOGIESC Advanced Questions for Angola

- **Belgium:** Belgium welcomes the decision of Angola to decriminalize same-sex relations and to adopt legislation that outlaws acts of discrimination based on sexual orientation. As a complement to these legal steps, is the government of Angola considering setting up a wider anti-discrimination policy for LGBTI-people?
- **United States of America:** What will the Government of Angola do to ensure allegations of violence, harassment, and abuses against LGBTI individuals are investigated and those responsible are held to account?

¹ Joint submission 4 submitted by: Arquivo de Identidade Angolano, Geneva (Switzerland); Iris Angola Association; Women at heart: Transgender women group;



C. Angola's Working Group Session

- **Opening remarks:** As regards to the measures to combat discrimination, our new Criminal Code strengthens the principles of equality and non-discrimination, which is enshrined in article 23 of the constitution of our country. Article 214 reinforces the principle of equality and non-discrimination, it penalizes with a prison term those who discriminate on the grounds of race, color, ethnicity, place of birth, sex, sexual orientation, illness, physical or mental disabilities which does not impede, belief or religion, political or ideological beliefs, social condition or social origin and any other form of discrimination.

D. Recommendations for Cycle III (2019)

a) Remarks of States

- **Iceland:** We welcome steps taken to tackle discrimination and applaud the revision of the penal code, as well as its new discrimination law, in particular its inclusion of sexual orientation as a basis of discrimination.
- **Ireland:** Ireland also welcomes the adoption of a new Criminal Code in January 2019, which bans female genital mutilation, decriminalises same-sex relations, and prohibits discrimination on the basis of sexual orientation.
- **United Kingdom:** The UK recognizes Angola's human rights progress, including the ratification of human rights treaties and the criminalization of acts of discrimination based on sexual orientation.
- **United States:** We are impressed with the notable steps Angola has taken to improve its human rights record, including tackling corruption, prohibiting discrimination based on sexual orientation, and decriminalizing adult consensual same-sex conduct.
- **Uruguay:** Finally, we welcome the decriminalization of consensual same-sex adult relationships and the decriminalization of abortion in some circumstances, and encourage further progress on access to sexual and reproductive rights and the promotion and protection of the rights of LGBTI people.
- **Argentina:** We congratulate Angola on the amendments made to its Criminal Code decriminalizing same-sex relations.
- **Australia:** Australia particularly welcomes the Penal Code reform which ends the criminalisation of homosexuality and bans discrimination on the grounds of sexual orientation.
- **Canada:** Canada thanks Angola for its presentation and takes note of notable reforms, including the positive legislative steps taken to protect persons with disabilities and the LGBTI community from discrimination.
- **Costa Rica:** Finally, we welcome the ratification of several international human rights instruments and welcome the decision to decriminalize same-sex relations and the justice sector reform process.
- **Denmark:** We commend Angola for decriminalizing same-sex relations and prohibiting discrimination based on sexual orientation with the adoption of the new Penal Code in 2019.



- **France:** France welcomes recent progress in Angola, including the ratification of three treaties aimed at abolishing capital punishment, torture and combating racism. We also welcome the measures taken in favour of the rights of LGBTI women and persons.
- **Honduras:** We congratulate on the progress and results achieved in implementing human rights and in particular the approval of the new criminal code which criminalizes acts of discrimination on the grounds of sexual orientation.
- **Mexico:** We welcome the publication of the new criminal code which criminalizes as an offence acts of discrimination on the grounds of sexual orientation and female genital mutilation.
- **Slovenia:** Slovenia welcomes the adoption of the new Penal Code, which criminalized acts of discrimination based on sexual orientation, and female genital mutilation. It also noted the introduction of specific provisions to criminalize acts of corruption.
- **Spain:** Spain thanked Angola for its participation in that exercise and congratulated the country on the adoption of a new Criminal Code that decriminalized consensual same-sex relations and criminalized discrimination based on sexual orientation.

b) The following recommendations have been examined and accepted by Angola:

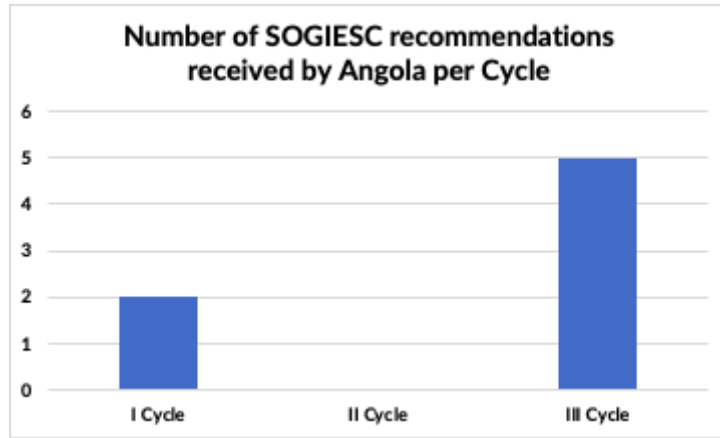
- **Germany:** Develop and implement a national plan to combat and prevent discrimination based on sexual orientation and gender identity (6.66)
- **Honduras:** Investigate promptly, fully, independently and impartially all allegations of attacks, arbitrary arrests and detentions of individuals based on their sexual orientation or gender identity (6.67)
- **Iceland:** Develop and implement a national plan to combat and prevent discrimination based on sexual orientation and gender identity (6.68)
- **Ireland:** Take further steps to guarantee the rights of gay, lesbian, trans, bisexual and intersex people by thoroughly investigating all allegations of attacks against them and by developing and implementing a national action plan to combat and prevent violence and discrimination based on sexual orientation and gender identity (6.69)
- **Norway:** Put in place institutional mechanisms that can effectively protect LGBTI-persons against all forms of violence, harassment and discrimination (6.71)

E. Recommendations for Cycle II (2014)

N/A



F. Graphic Comparison Between Cycles (1–3)



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

H. [SOGIESC Mentions During Angola's UPR Outcome](#)

N/A



BOLIVIA (PLURINATIONAL STATE OF) UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 5 NOVEMBER 2019, 14:30 – 18:00
DATE AND TIME OF THE ADOPTION OF THE REPORT: 8 NOVEMBER 2019, 15:00 – 18:00

During the 34th UPR Working Group Sessions, Bolivia received 9 SOGIESC recommendations. It accepted 5 recommendations and noted the other 4 recommendations.

A. SOGIESC Information

National Report

33. A protocol for receiving, prosecuting and punishing cases of racism and all forms of discrimination was also devised. In the face of possible crimes involving violence and discrimination against women, indigenous peoples or lesbian, gay, bisexual, transgender or intersex persons, departmental prosecutor's offices must act ex officio and give priority to resolving such cases. Anti-racism and discrimination units were set up within institutions of the executive branch and the National Directorate for Decolonization and Institutional Doctrine was established within the Bolivian police force.

53. Bolivia has consolidated its regulatory and institutional framework to promote equality and to eradicate violence based on gender and sexual orientation

E. Rights of persons with diverse sexual orientation and gender identity

90. The Gender Identity Act, which lays down the procedure for changing the name, sex and image of transgender persons, was promulgated. Between 2016 and 2018, 246 people availed themselves of and completed this procedure.

91. The Personal Identity Registration Service adopted gender identity regulations 91 which govern the procedure for issuing identity cards for transgender persons. Between 2016 and 2018, 242 identity cards were issued. Internal procedural rules for changing the name, sex and image of transgender persons in the official documents of the Ministry of Education were also adopted.

92. Supreme Decree No. 3978 lifting the ban on homosexual and bisexual persons from donating blood was adopted. The autonomous municipal government of La Paz adopted Autonomous Municipal Law No. 311, which promotes municipal public policies intended to ensure the full exercise of the human rights of persons with diverse sexual orientation and gender identity without discrimination.



93. The State Academy for Judges includes the rights of persons with diverse sexual orientation and gender identity in its human rights training courses.

Compilation of UN Information

11. The United Nations country team drew attention to the substantial progress made towards recognition of the LGBTI+Q population. It noted, however, that portions of the Gender Identity Act (Act No. 807) of 2016 had been declared unconstitutional and recommended that steps be taken to move forward with legislative measures that fully recognize the fundamental rights of that population group.

21. The United Nations country team recommended that steps be taken to establish effective punishments for serious crimes against the life and physical integrity of the LGBTI+Q population.

63. The United Nations country team recommended that the State incorporate gender equality issues and the concepts of the unacceptability of discrimination and violence on grounds of gender identity and sexual orientation into school curricula.

Summary of Stakeholder's Information

2. The Ombudsman's Office of the Plurinational State of Bolivia noted that the State had launched the Decade of the Afro-Bolivian People in 2016 and was implementing the Multisectoral Plan to Combat Racism and All Forms of Discrimination. It recommended that the State criminalize hate crimes based on sexual orientation and gender identity and ensure access to decent work for persons belonging to groups made vulnerable by racism and discrimination.

21. Joint Submission 3² noted that there were high levels of discrimination and violence against lesbian, gay, bisexual, transgender and intersex persons in the country and that impunity for such acts was prevalent. Two submissions noted that the rights of women and lesbian, gay, bisexual, transgender and intersex persons were constantly being undermined by fundamentalist and conservative groups.

22. In 2016, the Inter-American Commission on Human Rights noted that the Plurinational Legislative Assembly had adopted the Gender Identity Act. Two submissions reported that, in 2017, the Plurinational Constitutional Court had declared this Act to be partially unconstitutional, stating that the right to gender identity did not involve access to all fundamental rights, including the right to marriage, adoption and parity in electoral processes.

² Joint submission 3 submitted by: Consorcio Boliviano de Juventudes (Plurinational State of Bolivia); Colectivo Rebeldía (Plurinational State of Bolivia); Asociación Civil de Desarrollo Social y Promoción Cultural Libertad – Adesproc “Libertad” (Plurinational State of Bolivia); Metamorfosis (Plurinational State of Bolivia); Red Trebol (Plurinational State of Bolivia); Equidad LGBT (Plurinational State of Bolivia); Igualdad LGBT (Plurinational State of Bolivia); IGUAL (Plurinational State of Bolivia); Fundación Baker (Plurinational State of Bolivia); Red LBBol (Plurinational State of Bolivia); Fundación Diversencia (Plurinational State of Bolivia); Pica-Nicobis (Plurinational State of Bolivia); Centro Cultural San Isidro (Plurinational State of Bolivia); Campaña 28 de Septiembre Bolivia (Plurinational State of Bolivia); Católicas por el derecho a decidir (Plurinational State of Bolivia); Wiñay (Plurinational State of Bolivia); Plataforma de Lucha Contra la Violencia Hacia Las Mujeres (Plurinational State of Bolivia); Sexual Rights Initiative (Switzerland);



52. Joint Submission 14³ noted that prejudices and stereotypes limited access to decent jobs for lesbian, gay, bisexual, transgender and intersex persons. It drew attention to the fact that, in 2018, the Autonomous Municipal Government of La Paz had adopted Act No. 311 on promoting and respecting the human rights of persons of diverse sexual orientation and gender identity in order to guarantee their rights in various areas, including the labour market, and recommended that the State implement affirmative action policies to increase access to employment for lesbian, gay, bisexual, transgender and intersex persons.

72. Joint Submission 12⁴ recommended that the State implement an educational protocol for the prevention of discrimination based on sexual orientation and gender identity.111 Joint Submission 13 recommended evaluating the implementation of the National Human Rights Education Plan and taking steps to implement it fully

B. SOGIESC Advanced Questions for Bolivia

- **United Kingdom:** What is the Government of Bolivia doing to design evidence-based policies focused on ensuring the rights of persons of diverse sexual orientation and gender identity, especially in rural areas and indigenous communities?
- **Sweden:** What actions does the Bolivian government take to ensure the full implementation of recent reforms and decisions relating to the rights of the child, the right to sexual and reproductive health (The National Strategic Plan on Sexual and Reproductive Health) and the rights of sexual minorities (“Law against Racism and all Form of Discrimination” from 2010)?
- **Germany:** What specific measures will the Government of Bolivia take to reduce discrimination against LGBTIs, indigenous peoples and other minorities? How is the Bolivian Government dealing with widespread impunity in cases of violence against these minorities?

³ Joint submission 14 submitted by: A mi manera (Plurinational State of Bolivia); Asociación Civil de Desarrollo Social y Promoción Cultural Libertad – Adesproc “Libertad” (Plurinational State of Bolivia); Asociación de Personas Transgénero de La Paz (Plurinational State of Bolivia); Capacitación y Derechos Ciudadanos (Plurinational State of Bolivia); Coalición Boliviana de Colectivos LGBTI – COALIBOL (Plurinational State of Bolivia); Colectivo TLGB (Plurinational State of Bolivia); Colectivo DSG Beni (Plurinational State of Bolivia); Colectivo DSG Riberalta (Plurinational State of Bolivia); Colectivo DSG Rurrenabaque (Plurinational State of Bolivia); Colectivo DSG San Joaquín (Plurinational State of Bolivia); Colectivo DSG Trinidad (Plurinational State of Bolivia); Colectivo LGBT Tarija (Plurinational State of Bolivia); Colectivo TLGB Amazónico Pando (Plurinational State of Bolivia); Colectivo TLGB Chuquisaca (Plurinational State of Bolivia); Colectivo TLGB El Alto (Plurinational State of Bolivia); Colectivo TLGB La Paz (Plurinational State of Bolivia); Colectivo TLGB Pando (Plurinational State of Bolivia); Colectivo TLGB Potosí (Plurinational State of Bolivia); Colectivo TLGB Santa Cruz (Plurinational State of Bolivia); Colectivo TLGB Tarija (Plurinational State of Bolivia); Comité DSG Beni (Plurinational State of Bolivia); Comité DSG Cochabamba (Plurinational State of Bolivia); Comunidad de Derechos Humanos (Plurinational State of Bolivia); Consorcio Boliviano de Juventudes – CONBOJUV (Plurinational State of Bolivia); Equidad (Plurinational State of Bolivia); Federación de Diversidades Sexuales y Género (Plurinational State of Bolivia); Fundación Baker (Plurinational State of Bolivia); G Men (Plurinational State of Bolivia); GLBT del SUR FED. DIVFEX (Plurinational State of Bolivia); GLBT del Sur (Plurinational State of Bolivia); Hombres Trans de Bolivia – HTDB (Plurinational State of Bolivia); IGUAL (Plurinational State of Bolivia); Fundación Igualdad LGBT (Plurinational State of Bolivia); Igualdad Montero (Plurinational State of Bolivia); Asociación Juplas (Plurinational State of Bolivia); Agrupación LesVoz (Plurinational State of Bolivia); Mano Diversa (Plurinational State of Bolivia); Metamorfosis (Plurinational State of Bolivia); Observatorio de los derechos LGBTI (Plurinational State of Bolivia); RED CRUZ (Plurinational State of Bolivia); Red de Mujeres Lesbianas y Bisexuales Bolivia (Plurinational State of Bolivia); Sentir chaqueño (Plurinational State of Bolivia); Red Trebol (Plurinational State of Bolivia); Vitryaz (Plurinational State of Bolivia);

⁴ Joint submission 12 submitted by: Red Latinoamericana y del Caribe por la Democracia – REDLAD (Colombia); Unión Nacional de Instituciones para el Trabajo de Acción Social – UNITAS (Plurinational State of Bolivia);



C. Bolivia's Working Group Session

- **Intervention made after 42 interventions:** The Bolivian state, which is the guarantor of all rights of its citizens has designed a plurinational Public Policy for Human Rights 2015-2020 and this contains the main actions to be undertaken by the government and it incorporates the recommendations coming from the several treaty bodies. This policy foresees as a key work stream addressing the needs of vulnerable situations and their rights. This is the basis for the law on gender identity which allows people to change their name and sex. So far we have 330 people who have been able to change this personal data.
- **Final Remarks:** Bolivia profoundly reiterates its calling to recognize people of different sexual orientations as persons with equal rights than any other human being. Evermore this government through various administrative measures has addressed this situation. In Bolivia we have adopted a gender identity law recognizing fundamental rights for sectors that have requested this application and we are working within our ministry also on laws that recognize absolute equality for our brothers and sisters that have different sexual orientations and need to be treated and recognized on an absolute equal footing and equal conditions as anybody else.

D. Recommendations for Cycle III (2019)

a) Remarks of States

- **United Kingdom:** We note the new law passed in 2016 allowing transgender citizens to request having their names, gender and photo changed on official documents to reflect their identity.
- **Chile:** We recognize the efforts made by the authority to protect and promote human rights. In particular, we highlight the progress made in the field of sexual orientation and gender identity through the enactment of the law on gender identity the the regulation on gender identity.
- **France:** We remain mindful of the human rights situation in view of the shortcomings of the judiciary system that human rights defenders have been victim of as well as the human rights of the LGBTI persons.
- **Luxembourg:** We welcome the establishment of a truth commission as well as the normative progress achieved in the field of human rights for the LGBTQI community.

b) The following recommendations have been examined and accepted by the Plurinational State of Bolivia:

- **Honduras:** Continue working against discrimination through the establishment of specific legislation to fight discrimination based on disability, sexual orientation, gender identity, or social status (6.14).
- **Argentina:** Enhance its efforts to combat acts of discrimination and violence against LGBTIQ persons, guaranteeing their investigation and punishment (6.15).



- **Ireland:** Strengthen efforts to protect LGBTI persons against violence and discrimination and tackle ongoing impunity for such acts, including through awareness campaigns and training programmes for judicial and legal bodies. (6.16).
 - **Australia:** Take necessary steps to ensure violence and hate speech against LGBTI persons are investigated and prosecuted, and that perpetrators are held to account (6. 35).
 - **Portugal:** Take specific measures in order to eliminate all forms of stigma and discrimination in health services, including against LGBTI persons, and to promote a safe and enabling environment, including by ensuring the right to confidentiality, for example, in the context of HIV/AIDS (6.159).
- c) **The following recommendations have been examined and noted by the Plurinational State of Bolivia⁵ :**
- **South Africa:** Criminalise hate crimes based on race, sexual orientation and gender identity (6.11).
 - **France:** Promote gender equality by legalizing marriage, civil unions and adoption for same-sex couples (6.101)
 - **Germany:** Develop a legal framework that recognizes the Right to Form a Family between people of the same sex, granting the same rights conferred to couples of different sexes through marriage and free unions in accordance with the provisions of Constitutional Order 0028/17 (6.102)
 - **Iceland:** Develop a legal framework that recognizes and protects the right to form a family between people of the same sex, granting them the same rights conferred to other couples to marry and to form unions (6.103).

E. Recommendations for Cycle II (2014)

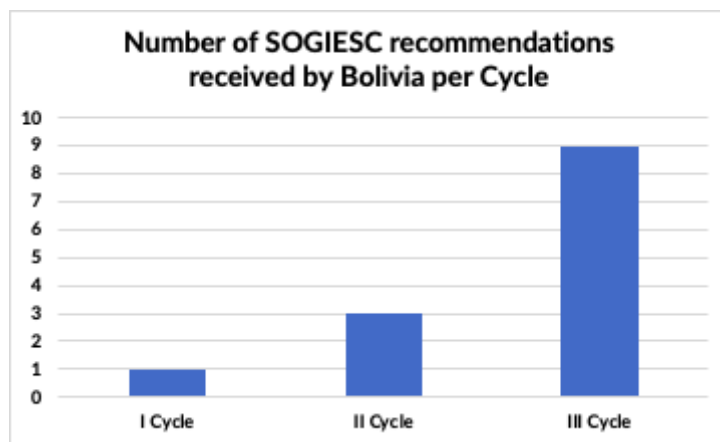
| RECOMMENDATION | RECOMMENDING STATE | RESPONSE |
|---|--------------------|----------|
| Introduce gender equality issues, as well as non-discrimination and non-violence due to gender identity and sexual orientation in education programmes, in school regulations and in the training of teachers | Colombia | Accepted |
| Expediently and fully investigate and prosecute | Ireland | Accepted |

⁵ Regarding recommendations 101, 102 and 103 the stated provided the following explanation: The Plurinational Constitutional Order 0028/2017-ECA of 13 November concluded that the effects of a change in gender identity require a debate between the Plurinational Legislative Assembly and community actors in order to issue the corresponding regulations within the framework of constitutional provisions. In this regard, the necessary efforts will be made to create a democratic forum for discussion with the community involved in the issue, within the framework of the Political Constitution of the State, and to move forward with legislation.



| | | |
|---|--------|-------|
| acts of violence and discrimination targeting women, indigenous, and lesbian, gay, bisexual, transgender and intersex (LGBTI) persons and guarantee an effective remedy to victims and their families | | |
| Repeal or modify legal norms that deny or limit the rights of people based on their sexual orientation or gender identity | Israel | Noted |

F. Graphic Comparison Between Cycles (1–3)



G. SOGIESC recommendations shared by HRDs during ILGA’s UPR advocacy week in Geneva: Manodiversa

1. To criminalize hate crimes and to include crimes committed because of the sexual orientation and/or gender identity of the victim as an aggravating factor.
2. The statistical information generated by the National Institute of Statistics –INE shall provide information variables about the population of diverse sexual orientation and gender identity and this information shall be used for the design and implementation of public policies.
3. Following the commitment undertaken by Bolivia at the public hearing on September 23, 2019 before the IACHR to pass legal norms to ensure the right to have a family for same-sex couples and trans persons as undertaken in the Fifth Transitional Provision of the Code of Family and Family Procedure.



4. To Harmonize Law 807 of older adults and the Inter-American Convention A70 on the Rights of the elderly, so that Law 807 includes non-discrimination due to sexual orientation and gender identity in old age as provided by the Inter-American Convention on the Protection of the Human Rights of Older Persons in its Article 9.
5. To design manuals or guides aimed at putting into effect the inclusion of the indigenous, native, peasant and Afro-Bolivian population of diverse sexual orientation and gender identity in the different levels of indigenous, native, peasant and afro-bolivian peoples autonomy.
6. To work with the civil society on the restitution of rights denied to the trans population in the Plurinational Constitutional Judgment 0076/2017, and to expand access to the right to gender identity for trans girls, boy and adolescents with the appropriate support of their parents or legal guardians.
7. To implement awareness campaigns, government support and expansion of focused service programs in populations of diverse sexual orientation and gender identity in rural areas and populations at most risk of discrimination, such as older adults, bisexuals, indigenous, peasant, native and afro-descendant people.

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

I. [SOGIESC Mentions During Bolivia's UPR Outcome](#)

- **Opening remarks:** In relation to recommendations 115.01, 115.02 and 115.03, which are linked to the effects of the change in gender identity, efforts will be made to generate a democratic space for discussion by the community involved in the issue, within the framework of the political constitution of the state and with its result, to move towards new legislation.
- **Action Canada for Population and Development:** It highlighted the lack of clarity of Bolivia in responding to some recommendations, including the one on recognition of same sex couples, in which Bolivia responds by referring only to the gender identity-related act.
- **International Planned Parenthood Federation (IPPF):** It urged the government to implement comprehensive sexuality education as a strategy to combat an array of social issues, including discrimination based on sexual orientation and gender identity.
- **Swedish Federal for Sexuality Education:** It encouraged the State to make efforts regarding noted recommendations, which, also reflect rights that are constitutionally recognized and protected in Bolivia such as guaranteeing same-sex couples the right to form a family on equal terms with heterosexual couples is an effective measure against discrimination against LGBTI people in Bolivia



BOSNIA AND HERZEGOVINA UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 13 NOVEMBER 2019, 09:00 – 12:30
DATE AND TIME OF THE ADOPTION OF THE REPORT: 15 NOVEMBER 2019 17:00 – 18:00

During the 34th UPR Working Group Sessions, Bosnia and Herzegovina received 5 SOGIESC recommendations. It accepted 4 recommendations and noted the other one.

A. SOGIESC Information

National Report

15. As the data for the preparation of the report is difficult to collect, the development of a data collection system has been initiated and is in its final stages. The lack of a comprehensive strategy prevents the creation of a sufficient number of anti-discrimination programs, but so far several strategic documents have been adopted pertaining to the children's rights, gender equality, including measures to combat discrimination based on sexual orientation and gender identity and discrimination against the Roma population. All public institutions and legal entities are required to apply the Anti-Discrimination Law, including the operation of security companies.

17. When it comes to the implementation of the judgment of the ECHR in cases concerning changes to the Constitution and the Election Law, regarding participation in government, these activities are still pending. Amendments to the Anti-Discrimination Law determined sexual orientation as one of the grounds for discrimination.

39. All criminal laws in BiH contain a provision prohibiting the incitement of racial, national and religious hatred and hatred on other grounds such as skin color, gender, sexual orientation, disability, gender identity, origin or any other characteristics, and this provision is further elaborated in the Criminal Code of FBiH, by providing for the punishment for public denial or justification of genocide, crimes against humanity or war crimes established by a final decision of the International Court of Justice, the International Criminal Tribunal for the former Yugoslavia or a domestic court. The HJPC BiH collects data on hate speech and hate crimes through its specific information system in the part related to qualified forms of hate crime, which are explicitly prescribed by the law for heavier punishment.

40. The system does not allow the collection of data on other criminal offenses committed due to race, color, religious belief, national or ethnic background, language, disability, gender, sexual orientation. There is a quality and functional regulatory framework in place in BiH that applies to all audiovisual media and radio media service providers, whose implementation is the responsibility of the Communications Regulatory Agency (CRA). The Law on Communications of BiH, as well as the by-laws of the CRA, establish regulatory principles that are applied in the broadcasting field and



which prescribe a ban on broadcasting content that includes discrimination and hate speech. The CRA has no authority to regulate hate speech on the Internet, nor in the print media.

94. The Law on the Prohibition of Discrimination includes discrimination on the basis of sexual orientation, gender identity and sexual characteristics in the definition of discrimination. The Draft Action Plan for Equality of the LGBTI Persons in BiH for the period 2018-2020 was prepared and referred to the opinion of the competent institutions. The aim of the Action Plan is to eliminate any direct or indirect discrimination on the grounds of sexual orientation or gender identity, to reduce homophobia and trans-phobia in the society, and to improve the quality of life of the LGBTI persons. In the previous period, trainings were organized for representatives of the gender equality mechanisms in BiH on the protection of the rights of the LGBTI persons with an emphasis on intersex persons, as well as trainings for the employees of the of Security of BiH and Border Police of BiH on the protection of the LGBTI persons with a focus on non-discrimination.

95. The FBiH Government approved the Draft Action Plan for Equality of the LGBTI Persons in BiH. At the level of the FBiH Government, a working group has been formed to analyze the regulations under which same-sex couples in the living community can exercise the rights deriving from the European Convention for the Protection of Human Rights and Fundamental Freedoms. In the case of transgender persons, they may change the gender identification in personal documents and the Unique Identification Number only after a complete medical adjustment of the gender, after which, the Ministry of the Internal Affairs cancels the old Unique Identification Number and issues a new one on the basis of which the person may change other documents.

96. In 2016 and 2017, the RS Government adopted operational plans to implement GAP BiH, which included measures to advance the rights of the LGBTI persons. In order to combat discrimination against the LGBTI persons, harmonization of the Criminal Code of RS with the international legal standards regulating the rights of the LGBTI persons was carried out, the representatives of the RS police have received training to improve their relations with members of the LGBT community.

97. HJPC BiH joined efforts to empower the LGBTI persons and combat violence and discrimination against the LGBTI persons by implementing the Project: Improving the Efficiency of Courts and Accountability of Judges and Prosecutors in BiH – phase II, during which the Council issued a press release on the occasion of the International Day Against Homophobia, commemorated on 17 May, and established cooperation with the relevant associations that promote and protect the rights of the LGBTI persons.

98. As part of the training program of the Judicial and Prosecutorial Training Center of BiH, judicial office holders had the opportunity to become familiar with the anti-discrimination and criminal legislation and practice in the field of human rights, with a focus on the LGBTI persons, as a marginalized social group.

99. The current BiH criminal laws stipulate that a hate crime is every crime committed because, *inter alia*, of the sexual orientation or gender identity of another person. Courts are required to take such treatment as an aggravating circumstance, unless the aforementioned laws explicitly prescribe heavier punishment for the qualifying form of a hate crime.



Compilation of UN Information

17. The Human Rights Committee welcomed the adoption of an annual plan for the implementation of the gender action plan. The Human Rights Committee and the Committee against Torture were concerned about reports that police officers did not investigate attacks against lesbian, gay, bisexual and transgender persons, especially during public assemblies.

Summary of Stakeholder's Information

4. With regard to the issue of equality and non-discrimination, the IHROBiH noted that the amendments to the Law on Prohibition of Discrimination in Bosnia and Herzegovina adopted in 2016 improved the legal framework in terms of non-discrimination and increased the scope of competencies of the IHROBiH and of its Department for Elimination of All Forms of Discrimination.⁵ The Ombudspersons have published a special report on the rights of LGBT persons in the country in which they presented the situation of the LGBT community and drafted recommendations for legal and administrative measures to be taken.

21. JS3⁶ pointed out that an antidiscrimination plan to protect persons who were persecuted based on their sexual orientation has never been made due to a lack of political will and consensus.

22. Sarajevo Open Centre (SOC) reported that every third LGBTI person in Bosnia and Herzegovina has experienced discrimination, even though only a small number of LGBTI persons disclose their sexual orientation or gender identity to a wider circle of people.

25. JS1⁷ and JS2⁸ mentioned the insufficient protection provided to victims of domestic violence from the authorities, social workers, judges and the police.⁴⁷ Victims faced problems when trying to obtain short-term housing and shelters and safe houses suffered from a lack of funds.⁴⁸ Civil society organizations running safe houses must cover the expenses.⁴⁹ Moreover, the number of reported cases is disproportionate to the number of cases that are prosecuted and in many cases the perpetrators are only sanctioned through monetary fines. The police often fail to file requests for emergency protective measures and sometimes the perpetrator does not face any consequence for violating these protective measures.⁵⁰ SOC expressed its concern on cases domestic violence targeting more specifically LGBTI persons, which are rarely reported to the authorities.

⁶ Joint submission 3 submitted by: Civil Rights Defenders, Stockholm (Sweden), Sarajevo Open Centre, Sarajevo (Bosnia and Herzegovina), CURE Foundation, Montreal (Canada), Transparency International in BiH, Banja Luka (Bosnia and Herzegovina), Association Zemlja Djece, Tuzla (Bosnia and Herzegovina), CA Why Not, Sarajevo (Bosnia and Herzegovina), Civil Society Promotion Center, Sarajevo (Bosnia and Herzegovina), Association Vaša prava BiH, Sarajevo (Bosnia and Herzegovina), TRIAL International, (Switzerland), My Right – Empowers People with Dissabilities, Stockholm, (Sweden), CA for Promotion of Roma Education “Otaharin”, Bijeljina (Bosnia and Herzegovina);

⁷ Joint submission 1 submitted by: Advocates for Human Rights, Minneapolis (United States of America), Ženski Centar Trebinje, Trebinje (Bosnia and Herzegovina);

⁸ Joint submission 2 submitted by: Sarajevo Open Centre, Sarajevo (Bosnia and Herzegovina), Sexual Rights Initiative, Geneva (Switzerland);



30. JS3 noted the significant progress made in the fields of cooperation with the police, the prosecutor's office and courts in the last years regarding the protection of LGBTI persons. The Prosecutor's Office named a special prosecutor for criminal acts against LGBTI persons. However, the number of processed cases of hate crimes in this regard is low and the jurisprudence is practically non-existent so far regarding discrimination and hates crimes towards LGBTI persons.⁶⁶ This situation creates lack of trust in the authorities due to lack of adequate protection.

36. JS3 noted that freedom of assembly was marginally protected. A positive step has been taken as the Constitutional court ruled that the government failed to take protective measures for the right freedom of public assembly of LGBT persons.⁸¹ An excessive use of force in the context of peaceful protests, the prohibition of public assembly, criminal lawsuits against organizers and prisons sentences were reported.

38. SOC noted that none of the administrative units in Bosnia and Herzegovina recognized same-sex unions, even though the majority of LGBTI persons wanted to conclude a life partnership if it was legally recognized.

B. SOGIESC Advanced Questions for Bosnia and Herzegovina

- **United Kingdom:** How will Bosnia and Herzegovina ensure the protection of vulnerable groups, such as persons with disabilities, LGBT persons, members of the Roma community, and migrants, and ensure their access to public services?

C. Bosnia and Herzegovina's Working Group Session

- **Opening remarks:** Regarding the protection of LGBT persons, measures within the activities of the BiH Gender Action Plan are being implemented to improve the rights of those persons. In the past period we already had good examples of training judges, prosecutors and police officers and the most recent LGBT pride parade in Bosnia and Herzegovina took place without incident.
- **Intervention made after 34 interventions:** Judges and prosecutors must have an aptitude to the education of the youth and be sensitive to the needs and interests of the youth, have specialized knowledge and HJPC joined efforts to empower the LGBTI persons and also judicial officers are informed and educated.
- (...) When it comes to preventing discrimination against LGBTI persons in accordance with the law, the Anti-Discrimination Law, the government adopted operational plans to implement the Gender Action Plan in 2016 and 2017, which included measures to advance. A number of measures and activities have been implemented in order to prevent discrimination against LGBTI persons and one of the most important result is harmonizing the Criminal Code of Republika Srpska with international legal standards that regulate the human rights of LGBTI, the Ministry of the Interior of Republika Srpska also included the training for police officers with regard to the antidiscrimination efforts.
- The CAR and broadcasts' regulations which are harmonized with international legal instruments primarily with the directive of visual media service expressly prohibits the



broadcast of contents that humiliates, intimidates or incites hatred, violence and discrimination or prejudices based on different grounds, gender race ethnicity, nationality, religion or conviction, disabilities, special needs, sexual orientation, social origin.

D. Recommendations for Cycle III (2019)

a) Remarks of States

- **Denmark:** Denmark also notes the Committee against Torture's concerns regarding a lack of investigations of attacks against LGBTI persons, especially during public assemblies.
- Spain
- **Switzerland:** Switzerland congratulates Bosnia and Herzegovina on the peaceful conduct of the Pride Parade.
- **Australia:** However, challenges remain, including the need to adopt a revised national strategy for prosecuting war crimes, tackling intimidation and violence against journalists and combating hate speech, including against LGBTI people.
- **Canada:** We were pleased to see the success of the country's first Pride March in Sarajevo, although we are aware that more remains to be done to ensure the rights of LGBTI persons are respected in legislation as well as in day-to-day life.
- **Ireland:** We welcome in particular the amendments to the law on prohibition of discrimination which extend the listed grounds for discrimination to age and disability, as well as sexual orientation, sexual characteristics and gender identity.
- **Italy:** Italy also welcomes the amendments made since the previous review's cycle to the law on prohibition of discrimination, that extended the listed grounds for discrimination to age, disability, sexual orientation and gender identity.

b) The following recommendations have been examined and accepted by Bosnia and Herzegovina

- **Denmark:** Provide training to law enforcement and judiciary officers in tackling discrimination, hate speech and acts of violence based on the sexual orientation and gender identity of the victims (6.21).
- **Malta:** Intensify the existing efforts aimed at the sensitization and training of the authorities to tackle discrimination on the basis of sexual orientation and gender (6.22).
- **Belgium:** Elaborate a country-wide anti-discrimination strategy, covering LGBTI discrimination, in cooperation with civil society (6.43).
- **Fiji:** Continue to implement and strengthen initiatives aimed at the elimination of discrimination against all persons, including women, persons with disabilities, ethnic minorities and the LGBTI community (6.48).



c) The following recommendations have been examined and noted by Bosnia and Herzegovina

- **Chile:** Formulate a plan to harmonize the national legislation against discrimination on the grounds of sexual orientation or gender identity (6.44).

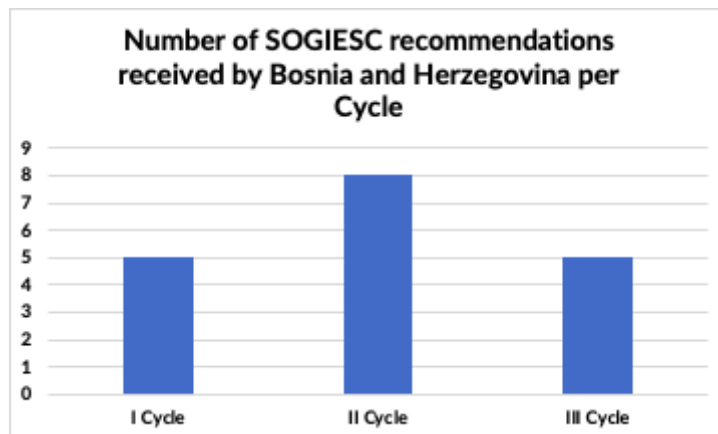
E. Recommendations for Cycle II (2014)

| RECOMMENDATION | RECOMMENDING STATE | RESPONSE |
|--|--------------------|----------|
| Implement transparent and inclusive mechanisms of public consultations with civil society organizations on all issues mentioned above - i.e. gender equality, minority rights, redressing wartime crimes, inclusive quality education for minorities and discrimination against LGBT persons | Norway | Accepted |
| Draft and adopt a countrywide anti-discrimination strategy, in close cooperation with all relevant stakeholders, including with regard to sexual orientation and gender identity, and the Roma community | Germany | Noted |
| Implement measures that ensure equality of rights and non discrimination, especially on the grounds of gender, sexual orientation or gender identity | Uruguay | Accepted |
| Take measures to effectively combat discrimination based on sexual orientation or gender identity | France | Accepted |
| Build upon developments in Sarajevo Canton police regarding training, coordination and awareness-raising in tackling discrimination of LGBT persons and implement these practices throughout the judiciary and the police | Norway | Accepted |
| Develop a communications strategy to raise the awareness | Spain | Accepted |



| | | |
|---|--------|----------|
| of society of the difficulties faced by groups of LGBTI persons and foster an environment of tolerance | | |
| Publicly and unequivocally condemn any attack, verbal or physical, against LGBT groups and bring those responsible to justice | Sweden | Accepted |
| Ensure access to joint and inclusive quality education, with special attention towards the Roma minority, persons with disabilities and LGBT issues | Norway | Accepted |

F. Graphic Comparison Between Cycles (1–3)



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

H. [SOGIESC Mentions During Bosnia and Herzegovina's UPR Outcome](#)

- **Opening remarks:** [...] this shows that Bosnia and Herzegovina has improved the legal framework for the Human Rights Protection by the law of prohibition of discrimination with the most recent elements of this law, having specially significance as they advance the system of protection of persons with disabilities, LGBT population and the third generation persons of discrimination. However, Bosnia and Herzegovina is aware that further strategic planning on the field of prevention and improvement of the level of human rights protection needs to be continued, which will certainly be facilitated by the implementation of the recommendations given by the member states of the United Nations. [...]
- With regards the recommendation on harmonization of legislation against discrimination on the grounds of sexual orientation or gender identity, the harmonization has already been carried out through the law on gender equality of Bosnia Herzegovina and the law on



prohibition of discrimination of Bosnia Herzegovina which applies throughout Bosnia Herzegovina. [...]

- When it comes to protecting vulnerable categories strategies and policies are being implemented in BH aiming at reducing their social explosion. The fact is that there is a lack of financial resources necessary to implement them more effectively. [...] National and entity action plans aimed at protecting women and LGBT community have been adopted and implemented and policies in the protection of persons with disabilities and improvement in the situation of roma population and people in the third age are being implemented.
- **ILGA Europe:** It stated its support of efforts made by institutions on drafting and pushing for adoption of action plans on anti-discrimination including equality of LGBTI persons. However, it was also highlighted that some views of Bosnia and Herzegovina on recommendations received by member states are problematic. Especially the Republika Srpska entity Government is constantly blocking any chance of drafting and adoption of any kind of strategic documents on state level related to human rights issues in Bosnia and Herzegovina, including, but not limited to, issues related to equality of LGBTI persons. It also stated on the lack of efforts to implement recommendations on recognition of same-sex partnerships.



EGYPT UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 13 NOVEMBER 2019, 09:00 – 12:30
DATE AND TIME OF THE ADOPTION OF THE REPORT: 15 NOVEMBER 2019, 17:00 – 18:00

During the 34th UPR Working Group Sessions, Egypt received 3 SOGIESC recommendations. It noted all 3 recommendations.

A. SOGIESC Information

National Report

N/A.

Compilation of UN Information

N/A

Summary of Stakeholder's Information

20. JS20⁹ reported that a draft law was under review in the Parliament which would criminalize male homosexuality.⁴⁶ AI, EIPR and HRW reported that in September 2017 at least 57 individuals were arrested for their actual or perceived sexual orientation and gender identity difference. HRW¹⁰ reported that at least 76 people were prosecuted under the “debauchery” law based on their sexual orientation or gender identity in 2018.

21. JS27¹¹ noted that Egypt criminalized consensual same-sex relations, despite the absence of an explicit legal statute, with Law 10/1961 on Combating prostitution mostly applied, particularly Article 9(c) on “Debauchery”. JS27 recommended adopting laws protecting LGBTQI people from discrimination.⁴⁹ A number of stakeholders recommended complying with international standards and release all persons arrested on the grounds of their sexual orientation, drop all charges against them, and put an end to the harassment campaign targeting LGBTIQ people, and addressing the media’s practice of hate speech and incitement to violence against LGBTQI. CPJ¹² reported that the

⁹ Joint submission 20 submitted by: Nazra for Feminist Studies (NFS), Cairo (Egypt), The Alliance of Queer Egyptian Organizations (AQEO), Cairo Institute for Human Rights Studies (CIHRS), Cairo (Egypt);

¹⁰ Human Rights Watch

¹¹ Joint submission 27 submitted by: Alliance of Queer Egyptian Organizations (AQEO), Geneva (Switzerland), and the Arab Foundation for Freedom and Equality (AFE), Beirut (Lebanon);

¹² Committee to Protect Journalists



Government prevented LGBTQI individuals from making media appearances. EIPR recommended to stop the entrapment through LGBTQI dating apps and websites.

B. SOGIESC Advanced Questions for Egypt

- **United States:** The United States is concerned by continuing reports of authorities conducting forced anal exams on LGBTI individuals. Will Egypt commit to discontinuing this practice?
- **Spain:** What measures are being taken in order to protect LGBT people from being unfairly fired, not hired, or discriminated against?

C. Egypt 's Working Group Session

- **intervention made after 89 interventions :** the National housing strategy is based on the consultation with UN Habitat, the private sector and civil society representatives. Further data on the efforts made by the government to implement the special rapporteur's recommendations can be found in the government remarks on the report published on the OHCHR website. It should be noted however that the provision of decent housing for the poorest families is not at all discriminatory. The housing programme contributes to fulfilling our commitments and there is no discrimination based on gender or sexual orientation.

D. Recommendations for Cycle III (2019)

a) Remarks of States

N/A

b) The following recommendations will be examined by Egypt, which will provide responses but no later than the 43rd session of the Human Rights Council.

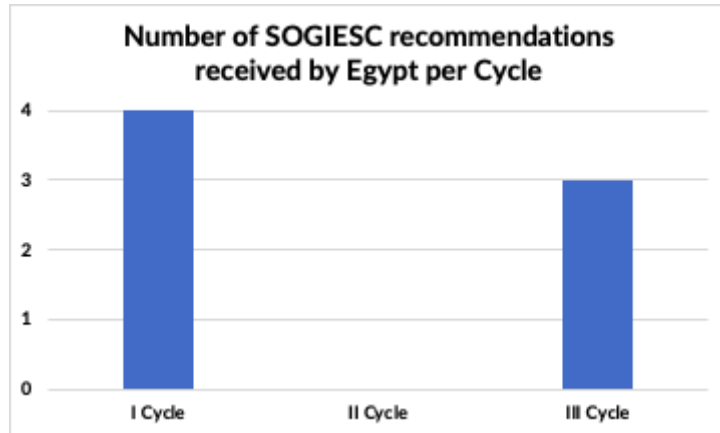
- **Iceland:** End the arrest and prosecution of people for their real or perceived sexual orientation or gender identity and repeal laws criminalising consensual same-sex relations (6.57)
- **Netherlands:** End the practice of entrapment and subsequent arrest and prosecution based on sexual orientation and gender identity (6.61)
- **Canada:** Take steps to protect the rights of LGBTI individuals and ensure that they are not subject to discriminatory arrest or prosecution under criminal charges of indecency or debauchery (6.62)

E. Recommendations for Cycle II (2014)

N/A



F. Graphic Comparison Between Cycles (1–3)



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

H. SOGIESC recommendations shared by HRDs during ILGA's UPR advocacy week in Geneva: Alliance of Queer Egyptian Organizations (AQEO)

1. End the police entrapment of LGBTQI+ through dating apps or social media using financial inducements.
2. End arrests and prosecutions based on the use of Act No. 10 of 1961 against homosexuals.
3. End the use of condoms, cosmetics, and feminine clothing as evidence of condemnation.
4. Designate special facilities that respect international legal standards for transgender people in prisons and detention facilities.
5. End forced anal examinations especially in debauchery cases and other cases.
6. Ban torture in detention facilities and prisons and punish offenders by bringing national legislation in line with international standards
7. Guarantee the freedom to register civic organizations and associations, including those that work on SOGIESC issues.
8. Ensure smooth, timely health and legal procedures for trans-people that require changes to identity documents.
9. Establish a transparent instrument for evaluation and accountability of health service providers in state-run HIV testing and counselling centres.
10. Prohibit medically unnecessary surgery on the sex characteristics of intersex children.
11. Pass laws protecting LGBTIQ+ people from all forms of discrimination, homophobia, and transphobia.

I. [SOGIESC Mentions During Egypt's UPR Outcome](#)

N/A



EL SALVADOR UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 4 NOVEMBER 2019, 09:00 – 12:30
DATE AND TIME OF THE ADOPTION OF THE REPORT: 8 NOVEMBER 2019, 15:00 – 18:00

During the 34th UPR Working Group Sessions, El Salvador received 13 SOGIESC recommendations. It accepted 7 recommendations and noted the other 6.

A. SOGIESC Information

National Report

3. The State also held consultations with civil society and invited a number of organizations to participate, including organizations working with the lesbian, gay, bisexual, transgender and intersex community, children, indigenous peoples, persons with disabilities, older persons, women and victims of serious human rights violations committed during the armed conflict. Observations and comments were received from the Agrupación Ciudadana por la Despenalización del Aborto (an association for the decriminalization of abortion).

11. In 2010, Executive Decree No. 56 on provisions to prevent all forms of discrimination in the civil service on the grounds of gender identity and/or sexual orientation was issued. It has since been complemented by the adoption of a self-study guide on sexual diversity for use by public security personnel; the development of an institutional inclusiveness index on lesbian, gay, bisexual, transgender and intersex persons as a means of assessing the implementation of the above-mentioned Decree; the creation of a programme to support production initiatives launched by lesbian, gay, bisexual, transgender or intersex persons; and the introduction of a policy on services for the lesbian, gay, bisexual, transgender and intersex community by the Ministry of Justice and Public Security in 2018.

12. In 2015, the definitions of the offences of homicide and criminal threat were amended to increase the gravity of these offences when they are motivated by “hatred of gender identity and expression or sexual orientation”. In addition, statutes of limitations were eliminated for the offence of persecution on political, ideological, racial or religious grounds or on the basis of sexual orientation. As a result of these changes, a monitoring committee has been established in the Office of the Attorney General to issue human rightsbased guidelines and recommendations on cases where the victims are lesbian, gay, bisexual, transgender or intersex persons; specialized prosecutors have been appointed at the national level; training has been carried out to raise awareness among personnel and strengthen knowledge about hate crimes; a forum for dialogue with civil society and the lesbian, gay, bisexual, transgender and intersex community has been established; and doctors and forensic experts of the Institute of Forensic Medicine have been given specialized training on the investigation of hate crimes.



13. With regard to the right to an identity and identification, the National Registry of Natural Persons promotes a policy of citizen participation and implements specific guidelines on dealing with members of the lesbian, gay, bisexual, transgender and intersex community in order to prevent discrimination against that population group and other vulnerable persons in the services it provides.

14. The Ministry of Education, Science and Technology has launched a national study on violence based on gender or sexual orientation, with a view to establishing a mechanism to improve the institutional response to such violence. It has also provided training in different subject areas, with the cross-cutting theme of human rights, for 17,494 teachers and technical assistants specializing in early childhood. Education coverage has progressively expanded, with an emphasis on disadvantaged and vulnerable children and adolescents, as part of the inclusive education policy.

16. Since 2016, there has been an ongoing programme for the dissemination of technical guidelines for the provision of comprehensive health care to the lesbian, gay, bisexual, transgender and intersex community, and primary health-care establishments have implemented a programme for preventing discrimination on the grounds of sexual diversity. Also in 2016, the Ministry of Labour and Social Security launched a plan to monitor respect for the labour rights of persons with HIV, implemented a plan to monitor wage gaps in the agricultural sector, and created a unit for preventive action in relation to priority groups, which has implemented plans to monitor respect for the labour rights of persons with disabilities, persons with HIV and home-based workers. In addition, it has monitored the exercise of the right to breastfeeding, wage gaps between men and women, women's labour rights, the recruitment conditions and work permits of minors, and the child labour situation. The Ministry of Labour and Social Security has also granted legal personality to trade unions of domestic workers and home-based workers and has established a Labour Rights Bureau in cooperation with lesbian, gay, bisexual, transgender and intersex persons and organizations. In compliance with the Equal Opportunities for Persons with Disabilities Act, it has monitored increases in the recruitment of persons with disabilities in public institutions.

35. The Ministry of Health provides direct care services for acute illnesses, chronic noncommunicable diseases and common diseases of epidemiological significance; carries out epidemiological surveillance and provides direct care to address maternal, neonatal, child and adolescent morbidity and mortality; and provides specialized care to victims of serious human rights violations, war veterans, persons deprived of their liberty, persons with disabilities, members of the lesbian, gay, bisexual, transgender and intersex community, persons with tuberculosis and HIV co-infection, and migrants. In 2017, the urban health model was launched to reduce social exclusion, protect and restore the environment, and promote human development. An agreement was signed between the National Registry of Natural Persons, the Salvadoran Social Security Institute and the Ministry of Health to make the national identity document the only form of identification required for health service users.

45. The Ministry of Labour and Social Security has promoted the incorporation of technical regulations into the internal labour regulations of enterprises to prevent discrimination and ensure equality in recruitment and access to employment. It has also developed a guide on the provision of services to persons with disabilities in relation to labour inspections; a practical manual for the provision of services to lesbian, gay, bisexual, transgender and intersex persons; a protocol on the



provision of services to persons lodging complaints of sexual harassment or bullying in the workplace; an inspection protocol for alleged cases of gender wage gaps; and a guide on procedures for the monitoring of homebased workers' labour rights.

Compilation of UN Information

8. The Human Rights Committee welcomed the amendment to the Criminal Code in 2015 incorporating hate crime based on sexual orientation or gender identity. However, it was concerned at the persistence of discrimination against persons of African descent, indigenous people, migrants, persons with disabilities, women engaged in prostitution, lesbian, gay, bisexual, transgender and intersex persons, and persons living with HIV. It recommended adopting comprehensive legislation prohibiting direct and indirect discrimination in all spheres, and increasing the number of training programmes for law enforcement and security personnel and awareness-raising campaigns promoting tolerance and respect for diversity.

9. In 2018, the Special Rapporteur on extrajudicial, summary or arbitrary executions had received reports of discrimination, attacks and hate crimes against lesbian, gay, bisexual, transgender and intersex persons and related impunity. The United Nations country team recommended the drafting and implementing of policies and protocols designed to reinforce investigations into crimes against this population.

99. The United Nations country team recommended that a national policy should be developed on prevention of sexual and gender-based violence against women, girls and adolescent girls in situations of forced displacement; and that discussion and adoption of a law on gender identity should be encouraged, along with a plan of action to protect the rights of lesbian, gay, bisexual, transgender and intersex persons at risk of forced displacement and survivors of gender-based sexual violence.

Summary of Stakeholder's Information

16. The Red Salvadoreña de Mujeres Defensoras de Derechos Humanos (RSMDDHH) (Salvadoran Network of Women Human Rights Defenders) welcomed the progress made in legislation and public policy, the creation of the Secretariat for Social Inclusion, the adoption of measures under Decree No. 56 to reduce discrimination by public officials on grounds of sexual orientation, the creation of specialized courts for women's rights, and the definition of hate crimes under the Criminal Code as homicide or threats committed on grounds of race, ethnicity, religion, political affiliation, gender identity and expression or orientation.

21. The Advocates, Front Line Defenders (FLD) and JS1¹³ noted, nevertheless, that LGBTI persons continued to face threats and assaults based upon their sexual orientation. The Inter-American Commission on Human Rights (IACHR) noted in June 2015 that at least seven trans people had been

¹³ Joint submission 1 submitted by: CIVICUS: Alianza Mundial para la Participación Ciudadana; FESPAD: Fundación de Estudios para la Aplicación del Derecho (South Africa);



murdered so far that year in El Salvador and observed the high level of impunity for crimes against such persons.

22. JS1, RSMDDHH and FLD noted that organizations of lesbian, gay, bisexual, transgender or intersex persons had reported that they had been victims of police attacks and violence.

23. JS1, JS6¹⁴ and JS8¹⁵ recommended that crimes against lesbian, gay, bisexual, transgender or intersex persons be investigated and that perpetrators be punished, and that a specialized unit be set up to investigate hate crimes.

24. RSMDDHH44 and JS8 recommended the adoption of a comprehensive law on gender identity to facilitate the integration of trans persons into society.

B. SOGIESC Advanced Questions for El Salvador

- **Germany:** We have received reports about multiple (53) assassinations of LGBTI persons: Which measures does El Salvador undertake in order to protect the lives and integrity of LGBTI? What is the current status of efforts in drafting a law on gender identity with the aim of protecting against discrimination?
- **Slovenia:** What are the concrete results from the implementation of the policy to eliminate discrimination against the LGBTI community?
- **Belgium:** Does El Salvador have a plan of action to protect the rights of lesbian, gay, bisexual, transgender and intersex persons at risk of forced displacement and survivors of gender-based sexual violence? If not, is the country considering to adopt a public policy to protect the LGBTI-community?
- **United States of America:** How is El Salvador addressing violence against LGBTI individuals and improving police response to these crimes? How many cases of murder of LGBTI individuals are currently under investigation, and how many cases have been prosecuted to date?

C. El Salvador's Working Group Session

- **Opening remarks:** In addition, the report we are presenting orally today, which has been coordinated by the Ministry of Foreign Affairs, is the result of the articulation of the efforts of the different institutions of the three State bodies, which exercise leadership in the areas of women, children, indigenous populations, the LGBTI population, persons with disabilities and the environment, among others, in accordance with the framework of internal competencies.

¹⁴ Joint submission 6 submitted by: International Bar Association's Human Rights Institute; Instituto de Derechos Humanos de la Universidad Centroamericana de El Salvador Participating: American Friends Service Committee; Asociación ProBúsqueda de niñas y niños desaparecidos; Avocats Sans Frontières Canadá; Azul Originario; CEMUJER; COMCAVIS; Cristosal; Fundación de Estudios para la Aplicación del Derecho; Fundación para el Debido Proceso; Fundación para la Justicia y el Estado Democrático de Derecho; Observatorio de la Universidad Centroamericana de El Salvador; Servicio Social Pasionista (United Kingdom of Great Britain and Northern Ireland);

¹⁵ Joint submission 8 submitted by: Presentado por 48 ONGs que conforman la: Red Para La Infancia y la Adolescencia de El Salvador (RIA) (El Salvador);



The State also held a consultation with civil society and invited organizations working in these areas to participate.

- (...)In the field of education, the Ministry of Education has promoted a national study on gender-based violence and violence based on sexual orientation, with a view to creating a mechanism for action to improve the institutional response to such cases.
- (...) El Salvador also has a commitment to the right to health of its population, for which the budget of the Ministry of Health has been gradually increased and capacities have been generated for specialized care for victims of serious human rights violations, war veterans, persons deprived of liberty, persons with disabilities, LGBTI population, TB-HIV population, and migrant population.
- (...)Salvadoran society has been shocked by recent acts of violence, which have generated social indignation and which reaffirm that we still need greater efforts to achieve the effective application of legal frameworks for the protection of women, the LGBTI population and children in El Salvador, for which our Government is committed to seeking the necessary articulation of efforts to create better frameworks of care and protection for our population.
- **Intervention made after 33 interventions:** In 2018 the Prosecution service created a national director for women, children, adolescents, LGBTI and vulnerable groups, to address the topic of femicide and other crimes against vulnerable population as well as policy for prosecution on violence against women. This is now being implemented.
- **Final remarks:** In our country action to prevent and eliminate violence and discrimination against the LGBTI community included in the 2012 Decree 56 with provisions to eliminate all forms of discrimination in the public administration based on gender identity and/or sexual orientation. To evaluate the implementation of the decree an index of institutional inclusion was developed. And this involves 29 institution of the executive on the basis of the evaluation of categories such as of norms of non-discrimination the institutions of the lead agency provides institutional services, statistics and monitors transparency and relationship with the LGBTI community. This decree was complemented by the implementation of a training manual for the national civil policy. In 2015 the police carried out a diagnosis of police attention to the LGBTI community. Two institutional fora were created by the Justice and Public Security Ministry, namely the formats of security and access to justice for lesbian, gay, bisexual, transeual and intersex persons and the intersectional forum on human rights and sexual diversity in the context of deprivation of liberty. With active participation by representative organizations of the LGBTI community. There are also actions to eradicate discrimination, including the institutional policy of the Justice and Public Security Ministry to address the LGBTI community Rights and the Plan of Action for the Period of 2019. There has also been a campaign for internal communication within the Ministry in order to train and raise awareness of the staff in the content of the policy. As regards the action to protect the life and integrity of LGBTI persons, in 2015 there was a reform of the criminal code, to include aggravating factors in homicide and threats, the motivation of hate connected to gender identity and sexual orientation and there is no statute of limitations for prosecutions based on crimes that arose of the sexual orientation of the victim. In addition, the prosecution services has a program to address crimes against persons in special vulnerable situations, including LGBTI persons who are victims of crimes because of that status. It may also include other groups who are particularly vulnerable. In 2007 the Gender Equality Unity wrote down a program to implement key strategies and address investigation of cases of victimisation of



witnesses of the LGBTI population. In each one of the 19 prosecutor's offices nationwide additional prosecutors were named for the investigation of cases of victims which were LGBTI community members. Further, an institutional group was created with the primary objective of following on cases in which victims are LGBTI and to issue guidelines and recommendations. Further, programs have been put together for training this aim to raise awareness for all institutional members, they address the reality of victims and strengthen the knowledge on hate crimes. There has been coordination with civil society organizations and the LGBTI community the goal is to create a venue for dialogue, understanding and learning. The idea is also to strengthen those areas that need strengthening. Finally office for protection of women, children, adolescents, and the LGBTI community as well as other vulnerable groups within the prosecutor's general office is tasked with making cross-cutting within the institution, the rights based focus of those who are vulnerable and there also responsible for following up the cases targeted to LGBTI individuals. The task of the General Office is drafting a policy on criminal prosecution for crimes against the LGBTI community. They are working on a protocol for investigation of hate crimes where there is prejudice against LGBTI. The protocol for LGBTI victims of crimes there is an emphasis on the initial intake for the prosecutor's office there is an order for effective access to justice. To strengthening capacity in investigation the forensic institute has offered its medical team and expert team specialized in training and investigating hate crimes due to sexual orientation, sexual identity and gender expression. Emphasis has been put on criminal investigation seeking forensic evidence and the use of evidence in trial. Turning to a law on gender identity, currently the commission on women and gender equality in the legislative assembly is studying a bill. It has worked with the drafting committee to hear proposals.

D. Recommendations for Cycle III (2019)

a) Remarks of States

- **Fiji:** Fiji further commends El Salvador for its efforts towards preventing all forms of discrimination in the civil service on the grounds of gender identity or sexual orientation and increasing the gravity of the offences of homicide and criminal threat when they are motivated by 'hatred of gender identity and expression or sexual orientation'
- **Georgia:** We evaluated positively the advances in legislation and public policies made by El Salvador, including the creation of the Secretariat of Social Inclusion and the adoption of measures (Decree N56) to reduce all forms of discrimination in public administration on grounds of gender identity or sexual orientation.
- **Italy:** Italy also welcomes the improvements made since the last review cycle in the domain of a more effective protection and non-discrimination of LGBTI persons, both at legislative and at awareness raising level;
- **Montenegro:** We also acknowledge improvement of policies that treat rights of vulnerable groups, including women, children and LGBTI community.
- **Spain:** Spain welcomes the creation of the National Directorate for Women, Children, Adolescents, LGBTI and Vulnerable Groups, and welcomes the implementation of the National Intersectoral Strategy for the Prevention of Pregnancy in Girls and Adolescents in 2017.



- **Uruguay:** Uruguay appreciates the progress made in El Salvador in recent years, many of which have been mentioned by the delegation here present, especially the creation of the Secretariat for Social Inclusion, the adoption of measures to reduce discrimination based on sexual orientation, the creation of specialized courts on women's rights and the new laws in force and in the process of parliamentary approval in the area of violence and discrimination on the grounds of gender.
- **Austria:** However, Austria is concerned about the high levels of crimes committed against women and girls as well as members of the LGBTI community.
- **Croatia:** We welcome the establishment of the National Directorate for women, children, adolescents, LGBTI and vulnerable groups.

b) The following recommendations have been examined by El Salvador and have been accepted by El Salvador:

- **Fiji:** Continue to step up its efforts to combat violent crimes, especially those deriving from discrimination based on gender identity and expression or sexual orientation (97.25).
- **Iceland:** Implement inclusive and anti-discriminatory policies with the aim of preventing, condemning and prohibiting all types of violence and discrimination against LGBTI persons (97.28).
- **Norway:** Ensure transparent, independent and impartial investigations of cases involving violence against women and LGBTI persons (97.29).
- **Venezuela:** Punish those responsible for the continuing attacks, crimes, and murders of human rights defenders, journalists and LGBTI people, and guarantee the protection of these vulnerable groups (97.80)
- **Austria:** Ensure effective protection of all human rights defenders, including LGBTI defenders and women human rights defenders, and ensure that crimes against them are promptly, thoroughly and impartially investigated(97.81).
- **Australia:** Continue its work to combat violence against women and children, take measures to protect victims of violence based on their sexual orientation and gender identity, and allocate adequate resources for programmes ensuring the full enjoyment of the rights of women, children and LGBTI persons (97.145).
- **Cyprus:** Strengthen policies aimed at combating domestic and sexual violence, femicide and discrimination against the LGBTQI community (97.150)

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

- **Germany:** Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and adopt measures to protect women and LGBTI persons from violence (97.10)
- **Iceland:** Encourage the Legislative Assembly to approve the Law on Gender Identity (97.27).
- **Canada:** Enact legislation to prohibit discrimination based on sexual orientation and gender identity (97.31)
- **Colombia:** Protect the right to identity, as well as civil and political rights of the LGBTI community through the approval of the legislative or administrative measures necessary to guarantee the rights of persons with diverse sexual orientation or gender identity (97.32).



- **Uruguay:** Move forward with the adoption of a comprehensive law on gender identity to make possible the inclusion of trans persons in the society (97.33).
- **France:** Adopt legislation that effectively recognizes and protects all human rights defenders, including LGBTI defenders (97.76)

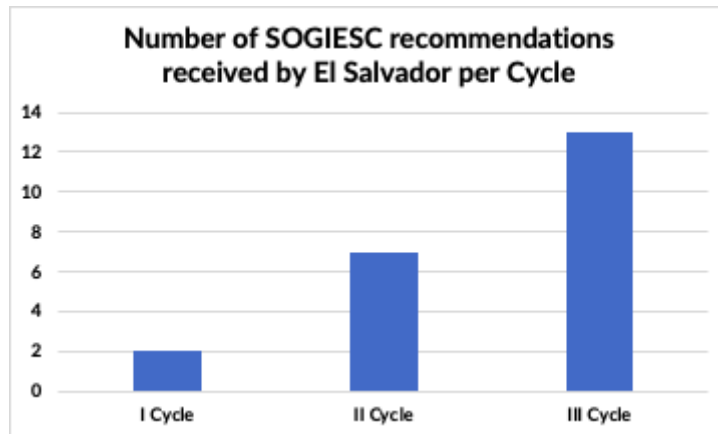
E. Recommendations for Cycle II (2014)

| RECOMMENDATION | RECOMMENDING STATE | RESPONSE |
|--|--------------------|----------|
| Adopt measures guaranteeing the protection of women, who are victims of discrimination and violence on the grounds of their sexual orientation or gender condition | Argentina | Accepted |
| Take all necessary steps to ensure the effective implementation of legislation seeking to combat violence against women and girls, and take specific measures to protect those who are victims of violence based on their sexual orientation and gender identity | Ireland | Accepted |
| Draft, in consultation with civil society, and adopt a law on gender identity for transgender persons in which their right to identity is recognized among other civil and political rights | Spain | Noted |
| Bring its legislation into conformity with its commitment to equality and non-discrimination, by prohibiting discrimination based on sexual orientation | Canada | Noted |
| Take concrete measures to strengthen its policies of promotion and protection of LGBT people, through public policies which combat hate crimes against those individuals | Brazil | Noted |
| Continue the effective implementation of preventive programmes to guarantee the full enjoyment of rights and the protection of LGBTI people | Chile | Noted |



| | | |
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| against acts of violence and discrimination affecting them | | |
| Guarantee the right of all people to live and develop in accordance with their self-perceived gender identity | Colombia | Noted |

F. Graphic Comparison Between Cycles (1–3)



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

H. [SOGIESC Mentions During El Salvador's UPR Outcome](#)

- **Procuraduría para la Defensa de los Derechos Humanos:** There is a need to adopt concrete measures regarding the promotion and mainstreaming of human rights based approach are cross-cutting across public life, particularly address the problems of those in greater vulnerability, women, children, adolescents, indigenous peoples, LGBTIs, persons with disabilities and the rural population because they face exclusion.
- **UNFPA:** Based on its current Strategic Plan, UNFPA expresses to El Salvador its willingness to contribute towards: [...] supporting the Parliament in initiatives that benefit sexual and reproductive health, access to HIA and protect the LGBTI community.
- **Action Canada for Population and Development:** It regretted that while El Salvador accepted recommendation to implement policies to combat discrimination based on SOGI, it didn't accept any recommendation to amend its legislation for legal gender recognition and protection against discrimination.
- **International Bar Association:** It encouraged the government to take measures to protect women and the LGBT population.
- **CIVICUS:** It expressed concern with the situation of human rights defenders, including women human rights defenders.



FIJI UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 6 NOVEMBER 2019, 09:00 – 12:30
DATE AND TIME OF THE ADOPTION OF THE REPORT: 8 NOVEMBER 2019, 15:00 – 18:00

During the 34th UPR Working Group Sessions, Fiji received 13 SOGIESC recommendations. It accepted 5 and noted the other 8 recommendations.

A. SOGIESC Information

National Report

36. Fiji is currently exploring alternatives recommended by the Special Rapporteur seeking the assistance of universities, colleges and academic institutions to conduct research supported by the Government. In particular Fiji welcomes the recommendation to include other markers of difference such as gender, age, sexual orientation, geography, income, access to social and economic services as such a recommendation acknowledges the intersectional nature of discrimination and the indivisibility of rights in combating racism.

67. Whilst Fiji does not have standalone anti-discrimination laws, anti-discrimination provisions based on those outlined in section 26 of the Constitution are also provided for under the Employment Relations Act 2007. Part 9 of the Act provides equal opportunities and section 75 of the Act outlines the prohibited grounds for discrimination in relation to employment which include discrimination on the basis of race, culture, ethnic or social origin, sex, gender, sexual orientation, gender identity or expression. Section 77 and 78 of the Act provide further grounds upon which a worker must not be discriminated against including the in the rates of remuneration.

85. However, no country guarantees unfettered freedom without responsibility. Fiji is no exception. While guaranteeing freedom of speech, expression, thought, opinion and publication, the Constitution explicitly prohibits any speech, opinions or expressions inter alia, that is tantamount to propaganda of war; incitement of violence or insurrection against the Constitution; or advocates hatred based on any prohibited grounds of discrimination such as race, culture, ethnic or social origin, sex, gender, sexual orientation and gender identity and expression, language, economic, social or health status, disability, age, and/or religion.

143. The Government has continued to engage with non-state actors to foster dialogue on issues of national interest. Fiji once again supported the resolution to protect and extend the mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity. Fiji remains committed to ensuring the rights of minority groups are promoted and protected.



Compilation of UN Information

19. The OHCHR Regional Office for the Pacific noted that despite the constitutional prohibition on discrimination based on sexual orientation, equality for lesbian, gay, bisexual, transgender and intersex persons was still a debated topic in Fiji and that members of the lesbian, gay, bisexual, transgender and intersex community had been subjected to violence and discrimination.

20. The Committee on the Elimination of Discrimination against Women recommended that the State make the necessary legislative changes and implement a policy to eliminate discrimination, hate speech and violence against lesbians and bisexual and transgender women, including by prosecuting and adequately punishing perpetrators, and conduct awareness-raising activities to address stigma within society. It also recommended that the State allow changes in gender to be recorded on birth certificates.

86. The Committee on the Elimination of Discrimination against Women recommended that the State adopt an anti-bullying policy and introduce adequate awareness-raising measures in educational institutions to prevent all forms of harassment and violence against students, including lesbian, bisexual and transgender students.

Summary of Stakeholder's Information

15. JS1 recommended that the Government incorporate sexual orientation into antidiscrimination laws.

17. JS5 stated that lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) persons had faced discrimination when accessing health care, housing or when employed or seeking employment.

18. JS2 recommended that cases of discrimination on the grounds of sexual orientation or gender identity or expression be seriously dealt with taking into consideration the constitutional right to equality and freedom from discrimination in line with human rights standards highlighted in the Yogyakarta Principles, and stated that these must be fully recognized and implemented including legal recognition for gender diverse persons.

19. JS1 noted that the right to non-discrimination and to be free from violence and harassment was usually denied by omitting sexual orientation in domestic laws. It noted that lesbian, gay, bisexual, transgender and intersex (LGBTI) activists were often criticized for introducing language on LGBTI in policy spaces. It also noted that LGBTI human rights defenders continued to face multiple levels of threats and sex harassment.

24. JS5 recommended that disaster risk management policies should include addressing the issue of violence against members of the LGBTIQ community during natural disasters.



B. SOGIESC Advanced Questions for Fiji

- **Germany:** What concrete steps and measures is Fiji undertaking and planning to undertake to prevent the ongoing discrimination of and violence against LGBTI persons and provide them with a safe and enabling environment?
- **Belgium:** Which measures will the Government of Fiji take to eliminate discrimination, hate speech and violence against lesbian, bisexual and transgender women, including by prosecuting and adequately punishing perpetrators, and by conducting awareness-raising activities to address stigma within society, as recommended by CEDAW?

C. Fiji's Working Group Session

- **Opening remarks:** Fiji recognizes the importance of sharing its human rights journey as a pacific small island developing state with its own set of challenges. To us, this is the real purpose of Geneva. Of the ratification of conventions, of the UPR process and the importance of constructive engagement informed by multilateralism. Fiji has strong and salient constitutional provisions that address discrimination on the basis of disability, race, age, gender, sexual orientation. And for the first time, against gender identity and expression amongst other prohibited grounds of discrimination.
- (...)Reporting of acts of gender based violence, including domestic violence continues to increase, what reflects a growing confidence that these measures will be taken seriously by the justice system but we recognize that there is a need for a more consistent effort to encourage all members of the community to feel more comfortable in reporting gender based violence, including those from the LGBTQ community and more work needs to be done here.
- (...) In recognizing the importance of collecting data in relation to groups that are susceptible to vulnerabilities we have started to collect data on LGBT and persons with disabilities. In addition, the Fiji Police force is on the verge of launching a web page for realtime registration of crimes.
- (...)We work closely with communities through our empowerment and awareness programmes so that Fijians who are in vulnerable situations are better informed on their constitutional rights and are able to access and exercise those rights with legal aid. The Legal Aid Commission acts as a catalyst for the access of just for Fijians in marginalized communities and in vulnerable situations. We use an inclusive and holistic approach by working with the poor and marginalized, women and children in vulnerable situations, persons with disabilities, persons with special needs, the LGBT community etc.
- **Final Remarks:** In regard to the recommendation on protection and access to justice from members of the LGBT community we do recognize that more needs to be done in terms of making members of the LGBT community feel more comfortable and reporting sexual abuse, we made progress in terms of womens victims and domestic violence but we do acknowledge that we need to do more to assist members of the LGBT community.
- (...)We need to emphasize that our constitution provide for hate speech and prohibits it and provides for two types of hate speech, one when there is an incitement to violence included in hate speech, where freedom of expression does not apply and the other is simply hate speech which is encouragement of discrimination against a person in any of the prohibited grounds



which includes gender identity and expression and sexual orientation. That is also a form of hate speech and it is included in our constitution. Therefore our government continues to be very concerned and protect our people, particularly our minorities and the people of the LGBTI community from hate speech and we consider that we have a positive obligation to ensure such protection.

D. Recommendations for Cycle III (2019)

a) Remarks of States

- **Netherlands:** Despite measures taken to eliminate gender based violence, the Netherlands remains concerned about the high-level of sexual violence against women and girls and the rising stigmatization of the LGBTI-community in the country.
- **Ireland:** Ireland particularly welcomes the leadership that Fiji has shown on LGBTI issues in the Council, notably by supporting the renewal of the mandate of the Independent Expert on SOGI. We encourage the government of Fiji to continue and intensify efforts to combat all forms of violence and discrimination based on sexual orientation and gender identity.

b) The following recommendations have been examined and accepted by Fiji:

- **Italy:** Continue to strive towards the elimination of all forms of discrimination and violence against women, and against LGBTI persons (6.38).
- **Spain:** Repeal provisions in the Criminal Code that criminalize consensual sexual relations between adults of the same sex (6.45).
- **Spain:** Amend or repeal all laws that discriminate on the basis of sexual orientation or gender identity (6.46).
- **Argentina:** Enhance efforts to combat acts of discrimination and violence against LGBTIQ persons, guaranteeing investigation and punishment of acts of violence against them (6.47).
- **France:** Fight against discrimination against LGBTI people, including regarding access to health services and HIV treatment, by adequately training health professionals (6.48).

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

- **Mexico:** Draft and implement an Action Plan to eradicate violence and discrimination based on sexual orientation and gender identity (7.31).
- **Portugal:** Enact and implement a holistic Anti-Discrimination and Equality Law which, inter alia, includes provisions to comprehensively address the multiple and intersecting forms of violence and discrimination faced by the LGBTI persons (7.23)
- **Slovenia:** Adopt a comprehensive anti-discrimination or equality act and put in place public awareness-raising campaigns, which will address the issue of discrimination and stigmatization against LGBTI persons (7.25).
- **Iceland:** Enact a holistic Anti-Discrimination and Equality Legislation to comprehensively address social discrimination faced by the LGBTI community (7.26).



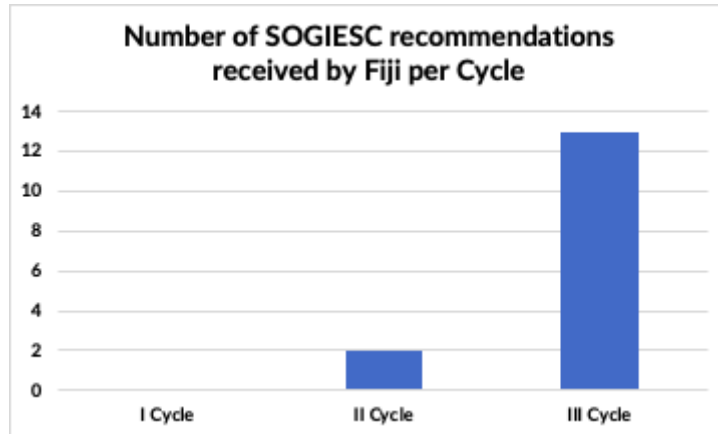
- **Montenegro** Make more decisive actions in adapting legislation, including prosecution and adequately punishment of perpetrators in charge of discrimination, hate speech and violence against lesbian, bisexual and transgender women (7.27).
- **Germany:** Legislate to address hate crimes against the LGBTI-community (7.28).
- **Iceland:** Develop a national LGBTI strategy in collaboration with the LGBTI community to guide its work in eliminating multiple and intersecting forms of violence and discrimination against LGBTI people (7.29).
- **Liechtenstein:** Take specific measures, including strengthening the legal framework, to eliminate discrimination, hate speech and violence against LBT women, including by prosecuting and adequately punishing perpetrators, and adopt awareness-raising measures to address stigma within society (7.30).

E. Recommendations for Cycle II (2014)

| RECOMMENDATION | RECOMMENDING STATE | RESPONSE |
|---|--------------------|----------|
| Take concrete measures to end discrimination and counter stigmatization of marginalized groups, including minorities and lesbian, gay, bisexual, transgender and intersex persons | Germany | Accepted |
| Transpose these international instruments, the International Covenant on Civil and Political Rights and its first Optional Protocol, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol, the Convention on the Elimination of All Forms of Discrimination against Women, into domestic law strengthening among others legislative protection from gender violence and all forms of discrimination, particularly against women, children and on the ground of sexual orientation | Chile | Accepted |



F. Graphic Comparison Between Cycles (1–3)



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

1. Develop a national LGBTQI strategy in collaboration with the LGBTQI community to guide its work in eliminating multiple and intersecting forms of violence and discrimination against LGBTQI people.
2. Enact a holistic Anti-Discrimination or Equality Legislation to comprehensively address social discrimination faced by the LGBTQI community.
3. Financially support national and community SOGIE sensitization and awareness raising campaigns to promote acceptance, empathy and compassion for LGBTQI people
4. Legislate to Address Hate Crimes against the LGBT Community
5. Disaster Risk Management policies MUST be SOGIESC inclusive.
6. Provide sensitization training to health care workers on transgender rights in order to strengthen health policies and make their implementation inclusive of the needs of gender diverse persons.
7. Legislate Gender Recognition Act

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

I. [SOGIESC Mentions During Fiji's UPR Outcome](#)

- **Opening remarks:** Following this cycle, we have received strong and constructive recommendations including on the integration of human rights in climate policy, in building resilience and better responding to disasters, and strengthening legislation to protect, promote and preserve the human rights of women, children, persons with disabilities, LGBT persons and indeed all Fijians. We have received concrete recommendations on accelerating gender and human rights training for law enforcement agencies, strengthening policies for the protection of children, on ensuring that LGBT persons are included in national policies on



hate crime and hate speech, and on ensuring a consistency between our domestic law and Constitutional rights and freedoms.

- **International Service for Human Rights:** ISHR expressed that even though Fiji's Constitution bans discrimination based on SOGIE, LGBTI human rights defenders continue to face multiple level of threats and sexual harassment. It also recommended Fiji to enhance efforts to combat discrimination and violence against LGBTI persons and to incorporate sexual orientation in its anti-discrimination laws.
- **Commonwealth Human Rights Initiative:** It recommended that the Government develops a national strategy to address violence, discrimination and hate crimes against the LGBTQI community.



GAMBIA UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 5 NOVEMBER 2019, 09:00 – 12:30
DATE AND TIME OF THE ADOPTION OF THE REPORT: 8 NOVEMBER 2019, 15:00 – 18:00

During the 34th UPR Working Group Sessions, Gambia received 12 SOGIESC recommendations. It noted all 12 recommendations.

A. SOGIESC Information

National Report

36. LGBTQ is not largely accepted in the Gambia and the Government does not plan to decriminalise it.

Compilation of UN Information

26. The Committee was concerned that consensual same-sex relationships were criminalized and that lesbian, gay, bisexual, transgender and intersex persons reportedly continued to be subjected to arbitrary arrest and violence. It stated that the Gambia should decriminalize same-sex relationships between consenting adults and take measures to change societal perception of lesbian, gay, bisexual, transgender and intersex persons and protect them from arbitrary arrests and violence.

79. The Committee on the Rights of the Child expressed concern that children born out of wedlock could not inherit from the estate of their fathers, as the “personal law” did not recognize their inheritance rights. It was also concerned about discrimination faced by girls, children with disabilities, children living in poverty, working children, children in street situations, children living in rural areas and refugee children, as well as lesbian, gay, bisexual, transgender and intersex children and children from lesbian, gay, bisexual, transgender and intersex families.

Summary of Stakeholder’s Information

21. NHRC stated that same-sex relations remained criminalized.³⁰ JS6 stated that the impact of the legislation criminalizing same-sex relations and the social stigma created a climate of fear that translated into persons being forced to stay in the closet, and bred a climate of extortion, corruption and further abuse of LGBTI persons



B. SOGIESC Advanced Questions for Gambia

- **Belgium:** The Human Rights Committee remains concerned that consensual same-sex relationships are still criminalized and that lesbian, gay, bisexual, transgender and intersex persons reportedly continued to be subjected to arbitrary arrest and violence. Does the government of the Gambia intend to decriminalize same-sex relationships between consenting adults in the future?
- **Belgium:** Does the government of the Gambia intend to take measures to change societal perception of lesbian, gay, bisexual, transgender and intersex persons and protect them from arbitrary arrests and violence?

C. Gambia's Working Group Session

- **Intervention made after 57 interventions:** On the question of the LGBT rights the Government of the Gambia has committed itself and is already undertaking review of the Criminal Code with a view to remove aggravate nature of the criminal sanctions imposed by the previous administrations against the gay and lesbian communities. It is the position of the Gambian government that what consenting adults choose to do in the privacy of their homes should not be the business of their governments. But we must also be aware that The Gambia is a conservative religious society and there are sensitivities about our values and culture that must also be respected. So we want to respect the rights of all, but we also seek the respect that we deserve at our conservative culture community. The Constitutional review process is another opportunity which will provide strengthening of anti-discrimination law, which we believe will provide adequate protection for all in The Gambia, and not just some.

D. Recommendations for Cycle III (2019)

a) Remarks of States

- **Slovenia:** We are very concerned also by reports on criminalisation and discrimination based on sexual orientation and gender identity.
- **Spain:** Consensual same-sex relationships remain criminalized. LGBTI people continue to face discrimination, stigmatisation, harassment, arbitrary detention and violence.
- **Uruguay:** Finally, we express concern at the recognition expressed in the Gambia report of its unwillingness to decriminalize same-sex relations. However, we note the government's willingness to review and repeal all repressive and discriminatory laws, hoping that this process of reflection will allow for the prompt repeal of legislation that criminalizes homosexuality.
- **United States of America:** We remain concerned, however, by impunity for security service and other government agents; the continued widespread practice of female genital mutilation despite its criminalization; and the ongoing criminalization of LGBTI status and conduct.



b) The following recommendations have been examined by the Gambia and have been noted by Gambia:

- **Iceland:** Adopt comprehensive anti-discrimination legislation, including on the basis of sexual orientation and gender identity, and repeal any discriminatory laws (128.1)
- **Myanmar:** Amend discriminatory laws against LGBTI people (128.5).
- **Netherlands:** Repeal all legislation that criminalizes same-sex activities, including Criminal Code Article 144 (128.6).
- **Spain:** Decriminalize same-sex consensual relationships and adopt measures to guarantee non-discrimination based on sexual orientation (128.7).
- **Argentina:** Deepen efforts to combat acts of discrimination and violence against LGBTIQ persons by repealing all discriminatory norms and by guaranteeing the investigation and punishment of all acts of violence against LGTIBQ persons (128.8).
- **Australia:** Amend legislation to decriminalise homosexuality (128.9).
- **Canada:** Repeal all legislation that criminalizes sexual activities between consenting adults and take all necessary measures to prevent discrimination and violence on the basis of sexual orientation and/or gender identity or expression (128.10).
- **Chile:** In line with the principle of non-discrimination, repeal laws that criminalize homosexuality and combat violence based on gender orientation and sexual identity (128.11).
- **Croatia:** Decriminalize same-sex relationships between consenting adults and take measures to protect LGBTI persons from arbitrary arrests and violence (128.12).
- **France:** Repeal sections 144, 145 and 147 of the Criminal Code that criminalize consensual same-sex intercourse and combat discrimination against LGBTI persons (128.13).
- **Germany:** Decriminalize same sex relationships between consenting adults and take measures to protect the human rights and the equal treatment of LGBTI persons (128.14).
- **Italy:** Decriminalize homosexuality and take actions to fight against discrimination and violence based on sexual orientation and gender identity (128.15).

E. Recommendations for Cycle II (2014)

| RECOMMENDATION | RECOMMENDING STATE | RESPONSE |
|---|--------------------|----------|
| That the President of the Gambia will use his executive power by refraining from signing the Bill amending section 144a of the Criminal Code into law, and that the Government of the Gambia eliminates all existing legislation penalizing sexual orientation or gender identity | Netherlands | Noted |
| That the President of the Gambia reject provisions in the proposed Criminal Code on aggravated | Sweden | Noted |

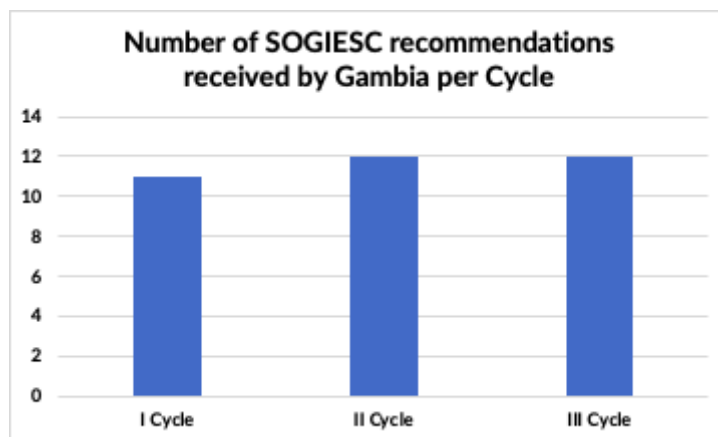


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| homosexuality and absconding State officials | | |
| That the President of the Gambia repeal provisions in the Criminal Code which criminalize consensual same-sex sexual conduct | Sweden | Noted |
| Repeal all provisions in laws that criminalize same sex relations between consenting adults and ensure the rights of those persons are protected | Australia | Noted |
| Repeal laws that provide for the criminalization of LGBT persons, in accordance of the principle of non-discrimination | France | Noted |
| Ensure that the Criminal Code is applied in a non-discriminatory manner, in full compliance with articles 2, 17 and 26 of the International Covenant on Civil and Political Rights, as interpreted by the Human Rights Committee | United Kingdom | Noted |
| Immediately decriminalize homosexuality and amend legislation to promote and protect human rights for all individuals, regardless of race, ethnic origin, religion, personal beliefs and opinions, disability, age, gender and sexual orientation, in accordance with the Gambia's obligations, including as a signatory to the African Charter on Human and Peoples' rights | Canada | Noted |
| Refrain from introducing and/or repeal any legislation that criminalizes sexual activities between consenting adults and take all necessary measures to prevent discrimination on the basis of sexual orientation and/or gender identity or expression | Germany | Noted |



| | | |
|--|---------------|-------|
| Withdraw the criminal laws sanctioning homosexuality and take action to combat violence based on sexual orientation and gender identity | Italy | Noted |
| Take on board policies to promote human rights regardless of the sexual orientation of persons | Spain | Noted |
| Ensure that the human rights of all Gambian citizens are respected, regardless of sexual orientation or gender identity, by repealing discriminatory laws that are inconsistent with international human rights principles | United States | Noted |
| Guarantee to LGBTI persons the full and equal enjoyment of their human rights, and protection from criminalization and stigmatization | Argentina | Noted |

F. Graphic Comparison Between Cycles (1–3)



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

H. [SOGIESC Mentions Gambia's UPR Outcome](#)

- **Action Canada for Population and Development:** The organization welcomed the commitment taken by the President to halt the prosecution of same-sex couples and repeal laws that criminalise consensual same-sex conduct. However, it regret that Gambia noted recommendations to address discrimination and violence based on SOGIE.



IRAN (ISLAMIC REPUBLIC OF) UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 8 NOVEMBER 2019, 09:00 – 12:30
DATE AND TIME OF THE ADOPTION OF THE REPORT: 12 NOVEMBER 2019, 16:30 – 18:00

During the 34th UPR Working Group Sessions, Iran received 10 SOGIESC recommendations. It noted 8 and partially accepted the other 2 recommendations.

A. SOGIESC Information

National Report

22. According to the law, sex change is possible upon request made by the individual him/herself, and upon reference by the court to expert examination and specialized legal medical examination, it may be carried out by court order.

Compilation of UN Information

15. The Committee on the Rights of the Child expressed concern about the continued discrimination against children belonging to religious minorities, especially Baha'i children and Sunni children, as well as children who belonged to minority ethnic and linguistic groups, children born out of wedlock and, to a certain extent, asylum-seeking and refugee children. Furthermore, it was concerned that lesbian, gay, bisexual, transgender and intersex children continued to face discrimination because of their real or perceived sexual orientation or identity and that the same-sex sexual behaviour of adolescents above the current age of criminal responsibility was criminalized and punished with penalties ranging from flogging to the death penalty.

16. The Special Rapporteur on the Islamic Republic of Iran called on the State to ensure the protection of the rights of lesbian, gay, bisexual, transgender and intersex individuals by repealing laws that punished people based on their sexual orientation and gender identity, and enacting effective anti-discrimination laws, and to ban forced and involuntary treatment and medical procedures.

55. The Committee expressed concern at reports that lesbian, gay, bisexual, transgender and intersex children were subjected to electric shocks and the administration of hormones and strong psychoactive medications for the purpose of "curing" them.



Summary of Stakeholder's Information

8. Joint Submission 15¹⁶ stated that lesbian, gay, bisexual, and transgender (LGBT) individuals continued to face multiple and intersecting forms of violence and discrimination and suffered from a range of human rights violations. The violations stemmed directly from the state's continued criminalization of same-sex consensual activity, restrictions around speech in terms of same-sex behaviour, and strict regulations around transgender persons right to legal recognition. These codified laws and their resulting stigmatization of LGBT people created challenges not only to their fundamental right to life and right to live free from violence and discrimination but also in terms of violations pertaining to arbitrary arrest and detention, freedom of expression and association, access to justice and access to healthcare.

9. 6Rang noted that high-ranking Iranian officials, religious leaders and state media continued to use hateful, derogatory and dehumanizing rhetoric against LGBT individuals. In this regard, it recommended that Iran ban and refrain from making public statements that incite hatred, violence and discrimination against individuals on the basis of sexual orientation, gender identity or gender expression.

34. Small Media highlighted that the Government imposed filtering to restrict access to tens of thousands of websites, including those of political dissidents, marginalised communities, including ethnic, religious and linguistic minorities as well as lesbian, gay, bisexual and transgender persons, human rights organisations, and international news organisations.⁶⁰ FLD also highlighted that the authorities continued to tighten censorship on the Internet and monitor, block or completely ban social media applications, including Facebook, Twitter and Instagram which are key media and messaging tools used by human rights defenders in the absence of free and independent media.

44. 6Rang expressed concern that since the previous UPR, reparative therapies on gays and lesbians to change their sexual orientation or gender identity through cruel, inhumane and humiliating treatments had increased.⁷⁸ It recommended that Iran outlaw reparative therapies that amount to torture or cruel, inhuman and degrading treatment, and ban all forms of forced, coercive or otherwise involuntary psychological, medical and surgical procedures designed to change or reassign people's sexual orientation, gender or sex characteristics without their free, prior and informed consent.

B. SOGIESC Advanced Questions for Iran

- **United States:** Will Iran commit to ending the death penalty and other criminal sanctions for consensual same-sex sexual activity, end state-sanctioned violence and harassment by security forces against LGBTI individuals, including the use of forced anal examinations; and end the practice of coerced sexual reassignment surgery on LGBTI individuals who are seen as non-gender conforming?

¹⁶ Joint submission 15 submitted by: Outright Action International, New York (United States of America); Small Media, London (United Kingdom of Great Britain and Northern Ireland); Impact Iran, New York (United States of America);



C. Iran's Working Group Session

N/A

D. Recommendations for Cycle III (2019)

a) Remarks of States

N/A

b) The following recommendations have been examined and accepted by Iran:¹⁷

- **Czechia:** Review its legislation and policy so as to ensure non-discrimination, especially on the grounds of religion or belief as well as sexual orientation and gender identity (6.81)
- **New Zealand:** Take measures of protection against violence and discrimination on the grounds of sexual orientation and gender identity (6.86)

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

- **Canada:** End discrimination on the basis of sexual orientation, including repealing provisions in the Penal Code that criminalise consensual same-sex activities between adults (6.80)
- **Germany:** Repeal the provisions in its Penal Code which criminalize consensual same-sex activities between adults (6.82)
- **Israel:** Abolish all legislation resulting in discrimination, prosecution and punishment of people based on the sexual orientation and gender identity (6.83).
- **Italy:** Decriminalize consensual same-sex relations (6.84)
- **Luxembourg:** Take all the necessary measures to eliminate and prohibit discrimination on the grounds of sexual orientation, gender identity or gender expression (6.85)
- **Iceland:** Repeal relevant articles of the penal code, including those that impose the death penalty and flogging for offences related to consensual same-sex conducts between adults, with a view to fully decriminalize same-sex relations between consenting adults (6.124)
- **Malta:** Consider an official moratorium on executions with a view to abolishing the death penalty, particularly for offences related to consensual same-sex conduct between adults (6.131)
- **Mexico:** Set a moratorium on the application of the death penalty for those who were minors at the time of the crime and with regards to the criminalization of consensual same-sex relationships (6.132)

¹⁷ The state made the following remarks regarding the recommendations accepted: Although this specific right is not stipulated in the international human rights instruments, which Iran has accepted, it should be noted that under Iran's laws, all individuals are equal before the law and are entitled to equal rights. Regarding the transgender people, a special support-oriented approach has been adopted by the government which tries to offer counseling, financial and insurance services to them through relevant laws, competent authorities and social institutes. According to the law, transgender people can apply for gender identity redetermination surgery through competent courts.



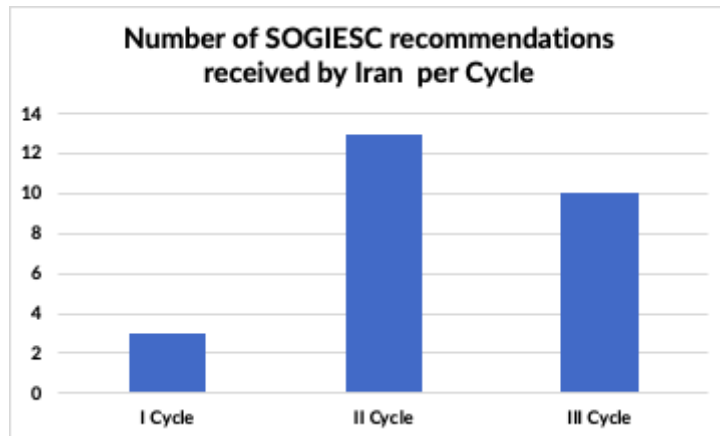
E. Recommendations for Cycle II (2014)

| RECOMMENDATION | RECOMMENDING STATE | RESPONSE |
|---|--------------------|----------|
| Amend national legislation that discriminates on the basis of gender, religion, political thought or sexual orientation | Uruguay | Noted |
| Consider strengthening existing arrangements in order to promote equality of religious communities not belonging to Islam, and of lesbian, gay, bisexual and transgender - LGBT- persons through the repeal or amendment of laws that allow for prosecution or punishment | Argentina | Noted |
| Outlaw forced or coerced sterilisation, sex reassignment surgeries and reparative therapies imposed without, free and informed consent | Iceland | Noted |
| End discrimination on the basis of sexual orientation | Canada | Noted |
| Engage in order to address any form of discrimination against LGBTI people and in particular to prevent any practice which can harm their dignity, such as unnecessary sex reassignment surgery, especially when carried out without duly informed consent | Italy | Noted |
| Repeal the provisions in its Penal Code which criminalize consensual same-sex activities between adults | Spain | Noted |
| Repeal laws criminalizing consensual sexual conduct between same-sex adults | Iceland | Noted |
| Revise legislative provisions that legalize abuse, persecution, sexual violence and arrest of LGBTI persons | Iceland | Noted |
| Abolish all legislation resulting in discrimination, prosecution and punishment of people based on their sexual orientation or gender identity | Israel | Noted |



| | | |
|--|-------------|-------|
| Repeal all legislative provisions which lead to discriminations based on sexual orientation and declared or perceived gender identity of persons | Luxembourg | Noted |
| Pay attention to cases of violence and discrimination based upon sexual orientation, in particular against LGBT persons, both in law and in practice | Chile | Noted |
| Ensure, in accordance with articles 5 and 7 of ICCPR, freedom from torture, while in detention, for all, regardless also of sexual orientation | Denmark | Noted |
| Ensure that religious, ethnic and sexual minorities are able to exercise their rights and freedoms, as guaranteed by the Iranian Constitution | Netherlands | Noted |

F. Graphic Comparison Between Cycles (1–3)



G. SOGIESC recommendations shared by HRDs during ILGA’s UPR advocacy week in Geneva: 6 RANGA

1. With a view to fully decriminalize same-sex relations between consenting adults, repeal Articles 233-35 and 237-39 from the Islamic Penal Code (IPC) as these impose the death penalty and flogging for offences related to consensual same-sex conducts between adults and impose punitive measures based on a person’s sexual orientation, gender identity and expression.



2. End all forms of forced, or otherwise involuntary psychological, medical and surgical procedures designed to 'reassign' people's sexual orientation, gender or sex characteristics without their free, prior and informed consent;
3. Take the necessary legislative, administrative and other measures to guarantee respect for the autonomy and physical integrity of LGBT persons and prohibit the practice of so-called 'conversion therapy', as well as other forced, involuntary, or otherwise coercive or abusive treatments such as electro-shock therapies and psychoactive medications against them;
4. Ensure that human rights violations against all individuals irrespective of their sex, gender or sexual orientation are impartially and comprehensively investigated and, those responsible are held accountable;
5. Modify Articles 10 and 110 of the Citizens Rights Charter accordingly in order to ban and refrain from making public statements that incite hatred, violence and discrimination against individuals on the basis of sexual orientation, gender identity or gender expression.;
6. Immediately and unconditionally release LGBT activists and human rights defenders from detention.

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

I. [SOGIESC Mentions During Iran's UPR Outcome](#)

N/A



IRAQ UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 11 NOVEMBER 2019, 14:30 – 18:00
DATE AND TIME OF THE ADOPTION OF THE REPORT: 14 NOVEMBER 2019, 16:30 – 18:00

During the 34th UPR Working Group Sessions, Iraq received 5 SOGIESC recommendations. It accepted 1, partially accepted other 2 and noted 2 recommendations.

A. SOGIESC Information

National Report

77. Neither the Constitution nor domestic law contain any provisions that discriminate against particular groups on grounds of sexual orientation or gender. The law protects rights and freedoms while the courts investigate violations that any group may suffer and pursue offenders to ensure there is no impunity

Compilation of UN Information

10. The Human Rights Committee recommended that Iraq vigorously combat stereotypes about and negative attitudes towards persons on the basis of their sexual orientation or gender identity and ensure that all persons could fully enjoy all the human rights enshrined in the Covenant, including the right to peaceful assembly, irrespective of their sexual orientation or gender identity. It also recommended that Iraq effectively prevent acts of discrimination and violence against persons on the basis of their sexual orientation or gender identity and effectively investigate such acts, bring to justice perpetrators and compensate the victims. It further recommended that Iraq collect comprehensive data on cases of violence against persons on the basis of their sexual orientation or gender identity and enact comprehensive anti-discrimination legislation that provided full and effective protection against discrimination in all spheres and contained a comprehensive list of prohibited grounds for discrimination, including sexual orientation and gender identity.

Summary of Stakeholder's Information

20. JS18¹⁸ noted that the mere perception of being LGBT was extremely dangerous in Iraq and that there were no viable recourse mechanisms to victims

21. JS18 estimated that over 200 LGBT Iraqis were killed on the basis of their sexual orientation or gender identity in 2017

¹⁸ Joint submission¹⁸ submitted by: OutRight Action International;



B. SOGIESC Advanced Questions for Iraq

- **Spain:** What measures are being taken in order to protect LGBT people from being unfairly fired, not hired, or discriminated against?

C. Iraq's Working Group Session

N/A

D. Recommendations for Cycle III (2019)

a) Remarks of States

N/A

b) The following recommendations have been examined and accepted by Iraq:

- **France:** Adopt legislation to enable the investigation and punishment of discrimination based on religion or belief, or sexual orientation (6.98)

c) The following recommendations have been examined and partially accepted by Iraq:

- **Australia:** Ensure all reports of human rights violations and abuses, including those against women and girls, ethnic and religious minorities and on the basis of sexual orientation, are fully investigated and prosecuted (6.170).
- **Iceland:** Investigate and end violence against and killings of LGBTI people and develop and implement public awareness campaigns directed at changing harmful attitudes towards LGBTI persons (6.178).

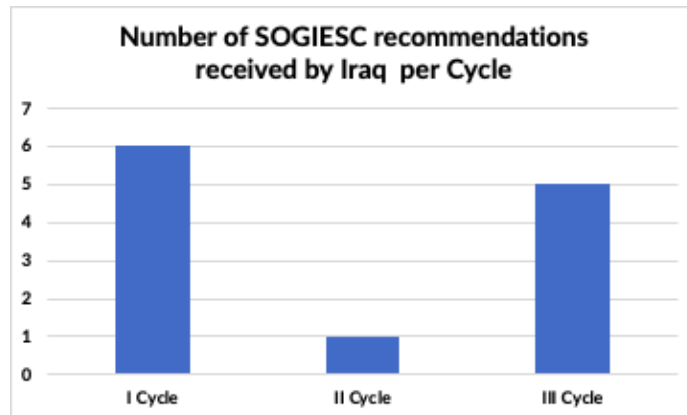
d) The following recommendations have been examined and noted by Iraq:

- **Malta:** Take steps to investigate and end violence against, and killings of, LGBTI persons (6.109).
- **Mexico:** Develop and implement public awareness campaigns aimed at changing stereotypes and harmful and violent attitudes with regard to LGBTI persons (6.110).

E. Recommendations for Cycle II (2014)

| RECOMMENDATION | RECOMMENDING STATE | RESPONSE |
|--|--------------------|-----------|
| Guarantee equality of civil and political rights. Avoid all forms of discrimination based on ethnicity, religion, gender or sexual orientation | France | Supported |

F. Graphic Comparison Between Cycles (1–3)



G. SOGIESC recommendations shared by HRDs during ILGA’s UPR advocacy week in Geneva: Iraqueer

1. The Government of Iraq should take steps to investigate and end violence against and killings of LGBT people, including people who have non-conforming appearances and/or gender expression.
2. The Government of Iraq should take steps to hold government actors accountable for endorsement of and participation in violence or discrimination against anyone, including LGBT people.
3. The Government of Iraq should clearly and publicly state that it does not tolerate any form of violence or discrimination against persons because of their real or perceived sexual orientation or gender identity.
4. The Government of Iraq should hold ISIL fighters accountable for sexual and gender-based crimes, including crimes committed against persons based on their perceived or actual sexual orientation or gender identity, by supporting the inclusion of these and other internationally recognized crimes in prosecutions of ISIL fighters.
5. The Government of Iraq should take measures to ensure the safety of witnesses and victims participating in trials or filing for assistance from any retaliation.
6. The Government of Iraq should take measures to guarantee that all LGBT people have access to safe and stable employment opportunities, as well as full and equal access to health services.
7. The Government of Iraq should take steps to develop and implement public awareness and sensitivity campaigns directed at changing harmful attitudes towards LGBT persons. The Government of Iraq should ensure that media portrayals of LGBT Iraqis do not disseminate discriminatory and incorrect information, in line with the Prime Minister’s recommendation.



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

I. [SOGIESC Mentions During Iraq's UPR Outcome](#)

- **Women's International League for Peace and Freedom:** It regretted that Iraq only partially supported recommendations regarding investigating and ending violence against LGBTI persons. It also highlighted the statement that the government is taking steps to address violence against this community, this is in stark contrast with reports from Iraqi activists.
- **COC Netherlands:** It commended the Iraqi government for acknowledging the right to life for all people regardless of their sexual orientation, however, it also expressed concern by recent statements from Iraqi government officials that deny the acknowledgment of this right. It also highlighted that for almost two decades members of the LGBT+ community have been the target of organized killings overlooked by the Iraqi government.



ITALY UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 04 NOVEMBER 2019, 09:00 – 12:30
DATE AND TIME OF THE ADOPTION OF THE REPORT: 8 NOVEMBER 2019, 15:00 – 18:00

During the 34th UPR Working Group Sessions, Italy received 17 SOGIESC recommendations. It accepted 16 and noted 1 recommendation.

A. SOGIESC Information

National Report

8. Human rights protection is part of basic and advanced training delivered by qualified staff. Since 2009, pre-service and in service training for Italian Army and Carabinieri Corps, by specialized personnel, including from CSO is compulsory in view of predeployment and service abroad. As for State Police, several implemented training programmes focus on investigation techniques about child abuse, domestic violence, stalking and GBV, discriminatory acts. Basic training for Carabinieri Corps at all levels (about 6.500 trainees) includes HR, by a multidisciplinary approach. Guardia di Finanza training includes several courses on HR and IHL. In 2010, Italian Department of Public Security (Ministry of Interior) set up OSCAD. Training is one of its pillars: over 11.000 officers/cadets from State Police (pre-service and in-service training for all personnel) and Carabinieri Corps (within European/international training framework) have been trained, so far. Modules focus on inter alia racial profiling; LGBTI people's rights and police activities; and human rights – the latter, since 2014, in cooperation with Amnesty International-Italy

11. UNAR is responsible for the protection of victims against all forms of discrimination, on the ground of race, ethnic origin, religion or belief, age, sexual orientation or gender identity. UNAR's mandate, established by Legislative Decree 215/2003, has been expanded, over the years, by Ministerial Directives dated 2012–2013, and reaffirmed within the NAP against Racism, Xenophobia and Related Intolerance, adopted by Ministerial Decree, dated 7 August 2015. Accordingly, UNAR is engaged in combating all forms of discrimination, including homophobia and trans-phobia, with specific attention to multiple intersecting discrimination.

15. Specific attention has been paid to LGBTI people's rights in everyday life, such as access to labour, education (integration; fighting stereotypes and anti-bullying), safety and prisons, health, communication and media. On 20 May 2016, the Parliament approved Act 76/2016 (Regulation of same sex people civil unions and cohabitation). Moreover, in October 2018, an advisory LGBTI National Working Group, consisting of 48 LGBTI NGOs, was established, by Decree of Under-Secretary of State to the Presidency of the Council of Ministers with delegation to equal opportunities, to promote a public debate on the elaboration of an operational NAP on LGBTI people's rights. Under PON-Inclusion, almost 6,000,000.00 Euros have been allocated.



39. In December 2016, Italy adopted its first National Action Plan (NAP) on BHR, with focus on vulnerable groups (migrants, women, PwDs, children, LGBTI), as well as Human Rights Defenders and SDG 8. Several programs have been undertaken by many Italian enterprises to this end.

68. In October 2017 the Second Biennial Action Program for the Promotion of Rights and Integration of PwDs was adopted. It represents Italy's commitment following the CRPD Convention's ratification and marks definitive transition to a vision of disability based on respect for HR, with the two-fold aim of enhancing human beings' diversity, in terms of gender, sexual orientation, culture, language, psycho-physical condition, and so on, and considering disability not as a result of the subjective qualities of people, but the relationship between people's characteristics and the way in which the society organizes access and enjoyment of rights, goods and services. Italian Government is adopting new legislation to further improve inclusion for pupils and students with disabilities, following Legislative Decree 66/2017. In line with the CRPD, schools are tasked with eliminating environmental barriers hindering full and effective participation of students with disabilities, on par with others, by a new cultural perspective requiring inter alia shared responsibility among all teachers and not only by auxiliary teachers, directors and school staff.

Compilation of UN Information

14. The Human Rights Committee was concerned about discrimination and hate speech against lesbian, gay, bisexual, transgender and intersex persons. Three committees were concerned about discrimination against persons with disabilities.

Summary of Stakeholder's Information

13. Joint Submission 1 (JS1)¹⁹ expressed that no anti-discrimination law tackling discrimination based on sexual orientation, gender identity and expression had been passed so far, with the exception of television, employment and military personnel. JS1 noted that in the last 12 months, hate speech against LGBTI persons had directly come from public officials and politicians. JS5 recommended that

¹⁹ Joint submission 1 submitted by: Arcigay-Associazione LGBTI italiana; Associazione Radicale Certi Diritti; LGBTI Resource Centre; OII Italia; Outsport (Italy). Joint submission 5 submitted by: A Roma Insieme Leda Colombini; ABA ONLUS Fondazione Ondazione Fabiola De Clercq Abio; Fondazione ABIO Italia; Onlus ACP; ACRA; Cooperazione Rurale in Africa e America Latina; AGBE; AGeDO; AGESCI; Ai; AIAF; AISMI; ALAMA; ALI per Giocare; Associazione Italiana dei Ludobus e delle Ludoteche; ALPIM; AMANI; Associazione di Volontariato; ANFAA; ANFFAS; Onlus Associazione Nazionale Famiglie di Persone con Disabilità Intellettiva e/o Relazionale; ANPE; ANPEF; Associazione APMAR ONLUS; Onlus Archivio Disarmo; Istituto di Ricerche Internazionali Arciragazzi Associazione 21 Luglio; Associazione Antonio Vita; Carrobiolo; L'Accoglienza ONLUS Bambinisenzasbarre Batya; CAM; CamMiNo; Nazionale Avvocati per la persona, le relazioni familiari e i minorenni; CARE; Coordinamento delle Associazioni familiari adottive e affidatarie in Rete; Caritas Italiana; CbM; Centro per la salute del bambino; Onlus Centro Studi e Ricerche; IDOS; Centro Studi Minori e Media Cesvi; CIAI; CISMAI; Cittadinanzattiva; CNCA; Comitato Giù le Mani dai Bambini; Onlus Comitato Italiano per l'UNICEF; Onlus Cooperativa Cecilia; Onlus Cooperazione nei Territori del Mondo CTM; Coordinamento Genitori Democratici; Onlus Coordinamento La Gabbianella Onlus; CSI; Centro Sportivo Italiano Dedalus; Cooperativa Sociale Cooperativa Sociale E.D.I.; Onlus - Educazione ai Diritti dell'Infanzia e dell'Adolescenza; ECPAT Italia; Associazione Figli Sottratti; FederASMA e ALLERGIE; Onlus Federazione Italiana Pazienti; FISH; Onlus FDV; Fondazione Roberto Franceschi; Onlus Giovanna d'Arco; Onlus Associazione GRD Bologna; ONLUS G2; Associazione Onlus Gruppo Nazionale Nidi e Infanzia; HelPeople Foundation; ONLUS IBFAN Italia; Associazione International Adoption; IPDM; IRFMN; L'abilità; Associazione Onlus L'Albero della Vita Onlus; L'altro diritto La Gabianella e altri animali; La Leche League Italia; Onlus M.A.I.S; MAMI Italiano; Onlus OVCI la Nostra Famiglia On the Road Associazione; Onlus Opera Nomadi Milano; Onlus Osservazione; Onlus Centro di ricerca azione contro la discriminazione di rom e sinti; Associazione Progetto Famiglia Onlus Paideial; Onlus Pollicino e Centro Crisi Genitori; Onlus Save the Children Italia; Onlus Saveria Antiochia Osservatorio antimafiaL Associazione; Onlus SIMM; SINPIA; SIP; Società Sportiva Dilettantistica Crescere Educare Agire SOS Villaggi dei Bambini Onlus; Terre des Hommes Italia; Onlus UISP; UNCM; Associazione di promozione sociale; VIS; WeWorld; Fondazione "E. Zancan" Onlus (Italia);



Italy promote an awareness-raising campaign and specific programmes to educate people about equal opportunities and respect for sexual orientation and gender identity

24. JS6²⁰ and JS7 were concerned about the number of suicides in prisons. JS1 was concerned about the condition of LGBTI people, especially of Transgender detainees in prisons.

54. JS10²¹ expressed the necessity to reform the health system in order to respect the principle of equal access to treatment for persons with disabilities. JS1 recommended that Italy provide training on LGBTI issues to health personnel and social workers to avoid any type of discrimination on the ground of sexual orientation and gender identity

B. SOGIESC Advanced Questions for Italy

- **United Kingdom:** What concrete measures does the new government plan to introduce to tackle increasing episodes of racism and intolerance towards migrants, vulnerable people and the LGBT community?
- **Belgium:** Given the establishment in 2018 of the advisory LGBTI National Working Group, aiming to promote a public debate on the elaboration of an operational NAP on LGBTI people's rights, could the government of Italy give an assessment of the state of play in this respect?
- **Belgium:** Will the government of Italy relaunch a comprehensive strategy to promote the rights of LGBTI people based on the results of the national strategy 2013-2015 of the National Office Against Racial Discrimination?

C. Italy's Working Group Session

- **Opening Remarks:** Allow me to stress, also, that one of the strategic lines of governmental action for the promotion of equal opportunities and protection of rights concerns the prevention and the fight against discrimination, on the ground of sexual orientation and gender identity.
[...] Finally, I wish to reiterate that Italy significantly includes the dignity of life and environmental health among human rights. For this reason we have launched the "Universal Basic Income", which brought more than 2 million individuals out of absolute poverty, and the "Green New Deal". Italy is concretely committed to achieving Sustainable Development Goals, also by working closely with the private sector and the Italian Civil Society Organizations. This approach has been reinforced by our first National Action Plan on Business and Human Rights. This Plan, which focuses on vulnerable groups such as migrants, women, persons with disabilities, children and LGBTI persons, underlines the centrality of decent work, as highlighted by Goal 8 of the United Nations 2030 Agenda.

²⁰ Joint submission 6 submitted by: Fédération Internationale de l'Action des Chrétiens pour l'Abolition de la Torture; ACAT Italy (France); Joint submission 7 submitted by: Coalizione Italiana Libertà e Diritti Civili; A Buon Diritto; Associazione Antigone; Associazione 21 luglio; Associazione per gli Studi Giuridici sull'Immigrazione; Cittadinanzattiva; Consiglio Italiano per i Rifugiati; Diritto di Sapere, Naga, Rete Lenford; Refugee Rights Europe (Italy);

²¹ Joint submission 10 submitted by: Associazione Luca Coscioni; Science for Democracy (Belgium);

- **Intervention made after 42 interventions:** About the UNAR independence, over past few years the UNAR (National Office Against Racial Discrimination) which the scope of its mandate is to combat all forms of discrimination including regarding race, ethnic, origin, believe, disabilities, age, sex orientation and gender identity. The mandate will be broadened to include by law the ground of nationality as to implement Directive 2014/44. (...) We would like to remember that as for the LGBTI issues UNAR established in the department for equal opportunities a roundtable with all relevant LGBTI organizations in Italy and the new government has decided to summon very briefly again this table. So for LGBTI there is a specific table in place.
- **Intervention made after 82 interventions:** As for LGBTI related initiative, first we would like to underline that the Office Against Racial Discrimination (UNAR) is concretely engaged in preventing and fighting discrimination and violence based on sexual orientation and gender identity. Collecting reports on discrimination through its contact centers, providing a wide-range strategic plan, strenghtening institutional collaboration, focusing on awareness-raising and training and finally on data collection. On the specific issue of intersex problems, we would like to say the the National Bioethical Committee dealt with the issue on the refference by its specific opinion. Every intervention on the body must be guided by the principle of the best interest of the child, avoiding unnecessary mutilation. Surgeries should be taken only in urgent conditions, it is preferable for the persons' consent after reaching the maturity that allows consent to be expressed. The family and the child, if the latter has the ability to understand, must be adequately supported psychologically and the communication must be attentive and gradual, providing adequate advice.

D. Recommendations for Cycle III (2019)

a) Remarks of States

- **Canada:** Canada welcomes the many important measures adopted by Italy since its last UPR, including the legalization of same-sex civil unions and the adoption of legislation to combat violence against women.
- **Iceland:** We welcome Italy's engagement for the full respect of human rights and welcome action outlined in the report, in particular for the protection against all forms of discrimination as well the specific attention paid to LGBTI individual's rights in everyday life.
- **Netherlands:** The Netherlands congratulates the government of Italy with the progress made in the field of recognition of same-sex relationships, and in combatting discrimination and violence based on sexual orientation and gender identity.
- **South Africa:** My delegation congratulates Italy on human rights training provided to law enforcement officials; on amendments to the criminal code to protect victims of domestic and gender-based violence; on ratifying international and human rights instruments prohibiting racial discrimination; and on the setting up of an advisory LGBTI National Working Group.
- **Spain:** Spain looks favourably upon the ratification of the Convention on the Elimination of All Forms of Racial Discrimination and laws against the trafficking of human beings and on same-sex relationships.



- **Israel:** We take note of the establishment of an advisory LGBTI working group and the organization of training programs to law-enforcement officials.

b) The following recommendations have been examined by Italy and enjoy its support:

- **New Zealand:** Take further steps to address discrimination against ethnic minorities including migrant communities, and on the basis of sexual orientation and gender identity, by strengthening the scope of legislative frameworks to cover the full range of discriminatory acts against the Roma, Sinti and Camminanti communities, the LGBTQI+ community, and people of African descent (6.98).
- **South Africa:** Revive and implement the national strategy to counter discrimination against LGBTI people (6.106)
- **Spain:** Adopt specific legislation punishing discrimination based on sexual orientation and gender identity (6.107).
- **Uruguay:** Advance in the formulation of a National Action Plan on the rights of LGBTI persons that promotes legislation and other actions against discrimination based on sexual orientation and gender identity and expression in all areas of society (6.108).
- **Belgium:** Include sexual orientation as a ground for protection against hate speech (6.109).
- **Czechia:** Continue addressing hate speech against LGBTI and discrimination against persons with disabilities (6.110).
- **France:** Increase efforts to combat discrimination and hate speech against LGBTI persons (6.111).
- **Greece:** Make further efforts regarding combating discrimination based on sexual orientation and gender identity (6.112).
- **Ireland:** Intensify efforts to combat discrimination, hate speech and hate crimes against lesbian, gay, bisexual, transgender and intersex persons (6.113).
- **Israel:** Enhance efforts to ensure equality for LGBTI people (6.114).
- **Luxembourg:** Adopt and implement a comprehensive strategy to fight against all forms of discrimination against members of the LGBTI community (6.115).
- **Portugal:** Promote awareness-raising campaigns and specific programmes on the promotion of equal opportunities and respect regarding sexual orientation and gender identity (6.116).
- **Malta:** Consider banning unnecessary, non-consensual and normalising surgeries on intersex individuals (6.203)
- **Netherlands:** Proceed with the discussion in Parliament on Article 13 of D.D.L. 405 that includes a ban on unnecessary, non-consensual normalizing surgeries on intersex individuals (6.204).
- **Norway:** Promote gender equality, including combating discrimination based on sexual orientation, and strengthening the protection of victims of domestic abuse (6.224).
- **Netherlands:** Continue working on equal rights for LGBTI people by taking measures aimed at protecting LGBTI refugees in migrant settlements (6.284)



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

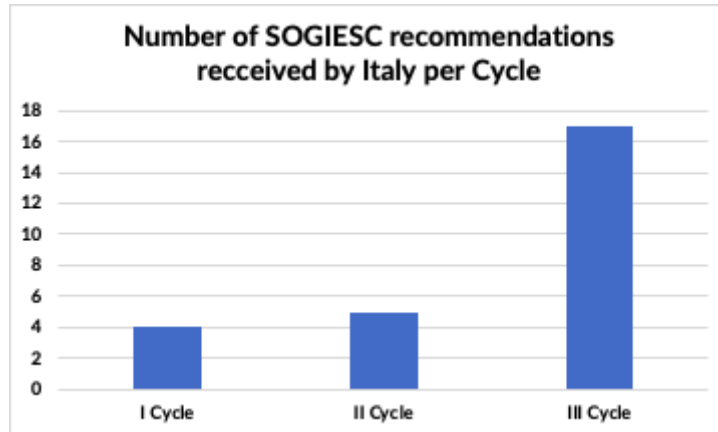
- **Iceland:** Enact legislation on the recognition of both same-sex parents involved in the growth of a child, as well as extending their access to adoption on a par with others (6.171)

E. Recommendations for Cycle II (2014)

| RECOMMENDATION | RECOMMENDING STATE | RESPONSE |
|---|--------------------|----------|
| Allocate the necessary resources to the fight against discrimination on the basis of gender and sexual orientation, so as to accelerate progress on this matter | Spain | Accepted |
| Accelerate and strengthen legislative and educational actions to combat discrimination in all its forms, particularly discrimination on the basis of sex and sexual orientation | Canada | Accepted |
| Include sexual orientation as grounds for protection against hate speech | Canada | Accepted |
| Take concrete steps to adopt the legislation necessary to follow up to Prime Minister Renzi's announcement to work on the recognition of same-sex relationships in Italy, as part of Italy's efforts to further strengthen measures to combat discrimination and violence based on sexual orientation and gender identity | Netherlands | Accepted |
| Ensure the equal rights of lesbian, gay, bisexual and transgender -LGBT- people by legally recognizing same-sex marriage and civil partnerships | United Kingdom | Accepted |



F. Graphic Comparison Between Cycles (1–3)



G. SOGIESC recommendations shared by HRDs during ILGA's UPR advocacy week in Geneva: Associazione LGBTI Italiana, Associazione Radicale Certi Diritti, Centro Risorse LGBTI, GAYCS AND OII-ITALIA

1. To establish and regularly finance of an integrated and independent equality body monitoring the application of laws and pursuing a multi- ground equality agenda, also addressing discrimination including in the grounds of sexual orientation, gender identity and expression.
2. To adopt a comprehensive strategy supported by policy documents tackling discrimination against LGBTI people.
3. To ban unnecessary, non-consensual normalising surgeries on intersex individuals.
4. To enact general legislation on the recognition of both same-sex parents involved in the growth of a child and the protection of rights and duties of same-sex partners.
5. To extend access to joint adoption to single parents and same-sex couples.
6. The introduction of the condition of vulnerability for LGBTI asylum seeker as it is foreseen for other categories.
7. Adequate training of Territorial Committees members with respect to the problems resulting from sexual orientation and gender identity and the conditions of the applicant's country of origin.

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

I. [SOGIESC Mentions During Italy's UPR Outcome](#)

- **Opening remarks:** As for the prevention and the fight against discrimination on the ground of sexual orientation and gender identity and LGBTI people's rights, allow me to stress that Italy has taken note of one relevant Recommendation and has accepted all the remaining sixteen ones.
- **Greece:** We would especially like to commend Italy for accepting our three recommendations: to continue its efforts regarding the process of establishing an



independent national human rights institution, to combat discrimination based on sexual orientation and gender identity, and to strengthen mechanisms which combat racism, racial discrimination, xenophobia and other forms of intolerance. We would like to commend Italy's important achievements in these fields thus far.

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KAZAKHSTAN UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 7 NOVEMBER 2019, 09:00-12:30
DATE AND TIME OF THE ADOPTION OF THE REPORT: 12 NOVEMBER 2019, 16:30 –
18:00

During the 34th UPR Working Group Sessions, Kazakhstan received 11 SOGIESC recommendations. It accepted 1 and noted 10 recommendations.

A. SOGIESC Information

National Report

N/A

Compilation of UN Information

8. The Committee on Economic, Social and Cultural Rights was concerned that neither the Constitution nor domestic legislation explicitly prohibited some of the existing grounds of discrimination, such as gender identity and sexual orientation. It was also concerned about the lack of tailored legal protection of lesbian, gay, bisexual and transgender persons against attacks and harassment. The Human Rights Committee raised similar concerns. Both committees recommended that Kazakhstan explicitly list sexual orientation and gender identity among the prohibited grounds of discrimination.

Summary of Stakeholder's Information

6. AI²² noted in particular the absence of a specific legislation to prohibit discrimination against and to protect LGBTI persons from hate crimes and violence. Article 145 of the Criminal Code on violations of equality did not list sexual orientation and gender identity under protected characteristics. Joint Submission 4 (JS4²³) stated that the number of cases invoking Article 145 was extremely low and that the lack of legal protection and judicial remedy under Article 145 prevented people from reporting to the police or filing cases to the court.

7. JS4 noted that although consensual same-sex relationships were decriminalized, Kazakhstan retained a number of laws in its Criminal Code such as articles 121, 122 and 123 which it deemed discriminatory. Kok team reported that the Marriage and Family Code of Kazakhstan directly discriminated against same-sex families by defining marriage as “an equal union of a man and a

²² Amnesty International.

²³ Joint submission 4 submitted by: Kazakhstan Feminist Initiative "Feminita", Almaty (Kazakhstan); Initiative Group AlmaTQ, Almaty (Kazakhstan);



woman”. Moreover, article 11 of the Code stated that same-sex relationship was a condition under which marriage was not allowed. It also reported that under the same Code adoption was prohibited for persons “adhering to nontraditional sexual orientation”.

B. SOGIESC Advanced Questions for Kazakhstan

- **Sweden:** What measures have been taken to facilitate the filing of complaints concerning violence and discrimination based on sexual orientation or gender identity and to increase authorities’ effectiveness in handling, investigating and resolving said complaints?
- **United Kingdom:** How will the Government of Kazakhstan ensure the protection of the rights of the vulnerable and marginalised, such as people with disabilities, children, and individuals belonging to religious groups, the LGBT community or other minorities?

C. Kazakhstan's Working Group Session

- **Intervention made after 69 interventions:** On discrimination for gender identity in Kazakhstan discrimination for gender or sexual orientation is prohibited under article 52 of the constitution. These guarantees are included. Nobody may be discriminated on the basis of gender, origin, social position, official position, place of residence, or other conditions including sexual orientation. The constitutional council has recognized that the constitution and the law on the protection of children were not aligned thus the law was found unconstitutional the did not had sufficient clarity on provisions on discrimination on the basis of gender and sexual orientation. Kazakhstan is carrying out public activities to establish tolerance in society to representatives of sexual minorities activists and representatives of LGBTI have established NGOs and are able to carry out their activities freely, they have equal rights to received qualified medical, legal and other assistances in Kazakhstan. The charters and activities of NGOs on the rights of sexual minorities must be in keeping with constitutional standards and the relevant legislation of Kazakhstan as well as standards ratified by international human rights treaties. Kazakhstan has legislative measures for the effective submission of complaints of discrimination on the basis of gender, gender identity and sexual orientation. LGBTI persons may complain to the national human rights bodies and the prosecution service may uphold their rights in this way as well as sending individual complaints to the relevant United Nations committees

D. Recommendations for Cycle III (2019)

a) Remarks of States

- **Finland:** We are concerned by the continuous discrimination faced by the LGBTI people.
- **Netherlands:** The Netherlands remains, however, concerned about the situation of human rights in Kazakhstan, such as ensuring equal rights for LGBTI people.
- **Spain:** In order to keep advancing on the fight against violence and discrimination on the basis of sexual orientation and gender identity, Spain recommends (...)



- **Sweden:** Sweden would like to encourage further efforts to protect women and LGBTI persons, and all persons in vulnerable situations, from violence and discrimination, as well as a complete abolishment of the death penalty.
- **Canada:** Canada is encouraged that Kazakhstan accepted several of Canada's recommendations in past UPRs, but notes progress is still needed to address recommendations on the fight against corruption, judicial independence, and to protect against discrimination of women and on the basis of sexual orientation.

b) The following recommendation have been examined and noted by Kazakhstan:

- **Spain:** Explicitly prohibit any form of discrimination based on sexual orientation and gender identity (6.44)
- **Australia:** Adopt comprehensive anti-discrimination legislation that includes an explicit prohibition of discrimination on the basis of sexual orientation and gender identity (6.45)
- **Sweden:** Adopt a comprehensive anti-discrimination legislation which includes sexual orientation and gender identity as protection grounds (6.46)
- **Chile:** Adopt comprehensive legislation against discrimination, including that based on sexual orientation and gender identity (6.47)
- **Iceland:** Adopt comprehensive anti-discrimination legislation that addresses direct and indirect discrimination and encompasses all the prohibited grounds of discrimination, including sexual orientation and gender identity (6.49)
- **Mexico:** Adopt specific legislation to eliminate discrimination in which all prohibited grounds of discrimination are specified, including sexual orientation and gender identity (6.50).
- **Uruguay:** Adopt legislation that expressly guarantees protection of LGBTI persons against discrimination and violence and the full enjoyment of their rights (6.51)
- **Canada:** Adopt specific legislation to eliminate discrimination in which all prohibited grounds of discrimination are specified, including sexual orientation and gender identity (6.52)
- **Honduras:** Adopt a comprehensive legislation against discrimination, which includes direct and indirect discrimination and all grounds of discrimination, including gender, disability, religion, ethnicity, sexual orientation and gender identity (6.53)
- **Belgium:** Amend the article on Violations of the Equality of People and Citizens (article 145) of the Criminal Code to explicitly and separately include "sexual orientation" and "gender identity" as protected characteristics (6.54)

c) The following recommendations have been examined and accepted by Kazakhstan:

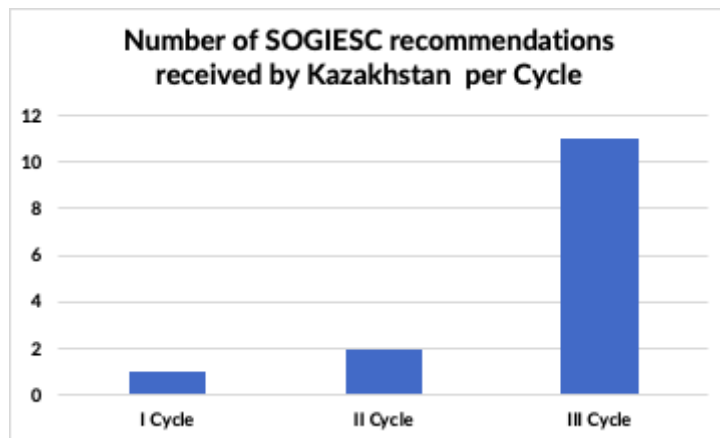
- **Chile:** Guarantee an enabling environment for the civil society activities, activist groups and human rights defenders of LGBTI persons (6.48)



E. Recommendations for Cycle II (2014)

| RECOMMENDATION | RECOMMENDING STATE | RESPONSE |
|---|--------------------|----------|
| Enact specific legislation that prohibits discrimination against women and on the basis of sexual orientation, and develop a system through which all individuals can safely report cases of discrimination and access avenues of redress | Canada | Accepted |
| Strengthen the legal framework for the protection and non-discrimination of lesbian, gay, bisexual, transgender and intersex people | Spain | Noted |

F. Graphic Comparison Between Cycles (1–3)



G. SOGIESC recommendations shared by HRDs during ILGA’s UPR advocacy week in Geneva: Kazakhstan Feminist Initiative “Feminita”

1. Adopt comprehensive anti-discrimination legislation that addresses direct and indirect discrimination and encompasses all the prohibited grounds of discrimination, including sexual orientation and gender identity (SOGI) in line with the UN Human Rights Committee (2016) and Committee on Economic, Social and Cultural Rights (2019) recommendations and



implement them in accordance with the roadmaps developed and presented by the local civil society in 2018.

2. Review and repeal all the discriminatory provisions on the grounds of sexual orientation and gender identity (SOGI) from the national legislation, including provisions on “sodomy” and “lesbianism” from Articles 121, 122, 123 of the Criminal Code.
3. Repeal all provisions on sex reassignment and coerced sterilisation surgeries from the list of requirements for legal gender recognition, i.e. changing the last, first and patronymic names and the gender marker by transgender people, in particular from Article 257, Subsection 13 of the Family Code.
4. Guarantee an enabling environment for civil society initiatives, activist groups and human rights defenders (HRDs) engaged in the protection and promotion of the LGBTQ+ rights, including a functional and accommodating registration procedure. Reverse the course of arbitrary and discriminatory decisions by the Ministry of Justice and national courts, which deny registration of feminist and LBQT advocacy groups like Kazakhstan Feminist Initiative “Feminita”, and allow them to register and operate lawfully within the country without fear of reprisals and free of all restrictions.
5. Repeal the list of prohibited professions for women which consists of 219 professions listed in the Decree adopted by the Minister of Labour and Social Security of the Population on 13 August 2018 and ensure equal accessibility to all professions to women and people of all genders.

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

I. [SOGIESC Mentions During Kazakhstan's UPR Outcome](#)

- **UN Women:** It encouraged Kazakhstan to strengthen the legal protection of LGBTQI people and build a dialogue with the LGBTQI community in the country.
- **Action Canada for Population and Development:** It expressed concern over the state's refusal to accept recommendations on eliminating discrimination and violence based on SOGI and highlighted that the state's justification that the legislation prohibiting discrimination on the grounds of sex as sufficient is inaccurate.
- **ILGA World:** It expressed its appreciation for the acceptance of one recommendation regarding LGBTI human rights defenders but regreted that Kazakhstan noted the 10 recommendations calling for non-discrimination protection on the basis of SOGI. It highlighted that the national legislation provides an inadequate definition of discrimination and has a weak enforcement and implementation framework.
- **Asian Forum for Human Rights and Development:** It regreted that Kazakhstan did not accept recommendations to adopt comprehensive legislation on non-discrimination based on sexual orientation and gender identity.



MADAGASCAR UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 11 NOVEMBER 2019, 09:00 – 12:30
DATE AND TIME OF THE ADOPTION OF THE REPORT: 14 NOVEMBER 2019, 16:30 – 18:00

During the 34th UPR Working Group Sessions, Madagascar received 4 SOGIESC recommendations. It noted all recommendations.

A. SOGIESC Information

National Report

N/A

Compilation of UN Information

13. The United Nations country team stated that the fight against the stigmatization of persons living with HIV and of populations at risk remained a challenge.²⁵ The Human Rights Committee recommended that Madagascar adopt comprehensive legislation to combat racism and discrimination that included a definition of direct and indirect discrimination, including on grounds of sexual orientation and gender identity; ensure that all victims of discrimination had access to effective remedies; and take necessary measures to combat and prevent stigmatization and discrimination aimed at persons living with HIV/AIDS and lesbian, gay, bisexual, transgender and intersex persons.

Summary of Stakeholder's Information

N/A

B. SOGIESC Advanced Questions for Madagascar

N/A

C. Madagascar's Working Group Session

N/A

D. Recommendations for Cycle III (2019)



a) Remarks of States

N/A

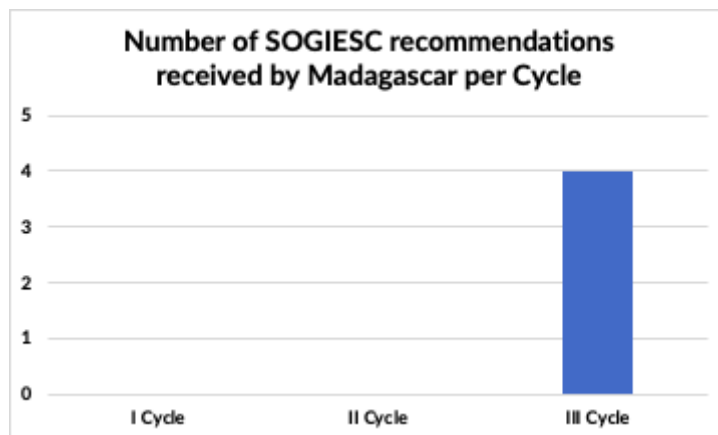
b) The following recommendations have been examined by Madagascar and have been noted by Madagascar

- **Australia:** Improve resourcing available to bodies protecting the human rights of women, children and minorities, including LGBTI persons (124.2).
- **Chile:** Adopt comprehensive legislation to combat racism and discrimination, which includes a definition of discrimination based on sexual orientation and gender identity (124.3)
- **Iceland:** Adopt comprehensive anti-discrimination legislation that addresses direct and indirect discrimination and encompasses all the prohibited grounds of discrimination, including sexual orientation and gender identity (124.4).
- **Iceland:** Decriminalize abortion in all circumstances and remove legal, administrative and practical barriers to accessing safe and legal abortion services (124.5).

E. Recommendations for Cycle II (2014)

N/A

F. Graphic Comparison Between Cycles (1–3)



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

H. [SOGIESC Mentions During Madagascar's UPR Outcome](#)

N/A



SAN MARINO UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 6 NOVEMBER 2019 - 14:30 - 18:00
DATE AND TIME OF THE ADOPTION OF THE REPORT: 8 NOVEMBER 2019 - 15:00 - 18:00

During the 34th UPR Working Group Sessions, San Marino received 7 SOGIESC recommendations. It accepted 3 and noted the other 4 recommendations.

A. SOGIESC Information

National Report

28. The recent constitutional amendment of Article 4 of Law no. 59/1974 and subsequent amendments extended the application of the principle of equality before the law, which already excluded distinctions based on sex, personal, economic, social, political and religious conditions, now explicitly excluding distinctions referring to sexual orientation. The proposed constitutional amendment was approved in a confirmatory referendum held on 2 June 2019: the population of San Marino voted in favour of the proposed amendment with a percentage of 71.46%.

2. Sexual orientation Recommendations

78.29, 78.30, 79.11 and 80.11 (the last two not accepted) concerning the protection of the rights of all individuals, regardless of sexual orientation

46. As already mentioned, Law no. 57/2016 introduced the prohibition of discrimination based on gender identity.

47. With Law no. 147 of 20 November 2018, San Marino has introduced a completely new and modern institution, mainly for the protection of same-sex couples, i.e. the "Law regulating civil registered partnerships", under which the legal system recognises equal dignity, rights and safeguards to civilly registered partners, both homosexual and heterosexual couples, compared to married ones. Citizens who decide to register their partnership civilly, in accordance with the aforementioned Law and its Regulation, acquire the same status as married couples in terms of residence and succession, cohabitation, mutual assistance, inheritance rights and other matters, whether the couple is of the same sex or of a different sex.

48. Sexual education programmes are carried out in schools at all levels where education is compulsory, accompanied by emotional education programmes: these two aspects are never separated from each other in view of an integrated and complex education. Moreover, in this regard, programmes are implemented concerning education on respect for others, non-violence, as well as inclusion and solidarity amongst peers. The "Curriculum of education to citizenship" has been



introduced as part of the ongoing reform of San Marino school curricula. This curriculum expressly provides for knowledge of LGBT rights.

29. The fundamental principle of equality expressed in Art. 4 of the Declaration on the Citizens' Rights is further applied in concrete terms in Law no. 66 of 28 April 2008 "Provisions on racial, ethnic, religious and sexual discrimination", which supplemented the provisions of the current Criminal Code. A new offence was introduced with Article 179 bis, which punishes anyone disseminating by any means ideas based on racial or ethnic superiority or hatred, or inciting someone to commit, or committing discriminatory acts on the grounds of race, ethnicity, nationality, religion or sexual orientation. This offence can be prosecuted ex officio. Article 179 bis was then amended with Law no. 57 of 6 May 2016 "Rules adjusting San Marino legal system to the provisions of the Council of Europe Convention on preventing and combating violence against women and domestic violence" by introducing the prohibition of discrimination based on gender identity. The Law also establishes as an aggravating circumstance the commission of an offence for discriminatory purposes.

[Compilation of UN Information](#)

N/A

[Summary of Stakeholder's Information](#)

N/A

B. SOGIESC Advanced Questions for During San Marino

N/A

C. During San Marino's Working Group Session

- **Opening remarks:** The introduction of the institute of "civil registered partnerships" also significantly testifies to the involvement of civil society in the democratic life of the country. Indeed, the "Law regulating civil registered partnerships", under which the legal system recognises equal dignity, rights and safeguards to civilly registered partners, both homosexual and heterosexual couples, compared to married ones, derives from a bill of popular initiative.

(...)Article 4 of the Declaration on the Citizens' Rights recognises the principle of equality. Recently, a major constitutional amendment has been made to this Article, which has broadened the application of the principle of equality before the law and has explicitly excluded any distinctions based on sexual orientation. The proposed constitutional amendment was approved in a confirmatory referendum, requested by the Parliament and held on 2 June 2019, to which the population of San Marino responded with a percentage of 71.46% votes in favour of the proposed amendment. Article 4 now states that "All are equal before the law, without any distinction based on sex, sexual orientation, personal, economic, social, political and religious status."

(...)The constitutional amendment followed the introduction of a Law regulating civil registered partnerships (Law no. 147 of 20 November 2018), under which San Marino legal system recognises equal dignity, rights and safeguards to civilly registered partners, both homosexual and heterosexual couples, compared to married ones. Those who decide to register their partnership civilly, in accordance with the aforementioned Law and its implementing Regulation, acquire the same status as married couples in terms of residence and succession, cohabitation, mutual assistance, inheritance rights and other matters, whether the couple is of the same sex or of a different sex.

Major progress has been made in combating violence against women and gender-based violence: indeed, following the ratification of the Istanbul Convention of the Council of Europe, Law no. 57 of 6 May 2016 "Rules adjusting San Marino legal system to the provisions of the Council of Europe Convention on preventing and combating violence against women and domestic violence" was approved. This Law introduced new criminal offences into San Marino legal system in the field of violence against women, gender-based and domestic violence. In particular, the offences of forced marriage, female genital mutilation and forced sterilisation were introduced in San Marino Criminal Code. The provision of the Criminal Code relating to family mistreatment has also been amended, introducing the offence of domestic violence; moreover, the provision relating to the prohibition of discrimination, hatred or violence has been supplemented, now punishing discrimination, violence or provocation linked to gender identity and sexual orientation.

D. Recommendations for Cycle III (2019)

a) Remarks of States

- **Australia:** Australia welcomes San Marino's progress in strengthening rights for LGBTI persons.
- **Canada:** Canada also welcomes San Marino's adoption of a constitutional prohibition of discrimination on the grounds of sexual orientation and a bill legalizing same-sex unions, as well as San Marino's leadership in the fight against misinformation and false news.
- **Iceland:** We welcome steps taken by San Marino to tackle discrimination and applaud its revision of its legal code, in particular its inclusion of sexual orientation and gender identity as a basis of discrimination.
- **Italy:** We welcome relevant improvements as regards LGBTI rights with the adoption in 2018 of Law n.147 which regulates civil registered partnerships and recognizes equal rights to all couples, both heterosexual and homosexual.
- **Luxembourg:** My delegation also welcomes the recognition of the same rights and guarantees for registered partners be it homosexuals, heterosexual or married couples.
- **Montenegro:** We acknowledge developments regarding the national laws, particularly welcoming the introduction of the new legal provisions related to violence against women, gender and domestic violence and the introduction of a prohibition of discrimination based on gender identity.
- **Netherlands:** The Netherlands welcomes the recent legal amendments by the Government of San Marino that introduce the prohibition of discrimination based on gender identity, and



that extend the principle of equality by including explicit prohibition of distinctions based on sexual orientation.

b) The following recommendations have been examined and accepted by San Marino:

- **Liechtenstein:** Establish criminal legislation covering all grounds of discrimination, including language, colour, ideology, and gender identity with a view to its full implementation (119.54).
- **Luxembourg:** Include gender identity as a ground of discrimination in articles 90 and 179bis of the criminal code and promote public awareness of diversity and respect for sexual orientation and the gender identity of all persons, especially through human rights education and awareness raising campaigns (119.55).
- **Mexico:** Guarantee that discrimination based on gender identity is recognized in the current legal framework, as well as establish provisions of criminal law that prohibit discrimination based on ethnic or national origin, or skin colour (119.56).

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

- **Honduras:** Take the necessary measures to strengthen the legal framework against discrimination, in particular by passing a comprehensive legislation covering all grounds of discrimination, including gender identity (119.51).
- **Iceland:** Enact general legislation on the recognition of both same-sex parents involved in the growth of a child as well as extending access to adoption to same-sex couples on par with others (119.52).
- **Netherlands:** Introduce legal protection for same-sex couples, giving them the opportunity to obtain legal recognition of their relationship and allowing them the right to get married and to adopt children (119.57)
- **Portugal:** Takes the necessary measures to strengthen its legal framework against discrimination, in particular, by enacting comprehensive anti-discrimination legislation covering all grounds for discrimination, including gender identity (119.58).

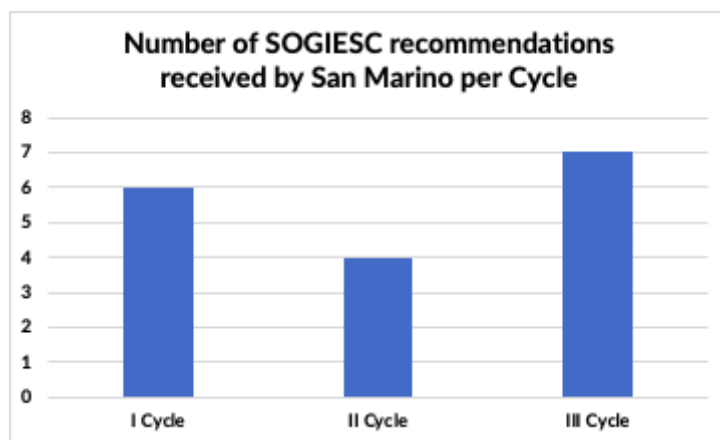
E. Recommendations for Cycle II (2014)

| RECOMMENDATION | RECOMMENDING STATE | RESPONSE |
|--|--------------------|----------|
| Protect the rights of all individuals, regardless of sexual orientation, on an equal basis | Canada | Accepted |
| Ensure respect for minorities, especially sexual minorities | France | Accepted |
| Introduce appropriate administrative or legislative reforms to ensure equal | Australia | Noted |



| | | |
|--|----------------|-------|
| protections for same-sex couples, including on matters of residency and inheritance | | |
| Ensure equal rights of lesbian, gay, bisexual and transgender people by legally recognizing same-sex marriage and civil partnerships | United Kingdom | Noted |

F. Graphic Comparison Between Cycles (1–3)



G. [Video of During San Marino's UPR Working Group Session](#)

H. [SOGIESC Mentions During San Marino's UPR Outcome](#)

- **Opening remarks:** Obviously with some room for improvement, the prohibition of discrimination based on any personal condition is already an integrant part of our constitutional charter. Likewise, it is not considered necessary to specifically include gender identity among the grounds of discrimination, since article 4 of our Consitutional Charter, stating that "all shall be qual before the law without any distinction based on personal status" prohibit any form of unequal treatment or discrimination.



SLOVENIA UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 12 NOVEMBER 2019, 09:00 – 12:30
DATE AND TIME OF THE ADOPTION OF THE REPORT: 15 NOVEMBER 2019, 17:00 – 18:00

During the 34th UPR Working Group Sessions, Slovenia received 9 SOGIESC recommendations. It accepted 5 and noted the other 4 recommendations.

A. SOGIESC Information

National Report

16. In 2016, Slovenia adopted the Civil Union Act, granting equal status as marriage to the civil union of heterosexual couples and of same-sex couples, except in the part relating to medically assisted procreation and the joint adoption of children.

Compilation of UN Information

8. The ILO Committee of Experts on the Application of Conventions and Recommendations noted the lack of a comprehensive strategy for non-discrimination, including the absence of a policy against racism.¹⁵ The Human Rights Committee and the Committee on Economic, Social and Cultural Rights recommended that Slovenia adopt a comprehensive anti-discrimination strategy, in consultation with civil society representatives.¹⁶ The Committee on the Rights of Persons with Disabilities recommended that Slovenia explicitly incorporate into its anti-discrimination legislation, policies and strategies the recognition of multiple and intersectional discrimination based on sex, age, ethnic background or sexual orientation or on migrant, asylum-seeking, refugee, disability or any other status.

9. The Human Rights Committee expressed concern that hate speech on the Internet, including in online forums, was on the rise, particularly against migrants, Roma, lesbian, gay, bisexual and transgender persons and Muslims.¹⁸ The Committee was also concerned about the use of racist and xenophobic rhetoric by politicians towards persons belonging to minority groups, including migrants and refugees.¹⁹ The Committee on the Elimination of Racial Discrimination expressed concern about reports of a lack of action in response to the use of racist and xenophobic rhetoric by political figures and the existence of organizations promoting racial hatred and violence.

14. The same Committee recommended that Slovenia ensure that all lesbian, gay, bisexual and transgender persons were guaranteed equal rights and that it intensify its efforts to combat stereotypes and prejudice against such persons, including by launching a nationwide awareness-raising campaign in cooperation with civil society organizations.²⁵ Likewise, the



Committee on Economic, Social and Cultural Rights recommended that Slovenia explicitly prohibit discrimination on the basis of sexual orientation.

Summary of Stakeholder's Information

6. JS3²⁴ noted that the Council of the Human Rights Ombudsman, an advisory body was established in 2018 to ensure plurality and inputs of relevant stakeholders for the Ombudsman. JS1 noted, however, that no organisation working on the rights of LGBTI persons was appointed to be represented in the Council. JS3 noted that a Human Rights Centre, another internal organisational unit of the Ombudsman, with a mandate to promote human rights and engage in human rights education, did not become operational in January 2019 due to a lack of financial resources. JS3 noted modest allocations for the expansion of the Ombudsman's duties.

15. JS1²⁵ stated that sexual orientation, gender identity and sex characteristics were not explicitly mentioned among the grounds of discrimination in article 14 of the Constitution. EU-FRA and JS1 noted that the Protection against Discrimination Act prohibited discrimination on the grounds of sexual orientation, gender identity and gender expression.

16. CoE-Commissioner noted that while same-sex marriage was rejected in the 2015 referendum, Slovenia later adopted a law regulating civil unions, including for same-sex couples. EU-FRA stated that the law made same-sex registered partnership largely equivalent to marriage as of 2017. However, that same-sex partners were not allowed to adopt children or entitled to assisted reproduction. JS1 recommended that Slovenia amend its legislation to allow access to joint adoption for same-sex partners, as well as fertility treatment for same-sex couples.

17. JS1 recommended introducing protocols and guidance on legal gender recognition and trans affirming health care, based on person's self-determination and in line with international standards and best practices. It recommended improving trans-specific health services and eliminating discriminatory and transphobic treatment by medical staff as well as the provision of trainings for educational professionals to eliminate gender-based discrimination and transphobia and secure safe space for trans individuals within the educational system.

B. SOGIESC Advanced Questions for Slovenia

N/A

²⁴ Joint submission 3 submitted by: The Society for Awareness Raising and Protection – Centre of Anti-discrimination, and Association of the Romani Community of Slovenia Umbrella, Ljubljana, Slovenia;

²⁵ Joint submission 1 submitted by: ERA-LGBTI Equal Rights Association for Western Balkans and Turkey (an umbrella regional association of 57 LGBTI organisations operating in Albania, Bosnia and Herzegovina, Croatia, the North Macedonia, Kosovo, Montenegro, Serbia, Slovenia and Turkey) in partnership with Škuc Magnus, Association Legebitra, and Transfeminist Initiative TransAkcija Institute (Slovenia);



C. Slovenia's Working Group Session

- **Opening remarks:** In 2016 Slovenia adopted the Civil Union act granting heterosexual couples and same sex couples living in a civil union equal rights as those enjoyed by married couples except in relation to medical assisted procreation and joint adoption of children.
- **Intervention made after 40 interventions:** Very quickly on the question of LGBT advancing rights, Slovenia is also striving to increase from year to year its efforts and it's measures. There were specific question on transgender, there is currently a working group on slovenia preparing a comprehensive legislation that will cover all aspects of transgender person's rights, so we are progressing in this regard as well.
- **Final remarks:** Protection against discrimination Act adopted in 2016 determines the protection of all persons against discrimination irrespective of a person's circumstances be it gender, ethnical origin, race, language, religion or belief, disability, age, sexual orientation sexual identity, social status, property status and last but not least education.

D. Recommendations for Cycle III (2019)

a) Remarks of States

- **Uruguay:** We welcome the passage of the Civil Union Act, which gives the civil union of heterosexual couples and same-sex couples similar consideration as marriage, and in line with that we recommend:
- **Costa Rica:** Costa Rica expresses concern about the exacerbation of hate speech on the internet, especially against migrants, Roma, lesbian, gay, bisexual and transgender people and Muslims.

b) The following recommendations have been examined and accepted by Slovenia:

- **Israel:** Explicitly prohibit discrimination on the basis of sexual orientation and gender identity and promote awareness-raising campaigns to combat stereotypes and prejudices against LGBTI people (5.12).
- **Iceland:** Strengthen activities and laws aimed at the elimination of discrimination in society, other intolerance and hate speech against minorities and other groups, including based on sexual orientation, gender identity or sex characteristics (6.33).
- **Ireland:** Intensify efforts to combat stereotypes and prejudice against LGBTI persons, including by launching a nationwide awareness-raising campaign (6.56).
- **Netherlands:** Strengthen efforts to end discrimination against LGBTI people, including awareness raising to increase the social acceptance of the LGBTI community in all spheres of professional and social life (6.57).
- **Malta:** Adopt legal provisions that will allow legal gender recognition to transgender individuals and take meaningful steps, to sensitise authorities and the public to their human rights (6.60);



c) The following recommendations have been examined and noted by Slovenia²⁶:

- **Honduras:** Explicitly incorporate in its legislation, policies and strategies to combat discrimination the recognition of multiple and intersectional discrimination based on sex, age, ethnic origin or sexual orientation, or by the status of migrant, asylum seeker, refugee, person with disability or any other condition (6.29).
- **Uruguay:** Promote the access of same-sex couples to sexual and reproductive health programmes, ensuring in particular the availability of specific health services for trans persons (6.58).
- **Iceland:** Enact general legislation on the recognition of both same-sex parents involved in the growth of a child, as well as extending access to adoption to same-sex couples on par with others (6.59).
- **Malta:** Work towards ending protocols that aim to 'normalise' intersex bodies through harmful and medical practices including non-consensual surgeries (6.61).

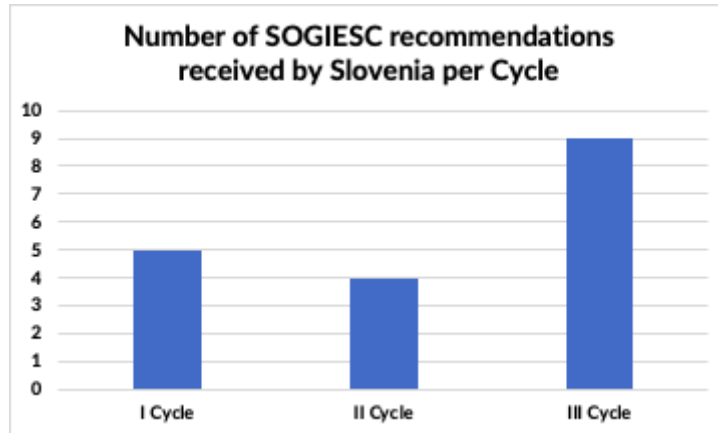
E. Recommendations for Cycle II (2014)

| RECOMMENDATION | RECOMMENDING STATE | RESPONSE |
|---|--------------------|----------|
| Adopt policies to ensure equality of rights for all persons, without discrimination of gender, religion, race or sexual orientation, in line with international standards | Uruguay | Accepted |
| Harmonize the rights of homosexual couples with those of heterosexual couples | Spain | Accepted |
| Heed the call by the Committee on the Rights of the Child to regularize the status of children of same-sex couples and ensure their protection against discrimination | Sweden | Accepted |
| Adopt the same-sex partnership act in order to further improve the rights of LGBTI persons | Croatia | Accepted |

²⁶ The following LGBTI-hostile recommendation was made: Egypt: Continue supporting the family as the fundamental and natural unit of society



F. Graphic Comparison Between Cycles (1–3)



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

H. [SOGIESC Mentions During Slovenia's UPR Outcome](#)

- **Opening remarks:** The Slovenian government is committed to the non-discrimination of LGBTI persons. The Protection Against Discrimination Act turns protection of all persons against discrimination irrespective of different personal circumstances. The Civil Union Act provides that the civil unions between same sex couples should have same legal consequences than marriage in all legal spheres, with the exception of adoption where both partners have the right to biomedical assisted procreation