



**37th UPR WORKING GROUP SESSIONS
SOGIESC RECOMMENDATIONS
(18 – 29 January 2021)**

This report contains a summary and the SOGIESC recommendations of the 37th UPR Working Group Sessions.

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

The report is based on the draft report submitted by the Working Group and notes taken by ILGA during the Working Group Sessions and drafted by Gabriel Galil (Senior Programme Officer)

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AUSTRALIA UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 20 JANUARY 2021, 09:00-12:30

DATE AND TIME OF THE ADOPTION OF THE REPORT: 22 JANUARY 2021, 15:00-18:00

During the 37th UPR Working Group Sessions, Australia received 5 SOGIESC recommendations. It accepted 2 recommendations and noted the other 3 recommendations.

A. SOGIESC Information

National Report

2. Since our second cycle Universal Periodic Review (UPR) in 2015, Australia has made significant achievements in the realisation of human rights. These include significant investments addressing family and domestic violence, human trafficking and modern slavery and the legalisation of same-sex marriage.

30. Some groups are more vulnerable to FDSV and may experience greater impacts or have reduced options for support. In 2016–17, Indigenous females aged 15 and over were 34 times as likely to be hospitalised for family violence as non-Indigenous females. When compared with people without disability, people with disability were 1.8 times as likely to have experienced physical and/or sexual violence from a partner in the previous year. Lesbian and bisexual women also experience more physical, sexual and emotional abuse than exclusively heterosexual women

113. The Australian Government recognises that women with disability are at a heightened risk of gender based violence when compared with other women, and that the abuse may be more severe and persistent. The Terms of Reference for the Royal Commission direct Commissioners to have regard to how specific experiences are influenced by sex, gender, gender identity, sexual orientation, intersex status, age, ethnic origin and race, and the particular situation of Aboriginal and Torres Strait Islander and culturally and linguistically diverse people.

129. In December 2017, the Australian Parliament passed legislation to amend the Marriage Act 1961 (Cth) to allow for same-sex marriage. This took place as a result of a democratic plebiscite in which every adult Australian was given the opportunity either to support or to oppose the proposed change to the law. Over 12 million Australians (almost 80% of the eligible voting population) participated in the plebiscite, with over 60% voting in favour of the change to the law. Foreign same-sex marriages are also legally recognised in Australia.

130. Separately, work had been undertaken to protect people from discrimination on the basis of sexual orientation, gender identity and intersex status through amendments to the Sex Discrimination Act 1984 in 2013. At the time, states and territories were granted temporary exemptions from complying with these protections to facilitate amendment of their laws. These exemptions ceased between July 2016 and July 2017.



131. There has been legislation in some states and territories to prohibit vilification on the grounds of sexual orientation, gender identity or intersex status.

Compilation of UN Information

14. The Human Rights Committee was concerned that infants and children born with intersex variations were sometimes subjected to invasive medical interventions for purposes of gender assignment, often based on stereotyped gender roles and performed before the children concerned could provide informed and free consent. The Committee on the Rights of Persons with Disabilities urged Australia to adopt legal provisions prohibiting such medical interventions on intersex children before they reached the legal age of consent.

15. The Human Rights Committee recommended removing surgery and marital status requirements for sex change on birth, death and marriage certificates, taking into account the Committee's Views in communication No. 2172/2012, G. v. Australia.

Summary of Stakeholder's Information

32. AI¹ welcomed the amendments to the Marriage Act to legally recognise same-sex marriage. JS1 noted that States amended laws to make it easier for legal gender to be changed and allow adoption by couples regardless of gender.

33. However, JS1² reported that discrimination, harassment and violence on the grounds of sexual orientation, gender identity and expression remained prevalent. AI recommended ending discrimination on the grounds of sexual orientation, gender identity and intersex status.

34. (...) JS1 stated that Australia must advance reforms in those states which imposed unjust hurdles, including requirements for surgery on people seeking official identity documents reflecting their gender and implement recommendations on ending harmful practices, including forced and coercive medical interventions to ensure the bodily integrity of children with intersex variations.

B. SOGIESC Advanced Questions for Australia

- **Panama:** With regard to women's rights and the rights of the child, we would appreciate information on efforts undertaken to address multiple and intersectional forms of discrimination against women and girls with disabilities, indigenous women and girls, and to end harmful practices on children with intersex variations, in line with the recommendations of the CRPD?

¹ Amnesty International, London, United Kingdom

² Joint submission 1 submitted by: 202 Australian NGOs and coordinated by the Human Rights Law Centre, the Kingsford Legal Centre and the Caxton Legal Centre



C. Australia's Working Group Session

- **Intervention made after 42 interventions (Mr. Justin Lee, First Assistant Secretary, Multilateral Policy Division, Department of Foreign Affairs and Trade):** Australia has a significant and long-standing commitment to advance human rights globally and in our region. Through our recent membership of the UN Human Rights Council, regional forums, bilateral relationships, development assistance, and engagement with civil society. As a Human Rights Council member we have advocate strongly for gender equality, good governance, freedom of expression, rights of indigenous peoples, strong National Human Rights Institutions, abolishment of the death penalty, freedom of religion or belief, civil society participation and the rights of people with disabilities and LGBTI persons.
- **Final remarks (Ms. Joanna Virtue, Assistant Secretary, Integrity and Criminal Law Branch, Attorney-General's Department):** Thank you to those delegations who raised issues on sterilization and surgical procedures on people with disabilities and in relation to children. In Australia, non-therapeutic procedures can only be carried-out with the consent of the person being treated, or, if the person cannot validate consent, with authorization from a court or guardianship tribunal. In the case of a child with intersex characteristics, court authorization is required for medical procedure that is non-therapeutic, invasive and irreversible. Whether there is a significant risk of making the wrong decision and the consequences over/around the decision would be particularly grave. This would include non-therapeutic procedures carrying a risk of sterilization. In such a case the court's paramount consideration would be the best interest of the child. Australian courts also recognize that children should have greater capacity over decisions that affect them as their decision-making capacity ensures. Over the past five years there has been a number of inquiries and reforms in relation to these issues. For example, under Victoria's Guardianship and Administration Act 2019, it is now an offence for a registered medical practitioner to carry out the sterilization procedures without obtaining appropriate consent. Queensland's Human Rights Act 2019 specifically protects against medical or scientific treatment without full, free and informed consent. And finally, the Australian Human Rights Commission is conducting an inquiry in the protections of people born with variations in sex characteristics, including in relation to medical interventions. The inquiry is expected to report in 2021.

D. Recommendations for Cycle III (2021)

a) Remarks of States

- **Canada:** Canada congratulates Australia on the legalization of same-sex marriage in December 2017. This legislation marks an important step in Australia's efforts to end discrimination based on sexual orientation or gender identity.
- **Iceland:** Iceland welcomes the delegation of Australia and its work to advance human rights at home and abroad. In particular, we welcome significant progress in protecting the human rights of LGBTI persons.



- **Mexico:** We thank the delegation of Australia for presenting its report. We welcome the appointment of the first Aboriginal people's cabinet member, and we welcome the adoption of the equal marriage.
- **Montenegro:** Montenegro welcomes the distinguished delegation of Australia. We value Australia's engagement in advancing protection and promotion of human rights across its entire territory. We particularly acknowledge legalization of the same-sex marriages as well as the ratification of the OPCAT
- **New Zealand:** We would like to commend Australia for its ratification of the Optional Protocol to the Convention against Torture, as well as legislative amendments to allow same-sex marriages in Australia and recognise same-sex marriages overseas.
- **Slovenia:** Slovenia commends Australia for the legislative progress regarding gender equality, non-discrimination, prohibition of torture, same sex marriages and business and human rights.
- **Sweden:** Sweden welcomes Australia's commitment to the protection of human rights and the positive developments since the last UPR-review, notably the amendment of the federal Marriage Act that legalized same-sex marriage and the ratification of the Optional Protocol to the Convention Against Torture (OPCAT).
- **Thailand:** We also commend the measures undertaken to address violence against women and protect people from discrimination based on sexual orientation and gender identity.

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

- **Iceland:** Ensure free and timely access to appropriate health-care for all, including LGBTI+ persons, children and adolescents where the young person has sufficient maturity to provide informed consent (146.102)
- **Israel:** Continue to work on ending discrimination on the grounds of SOGI, including launching awareness-raising campaigns and training of public officials (146.103)

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

- **Iceland:** End harmful practices, including forced and coercive medical interventions to ensure the bodily integrity of children with intersex variations (146.101)
- **Malta:** Continue to advance reforms in the remaining states that impose hurdles, including requirements for surgery, on people seeking official identity documents reflecting their gender (146.104)
- **Spain:** Eliminate the obligation imposed by some states to carry out compulsory surgical interventions to change sex in identity documents (146.100)

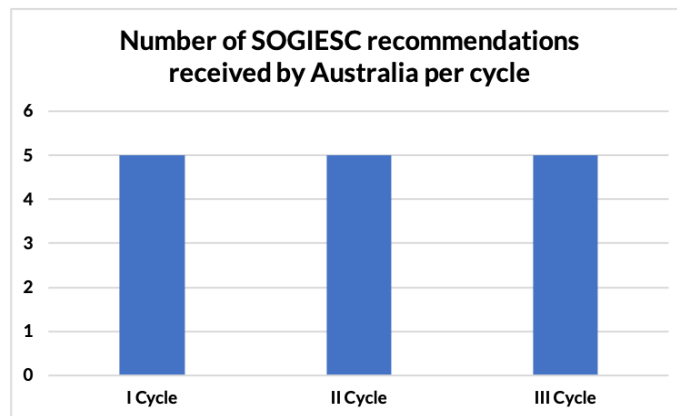
E. Recommendations for Cycle II (2015)

Recommendation	Recommending State	Response
Amend the federal Marriage Act to allow same-sex couples to marry by changing the definition of marriage, and provide full recognition of same-sex marriages from overseas	Sweden	Noted



Legally recognize same-sex marriage	Spain	Noted
Revise the Marriage Act of 1961 in a way that ensures full equality with respect to the civil institution of marriage	Netherlands	Noted
Ensure that states; legislation is consistent with the amended Sex Discrimination Act 1984	Israel	Supported
Open legal partnership models to all, regardless of their sexual orientation or gender identity	Iceland	Noted

F. Graphic Comparison Between Cycles (1–3)



G. SOGIESC recommendations shared by HRDs during ILGA's UPR advocacy week in Geneva: Equality Australia (UPR NGO Coalition)

1. Australia must advance reforms in remaining states that impose unjust hurdles, including requirements for surgery on people seeking official identity documents reflecting their gender.
2. Implement recommendations on ending harmful practices, including forced and coercive medical interventions, to ensure the bodily integrity of children with intersex variations;
3. Ensure access to redress, independent affirmative peer support and psychological support for people with intersex variations and their families.
4. Australia must capture SOGIESC data in its 2021 national Census and other significant data collections to provide a robust evidence base for future public policy and government interventions.
5. Australia must implement effective measures to reduce SOGIESC-based bullying, harassment and violence, particularly targeted at youth and transgender people. It must also continue to pursue measures to reduce the prevalence of anti-LGBT 'conversion' practices in faith communities and other settings, and remove exemptions allowing religious schools to discriminate against LGBTIQ+ students and teachers.
6. Australia must ensure free and timely access to culturally safe healthcare, including access to gender affirming multidisciplinary healthcare for children and adolescents without the need



for court authorisation where the young person has sufficient maturity to provide informed consent.

7. Australia must not enact the proposed Religious Discrimination Bill.
8. The Australian Government implement guidelines and updated training for all participants in its protection framework (including officials, decision makers and translators), and provide resources to organisations (including LGBTIQ refugee-led organisations) providing support services and assistance to refugees and people seeking asylum, to ensure inclusive practice for LGBTIQ+ people seeking asylum in the decision making framework and supporting services in Australia

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

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

- **New Zealand:** We also commend Australia on the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the legalisation of same-sex marriage and the new National Agreement on Closing the Gap.
- **ILGA World:** It welcomed Australia's acceptance of 2 out of 5 recommendations made in respect of sexual orientation, gender identity, gender expression and sex characteristics, but regretted that Australia noted 3 recommendations pertaining to legal gender recognition and ending harmful practices against intersex persons. The current process for court authorisation is inadequate as recent court cases have endorsed unnecessary surgeries on children born with intersex variations and clinicians have been shown generally to avoid court oversight. ILGA World looks forward to the implementation of country-wide legislative measures to protect intersex persons from harmful practices. At present, transgender and gender diverse Australians face unnecessary and cruel barriers to amending gender markers on official documents. Official documentation is vital to accessing employment, education and other services on a non-discriminatory basis. ILGA World therefore encouraged New South Wales and Western Australia to join other jurisdictions in Australia which have removed surgery and medical treatment as requirements for legal gender recognition.



AUSTRIA UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 22 JANUARY 2021, 09:00-12:30

DATE AND TIME OF THE ADOPTION OF THE REPORT: 26 JANUARY 2021, 16:30-18:00

During the 37th UPR Working Group Sessions, Austria received 11 SOGIESC recommendations. It accepted 5 recommendations and noted the other 6 recommendations.

A. SOGIESC Information

National Report

71. In fighting discrimination based on sexual orientation, a decision by the VfGH led to the opening of marriage for same-sex couples and the opening of registered partnership for opposite-sex couples in 2019. In 2018, the VfGH140 held that persons with variations in the development of sex characteristics (intersex persons) are entitled to entries according to their sex-characteristics in the central civil register and in official documents. In 2020, the first official documents with the category 'inter' were issued. In the wake of the VfGH decision, replacing the terms 'male' and 'female' in current legal texts, with the aim to include intersex persons, was initiated.

72. Since 2013, same-sex couples may adopt stepchildren; since 2016, joint adoption has been possible for same-sex and opposite-sex couples alike.

73. The Austrian National Council recently addressed the issue of recording gender- or sexual-orientation-based hate crimes, and passed a resolution (July 2020) prompting the Minister of the Interior to report on the outcome of the project 'Systematic recording of prejudiced motives in criminal complaints (hate crime)' and on resulting measures.

Compilation of UN Information

10. The Independent Expert on older persons noted that the Ombud for Equal Treatment irrespective of race, ethnic origin, religion, age and sexual orientation in relation to employment was understaffed. She urged the Government to provide it with adequate resources.

12. Two committees were concerned that the fragmentation of anti-discrimination legislation across numerous federal and provincial laws and the complex distribution of institutions at the federal and provincial levels might negatively affect the ability of victims to claim their rights and obtain a remedy. In 2015, the Human Rights Committee also expressed concern that the Federal Equal Treatment Act failed to afford protection against discrimination on the basis of religion and belief, age, sexual orientation and gender identity in gaining access to goods and services. It recommended that Austria consider amending that Act and relevant provincial laws with a view to ensuring equal substantive and procedural protection against discrimination with regard to all prohibited grounds of discrimination.



50. The same Committee recommended that Austria implement a rights-based healthcare protocol for intersex persons, ensuring that children and their parents were appropriately informed of all options, that the children were involved, to the greatest extent possible, in decision-making about medical interventions, that their choices were respected and that no person was subjected to surgery or treatment without their free, informed and prior consent. Two other committees made similar recommendations.

Summary of Stakeholder's Information

7. In 2016, the Advisory Committee on the Framework Convention for the Protection of National Minorities (CoE-ACFC) stated that the effectiveness of the Ombud for Equal Treatment was limited by the fact that it could only make non-binding recommendations and encouraged Austria to invest it with the power to provide legal aid and address the courts on behalf of the victim. JS3³ further noted that, in 2017, the regional offices of the Ombud for Equal Treatment had been made responsible for advising people discriminated on the basis of their religion or belief, sexual orientation, ethnicity, or age, but without a corresponding increase in resources.

8. Regarding the relevant recommendations from the second cycle of the universal periodic review, four submissions noted that antidiscrimination legislation in Austria was complex and scattered over numerous federal and regional level laws. Two of them also noted that the federal law provided protection against discrimination only on the basis of disability, ethnicity and gender, but not on the basis of age, religion and belief and sexual orientation and gender identity. They recommended that Austria harmonize national legislation and ensure protection against discrimination on all prohibited grounds. Alliance for Equal Rights 4 Sex Gender Diversity (TTI) recommended that Austria ensure that all its laws were in accordance with the Yogyakarta Principles.

9. JS3 noted that a national action plan against racism and discrimination was provided for in the last government programme, but had not yet been implemented. It recommended that Austria ensure that the plan covered the fight against all forms of racism and included realistic and measurable indicators. TTI recommended that Austria establish a federal LGBTIQ+ action plan.

43. AOB⁴ noted that Austrian medicine was currently following the principle of removing “disturbing” sexual characteristics and that the recommendations on intersex persons drafted by a working group led by the Federal Ministry of Social Affairs and Health were not known by a large number of doctors

³ Joint submission 3 submitted by: Austrian League for Human Rights / Österreichische Liga für Menschenrechte – JS-LIGA (Austria) (Integrated by: Global Responsibility – Austrian Platform for Development and Humanitarian Aid (Austria); Asylkoordination Österreich (Austria); BAWO Wohnen Für alle (Austria); Bundesarbeitskammer (Austria); Dreikönigsation – Hilfswerk der Katholischen Jungschar - DKA (Austria); ECPAT Österreich – Arbeitsgemeinschaft zum Schutz der Rechte der Kinder vor sexueller Ausbeutung (Austria); EDUCULT – Denken und Handeln in Kultur und Bildung (Austria); Integration Tirol (Austria); International Centre for the Promotion of Human Rights at the Local and Regional Levels and UNESCO Chair in Human Rights and Human Security, Universität Graz (Austria); Klagsverband zur Durchsetzung der Rechte von Diskriminierung (Austria); LICHT für die Welt (Austria); Lobby4kids – Kinderlobby (Austria); Ludwig Boltzmann Institut für Menschenrechte – BIM (Austria); Netzwerk Kinderrechte (Austria); Österreichischer Behindertenrat (Austria); Österreichischer Gehörlosenbund – OGLB (Austria); Österreichischer Liga für Menschenrechte (Austria); SOS Menschenrechte Österreich (Austria); Zivilcourage und Anti-Rassismus-Arbeit – ZARA (Austria); Zusammenschluss österreichischer Frauenhäuser – ZÖF (Austria)

⁴ Austrian Ombudsman Board



and parents of intersex persons. TTI recommended that Austria supports the depathologization of sex and gender diversity, no longer using the term “Disorders of Sex Development”, and ban all advertisement and provision of “conversion therapies” as well as non-consensual sex reassignment surgeries for infants and minors.

73. JS3 recommended that Austria establish a mechanism to identify vulnerable persons during the asylum and return evaluation processes and train officials and judges involved in asylum procedures on the identification of such vulnerable persons in cooperation with specialized civil society organizations. TTI recommended that Austria provide material support and asylum to persecuted LGBTIQ+ people from countries that have antiLGBTIQ+ laws or persecution campaigns

B. SOGIESC Advanced Questions for Austria

- **Belgium:** Is the government of Austria considering further steps to promote equal rights for LGBTI?
- **Canada:** What measures is Austria taking to combat discrimination based on age, religion and sexual orientation?

C. Austria’s Working Group Session

- **Intervention made after 67 interventions (H.E. Ms. Karoline Edtstadler, Federal Minister for the EU and the Constitution at the Austrian Chancellery):** Let's turn now to racism and hate crime data. It was also raised by the UK and it's very important to say that the Ministry of Interior has taken significant steps to improve data collection and disaggregation for hate crimes and hate speech. In 2020, as we already mentioned, we introduced a new system for the police to record hate crimes with bias motivation, and I would like to be very precise, relating to age, disability, gender, colour of skin, nationality, or ethnic origin, religion, sexual orientation, social status or other few. The database of the police and Ministry of Justice are synchronized, enabling prosecutors to see any data on hate crime.
- **Final remarks (H.E. Ms. Karoline Edtstadler, Federal Minister for the EU and the Constitution at the Austrian Chancellery):** Let’s turn now to the question of LGBTIQ persons, a question also raised by Belgium. Let me be very clear. Austria strongly opposes discrimination and persecution of and violence of persons on the basis of sexual orientation and gender identity and advocates for strengthening the rights of LGBTIQ persons. In Austria, important amendments to civil status law in recent years relate to the progress in equal treatment of same-sex and opposite sex couples. Both with the respect to the manner of concluding registered partnerships or marriages, corresponding name rights, and with respect of admissibility of adoption and medically assisted reproduction. The Constitutional Court has played a significant role in this progress. Furthermore, in 2018 the Austrian Constitutional Court ruled that intersex persons have the right to choose the identification corresponding to their sex characteristics in civil registers and birth certificates.
- Let’s turn now to the non-discrimination institutional framework. The actions to combat discrimination, questions raised by Canada and also Sweden. Let me be very clear on that, the Austrian federal constitution prohibits discrimination on any ground, including age, religion and sexual orientation. Victims can directly refer to the constitution prohibition of



discrimination in court. the legal framework. Equal treatment is permanently evaluated. Hence, equal treatment laws and instruments were developed in 2016 and have been partially implemented, such as the act of acceleration of proceedings at the equal treatment commission.

D. Recommendations for Cycle III (2021)

a) Remarks of States

- **Netherlands:** We commend Austria for lifting the ban on same-sex marriage and adopting marriage equality legislation. We have concerns about the legal gaps at the federal and regional level in antidiscrimination legislation, in particular with respect to religion and belief and sexual orientation and gender identity.
- **Spain:** Spain welcomes the Austrian delegation. We commend the country on the progress made in implementing previous recommendations especially when it comes to laws on registry books, with regards to gender identity and same-sex marriage.
- **Sweden:** Sweden commends Austria for the efforts made to address the recommendations presented in the previous reporting cycle, including the strengthening of mechanisms to record racially motivated crimes, as well as abolition of discrimination between same-sex and heterosexual couples in marriage law.
- **United Kingdom:** The United Kingdom commends Austria's continued efforts to eliminate discrimination on the grounds of sexual orientation and the steps it has taken since its last UPR to improve equality for same-sex partnerships, including legally recognising same-sex marriage.

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

- **Argentina:** Ensure that the human rights of intersex persons are respected, by developing a medical care protocol ensuring their participation in decision-making on medical interventions that affect them (139.132)
- **Iceland:** Ensure free and timely access to appropriate health-care for all, including LGBTI+ persons, children and adolescents where the young person has sufficient maturity to provide informed consent (139.129)
- **Iceland:** End harmful practices, including forced and coercive medical interventions, to ensure the bodily integrity of children with intersex variations (139.130)
- **Malta:** Prohibit any practice that modifies a person's sex characteristics without irrefutable medical reasons and the full and informed consent of the person affected (139.131)
- **Uruguay:** Strengthen the legislative framework to expressly prohibit any practice that modifies a person's sexual characteristics without well-founded medical reasons or without the full consent of that person (139.128)



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

- **Costa Rica:** Guarantee the recognition, protection and defense of minorities' rights in the country, as well as adopt legislation against discrimination on the basis of religion, age, disability, sexual orientation and gender identity (141.42)
- **Croatia:** Continue to harmonise the national legislation against discrimination in order to ensure protection from all forms of discrimination, including on the basis of age, religion and belief, as well as sexual orientation and gender identity (141.31)
- **Democratic People's Republic of Korea:** Accept a comprehensive strategy to eliminate all kinds of discrimination on the basis of religion and belief, age, sexual orientation and gender identity (141.43)
- **Denmark:** Harmonize at all levels anti-discrimination legislation to protect all persons regardless of age, religion or belief, sexual orientation and gender identity (141.32)
- **Malta:** Work towards guaranteeing access to legal gender recognition for intersex, transgender and non-binary people to all six current existing options of gender markers, without any barriers, based on self-identification (141.45)
- **Netherlands:** Ensure equal protection from all forms of discrimination, including by harmonizing and strengthening the scope of anti-discrimination laws in particular with respect to religion and belief and sexual orientation and gender identity (141.39)

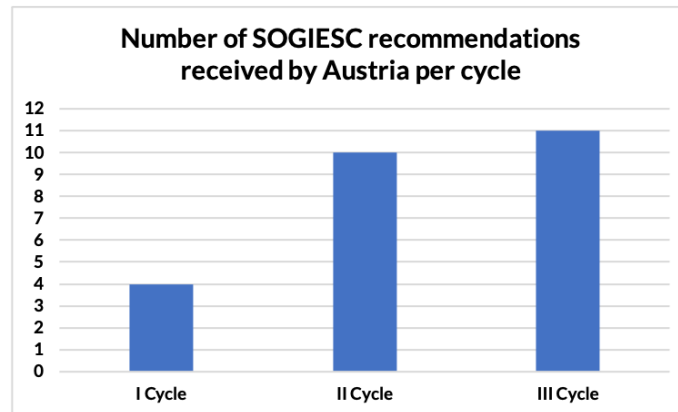
E. Recommendations for Cycle II (2015)

Recommendation	Recommending State	Response
Amend the legal status of same-sex partnerships to ensure full equality in the eyes of the law	United Kingdom	Noted
Ensure further equality by allowing same-sex couples the right to marriage according to international standards	Netherlands	Noted
Abolish all legal inequalities between registered same-sex partnership and marriage	Ireland	Noted
Ensure the equal rights of people by legally recognizing same-sex marriage	Iceland	Noted
Adjust regulation so that same-sex partners enjoy the same rights as other married couples as recommended in the report of the European Commission against racism and intolerance published on 13 October 2015	Denmark	Noted
Ensure equal protection from all forms of discrimination, including by harmonizing and extending the scope of anti-discrimination laws to include the grounds of religion and belief, age and sexual orientation	Germany	Noted
Intensify efforts to combat discrimination on all grounds, including age, religion and sexual orientation	Canada	Noted
Ensure equal protection from all forms of discrimination, including by extending the scope of anti-discrimination regulations, by including the grounds of religion and belief, age and gender identity	Bulgaria	Noted
Harmonise anti-discrimination laws and broaden their scope to include as grounds religion, age and sexual orientation	Uruguay	Noted



Harmonize anti-discrimination laws by broadening their application scope so as to include the grounds of religion, belief, age and sexual orientation	Belgium	Noted
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F. Graphic Comparison Between Cycles (1–3)



G. SOGIESC recommendations shared by HRDs during ILGA’s UPR advocacy week in Geneva: VIMO’/ OII Austria

1. Prohibit any practice that modifies a person’s sex characteristics without irrefutable medical reasons and the full and informed consent of the person affected
2. Harmonize anti-discrimination laws across regions and sectors, by broadening their application scope so as to include explicitly the grounds of religion, belief, age, sexual orientation, gender identity and sex characteristics
3. Guarantee access to legal gender recognition for intersex, transgender and non-binary people of all ages to all six current existing options of gender markers, without legal, administrative or financial barriers, based on self-identification
4. Ensure that trans and intersex persons receive all necessary health care including HIV treatment, “gender dysphoria” and or hormone therapy, especially in prisons (there also: combat discrimination and exclusion)
5. Provide safe housing in sufficient numbers for LGBTIQ asylum seekers and improve asylum procedures based on self-identification as LGBTIQ as recommended by the National Parliament in 2020
6. Support the depathologization of sex and gender diversity, raise awareness on these topics within medical/ pedagogic/ administrative staff and cover the topics in educational curricula
7. Ban all advertisement, practice and provision of “conversion therapies” and foster progressive, non-discriminatory and human-rights based sex education in schools

H. [Video of Austria’s UPR Working Group Session](#)



I. SOGIESC Mentions During Austria's UPR Outcome

- **ILGA World:** It regretted that 6 SOGIESC-related recommendations were noted by Austria, but expressed appreciation for the fact that Austria accepted 5 recommendations related to the rights of children born with intersex variations. ILGA World urged Austria to take further steps to implement the resolution adopted in June 2021 which required the State effectively to protect intersex children from non-consensual and unnecessary treatments, and to enhance psychological support for them. It also expressed hope that real change will result from the second resolution adopted since 2019 on the ban of so-called “conversion therapies”. ILGA World regretted that Austria noted four recommendations targeting the harmonisation and broadening of the scope of national anti-discrimination legislation. Despite the Austrian delegation’s statements to that effect, current legislative provisions are insufficient. Discrimination within the anti-discrimination legislation remains, e.g., on the basis of sexual orientation in relation to access to goods and services. Additionally, the fragmentation of regulations creates problems in accessing justice. ILGA World also encouraged Austria to take positive action to remove barriers for non-binary persons to access their rights, including granting free access to non-binary gender markers.



FEDERATED STATES OF MICRONESIA UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 18 JANUARY 2021, 09:00 - 12:30

DATE AND TIME OF THE ADOPTION OF THE REPORT: 22 JANUARY 2021, 15:00 - 18:00

During the 37th UPR Working Group Sessions, Federated States of Micronesia received 4 SOGIESC recommendations. It noted all 4 recommendations.

A. SOGIESC Information

National Report

41. Recommendation 62.51, 62.54: The FSM constitution article IV, section 4 ensures equal protection, which guarantees fundamental rights and freedom regardless of gender, sexual orientation, race, ancestry, national origin, religion, language and social status. Kosrae State passed its Family Protection Act in 2014 and Pohnpei State passed its Domestic Violence Act in 2017 and Disability Act in 2019. In 2019, Chuuk State Government raise the age of consent from age of 13 to 18 (C.S.L No. 6-66). In 2019, Pohnpei State Government raise the age of consent from age 16 to 18 (S.L. No. 9L-105-19).

47. Recommendation 62.45: The FSM constitution article 4, section 4 ensures equal protection, which guarantees fundamental rights and freedom regardless of gender, sexual orientation, race, ancestry, national origin, religion, language and social status. Kosrae State passed its Family Protection Act in 2014 and Pohnpei State passed its Domestic Violence Act in 2018 and Disability Act in 2019.

72. Recommendation 62.52, 62.53, 62.54: FSM notes with appreciation recommendations made regarding non-discrimination on account of gender, disability and sexual orientation. FSM took these recommendations on board, and in December 2018, the FSM Congress passed Congressional Act No. 20-150, which was signed by the FSM President into Public Law No. 20-153 prohibiting any discrimination based on sexual orientation. In particular, this law provides that there shall not be any law enacted which discriminates any person on account of race, sex, sexual orientation, language, or religion, nor shall the equal protection of the laws be denied.

Compilation of UN Information

12. In its submission for the previous universal periodic review cycle, the United Nations country team had recommended that the Federated States of Micronesia amend the Constitution to include gender, sexual orientation and disability as grounds for nondiscrimination. The United Nations country team noted that, according to information available, no progress had been made in that regard.



Summary of Stakeholder's Information

N/A

B. SOGIESC Advanced Questions for Federated States of Micronesia

- **Canada:** What measures is Micronesia taking to advance the rights of LGBTI persons, and to protect them against discrimination?

C. Federated States of Micronesia's Working Group Session

N/A

D. Recommendations for Cycle III (2021)

a) Remarks of States

- **Netherlands:** We welcome the passing of the CA-20-150 Act that amends section 107 of the Code of the Federated States of Micronesia, that prohibits discrimination based on sexual orientation.
- **Iceland:** Iceland welcomes the delegation of Micronesia and welcomes steps taken to tackle discrimination and applauds the legal revision in 2018 to include sexual orientation as a basis of discrimination.
- **Montenegro:** We note positive steps in developing child protection policies, as well as normative actions taken by the respective authorities in addressing discrimination based on gender, disability and sexual orientation.

b) The following recommendations have been examined and noted by Federated States of Micronesia:

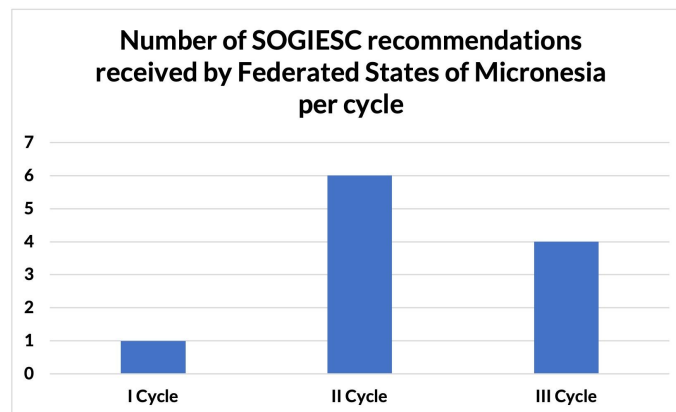
- **Argentina:** Continue working on necessary measures to review its national legislation in order to guarantee that all forms of discrimination, particularly based on gender, sexual orientation and disability are prohibited and punished (86.73)
- **Chile:** Adopt legislation prohibiting acts of discrimination based on sexual orientation and gender identity, and take measures to promote the rights of LGBTI people and prevent all forms of discrimination against them (86.74)
- **Iceland:** Pass and implement laws that would recognize same-sex partnerships and define the rights and obligations of co-habiting couples in same-sex unions (86.72)
- **Mexico:** Ensure the prohibition in law of discrimination based on gender, sexual orientation and gender identity, and disability (86.68)



E. Recommendations for Cycle II (2015)

Recommendation	Recommending State	Response
Prohibit discrimination on the basis of gender, disability and sexual orientation in the Constitution	Mexico	Noted
Include sexual orientation in non-discrimination laws and equality initiatives	Canada	Noted
Design and implement policies to prevent and combat discrimination on any grounds, including based on sexual orientation and gender identity	Brazil	Noted
Take the necessary measures to review its domestic legislation so as to guarantee the prohibition and sanction of discrimination in all its forms, especially on the basis of gender, sexual orientation and disability	Argentina	Noted
Ensure equality of all persons before the law, by including gender, sexual orientation and disability as grounds for non-discrimination in relevant constitutional or legal provisions	United Kingdom	Supported
Ratify the International Covenant on Civil and Political Rights also with a view to help ensure equal rights of, and end discrimination against lesbian, gay, bisexual, transgender and intersex persons	Netherlands	Supported

F. Graphic Comparison Between Cycles (1–3)



G. [Video of Federated States of Micronesia’s UPR Working Group Session](#)

H. [SOGIESC Mentions During Federated States of Micronesia’s UPR Outcome](#)

N/A



GEORGIA UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 26 JANUARY 2021, 09:00 - 12:30

DATE AND TIME OF THE ADOPTION OF THE REPORT: 29 JANUARY 2021, 15:30 - 18:00

During the 37th UPR Working Group Sessions, Georgia received 23 SOGIESC recommendations. It accepted 22 recommendations and noted the other 1 recommendation.

A. SOGIESC Information

National Report

229. Based on a standing invitation extended to all UN HRC Special Procedures mandate holders in 2010, since 2015 Georgia has hosted: the UN Special Rapporteur on the Human Rights of Internally Displaced Persons (2016), the UN Special Rapporteur on violence against women, its causes and consequences (2016), the United Nations Special Rapporteur on the sale of children, child prostitution and child pornography (2016), Independent Expert on the enjoyment of all human rights by older persons (2018), the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (2018) and the UN Working Group on the issue of human rights and transnational corporations and other business enterprises (2019).

Compilation of UN Information

11. The Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity noted that the legislative framework regulating hate speech failed to explicitly prohibit hatred based on sexual orientation or gender identity.

13. Based on many conversations during his visit to Georgia, the Independent Expert on sexual orientation and gender identity concluded that violence and discrimination based on sexual orientation and gender identity were pervasive in the State; beatings were commonplace, harassment and bullying constant, and exclusion from education, work and health settings appeared be the norm.

15. OHCHR recommended that the Government step up efforts to combat discrimination, including on grounds of gender, sexual orientation, religion or belief, and disability, by combating stigma and hate speech and by pursuing human rights education and awareness-raising.

33. The Independent Expert on sexual orientation and gender identity recommended that Georgia establish a dedicated hate crime investigation unit at the law enforcement level in order to strengthen the investigation and prosecution of hate-motivated crimes based on sexual orientation and gender identity.

66. The Independent Expert on sexual orientation and gender identity recommended that Georgia raise health professionals' awareness about sexual orientation and gender identity and make sure



that lesbian, gay, bisexual, trans and gender diverse persons could access stigma-free treatment at health centres, including HIV/AIDS testing and counselling services.

74. The Independent Expert on sexual orientation and gender identity recommended that Georgia ensure that mechanisms to address bullying based on sexual orientation and gender identity were available and accessible in educational settings.

75. UNESCO noted that the Government should be encouraged to prohibit corporal punishment in all education institutions and to eradicate violence and discrimination in school based on sexual orientation or gender identity.

Summary of Stakeholder's Information

2. The Public Defender's Office of Georgia (PDO) stated that the State hardly took any adequate measures to overcome stereotypes and wrong perceptions about vulnerable groups that caused discrimination. Women, persons with disabilities and representatives of the LGBT+ community remained the most vulnerable groups. The situation in terms of equality of religious and ethnic minorities was also critical.

3. PDO stated that due to the increase in the number and influence of homophobic and anti-gender groups, LGBT+ persons were still subjected to oppression, violence and discrimination. They experienced obstacles in terms of exercising their labour rights, right to health and social security and right to education.

12. PDO stated that NGOs and activists continued to face numerous challenges including attempts to discredit them, verbal and physical assaults, and intimidation, particularly affecting defenders of women's and LGBT+ rights.

32. JS6⁵ and JS10⁶ recommended that the State establish without delay a hate crime investigation unit within the law enforcement system in order to strengthen the investigation, prosecution and prevention of hate crimes based on sexual orientation and gender identity (SOGI).

33. JS6 recommended that the State craft an educational campaign on SOGI with a view to addressing stigma, dispelling myths and combating stereotypes. It also recommended that the State regularly document bullying in educational settings based on SOGI.

55. JS10 stated that the Government had failed to adequately address violence against LGBTQI people, which had created a feeling of impunity and encouraged homo and transphobic violence in society.

⁵ Joint submission 6 submitted by: Women's Initiative's Supporting Group, Tbilisi (Georgia); European Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association, Brussels (Belgium)

⁶ Joint submission 10 submitted by: Human Rights Education and Monitoring Center, Tbilisi (Georgia); Center for Information and Counselling on Reproductive Health - Tanadgoma, Tbilisi (Georgia); Women's Initiatives Supporting Group, Tbilisi (Georgia); Association HERA XXI, Tbilisi (Georgia); Equality Movement, Tbilisi (Georgia)



62. JS17⁷ stated that there were an increased number of attacks against human rights defenders or activists and a culture of impunity when such attacks occurred. These included media smear campaigns and attacks by senior state officials. Human rights defenders who defended the rights of LGBTIQ+ people and/or ethnic minorities had been continuously under attack.

66. JS6 recommended that the State enable the safe and peaceful gatherings of LGBTIQ activists and take preventive measures to deter violence, hatred and discriminatory attitudes and behaviour. It recommended that the State properly address and investigate cases of violence by far-right groups when they occur.

97. JS6 stated that LGBTI persons had repeatedly reported that medical personnel displayed homophobic attitudes towards them.

B. SOGIESC Advanced Questions for Georgia

- **United States of America:** As discrimination, harassment, and violence against members of minority groups, women, persons with disabilities, LGBTI persons, and other members of vulnerable communities continue, what measures are in place to ensure access to justice for affected individuals? What is the Government of Georgia doing to ensure equality for all?
- **Canada:** What concrete steps have been taken by Georgia since its last UPR to improve the implementation and enforcement of the Law on the Elimination of All forms of Discrimination, and ensure the protection of individuals against violence on the basis of gender or sexual orientation?
- **United Kingdom:** What further steps will the government take to investigate allegations of violence and discrimination and to ensure LGBT persons are able to exercise their human rights, and express their identities without risk or fear?
- **Germany:** A major challenge remains the negative attitude towards LGBTI persons in large parts of society. LGBTI activists who wanted to exercise their right to assembly were confronted with violence or threats of violence in the past. Is Georgia planning to take measures to reduce prejudice against LGBTI persons?

C. Georgia's Working Group Session

- **Intervention made after 61 interventions (Ms. Lela Akiashvili, Adviser to Prime-Minister of Georgia on Human Rights and Gender Equality Issues):** During the pandemic we vigorously ensured that one hand, information on reporting GBV was available for the population, including in minority languages, and on the other hand we guaranteed that the state provided free services available for all victims of domestic violence, be it violence against women, sexual minorities, children or older persons.
- Equality and anti-discrimination is a priority in the Human Rights Council, having enhanced the cooperation with NGOs in this regard. Built on the best international practices, in 2020, Georgia has adopted and is currently implementing its first of several policy documents on SOGI rights as part of the National Human Rights Action Plan. Due to the COVID19 pandemic

⁷ Joint submission 17 submitted by: Human Rights House Tbilisi, Tbilisi (Georgia); Human Rights House Foundation, Geneva (Switzerland)

crisis, with the support of the EU and international partners, including NGOs, we have set up the rapid response mechanism which support LGBTQI members and now are working on the long term solution with these instruments. While homophobic attitudes continue to exist among the population, also access to existing services is challenging for many LGBTQI people in the country. Hence, elimination of discrimination struggles to raise awareness, to build tolerance remains high on the agenda for the Human Rights Council. In addition we are working on establishing national mechanisms to ensure access to existing services to LGBTQI people as well as creating yet non-existing ones. A number of awareness raising and capacity building campaigns are regularly conducted in central and local level, despite the crisis caused by the pandemic and establishing equality as a national value is the end goal here. Law enforcement agencies continue to advance, prevent and respond to the crimes committed on the grounds of gender identity. Adoption of the new law protecting the rights of the persons

- **Intervention made after 63 interventions (Ms. Nino Tsatsiashvili, Deputy Minister of Internal Affairs of Georgia);** Apart from increasing the effectiveness of the investigation of hate crimes, one of the priorities of the Ministry is the insurance of the right to expression and assembly of each citizen, irrespective of their political views, religious belief, sexual orientation and any other signs. The vivid examples are a number of rallies, including on May 17, held by representatives of minorities, during which the MIA maintained safety of rally participants and availed them with the possibility to freely express their opinion. The persons exerting violence were arrested immediately. This kind of violence on the grounds of discrimination is unacceptable. MIA has been responding to each fact and will respond in the future as well.

D. Recommendations for Cycle III (2021)

a) Remarks of States

- **United Kingdom:** Further reforms are also needed to ensure protection of minorities, including LGBT, women and children; and safeguard media independence.
- **Venezuela:** Of concern is the drastic increase and influence of homophobic and anti-LGBT groups, which are subject to acts of repression, violence and discrimination.

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

- **Argentina:** Take measures to combat social stigmatisation, discrimination, hate speech and violence based on sexual orientation and gender identity (148.69)
- **Australia:** Guarantee the protection of rights for the LGBTI community and other marginalised groups, including freedoms of expression and assembly (148.58)
- **Belgium:** Step up the fight against discrimination, in particular on the grounds of gender, sexual orientation, religion or belief and disability, by combating stigmatisation and hate speech and ensuring that related violations are thoroughly investigated (148.78)
- **Brazil:** Step up efforts to combat all forms of discrimination, including on the grounds of gender, sexual orientation, religion or belief, and disability, by combating stigma and hate speech and pursuing human rights education and awareness-raising (148.70)

- **Canada:** Continue to implement and expand measures to uphold the rights of LGBTI individuals, including by ensuring full investigations into abuses and addressing hate speech (148.59)
- **Chile:** Adopt specific policies to promote tolerance towards diversity in matters of sexual orientation and gender identity in educational settings, and document and prevent bullying and discrimination based on these grounds (148.60)
- **Cyprus:** Adopt measures to protect LGBTQI people and eradicate discrimination by preventing and investigating related hate crimes (148.71)
- **Denmark:** Undertake educational and awareness-raising campaigns to address stigma, dispel myths and combat stereotypes related to sexual orientation and gender identity (148.61)
- **Ecuador:** Adopt measures to eliminate and punish all forms of discrimination for any reason, including religious, gender and sexual orientation (148.50)
- **Fiji:** Continue to strengthen efforts to combat discrimination, including on grounds of gender, sexual orientation, religion or belief, and disability, including through public awareness campaigns combating hate speech and stigma (148.82)
- **Finland:** Combat social stigmatization, hate speech, discrimination and violence motivated by sexual orientation and gender identity (148.67)
- **France:** Fight against all forms of violence and discrimination based on gender and sexual orientation (148.62)
- **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 and gender identity (148.72)
- **Ireland:** Ensure the prevention, investigation and prosecution of hate crimes based on sexual orientation, gender identity and expression by establishing an effective hate crime investigation unit within the law enforcement system (148.73)
- **Israel:** Promote public awareness through education and campaigns in order to eliminate discrimination based on sexual orientation and gender identity that leads to harassment and bullying towards LGBTI people (148.63)
- **Mexico:** Establish permanent educational and awareness-raising campaigns on the prevention of discrimination based on sexual orientation and gender identity, including within the judicial and police apparatus (148.64)
- **Nepal:** Continue efforts to combat discrimination, including on grounds of gender, sexual orientation, and disability (148.54)
- **Netherlands:** Take measures to enable the safe and peaceful gatherings of LGBTQI activists and counter violence, hatred and discriminatory attitudes and behavior against LGBTQI persons, including by ensuring accountability (148.65)
- **Norway:** Take further measures to combat the hate speech and violence against LGBTI-persons (148.74)
- **Portugal:** Improve the legislative framework regulating hate speech to explicitly prohibit violence and discrimination based on sexual orientation or gender identity (148.66)
- **Sweden:** Increase the capacity of law enforcement to adequately investigate reported violations of hate crimes across the country by intensifying preventive efforts and collaborating with organizations working on protecting the enjoyment of human rights by LGBTI persons (148.68)
- **Uruguay:** Implement educational and awareness-raising campaigns to combat discrimination on the grounds of sexual orientation and gender identity (148.57)



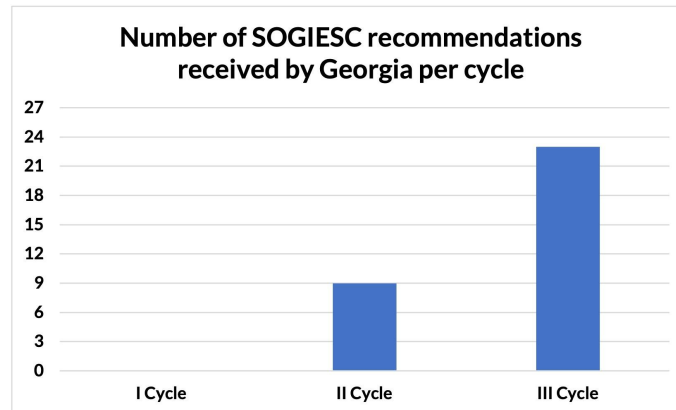
c) **The following recommendation has been examined and noted by Georgia:**

- **Sweden:** Amend the Criminal Code and the Law on Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence to ensure that the rights of victims are protected without discrimination on any ground, including sex, gender, sexual orientation or gender identity or expression, as well as civil status (148.211)

E. Recommendations for Cycle II (2015)

Recommendation	Recommending State	Response
Establish a specialized police unit for investigating hate crimes, closely collaborating with the LGBT community and organizations in order to create a trusting relationship	Sweden	Noted
Redouble its efforts to ensure the rights of LGBTI persons and, in line with the Human Rights Committee's recommendations, combat all forms of social stigmatization of homosexuality, bisexuality and transsexuality, and hate speech, discrimination and violence based on sexual orientation or gender identity	Uruguay	Supported
Support public education campaigns to combat hate speech, discrimination and violence related to sexual orientation and gender identity, as well as social stigmatization of LGBT persons	Brazil	Supported
Improve implementation and enforcement of the Law on the Elimination of All Forms of Discrimination, particularly in its application towards the protection of individuals belonging to sexual and religious minority groups	Canada	Supported
Combat social stigmatization, hate speech, discrimination and violence motivated by sexual orientation or gender identity	Argentina	Supported
Provide appropriate services with the necessary resources, including to train and raise the awareness of the judiciary and the public, in order to ensure that these new measures adopted to fight racial discrimination or gender/sexual identity discrimination are effective	Belgium	Supported
Take all necessary measures to effectively fight against discrimination, including against religious minorities and LGBTI persons	France	Supported
Include in the implementation of its anti-discrimination legislation effective measures that strengthen religious tolerance, gender equality and equal rights for ethnic minorities, women and lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, so as to increase tolerance and social inclusion in Georgian society	Netherlands	Supported
Strengthen existing law and practice to combat gender-based discrimination and sexual harassment, inter alia, with regard to labour	Poland	Supported

F. Graphic Comparison Between Cycles (1–3)



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

H. [SOGIESC Mentions During Georgia’s UPR Outcome](#)

- **United Kingdom:** We also urge Georgia to undertake further reforms and implement existing legislation effectively on the protection of the rights of minorities, including the equal rights of the LGBT+ community.
- **Venezuela:** We salute the Delegation of Georgia on its third UPR. It is important to reiterate our deep concern about the drastic increase in homophobic and other groups which are hostile towards LGBT people, who are subjected to repression, violence and discrimination in the country.
- **Human Rights House Foundation:** It expressed shock at the violence perpetrated against LGBT+ persons and their supporters around the March for Dignity held by Tbilisi Pride on the 5th of July. The violence was also directed against journalists and human rights defenders and organisations. HRHF condemned the perpetration of violence against human rights defenders as well as the failure on the part of Georgian authorities to prevent the violence despite being warned repeatedly by international and national civil society organisations that threats had been made by far-right and nationalist groups. HRHF called on Georgia to ensure the safety of organisations and participants on such occasions, as well as safeguard their rights to freedom of expression and assembly.
- **ILGA World:** While ILGA World welcomed the fact that Georgia accepted 22 recommendations out of 23, it was still alarmed at the situation regarding the human rights of LGBTI persons in the country. There were reports of violence, property damage and general fear amongst LGBTI persons during the time when Pride was to be held in Tbilisi. Despite police presence, little was done to stop the perpetration of violence against participants by homophobic groups. Added to the violence is the hatred expressed by church leaders, the Prime Minister and other political figures, which had a net effect of leaving LGBTI persons afraid to leave their homes. Conversely, the culture of impunity created by police inaction left



perpetrators of LGBTI-phobic violence emboldened to perpetrate more violence. ILGA World joined its voice with those Georgian LGBTI community organisations which have urged Georgia swiftly to address hate crimes in an adequate manner, to conduct proper and thorough investigations and to hold perpetrators accountable. They also urged Georgia to condemn the recent spate of LGBTI-phobic violence, prevent the spread of hate speech and incitement to violence, and ensure safety of the LGBTI community in general.



LEBANON UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 18 JANUARY 2021, 14:30 - 18:00

DATE AND TIME OF THE ADOPTION OF THE REPORT: 22 JANUARY 2021, 15:00 - 18:00

During the 37th UPR Working Group Sessions, Lebanon received 18 SOGIESC recommendations. It accepted 2 recommendations and noted the other 16 recommendations.

A. SOGIESC Information

National Report

Recommendations 94 and 98 regarding lesbian, gay, bisexual, transgender and intersex persons, which Lebanon noted

206. There are differing judicial interpretations over article 534 of the Criminal Code, which envisages penalties for unnatural intercourse. Invoking their authority to interpret the law and their right to establish jurisprudence, a number of Single Criminal Judges have handed down sentences in which they bring a fresh understanding to the term “unnatural”.

207. Although article 534 envisages imprisonment, a number of judges – while criminalizing homosexuality under the terms of that article – nonetheless replace imprisonment with a fine.

208. On 12 July 2018 the Misdemeanours Court of Appeal of Judaydat al-Matn in Mount Lebanon handed down a majority ruling to the effect that homosexuality is not a crime. The Criminal Court of Cassation has not yet issued any opinion regarding the interpretation of article 534 of the Criminal Code.

209. On 28 January 2018 the Office of the Public Prosecution at the Court of Cassation issued a circular to judges of the Office of the Public Prosecution prohibiting rectal examinations to prove an act of same sex intercourse. The Medical Association has also issued an order banning forensic doctors from conducting such examinations.

Compilation of UN Information

8. Regretting the lack of anti-discrimination legislation, the Human Rights Committee recommended that Lebanon ensure that its legal framework contain a comprehensive list of grounds for discrimination, including sexual orientation and gender identity, and provide for access to effective and appropriate remedies for victims of discrimination. The Committee on the Elimination of Racial Discrimination made a similar recommendation, and it also recommended that Lebanon reverse the burden of proof in civil proceedings involving racial discrimination once a prima facie case of racial discrimination had been made.



10. The United Nations country team recommended that Lebanon ensure that lesbian, gay, bisexual and transgender communities were afforded their full right to freedom of opinion and expression without discrimination on the basis of sexual orientation and gender identity. It also recommended that the State party explicitly prohibit discrimination on the basis of sexual orientation and gender identity and repeal article 534 of the Criminal Code.

18. The same Committee was also concerned about allegations of harassment, arbitrary detention, torture and ill-treatment of men suspected of being homosexual held in custody by Internal Security Forces officers.

Summary of Stakeholder's Information

15. Proud Lebanon noted that during its second cycle review, Lebanon received 10 recommendations on sexual orientation and gender identity and 'noted' them all.

16. Proud Lebanon urged the government to explicitly prohibit discrimination on the basis of sexual orientation and gender identity and ensure that LGBTIQ+ individuals are afforded both in law and in practice adequate and effective protection against all forms of discrimination.

17. LUPD⁸ and Helem Lebanon advised the government to repeal articles 534, 521, 526, 531, 532, and 533 of the Lebanese penal code that criminalize same sex relations and nonconforming gender identity and expression.

18. Helem Lebanon further recommended that Lebanon acquit all ongoing trials involving any of the above articles in the penal code and expunge all previous criminal records that were convicted under these articles; prohibit all forms of physical and verbal violence against LGBTIQ+ persons in detention facilities, police stations, and prisons; and refrain from the arbitrary arrest and detention of trans and gender non-conforming individuals, especially refugees, migrant workers, and other further marginalized groups.

B. SOGIESC Advanced Questions for Lebanon

- **Belgium:** Does the Lebanese government plan to decriminalize sexual relations between consenting adults of the same sex and to take all necessary measures to guarantee, in practice, the effective enjoyment of the right to freedom of expression and peaceful assembly for LGBTI people, as recommended by the Human Rights Committee?
- **Netherlands:** What concrete steps will be taken to ensure the rights of all citizens regardless of gender or sexual orientation, in particular in relation to article 534 of the penal code?
- **United States of America:** The United States is concerned about laws that criminalize lesbian, gay, bisexual, and transgender (LGBT) persons and private, consensual same-sex activity between adults. How is the government working to protect human rights and fundamental freedoms of LGBT persons?

⁸ Lebanese Union for People with Physical Disabilities Beirut (Lebanon)



C. Lebanon's Working Group Session

- **Final remarks:** With regards to Article 534, of the Criminal Code, a number of judges, with respect to their authorities have taken the liberty of an open interpretation of these provisions stating that consensual relations between adults are not incriminated. The only crime is certain sexual acts which goes against nature. Homosexuality is, therefore, not a crime in the country. The text on this, however, has been interpreted variously and punishment has been replaced by a fine instead of a prison time.

D. Recommendations for Cycle III (2021)

a) Remarks of States

- **Sweden:** Continued, efforts are needed, particularly on non-discrimination and women's and girls' and LGBTI persons' enjoyment of human rights

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

- **France:** Fight against harassment and intimidation of journalists, LGBTI people and human rights defenders, and ensure strict respect for the right to peaceful protest (150.78)
- **Mexico:** Guarantee universal access to sexual and reproductive health information and services, particularly for people with disabilities, LGBTI people, migrants and refugees (150.87)

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

- **Argentina:** Modify the existing legal framework on non-discrimination, especially on grounds of sexual orientation, gender identity and nationality (150.77)
- **Australia:** Repeal Article 534 of the penal code and enact legislation to protect the rights of LGBTI people (150.84)
- **Canada:** Introduce legislation that prohibits discrimination based on sexual orientation, sexual identity or gender expression (150.72)
- **Chile:** Decriminalise relationships between persons of the same sex (150.73)
- **Czechia:** Revise Article 534 of the Penal Code so that its scope is clearly defined and that it does not discriminate against persons on the basis of their sexual orientation and gender identity (150.74)
- **Ecuador:** Incorporate into its legal framework the prohibition and punishment of acts of discrimination or inciting hatred for any reason, including national or ethnic origin, and sexual orientation and gender identity (150.75)
- **Fiji:** Continue with efforts to strengthen the legal framework to ensure that it contains a comprehensive list of grounds for discrimination, including sexual orientation and gender identity (150.76)



- **Germany:** Pass legislation to prohibit discrimination based on sexual orientation or gender identity and repeal Art. 534 of the Penal Code (150.79)
- **Iceland:** Decriminalize consensual sexual relations between adults of the same sex and expand its anti-discrimination legislation, to include a prohibition of discrimination on the basis of sexual orientation and gender identity (150.81)
- **Italy:** Abolish legal provisions that criminalize homosexuality and combat all forms of discrimination (150.83)
- **Latvia:** Take all necessary measures both in law and in practice to combat inequality and discrimination based on sex, ethnicity, religion and sexual orientation (150.85)
- **Luxembourg:** Prohibit discrimination based on sexual orientation and gender identity (150.86)
- **Netherlands:** Repeal Article 534, and other articles of the Lebanese penal code that are used to criminalize same sex relations and nonconforming gender identities and expression (150.88)
- **Norway:** End discrimination on the basis of sexual orientation and gender identity, including by repealing the Penal Code's article 534 (150.89)
- **Spain:** Decriminalisation of consenting same sex relations by repealing article 534 of the Criminal Court (150.90)
- **Sweden:** Pass comprehensive anti-discrimination legislation prohibiting discrimination on the grounds of sexual orientation or gender identity and give victims access to an effective remedy (150.92)

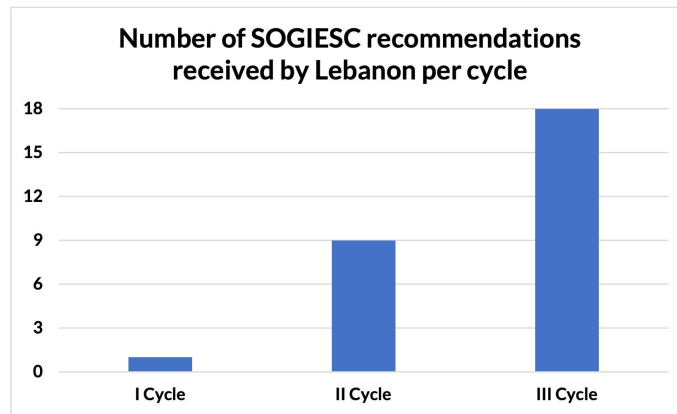
E. Recommendations for Cycle II (2015)

Recommendation	Recommending State	Response
Revise article 534 of the Penal Code so that its scope is clearly defined and that it does not discriminate against persons on the basis of their sexual orientation and gender identity	Czechia	Noted
Repeal Article 534 of the Lebanese Penal Code, which criminalizes homosexuality, and pass legislation to prohibit discrimination based on sexual orientation or gender identity	Canada	Noted
Repeal article 534 of the Penal Code	Spain	Noted
Reform existing laws that can be used to discriminate against lesbian, gay, bisexual, transgender and intersex persons, including article 534 of the Lebanese Penal Code criminalising "sexual acts against nature".	Austria	Noted
Secure the human rights of lesbian, gay, bisexual and transgender persons by amending Article 534 of the Lebanese Penal Code and by codifying a protection against the discrimination of lesbian, gay, bisexual and transgender persons into law	Sweden	Noted
Promote the protection of the lesbian, gay, bisexual, transgender and intersex community	Spain	Noted
Decriminalise homosexuality and ensure non-discrimination on the basis of sexual orientation and gender identity	Norway	Noted



Ensure maximum attention to the protection and enjoyment of equal rights for the lesbian, gay, bisexual, transgender and intersex population	Chile	Noted
Repeal Articles 487, 488, 522 and 534 of the Penal Code	Slovenia	Noted

F. Graphic Comparison Between Cycles (1–3)



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

H. [SOGIESC Mentions During Lebanon’s UPR Outcome](#)

- **CIVICUS:** It welcomed Lebanon’s participation in the UPR process but expressed concern over the fact that LGBTI persons continue to be subjected to harassment and persecution through vague and discriminatory laws. Events have been shut down and LGBTI activists continue to be summoned for interrogation. CIVICUS called on Lebanon to address these areas of concern and create an environment that enables civil society.
- **Human Rights Watch:** It expressed concern that, as in previous cycles, Lebanon noted key recommendations on human rights including gender equality and prohibiting discrimination on the basis of gender, gender identity and sexual orientation.
- **Women’s International League for Peace and Freedom:** It strongly rejected that Lebanon did not support recommendations essential to the protection and promotion of the human rights of groups like women and girls, migrant workers, and LGBTQI+ persons, including recommendations to decriminalise consensual same-sex relations between adults and to expand anti-discrimination to include a prohibition of discrimination based on sexual orientation and gender identity.



MAURITANIA UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 19 JANUARY 2021, 09:00 - 12:30

DATE AND TIME OF THE ADOPTION OF THE REPORT: 22 JANUARY 2021, 15:00 - 18:00

During the 37th UPR Working Group Sessions, Mauritania received 6 SOGIESC recommendations. It noted all 6 recommendations.

A. SOGIESC Information

National Report

N/A

Compilation of UN Information

14. The Human Rights Committee recommended that Mauritania amend Act No. 2018- 023 to bring it fully into line with the International Covenant on Civil and Political Rights by incorporating a definition of discrimination, both direct and indirect, including in the private sphere, that contained an exhaustive list of the grounds for discrimination enumerated in the Covenant and covered sexual orientation and gender identity. It also recommended that Mauritania ensure that the Act provided sufficient guarantees of effective civil and administrative remedies for any type of discrimination. Moreover, it recommended repealing article 308 of the Criminal Code in order to decriminalize sexual relations between consenting adults of the same sex and releasing anyone currently detained under that article.

Summary of Stakeholder's Information

15. Front Line Defenders (FDL) noted that there are no laws protecting lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons from discrimination. Under sharia law, as applied in the country, consensual same-sex sexual activity between men is punishable by death if witnessed by four individuals, and such activity between women is punishable by three months to two years in prison and a fine, according to articles 306 and 308 of the criminal code.

B. SOGIESC Advanced Questions for Mauritania

- **United States of America:** The United States is concerned about laws that criminalize private, consensual same-sex activity and discriminate against lesbian, gay, bisexual, transgender and intersex persons (LGBTI). How is the government working to protect human rights and fundamental freedoms of LGBTI persons?



C. Mauritania's Working Group Session

- **Intervention made after 73 interventions (H.E. Mr. Mohamed El Hassen Boukhreiss, Commissioner for HR, Humanitarian Action and Relations with Civil Society):** I would also like to talk about individual freedoms and questions related to LGBTI persons. I would like to confirm that the Fundamental Charter of Mauritania does not establish any form of discrimination between citizens and inviolability of human person, house and correspondence. The preambular paragraph of the Constitution enshrines fundamental freedoms of individuals and rights related to families, the basis of our Muslim society.

D. Recommendations for Cycle III (2021)

a) Remarks of States

- **Brazil:** Brazil also expresses its concern with the alleged violations related to the freedom of religion and belief, and LGBTI persons' rights.

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

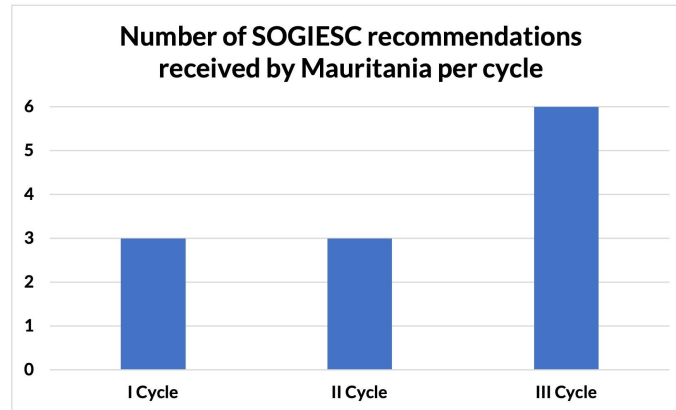
- **Belgium:** Repeal the criminalization of same-sex sexual relations between consenting adults (130.77)
- **France:** Decriminalize homosexuality and ensure protection of LGBTI people against any form of harassment and against arbitrary detention (130.78)
- **Iceland:** Decriminalize consensual sexual relations between adults of the same sex and expand its anti-discrimination legislation, to include a prohibition of discrimination on the basis of sexual orientation and gender identity (130.79)
- **Italy:** Decriminalize consensual same-sex relationship (130.75)
- **Norway:** Decriminalize consensual same sex-relations between adults (130.76)
- **Netherlands:** Fully recognize and protect the human rights of all Mauritians, particularly women and girls, and LGBTI people (130.80)

E. Recommendations for Cycle II (2015)

Recommendation	Recommending State	Response
Repeal the provisions criminalising homosexuality	France	Noted
Decriminalize homosexuality as well as protect freedom and privacy of persons	Chile	Noted
Ensure that the death penalty is not applied to consensual same sex-relations between adults, and that the Penal Code does not criminalise such activity, and include sexual orientation and gender identity in non-discrimination laws and programmes, and promote tolerance and non-discrimination on grounds of sexual orientation or identity in line with the Yogyakarta Principles	Sweden	Noted



F. Graphic Comparison Between Cycles (1–3)



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

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

- **Opening remarks:** The recommendations related to abolishing the death penalty, decriminalising homosexuality and consensual sexual relations between people of the same sex, and decriminalising apostasy, mockery and the punishment of adultery, as they violate the provisions of the country's constitution, were not supported. However, we emphasize here that foreigners and non-Muslims are free to practice their religion in Mauritania in accordance with national laws and moral values.
- In the area of promoting women's rights, we have received 63 recommendations that we have generally accepted, with the exception of recommendations: 130.8, 130.64 and 130.65 relating respectively to homosexuals, inheritance and inheritance of nationality, the content of which is contrary to the provisions of the Constitution of the country.
- **Advocates for Human Rights:** It expressed deep concern about the lack of progress towards abolishing the death penalty. Mauritanian and Sharia laws mandate the death penalty for acts including consensual same-sex relations. The death penalty continues to be imposed for crimes which are not classified as "most serious crimes" under Article 6 of the ICCPR. Advocates for Human Rights stated that the death penalty in Mauritania is a form of torture, cruel, inhuman and degrading punishment, which must be immediately abolished in order to ensure the rights to life, liberty and security of the person.



MYANMAR UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 25 JANUARY 2021, 09:00 - 12:30

DATE AND TIME OF THE ADOPTION OF THE REPORT: 29 JANUARY 2021, 15:30 - 18:00

During the 37th UPR Working Group Sessions, Myanmar received 4 SOGIESC recommendations.

A. SOGIESC Information

National Report

N/A

Compilation of UN Information

N/A

Summary of Stakeholder's Information

5. JS28⁹ noted that the Constitution did not include sexual orientation and gender identity as prohibited grounds for discrimination and there were no other laws which prohibited discrimination against lesbian, gay, bisexual, transsexual and intersex (LGBTI) persons. JS28 highlighted that Myanmar law expressly discriminated against LGBTI persons. Consensual same-sex conduct had been criminalized under the Penal Code.

10. JS14¹⁰ stated that lesbian, gay, bisexual, transgender, queer (LGBTQ) people faced discrimination in the workplace or healthcare service.

18. JS9¹¹ stated that LGBTI persons were subjected to unrestrained policing, arbitrary arrests and detention under the Penal Code and the 1949 Suppression of Prostitution Act. Detained LGBTI persons had been physically and sexually assaulted while in police custody. ILAM¹² highlighted that arrests without grounds were not uncommon, particularly against ethnic and religious minorities

50. IED¹³ stated that in general, the Government authorities were not providing adequate COVID-19 treatments to the areas of the ethnic nationalities, which had a highly negative impact on the right to health. JS28 also expressed concern that the COVID-19 pandemic exacerbated the existing barriers

⁹ Joint submission 28 submitted by: Civil Authorize Negotiate Organization (C.A.N-Myanmar), Coalition of LGBTI organizations under Electoral Sector for the Democratic Transitioning of the Republic of the Union of Myanmar (CLOES-DTRUM)

¹⁰ Joint submission 14 submitted by: LGBT Rights Network of Myanmar, Yangon (Myanmar)

¹¹ Joint submission 9 submitted by: Burma/Myanmar UPR Forum (Myanmar)

¹² Independent Lawyers' Association of Myanmar, Yangon (Myanmar)

¹³ International Educational Development, Inc. San Francisco (United States of America)



against justice and equality and posed detrimental impacts on the human rights situations of LGBTI persons, including the right to health.

B. SOGIESC Advanced Questions for Myanmar

- **United States of America:** The United States is concerned about laws that criminalize lesbian, gay, bisexual, and transgender (LGBT) status, and private, consensual same-sex activity. How is the Government of Myanmar working to protect the human rights and fundamental freedoms of LGBT persons?
- **Sweden:** How will the Government ensure LGBTI-persons' full enjoyment of human rights, including by repealing Penal Code section 377 and revising section 375 to include rape of LGBTI persons?

C. Myanmar's Working Group Session

N/A

D. Recommendations for Cycle III (2021)

a) Remarks of States

N/A

b) The following recommendations will be examined by Myanmar:

- **Australia:** Take action to protect the rights of women and girls, LGBTI people and persons with disabilities including through legislative reform for adequate protections from discrimination, violence including all forms of sexual violence, and decriminalize same-sex sexual conduct (33.83)
- **Chile:** Decriminalize consensual sexual relations between adults of the same sex and train police and judicial agents on the human rights of lesbian, gay, bi-sexual, transgender and inter-sex persons (33.85)
- **Iceland:** Decriminalize consensual sexual relations between adults of the same sex and expand its anti-discrimination legislation, to include a prohibition of discrimination on the basis of sexual orientation and gender identity (33.84)
- **Iceland:** Provide guidance and standards, and sensitize health professionals, health-service providers, security forces and legal operators to provide services with dignity and respect for all populations, including LGBTI+ persons (33.149)

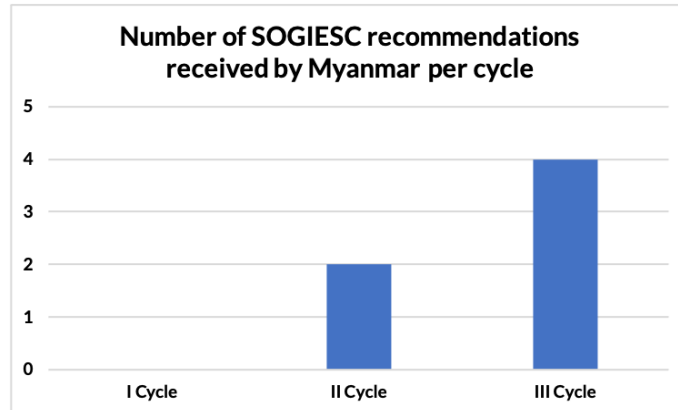
E. Recommendations for Cycle II (2015)

Recommendation	Recommending State	Response
Amend article 377 of the Penal Code to ensure that only non-consensual sexual relations between persons of the same sex are punishable	Spain	Noted



Repeal or revise the Protection of Race and Religion laws and Section 377 of the 1861 Penal Code to ensure the rights of women, religious minorities and the lesbian, gay, bisexual, transgender and intersex community are protected	Australia	Noted
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F. Graphic Comparison Between Cycles (1–3)



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

1. Amend Myanmar Penal Code section 377 to decriminalize consensual adult sexual intercourse.
2. Continue to advocate and train government law enforcement personnel (police officers, judges, law officers, prosecutors and lawyers) on SOGIE and human rights of LGBTQ people to eliminate violations.
3. End the arbitrary arrests resulting from the misuse of Rangoon Police Act 30 (D) or Police Act 35 (C) targeting LGBTQ individuals especially transgender women.
4. Uphold criminal accountability and misuse of power by police against LGBTQ individuals according to the Myanmar Police Force Maintenance of Discipline Law Police Manual.
5. Inclusion of transgender women into Prevention of Violence Against Women (PoVAW) law by expanding the definition of “women” to ensure legal protection for transgender women.

H. [Video of Myanmar’s UPR Working Group Session](#)

I. SOGIESC Mentions During Myanmar’s UPR Outcome



NAURU UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 02 FEBRUARY 2021, 09:00 - 12:30
DATE AND TIME OF THE ADOPTION OF THE REPORT: 08 FEBRUARY 2021, 10:00 - 13:00

During the 37th UPR Working Group Sessions, Nauru received 5 SOGIESC recommendations. It noted all 5 recommendations.

A. SOGIESC Information

National Report

N/A

Compilation of UN Information

11. The United Nations country team reported that the parliament enacted the Crimes Act in 2016 and consequently, same-sex sexual activity was no longer a criminal offence

Summary of Stakeholder's Information

8. AI¹⁴ stressed that Nauru amended its criminal laws in 2016 to decriminalize homosexual activity between consenting adults.

B. SOGIESC Advanced Questions for Nauru

N/A

C. Nauru's Working Group Session

N/A

D. Recommendations for Cycle III (2021)

a) Remarks of States

- **Denmark:** We commend Nauru for its ongoing commitment to advancing human rights, including by abolishing the death penalty and decriminalizing same-sex relations, as enshrined in the Crimes Act of 2016.

¹⁴ Amnesty International, London (United Kingdom)



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

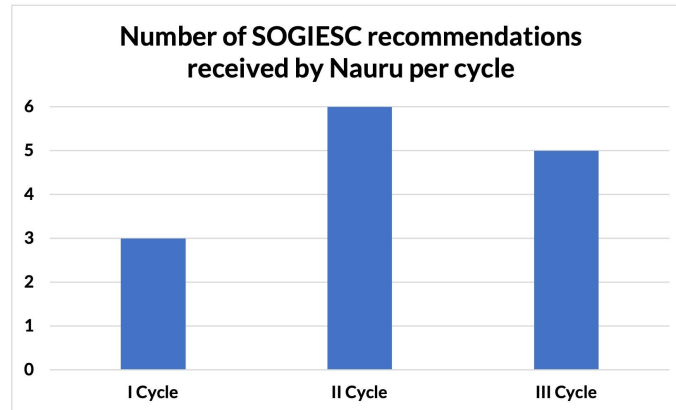
- **Argentina:** Adopt the necessary measures to review its domestic legislation to ensure that discrimination in all its forms is prohibited and sanctioned, particularly on the basis of gender, sexual orientation and disability (99.57)
- **Canada:** Prohibit discrimination in employment, including discrimination based on gender, disabilities and sexual orientation or gender identity (99.59)
- **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 (99.60)
- **Iceland:** Pass and implement laws that would recognize same-sex partnerships and define the rights and obligations of co-habiting couples in same-sex unions (99.61)
- **Spain:** Adopt a law prohibiting discrimination on the grounds of sexual orientation and gender identity (99.54)

E. Recommendations for Cycle II (2015)

Recommendation	Recommending State	Response
Modify national legislation to decriminalize consensual sexual relations between persons of the same sex, as recommended and accepted during the first review	Argentina	Noted
Reform the Penal Code to abolish the ban imposed on sexual relations between same sex adults, in order to comply with the commitments made in 2011	France	Noted
Advance towards the derogation of the provisions that criminalize consenting same-sex relations between adults	Chile	Noted
Swiftly decriminalize sexual behaviour between consenting adults of the same sex	Australia	Noted
Take swift action to decriminalize same - sex sexual conduct between consenting adults	United States	Noted
Seize the opportunity of the Criminal Code of Nauru to decriminalize homosexual relations between consenting adults	Spain	Noted



F. Graphic Comparison Between Cycles (1–3)



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

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

- **Commonwealth Human Rights Initiative:** It acknowledged Nauru's decriminalisation of consensual same-sex relations between adults as a step towards ensuring dignity and equality for all. However, it expressed concern that Nauru noted all recommendations relating to sexual orientation, and stated that the government does not recognise same-sex partnerships or alternative sexualities and gender identities. CHRI urged Nauru to reconsider its position on adopting comprehensive laws which prohibit discrimination based on sexual orientation and gender identity.



NEPAL UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 21 JANUARY 2021, 9:00 – 12:30

DATE AND TIME OF THE ADOPTION OF THE REPORT: 26 JANUARY 2021, 16:30 - 18:00

During the 37th UPR Working Group Sessions, Nepal received 4 SOGIESC recommendations. It accepted 1 recommendation and noted the other 3 recommendations.

A. SOGIESC Information

National Report

Conditions of detention and prison

32. In order to address the issue of overcrowding in prisons, new prison infrastructures are being built in various districts with the provision of separate blocks or rooms for men, women, PWDs and LGBTI with required facilities. An open prison building, with the capacity of 300 prisoners, has been constructed in Banke district. New buildings have been built and operated in six districts, structural capacity of nine prisons have been enhanced and five new prison blocks are being built. Central prison, with total capacity of seven thousand prisoners, is under construction in Nuwakot district. So far, construction of fifteen hundred blocks have been completed. In addition to 750 grams of the rice provided daily, the GoN has increased daily livelihood allowance from Rs 45/- to Rs 60/- for prisoners. Moreover, cash provided to the children of prisoners for milk has been increased from Rs 10/- to Rs 35/-. The Supreme Court issued a directive order to make necessary arrangement for the prisoners to ensure their reproductive rights as the case may be. A new Bill related to prisons is under consideration in the House of Representatives of Federal Parliament.

Compilation of UN Information

61. Some human rights mechanisms recommended ensuring that the proposed amendments to the 2006 Citizenship Act eliminated provisions that discriminated against women. Three special procedure mandate holders acknowledged that the bill to amend the Act, if approved, could have a significant impact in increasing access to citizenship in Nepal and reducing the number of stateless persons. Nevertheless, they expressed concern about the persistence of discriminatory provisions affecting women and their children, as well as trans and gender-diverse persons.

Summary of Stakeholder's Information

12. AI, JS3, JS5 and JS30 informed that LGBTI individuals had continued to face discrimination and violence, and that Nepal had failed to adopt measures to ensure the constitutional provision on equal rights for LGBTI persons. 29 Submissions identified concerns regarding same sex marriage, equal rights to citizenship and employment, and the impact of COVID-19.



13. Submitting organizations recommended that Nepal enact comprehensive antidiscrimination legislation that prohibits discrimination on the basis of sexual orientation or gender identity, notably with respect to employment and social services; and ensure LGBTI-sensitive COVID-19 responses.

14. AI, HRW, JS30¹⁵ and JS41¹⁶ recommended to formulate laws to ensure marriage equality for LGBTI individuals. JS5¹⁷ and JS41 recommended to make the definition of marriage gender-neutral. 33 Stakeholder organizations recommended to amend the Constitution and the Citizenship Amendments Bill to guarantee citizenship to LGBTI persons without requirements for medical proof, and to ensure the ability to transfer citizenship to children.

15. JS8¹⁸ outlined intersex persons' concerns, notably unnecessary medical procedures, and recommended legislative provisions prohibiting such procedures

B. SOGIESC Advanced Questions for Nepal

- **United States of America:** How is the government working to protect the human rights and fundamental freedoms of religious minorities and LGBTI persons? What steps is the Nepalese government taking to improve investigations of violence against LGBTI persons and to hold perpetrators accountable?

C. Nepal's Working Group Session

- **Opening Statement (H.E. Mr. Pradeep Kumar Gyawali, Minister for Foreign Affairs of Nepal):** The Constitution has guaranteed the rights of sexual minorities to participate in the State bodies on the basis of inclusive principle. To protect the identity of LGBTI persons, the census and electoral rolls recognize them under "others" category for data entry. Citizenship certificates and passports have been provided with the identity of "others" category. Discrimination based on sexual orientation is punishable.
- **Intervention made after 59 interventions (Mr. Maheshwar Neupane, Secretary of the Ministry of Home Affairs):** Regarding prison management, male and female prisoners are accommodated in separate blocks or rooms. Children below 18 years are sent to the child correction home. The Government has increased the amount of daily living allowances and other facilities for the prisoners. New prisons have been built with separate blocks for men, women, persons with disabilities and LGBTI.

¹⁵ Joint submission 30 submitted by: Mitini Nepal, Kathmandu, Nepal, Blue Diamond Society, Dhanusha, Nepal, Sunaulo Bihani Samaj, Jiwan Jiti Samaj, Chautari, Ekata, Sudur Paschim Samaj, Naulo Sirjana, WNS, Nepalgunj, Sahara Samaj, Lead Nepal, Pariwartanshil Samaj, Friends Hetauda, Manav Sachet Samaj

¹⁶ Joint submission 41 submitted by: The Sexual Rights Initiative, Ottawa, Canada, The Asian Pacific Resource & Research Centre for Women (ARROW) and members of the Right Here Right Now Platform in Nepal

¹⁷ Joint submission 5 submitted by: Blue Diamond Society, Kathmandu, Nepal, and Women Acting for Transformative Change (Women Act)

¹⁸ Joint submission 8 submitted by: Campaign for Change, Kathmandu, Nepal, and GESI activist



D. Recommendations for Cycle III (2021)

a) Remarks of States

- **Iceland:** Iceland welcomes the delegation of Nepal and its decision to join last year the UN LGBTI Core Group in New York, together with Iceland.
- **Chile:** Chile commends Nepal for the implementation of the new constitution of 2015 and the democratic process exercised by the country. We especially value the fact that this process takes into account the rights of LGBTI people.

b) The following recommendation have been examined and accepted by Nepal:

- **Norway:** Fully commit to end sexual and gender-based harassment and violence at all levels of society, including against LGBTI persons (159.192)

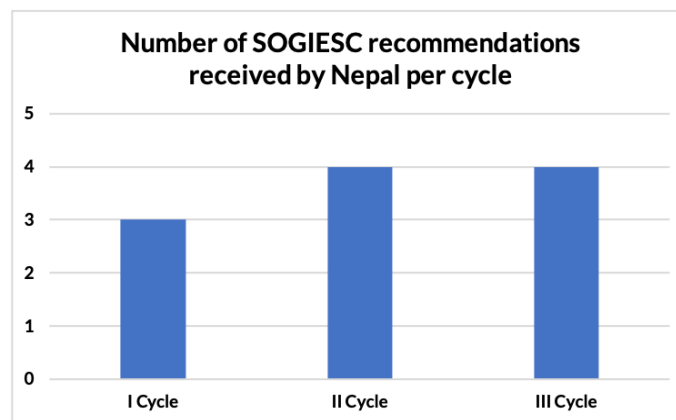
c) The following recommendations have been examined and noted by Nepal:

- **Iceland:** Adopt marriage equality legislation, extending full marriage rights to same-sex couples (159.37)
- **Spain:** Amend the Civil Code in order to recognise marriages of same-sex couples by strengthening the principles enshrined in the 2015 Constitution to protect the LGBTI community (159.46)
- **Uruguay:** Amend the legislation that generates discrimination on grounds of sexual orientation and gender identity and review the definition of marriage in the Civil Code to guarantee equal access to this right (159.31)

E. Recommendations for Cycle II (2015)

Recommendation	Recommending State	Response
Take measures to implement the Supreme Court's decision concerning same sex marriage	Brazil	Noted
Strengthen the protection of lesbian, gay, bisexual, transgender and intersex people and work towards the full implementation of the current laws	Israel	Supported
Establish specific mechanisms for the investigation and punishment of possible cases of discrimination against lesbian, gay, bisexual, transgender and intersex persons, particularly with regard to issues in relation to the administration	Spain	Supported
Take the necessary steps to ensure that the new constitution is implemented while protecting human rights and thus ensuring its provisions on gender equality, lesbian, gay, bisexual and transgender persons, and minorities	Sweden	Supported

F. Graphic Comparison Between Cycles (1–3)



G. SOGIESC recommendations shared by HRDs during ILGA’s UPR advocacy week in Geneva: Blue Diamond Society and Mitini Nepal

1. Implement Article 12 of the Constitution guaranteeing that trans individuals can change their gender marker on their Citizenship Certificate based on self-determination and without the requirement for sex change surgery certificates”
2. Amend section 67 of the 2017 Civil Code to ensure that the definition of marriage is not limited to a union between “men and women”, but that it establishes marriage equality regardless of SOGIESC.
3. Take legislative measures to repeal the mentions to “unnatural sex” from the criminal code and annul legal and policy provisions that are used to arrest, punish or discriminate on the basis of SOGIESC, including laws that directly or indirectly criminalize LGBTIQ+ people.
4. To review the definition of minorities in its Constitution to include LGBTIQ persons and provide entitlement for LGBTIQ people as other minorities.
5. Ensure the systematic inclusion of LGBTQI issues in the agenda of all government agencies and the inclusion of LGBTQI people in decision making processes throughout and create a mechanism for sexual and gender minorities to be represented at local, provincial and federal state structure.
6. Pursuant to the Right to Safe Motherhood and Reproductive Health Act 2018 and ensure quality sexual and reproductive health services to LBTIQ people also. Ensure an enabling legal and policy environment that prioritizes the health needs of Tran’s persons as part of health service provision, including for HIV and STIs prevention, treatment and gender-affirming



care, and includes strengthening capacities of service providers to ensure trans-competency, confidentiality, empathy, and respect in healthcare settings.

7. Prioritize the inclusion of rights-based, evidence-based and scientifically accurate comprehensive sexuality education in school curricula and out-of-school education programs that urgently address stigma, stereotyping and discrimination on the basis of SOGIESC and develop laws and policy that address LGBTIQ friendly school environment
8. Amend the 2017 Labor Act to ensure gender equality at work, including through equal pay between all genders; affirmative action and quota systems for LGBTQI persons in the governmental, military, and private sectors; non-discrimination safeguards as other minorities.
9. The Nepal government should mention to categories marginalized children like LGBTI children and children with disability. Birth registration system needs to be revised because LGBTI who adopt children face challenges to get birth registration. Prohibit medically unnecessary genital mutilation and surgery for intersex baby and policy for birth registration for intersex baby.

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

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

- **United Nations Population Fund:** UNFPA welcomed Nepal's support to advance commitments made at the Nairobi Summit on ICPD25 and the emphasis placed on protecting the reproductive rights of young people. It welcomed the enactment of the Safe Motherhood and Reproductive Health Rights Act of 2018. The Act calls for access to reproductive health services which are non-discriminatory on grounds including sexual orientation and gender identity. UNFPA did, however, note existing structural barriers and discriminatory social norms, and how COVID-19 has compounded existing inequalities.
- **Swedish Association for Sexuality Education (RFSU):** It welcomed Nepal's acceptance of most of the recommendations made on protecting the rights of vulnerable groups. Although Nepal made a strong statement at the Nairobi Summit on ICPD+ 25, emphasising access by young people to reproductive rights, RFSU stated that young people in the country continue to be deprived of their rights. Moreover, during the pandemic, there were disruptions of access to essential sexual and reproductive health services and limited comprehensive sexuality education, especially among young people, rural youth, persons with disabilities, and sexual and gender minorities.
- **Asia-Pacific Resource and Resource Centre for Women (ARROW):** It welcomed Nepal's acceptance of recommendations on decriminalising abortion and protecting sexual and reproductive health and rights. However, it expressed deep concern about discrimination against sexual and gender minorities, including the refusal to adopt legislation that fully equalises marriage. The current laws in Nepal on citizenship and marriage hinder sexual and gender minorities from enjoying their fundamental rights to citizenship, employment and marriage. ARROW stated that laws need to be amended to redefine marriage and eliminate mandated medical reports from provisions of the Citizenship Bill.
- **ILGA World:** It welcomed Nepal's acceptance of recommendations to end sexual and gender-based harassment and violence, including against LGBTI persons. However, it regretted that Nepal noted recommendations regarding marriage equality. Despite marriage



equality being guaranteed in the country's 2015 Constitution and a 2007 Supreme Court decision, it is yet to be achieved in reality. In fact, due to regressive laws recently enacted by the government, which make it more difficult for LGBTIQ persons to get legal gender recognition and live in dignity, marriage equality seems further away. Added to this are the circumstances of social and financial vulnerability under which LGBTIQ persons in Nepal already live, which have worsened under the pandemic. The mental health of LGBTIQ persons has deteriorated as a result of family rejection, lack of familial and social support, the inability to access safe spaces and increased isolation from supportive communities. ILGA World urged the government of Nepal to accept recommendations regarding marriage equality, to ensure that the legal definition of marriage is not restricted to heterosexual unions, to permit legal gender recognition without the need for surgery, to ensure non-discrimination, affirmative action and quota systems for LGBTI persons at work, and to ensure the inclusion of LGBTI persons in decision-making processes, including in COVID-related recovery policies and measures.

- **World Vision International:** It thanked Nepal for its commitment to promoting a conducive environment for the betterment of children's rights in the country. It urged Nepal to decide the best major interest determination of children at risk or those in need of special protection, along with gender and sexual minorities, and children with disabilities.



OMAN UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 21 JANUARY 2021, 14:30 - 18:00

DATE AND TIME OF THE ADOPTION OF THE REPORT: 26 JANUARY 2021, 16:30 - 18:00

During the 37th UPR Working Group Sessions, Oman 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

12. OCHR¹⁹, JAI²⁰ and JS1²¹ noted that Oman criminalized both same-sex relationships and certain types of gender expression. The revised (new) Penal Code (PC) further reduced the rights and freedoms of LGBTI+ and contained articles that punished persons who identified as homosexual or who engaged in homosexual acts, particularly in Articles 261 and 262 of the PC. Omanis can even be imprisoned for engaging in state-defined “immoral” or “indecent” behavior. They recommended amending the Criminal Code to decriminalize same-sex relations and sexual activity, and end the regulation of gender expression. Some organizations recommended to put an end to discrimination based on gender identity.

13. HRW²² reported that Article 259 of the PC increased penalties for extra-marital consensual intercourse. Such laws also infringed upon transgender peoples' rights to privacy, non-discrimination, and freedom of movement. It recommended enacting comprehensive anti-discrimination legislation that prohibits discrimination on the grounds of sex or gender and includes effective measures to identify and address such discrimination, repeal articles 259, 261, 262, 266(d) and other vague morality laws, and implement a moratorium on arrests under such articles.

B. SOGIESC Advanced Questions for Oman

N/A

¹⁹ Oman Human Rights Commission, Muscat (Oman)

²⁰ Just Atonement Inc. New York (United States of America)

²¹ Joint submission 1 submitted by: MENA Rights Group Geneva (Switzerland); and Omani Centre for Human Rights (OCHR), (United Kingdom of Great Britain and Northern Ireland)

²² Human Rights Watch, Geneva (Switzerland)



C. Oman's Working Group Session

N/A

D. Recommendations for Cycle III (2021)

a) Remarks of States

N/A

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

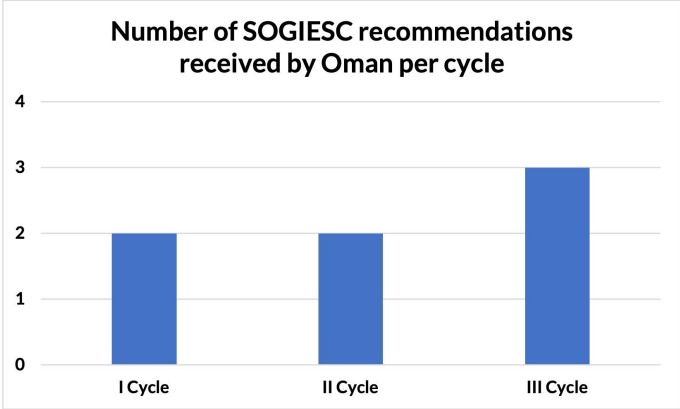
- **Chile:** Abolish any legislation that criminalizes or limits the exercise of the rights of LGBTI people, especially their right to gender identity and expression (134.63)
- **France:** Decriminalize homosexuality and guarantee the protection of LGBTI people against all forms of harassment and against arbitrary detention (134.67)
- **Iceland:** Decriminalize consensual sexual relations between adults of the same sex and expand its anti-discrimination legislation, to include a prohibition of discrimination on the basis of sexual orientation and gender identity (134.68)

E. Recommendations for Cycle II (2015)

Recommendation	Recommending State	Response
Amend or, at least, abstain from applying any law or measure which might endanger the right to life, to freedom and to physical integrity of individuals for reasons associated with their alleged or perceived sexual orientation or gender identity	Brazil	Noted
Undertake a process with a view to repealing the legislation that criminalizes homosexuality and adopt measures to combat discrimination on the ground of sexual orientation	Mexico	Noted



F. Graphic Comparison Between Cycles (1–3)



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

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

N/A



RWANDA UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 25 JANUARY 2021, 14:30 - 18:00

DATE AND TIME OF THE ADOPTION OF THE REPORT: 29 JANUARY 2021, 15:30 - 18:00

During the 37th UPR Working Group Sessions, Rwanda received 4 SOGIESC recommendations. It noted all 4 recommendations.

A. SOGIESC Information

National Report

N/A

Compilation of UN Information

N/A

Summary of Stakeholder's Information

12. JS5²³ expressed stated that there had been an omission of transgender, lesbians and intersex persons in the Government's policies and strategies, which had adhered to the binary vision of gender as man and woman.

15. Citing articles 44 and 45 of Law N° 32/2016 of 28/08/2016 Governing Persons and Family, JS5 stated that there had been a lack of legal recognition of gender identity for Intersex persons, and with the law providing that the sex of a person was that which had been recorded in one's birth certificate, no provision had been made for sex reassignment in the birth records.

16. While commending Rwanda for criminalizing discrimination, JS5 expressed concern by the lack of explicit mention of gender identity as one of the prohibited ground of discrimination.

26. JS5 stated that there had been a lack of adequate legislative protection against gender based violence for LGBTI persons, as such violence had been defined in law as an act that resulted in a bodily, psychological, sexual and economic harm to female or male persons.

80. JS5 stated that female sex workers and LGBTI persons had faced difficulties in accessing health services due to their perceived behaviour and physical appearance. The Fourth Health Sector Strategic Pan (2018-2024), which set out the strategic direction for the health sector, made no

²³ Joint submission 5 submitted by: Health Development Initiative, Ihorere Munyarwanda Organisation, Rwanda NGO Forum on HIV /AIDS and Health Promotion, Strive Foundation Rwanda, Amahoro Human Respect Organisation, My Rights, Safe Friendly Society, Horizon Community Association, Building hope future, RIFA, Bright Future Organization, Hope and Care, Joint Action for Bright Future, Pride Ark Organization, Health and Rights organization, ABAHUJUMUGAMBI, One for All, INDATWA, ABISHYZE HAMWE and IGITEGO, Kigali (Rwanda)



specific mention of LGBTI persons or their health needs. Concern had also been raised about the exclusion of Transgender persons from the guidelines on HIV and STIs.

B. SOGIESC Advanced Questions for Rwanda

- **United Kingdom:** Will the Government bring its operations in the Gikondo transit centre in line with the provisions of recent legislation and Ministerial orders, investigate persistent allegations of human rights violations, including against minors and LGBT persons, and ensure those responsible are held to account?

C. Rwanda's Working Group Session

- **Intervention made after 65 interventions (H.E. Mr. Johnston Busingye, Minister of Justice and Attorney General of Rwanda, Head of Delegation):** Belgium asked on Freedom of Expression, in our constitution and Media commission, National rehabilitation services, and violation of children rights and discrimination based on sexual orientation. I think all these are already in our various programmes and policies and laws. They are very welcome suggestions that we might have to develop with your recommendations.

D. Recommendations for Cycle III (2021)

a) Remarks of States

N/A

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

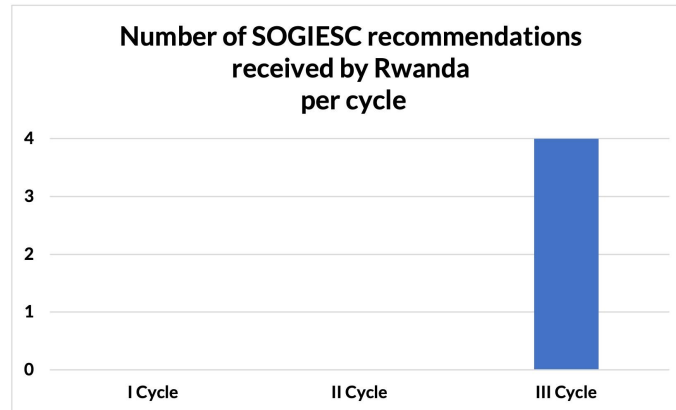
- **Belgium:** Include under article 6 of its Constitution the prohibition of discrimination on the basis of sexual orientation (135.32)
- **France:** Guarantee the protection of LGBTI people against violence, harassment and arbitrary arrests (136.18)
- **Germany:** Ensure that members of marginalized groups – including disabled persons, children living on the street and also LGBTI individuals – do not become subject to arbitrary detention or ill-treatment by the security forces (136.24)
- **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 (136.13)

E. Recommendations for Cycle II (2015)

N/A



F. Graphic Comparison Between Cycles (1–3)



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

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

- **Belgium:** The independence of the Rwanda Media Commission, respect for the rights of children when applying the law establishing the National Rehabilitation Service, as well as a prohibition of discrimination on the basis of sexual orientation, remain topics worthy of further attention. Our recommendations were, according to Rwanda, already covered by Rwandan regulatory activity and therefore rejected. Given that we consider these three recommendations to remain highly relevant in the Rwandan context, and given that Rwanda acknowledges working on these matters, we would like to request Rwanda to reconsider its position and accept our recommendations.
- **Rencontre Africaine pour la defense des droits de l'homme (RADDHO):** It took note of Rwanda's efforts in terms of gender equality and to decriminalise consensual same-sex relations.



SAINT KITTS AND NEVIS UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 19 JANUARY 2021, 14:30 - 18:00

DATE AND TIME OF THE ADOPTION OF THE REPORT: 22 JANUARY 2021, 15:00 - 18:00

During the 37th UPR Working Group Sessions, Saint Kitts and Nevis received 22 SOGIESC recommendations. It noted all 22 recommendations.

A. SOGIESC Information

National Report

N/A

Compilation of UN Information

8. Although the Government did not support universal periodic review recommendations associated with LGBTQI rights, Saint Kitts and Nevis has shown some openness to dialogue on the issue. The United Nations subregional team recommended decriminalizing consensual sexual activity between persons of the same sex and working with civil society organizations and international partners to raise public awareness around topics of non-discrimination and inclusiveness

Summary of Stakeholder's Information

6. Human Rights Watch (HRW) informed that, since Saint Kitts and Nevis' last UPR, it has conducted in-country research that evidenced the discrimination, violence, stigma, and prejudice that beset LGBT people's enjoyment of basic rights. HRW recommended to repeal Sections 56 and 57 of the Offences Against the Person Act, which criminalized consensual same-sex conduct. JAI made the same recommendation.

7. HRW stressed that Saint Kitts and Nevis did not have any comprehensive laws that prohibited discrimination on grounds of gender identity and sexual orientation, including in the employment, housing, access to education, and health care contexts. In this lacking legal context, discrimination against LGBT people seeped into everyday activities, whether it was availing of services such as health care, school, or riding a bus, or social activities such as going to the movies or shopping. Discrimination in the workplace can also occur. Notably, LGBT persons who faced discrimination in any sector lacked any legal avenue to seek redress for themselves or accountability for perpetrators.

B. SOGIESC Advanced Questions for Saint Kitts and Nevis

N/A



C. Saint Kitts and Nevis' Working Group Session

- **Final remarks (H.E. Ms. Kaye Bass, Permanent Secretary, Ministry of Foreign Affairs and Aviation):** The Constitution of Saint Kitts and Nevis, which is a supreme law of our federation makes provision for the unequivocal entitlement and protection of fundamental rights and freedoms, don't matter the race, origin, birth, political opinions, colour, creed, or sex. These fundamental rights, inter alia, include the right to life, liberty, security of the person, equality before the law, and the protection of the law. freedom of expression, of assembly and association, protection for his or her personal privacy, and the privacy of his or her home. The only limits of these rights are to ensure that the enjoyment of these rights and by any person, do not interfere with the rights and freedoms of others or the public interest. This far region protected documents have provided an incredible platform for us to build upon in our mission of empowering every single citizen of our country. All residents of Saint Kitts and Nevis have access to all social services, including health care, education, and family services. Residents of Saint Kitts and Nevis are free to engage in all social activities permitted by law. The Government of Saint Kitts and Nevis has not received any reports that anyone has been or is being discriminated against based on their sexual orientation or gender identity.

D. Recommendations for Cycle III (2021)

a) Remarks of States

- **Germany:** Germany remains concerned about the continued existence of the death penalty in St. Kitts and Nevis and about the continuing criminalization of consensual sexual activity between persons of the same sex.

b) The following recommendations have been examined and noted by Saint Kitts and Nevis:

- **Australia:** Repeal all provisions of law criminalizing sexual activity between consenting adults, including those of the same sex, and take legislative and other measures to protect victims of violence based on their sexual orientation or gender identity (130.70)
- **Canada:** Decriminalize consensual same-sex sexual relations (130.65)
- **Chile:** Eliminate legal provisions punishing consensual sexual relations between adults of the same sex and promote a public policy aimed at putting an end to violence and discrimination on the grounds of sexual orientation and gender identity (130.71)
- **Costa Rica:** Decriminalize consensual relationships between persons of the same sex and age (130.64)
- **Denmark:** Decriminalize same-sex conduct between consenting adults, in particular by repealing sections 56 and 57 of the Offences Against the Person Act (130.67)
- **France:** Decriminalize homosexuality and combat discrimination and obstacles to access to health for LGBTI people (130.72)
- **Germany:** Pass anti-discrimination legislation in order to prohibit discrimination on grounds of gender identity and sexual orientation (130.54)
- **Iceland:** Decriminalize consensual sexual relations between adults of the same sex and expand its anti-discrimination legislation to include a prohibition of discrimination on the basis of sexual orientation and gender identity (130.60)



- **Iceland:** Ensure free and timely access to appropriate healthcare for all, including LGBTI persons, children and adolescents where the young person has sufficient maturity to provide informed consent (130.114)
- **Ireland:** Enact comprehensive legislation to prohibit discrimination on the grounds of gender identity and sexual orientation (130.56)
- **Ireland:** Decriminalise consensual adult same-sex relations by amending sections 56 and 57 of the Offences Against the Person Act (130.69)
- **Italy:** Decriminalize same sex consensual relationship and implement additional measures to prevent discrimination against LGBTI persons (130.62)
- **Luxembourg:** Decriminalize same-sex consenting relations and work with civil society organizations and international partners to educate the public on non-discrimination and inclusiveness (130.73)
- **Netherlands:** Decriminalize same sex consensual relations in all provisions of Saint Kitts and Nevis' legislation, especially Sections 56 and 57 of The Offences against the Person Act (130.68)
- **Mexico:** Decriminalize consensual same sex relations and adopt the necessary measures to eliminate all forms of discrimination or violence against LGBTI persons (130.59)
- **Panama:** Harmonize national legislation in line with international law and with the Yogyakarta Principles by decriminalizing consensual sexual relations between adults whose gender expression is not heteronormative (130.74)
- **Portugal:** Decriminalize consensual same-sex conduct and take concrete legal and policy measures to eliminate all forms of discrimination against LGBTI persons (130.61)
- **Spain:** Decriminalize consensual sexual relations between persons of the same sex (130.63)
- **Timor Leste:** Decriminalize consensual sexual relations between persons of the same sex (130.63)
- **United Kingdom:** Enact comprehensive anti-discrimination legislation which will specifically prohibit discrimination and violence based on sexual orientation and gender identity (130.57)
- **Uruguay:** Reinforce its commitment to the principles of equality and non-discrimination both in legislation as well as in practice, by adopting the decriminalization of consensual sexual relations between adults of the same sex (130.58)
- **United States of America:** Decriminalize consensual same-sex sexual activity between adults by repealing Sections 56 and 57 of the Criminal Code (130.66)

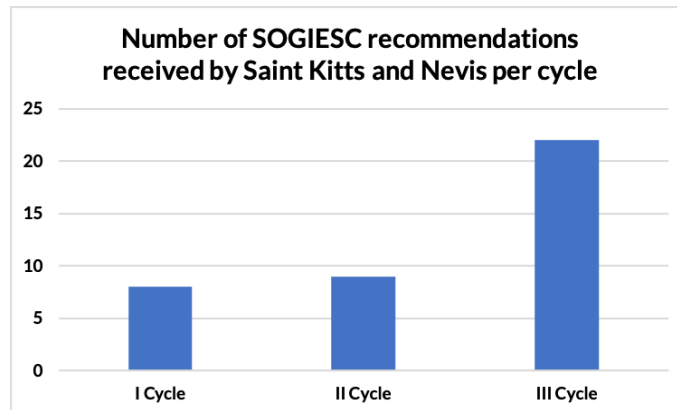
E. Recommendations for Cycle II (2015)

Recommendation	Recommending State	Response
Repeal all legislation which may discriminate against lesbian, gay, bisexual, transgender and intersex persons	Australia	Noted
Decriminalize same-sex sexual conduct between consenting adults in the Offenses Against the Person Act and enact legislation to prevent discrimination against lesbian, gay, bisexual, transgender and intersex persons	United States	Noted
Carry out awareness campaigns for the population in relation to non-discrimination based on sexual orientation	Spain	Noted



Decriminalize consensual adult same-sex relations by amending sections 56 and 57 of the Offences against the Person Act and take all necessary steps to ensure the enjoyment of their rights by all persons without discrimination on grounds of sexual orientation or gender identity	Ireland	Noted
Adopt legislation to decriminalize homosexuality and to recognize the rights of lesbian, gay, bisexual and transgender people	France	Noted
Remove any rule criminalizing sexual relations between consenting adults of the same sex, and include sexual orientation and gender identity as unlawful grounds of discrimination in all areas	Chile	Noted
Meet Saint Kitts and Nevis'; commitments to equality and non-discrimination by prohibiting discrimination based on sexual orientation	Canada	Noted
Take the necessary measures to decriminalize same-sex consensual relations	Brazil	Noted
Take all necessary measures to end all forms of discrimination still existing in Saint Kitts and Nevis and analyse the possibility of creating a specific law on discrimination based on disability, language, sexual orientation, gender identity or social status	Argentina	Noted

F. Graphic Comparison Between Cycles (1–3)



G. SOGIESC recommendations shared by HRDs during ILGA’s UPR advocacy week in Geneva: Saint Kitts Alliance for Equality

1. Decriminalize same-sex consensual relations in all provisions of St. Kitts and Nevis’s legislation especially Sections 56 and 57 of the Offences against the Person Act, and bring its legislation into conformity with its equality and non-discrimination
2. Ensure all state-run healthcare facilities adopt policies, which unequivocally prohibit discrimination of all persons accessing healthcare and have measures in place to sanction persons who violate these regulations



3. Implement a policy moratorium on prosecutions which criminalize same-sex consensual relations
4. Amend St. Kitts and Nevis' constitution to include sexual orientation and gender identity as part of the classification of persons who must be protected from discrimination

H. [Video of Saint Kitts and Nevis' UPR Working Group Session](#)

I. [SOGIESC Mentions During Saint Kitts and Nevis' UPR Outcome](#)

- **Commonwealth Human Rights Initiative:** It noted with concern the fact that Saint Kitts and Nevis noted 96 out of the 165 recommendations it received. It urged the government to re-examine these recommendations and take steps towards, inter alia, decriminalising consensual same-sex relations between adults and enacting comprehensive anti-discrimination law.
- **Human Rights Watch:** It expressed disappointment at the fact that Saint Kitts and Nevis refused to accept recommendations to decriminalise consensual same-sex relations between adults. The laws which impose up to ten years imprisonment and hard labour for consensual same-sex relations violate international human rights law and detrimentally affect LGBT persons. Under human rights law, sexual orientation and gender identity are protected under the right to be protected against arbitrary and unlawful interference with, and attacks on, one's private life and one's reputation or dignity. Although the laws criminalising consensual same-sex relations are seldom enforced, they reinforce societal prejudices and give legal and social sanction for stigma, discrimination and violence against LGBT persons. Until Saint Kitts and Nevis decriminalises consensual same-sex conduct, LGBT persons will continue to be stigmatised by the law. HRW expressed that the government's response to recommendations for decriminalisation raise serious concerns about Saint Kitts and Nevis' commitment to human rights, and protecting and supporting LGBT persons in the country.
- **United Nations Watch:** It welcomed the progress made by Saint Kitts and Nevis in promoting human rights. However, the government's statement that it "took seriously its obligations in international law to respect, protect and fulfil human rights" cannot be satisfied while consensual same-sex relations remain criminalised. UN Watch expressed that the laws penalising consensual same-sex relations are repugnant to the principles of equality and non-discrimination and unacceptably encroach on the right to privacy. Under international human rights law, sexual orientation is protected under the right to privacy, and under the right against arbitrary and unlawful interference on private and family life, reputation and dignity. UN Watch urged Saint Kitts and Nevis to ensure the dignity and equality of all its citizens by repealing all laws criminalising consensual same-sex conduct, enacting comprehensive anti-discrimination legislation based on sexual orientation, and ratifying the ICCPR.



SAINT LUCIA UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 20 JANUARY 2021, 14:30 - 18:00

DATE AND TIME OF THE ADOPTION OF THE REPORT: 22 JANUARY 2021, 15:00 - 18:00

During the 37th UPR Working Group Sessions, Saint Lucia received 19 SOGIESC recommendations. It accepted 1 recommendation and noted the other 18 recommendations.

A. SOGIESC Information

National Report

25. The GOSL has demonstrated a willingness to engage openly with civil society organisations representing lesbian, gay, bisexual, transgender and intersex persons, as is evident from these organisations participating in the Department of External Affairs' national human rights consultations which took place from 2018–2020. The GOSL reaffirms its commitment to continue engaging such organisations and further commits to addressing unfair anti-discrimination regarding this community.

Compilation of UN Information

9. The subregional team observed that although Constitution of Saint Lucia contained language on anti-discrimination, neither the Constitution nor legislation protected against discrimination on the basis of sexual orientation or gender identity. The subregional team noted that Saint Lucia was a very conservative society where non-heteronormative expression was deeply frowned upon. Civil society activists reported that lesbian, gay, bisexual and transgender persons who lived openly in society, particularly those from lower economic brackets, faced stigma and discrimination, including challenges in accessing basic health care, and social services, and greater difficulty in finding jobs. In past years gay men had sought and been granted asylum in other countries on the grounds of the homophobic violence experienced in Saint Lucia.

10. The subregional team noted that, in contrast to other countries in the region, Saint Lucia had supported recommendations to fight against discrimination on the basis of sexual orientation or gender identity and to carry out awareness-raising campaigns regarding nondiscrimination on the grounds of sexual orientation. Although the Government had not led those efforts, civil society organizations had facilitated numerous LGBTI sensitivity training sessions for law enforcement officers and community service providers. The subregional team recommended that Saint Lucia continue to support such initiatives to raise public awareness around non-discrimination and social inclusion.

11. The subregional team observed that same-sex relations between consenting adults were illegal in Saint Lucia. The crime of “buggery” carried a maximum sentence of 10 years and the crime of



“indecent” carried a potential sentence of 5 to 10 years. The subregional team recommended that Saint Lucia decriminalize consensual sexual activity between persons of the same sex.

Summary of Stakeholder’s Information

5. Human Rights Watch (HRW) stated that Saint Lucia did not have comprehensive laws that prohibited discrimination on grounds of gender identity and sexual orientation. HRW indicated that during the previous cycle of the universal periodic review, Saint Lucia had not supported recommendations to repeal legislation that discriminated against LGBT and intersex people or recommendations to decriminalize consensual sexual relations between consenting adults of the same sex. Section 131 of Saint Lucia’s 2006 Labour Act did prohibit employers from “unfairly dismissing” a person on the basis of their sexual orientation, but did not prohibit such dismissal on the basis of gender identity.

6. HRW stated that Saint Lucia should: pass comprehensive anti-discrimination legislation that prohibited discrimination on grounds of gender identity and sexual orientation—including in the employment, housing, access to education, and health care sectors—and that specified effective measures to identify, prevent, and respond to such discrimination; and amend Section 131 of Saint Lucia’s 2006 Labour Act so that the prohibition from “unfairly dismissing” a person on the basis of their sexual orientation include gender identity. Just Atonement Inc. (JAI) recommended establishing and implementing policies to address workplace discrimination, and implementing education programs to raise awareness on gender and sexual diversity. JS2²⁴ recommended introducing legal and practical measures to eliminate discrimination against lesbian, gay, bisexual, transgender and intersex persons including by repealing discriminatory legislation.

7. HRW noted that Section 133 of Saint Lucia’s Criminal Code on “buggery” criminalized consensual same-sex conduct. Additionally, Section 132 of the Criminal Code on “gross indecency” exempted from punishment any act “committed in private between an adult male person and an adult female person, both of whom consent” but did not protect private acts between same-sex couples. JS2 made similar observations noting that the penalty for buggery was imprisonment for ten years.

8. HRW stated that while buggery and gross indecency laws in Saint Lucia were seldom enforced against consenting persons, their impact was pernicious. Laws criminalizing same-sex conduct reinforced already-existing societal prejudices, effectively giving social and legal sanction for discrimination, violence, stigma, and prejudice against LGBT individuals. JAI made similar observations indicating that LGBTQ+ citizens faced verbal harassment on a daily basis, and even physical threats. JAI added that they were also often denied access to healthcare, the job market, and protection from the police.

9. HRW stated that Saint Lucia should: repeal Section 133 of the Criminal Code, which criminalizes consensual same-sex conduct; and amend Section 132 of the Criminal Code to exempt from punishment all private consensual sexual acts, whether by persons of the same or different sex.

²⁴ Joint submission 2 submitted by: Akahata-Equipo de Trabajo en Sexualidades y Géneros, Buenos Aires (Argentina); The Caribbean Association for Feminist Research and Action (CAFRA); Caribbean Right Here Right Now Platform Sexual Rights Initiative (C-RHRN)



B. SOGIESC Advanced Questions for Saint Lucia

- **Germany:** What steps has St. Lucia taken to introduce legal and practical measures to eliminate discrimination against people from the LGBTI community?

C. Saint Lucia's Working Group Session

- **Intervention after 21 intervention (H.E. Mr. Cosmos Richardson, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Saint Lucia to UNHQ) :** Concerning the questions on the steps to eliminate discrimination against people from the LGBT community, I wish to say that the government of Saint Lucia has demonstrated a willingness to engage openly with civil society organizations representing lesbian, gay, bisexual, transgender and intersex persons. As is evident from their participation in national human rights consultations which have taken place between 2018 and 2020. The government reaffirms its commitment to continue engaging these organizations. And further commits to address any unfair discrimination against this community that should not exist.

D. Recommendations for Cycle III (2021)

a) Remarks of States

- **Denmark:** While we recognize the Government's commitment to engage with the LGBTI-community, we note with concern that LGBTI-persons are subject to discrimination and stigmatization.
- **Germany:** Germany remains concerned about the continued existence of the death penalty in St. Lucia and about the continuing criminalization of consensual sexual activity between persons of the same sex.
- **Netherlands:** Challenges remain with regard to sexual and reproductive health and rights, especially regarding young people, as well as the rights of LGBTI persons.
- **Spain:** We are also troubled by discrimination suffered by LGBTI persons in Saint Lucia legal order.

b) The following recommendation has been examined and accepted by Saint Lucia:

- **Iceland:** Ensure free and timely access to appropriate health-care for all, including LGBTI+ persons, children and adolescents where the young person has sufficient maturity to provide informed consent (104.115)

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

- **Argentina:** Consider adopting comprehensive anti-discrimination legislation prohibiting discrimination on the grounds of gender identity and sexual orientation (104.56)



- **Australia:** Repeal all provisions of law criminalizing sexual activity between consenting adults and take legislative and other measures to protect victims of violence based on their sexual orientation or gender identity (104.70)
- **Canada:** Decriminalize consensual same-sex sexual relations (104.67)
- **Costa Rica:** Continue with awareness campaigns on non-discrimination based on sexual orientation and decriminalise consensual sexual same sex relations between adults (104.53)
- **Denmark:** Decriminalize same-sex conduct between consenting adults by repealing Section 133 and amending Section 132 of the criminal code (104.65)
- **France:** Decriminalise homosexuality and adopt legislation on crimes against LGBTI persons (104.69)
- **Iceland:** Decriminalize consensual sexual relations between adults of the same sex and expand its anti-discrimination legislation, to include a prohibition of discrimination on the basis of sexual orientation and gender identity (104.63)
- **Ireland:** Pass comprehensive legislation to prohibit discrimination on the grounds of sexual orientation or gender identity, and support public awareness initiatives on non-discrimination and social inclusion of the LGBTI+ community (104.55)
- **Ireland:** Decriminalise consensual adult same-sex relations by amending Section 132 and repealing Section 133 of the Criminal Code (104.64)
- **Italy:** Decriminalize same-sex consensual relationships and take measures to prevent discrimination against LGBTI persons (104.68)
- **Luxembourg:** Provide effective measures to detect, prevent and combat discrimination based on gender identity and sexual orientation (104.54)
- **Mexico:** Decriminalize consensual sexual relations between adults of the same sex, and adopt the necessary measures to eliminate all forms of discrimination or violence against LGBTI persons (104.62)
- **Netherlands:** Introduce legal and practical measures to eliminate discrimination against LGBTI persons, including by repealing the current legislation, passing appropriate anti-discrimination legislation and raising public awareness (104.57)
- **Portugal:** Decriminalize consensual same-sex conduct and take concrete legal and policy measures to eliminate discrimination against LGBTI persons (104.61)
- **Spain:** Adopt legislative measures aimed at protecting LGBTI persons from discrimination; and along those lines, above all, decriminalize consensual sexual relations between persons of the same sex (104.59)
- **United Kingdom:** Enact comprehensive anti-discrimination legislation which will specifically prohibit discrimination on the grounds of sexual orientation and gender identity (104.58)
- **United States of America:** Decriminalize consensual same-sex sexual activity between adults by repealing Sections 132 and 133 of the Criminal Code (104.66)
- **Uruguay:** Ensure prompt decriminalization of same-sex adult consensual sex and implement the Committee's recommendations for constitutional reform by passing specific legislation condemning discrimination on the basis of sexual orientation (104.60)



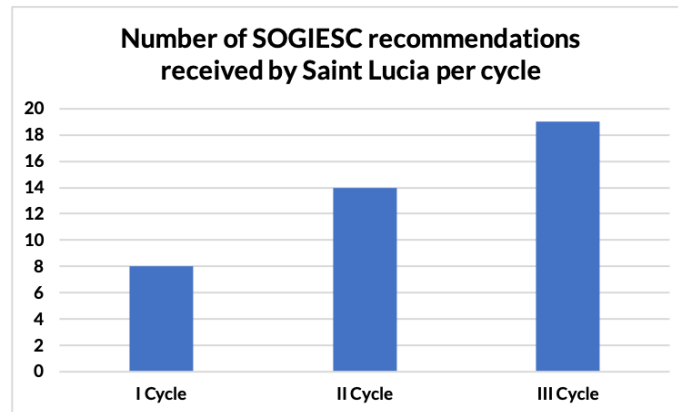
E. Recommendations for Cycle II (2015)

Recommendation	Recommending State	Response
Carry out education and awareness-raising programs on the human rights of lesbian, gay, bisexual, transgender and intersex persons	Uruguay	Supported
Carry out campaigns of awareness and promotion of social change in relation to non-discrimination on the grounds of sexual orientation aimed, inter alia, to avoid homophobic aggression	Spain	Supported
Repeal all provisions criminalizing sexual relations between consenting adults of the same sex, and incorporate sexual orientation as a basis for unlawful discrimination in all areas of labour legislation	Chile	Noted
Repeal laws and Penal Code provisions prohibiting and punishing consenting sexual relations between adults of the same sex	Uruguay	Noted
Decriminalize same-sex sexual conduct between consenting adults by reforming the penal code	United States	Noted
Decriminalize consensual sexual relations between consenting adults of the same sex	Spain	Noted
Implement the recommendations of its Constitutional Reform Committee and establish separate legislation to prohibit discrimination on the basis of sexual orientation	Canada	Noted
Review legislation that is discriminatory to lesbian, gay, bisexual, transgender and intersex persons and arbitrarily interferes with the right to privacy, as it encourages stigmatisation of such person	Netherlands	Noted
Engage with civil society organisations representing lesbian, gay, bisexual, transgender and intersex persons to implement education on human rights and anti-discrimination awareness-raising programmes	Netherlands	Supported
Take effective measures towards the prohibition of discrimination on the basis of sex, sexual orientation and gender identity, and holding accountable individuals responsible for acts of violence committed against lesbian, gay, bisexual, transgender and intersex persons	Brazil	Noted
Introduce legal and practical measures aimed at eliminating discrimination against lesbian, gay, bisexual, transgender and intersex persons, including by raising public awareness of the issue, by passing appropriate anti-discrimination legislation and by repealing discriminatory legislation	Germany	Noted
Repeal all legislation which may discriminate against lesbian, gay, bisexual, transgender and intersex persons	Australia	Noted



Adopt legislation prohibiting discrimination on the basis of sexual orientation and gender identity and repeal all legal provisions criminalizing sexual acts between consenting adults of the same sex	Slovenia	Noted
Strengthen the fight against discrimination based on sexual orientation or gender identity	France	Supported

F. Graphic Comparison Between Cycles (1–3)



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

1. Swiftly implement the recommendations of the Constitutional Reform Committee and establish well defined separate legislation to address discrimination on the basis of sexual orientation
2. Noting that sexual orientation is already included under section 131(1) (a) of the new Labor Code Act, review the Act to include sexual orientation as a ground for discrimination under section 7 (1).
3. Noting that sexual orientation is already included under section 131(1) (a) of the new Labor Code, review Section 262 of the Act, to include sexual orientation as part of the core definition of “Discrimination” classification.
4. Decriminalize same-sex consensual relations.
5. Raise public awareness regarding non-discrimination of LGBT persons and include sexual orientation as part of the curriculum in the Health and Family Life Education for schools.
6. Promptly investigate all complaints of violence against LGBT persons.
7. Implement non-discriminatory policies at health facilities and reporting processes, with sanctions for health workers who discriminate against LGBT persons and generally.
8. Implement a policy moratorium on prosecutions under Section 133 of the Criminal Code which criminalize same sex consensual relations

H. [Video of Saint Lucia’s UPR Working Group Session](#)



I. SOGIESC Mentions During Saint Lucia's UPR Outcome

- **Human Rights Watch:** It expressed regret over the fact that Saint Lucia refused to accept recommendations to decriminalise consensual same-sex relations between adults. The “gross indecency” and “buggery” laws impose sentences of up to 10 years’ imprisonment. They violate the rights of, and have a detrimental effect on the lives of, LGBTI persons. Under international human rights law, matters of sexual orientation and gender identity are protected under the rubric of the right to be protected against arbitrary and unlawful interference with, or attacks on, one’s private and family life and one’s reputation or dignity. Even though the laws are not enforced, their existence reinforces societal prejudices and give sanction for stigma, discrimination and violence against LGBT persons. An in-country survey conducted by HRW showed the various forms of harm that result from these laws. The survey included an example of a 20 year-old gay man who was threatened with violence, both online and in real life, because of his sexual orientation. Until consensual same-sex relations are decriminalised in Saint Lucia, LGBTI persons will continue to suffer stigma. HRW stated that the government’s response to recommendations on decriminalisation raised concerns about its commitment to human rights and to protecting and supporting its LGBTI residents.
- **United Nations Watch:** It proposed that Saint Lucia strengthen human rights protections by decriminalising consensual same-sex relations. Discrimination against LGBTI persons remains a serious problem in Saint Lucia, as exemplified by the 2016 attack of a 38 year-old man. Although the criminal law is not enforced, its continued existence influences public opinion. UN Watch encouraged Saint Lucia to decriminalise consensual same-sex relations in order to educate the wider public and facilitate greater respect for the human rights of LGBTI persons.



SAO TOME AND PRINCIPE UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 27 JANUARY 2021, 14:30 - 18:00

DATE AND TIME OF THE ADOPTION OF THE REPORT: 29 JANUARY 2021, 15:30 - 18:00

During the 37th UPR Working Group Sessions, Sao Tome and Principe received 6 SOGIESC recommendations. It accepted 2 recommendations and noted the other 4 recommendations.

A. SOGIESC Information

National Report

49. The Comprehensive Sexuality Education Program (PRO-ESA-2017-2021) is being implemented to sensitize educators in the public school network to issues related to gender inequality and sexual diversity and to prepare education professionals to address these issues in a cross-cutting manner in the daily life of the schools. The following instruments have been developed as part of this program: PRO-ESA Operational Plan; Pedagogical Manual for Teachers/Educators; PRO-ESA Participatory Methodology Guide; PRO-ESA Image Box; Communication and Health Manual; Husband Schools - Participating Father (Guide on Fatherhood and Care); Image Box - Participating Father; Family Planning Communication Plan.

Compilation of UN Information

N/A

Summary of Stakeholder's Information

N/A

B. SOGIESC Advanced Questions for Sao Tome and Principe

N/A

C. Sao Tome and Principe's Working Group Session

- **Opening remarks (H.E. Ms. Ivete Lima Correia Minister of Justice, Public Administration and Human Rights of the Democratic Republic of Sao Tome and Principe):** We are also implementing the comprehensive sexual education programme, its aim is to raise the awareness of educators, teachers in our public education sector, regarding all these issues pertaining to gender inequality, sexual diversity, preparing all the educational professionals to deal with these topics in a cross-cutting fashion on a daily basis in school.



D. Recommendations for Cycle III (2021)

a) Remarks of States

N/A

b) The following recommendations have been examined and accepted by Sao Tome and Principe:

- **France:** Continue efforts to combat discrimination against LGBTI persons (107.42)
- **Spain:** Adopt strategies and awareness campaigns to combat homophobia in society and in the family environment (107.46)

c) The following recommendations have been examined and noted by Sao Tome and Principe:

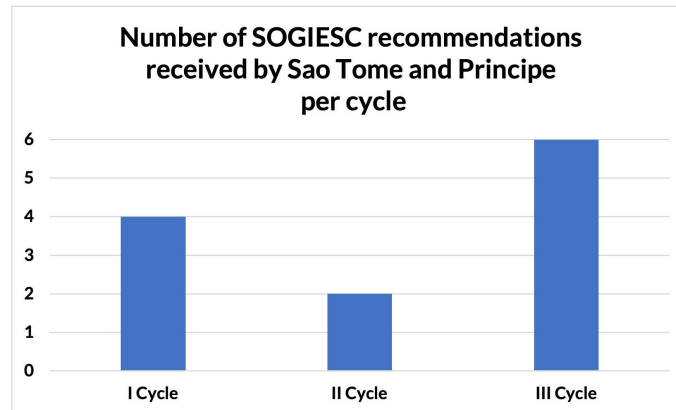
- **Australia:** Pass anti-discrimination legislation to explicitly extend protections to lesbian, gay, bisexual, transgender and intersex (LGBTI) persons and prevent discrimination based on sexual orientation, gender identity, or sex characteristics (107.44)
- **Iceland:** Adopt comprehensive anti-discrimination legislation that addresses direct and indirect discrimination and encompasses all the prohibited grounds of discrimination, including sexual orientation and gender identity (107.41)
- **Iceland:** Pass and implement laws that would recognize same-sex partnerships and define the rights and obligations of co-habiting couples in same-sex unions (107.43)
- **Netherlands:** Adopt legislation that prohibits discrimination on the basis of sexual orientation and gender identity, in repetition of the last UPR cycle (107.45)

E. Recommendations for Cycle II (2015)

Recommendation	Recommending State	Response
Adopt legislation that prohibits discrimination on the basis of sexual orientation and gender identity	Netherlands	Supported
Enact and implement legislation that prohibits discrimination in employment and occupation based on disability, language, sexual orientation, gender identity, and HIV-positive status or other communicable diseases	Australia	Supported



F. Graphic Comparison Between Cycles (1–3)



G. [Video of Sao Tome and Principe’s UPR Working Group Session](#)

H. [SOGIESC Mentions During Sao Tome and Principe’s UPR Outcome](#)

- **Opening remarks:** With regard to recommendations 41, 43, 44 and 45, I would like to inform you that there are no provisions in our legal framework prohibiting this practice. Nevertheless, society views this as an affront to public morals, so we think it would be unwise to impose this through law. What we have to do is we have to gauge public opinion and raise public awareness before we proceed with any legal measures.