

**SOGIESC OPPORTUNITIES IN THE 35<sup>th</sup> HUMAN RIGHTS COUNCIL SESSION  
(6 – 23 June 2017)**

*This report contains weekly updates on SOGIESC issues mentioned in the reports that will be presented during the 35<sup>th</sup> Human Rights Council session.<sup>1</sup>*

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

*The structure of the is bases on the Items of the agenda of the Human Rights Council*

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

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## AGENDA OF THE 35<sup>th</sup> HUMAN RIGHTS COUNCIL

	5 June		12 June		19 June	
MONDAY		UNITED NATIONS HOLIDAY	09.00 – 12.00	ITEM 3 - <i>Clustered ID</i> with: - SR on independence of judges & lawyers - SR on violence against women	09.00 – 12.00	ITEM 7 - HC reports followed by <b>General debate</b>
			12.00 – 15.00	ITEM 3 - <i>Clustered ID (cont'd)</i>  <i>Individual ID</i> with SR on the right to freedom of expression	12.00 – 15.00	<b>General debate on ITEM 8</b>  <b>General debate on ITEM 8 (cont'd)</b> <b>ITEM 9</b> ID with SR on racism followed by <b>General debate</b>
			15.00 – 18.00	ITEM 2 & 3 - SG/HC thematic reports followed by <b>General debate</b>	15.00 – 18.00	<b>General debate on ITEM 9 (cont'd)</b>
TUESDAY	09.00 – 12.00	ITEM 1 - Opening of the session ITEM 2* - Oral update by the HC ITEM 3 - <i>Clustered ID</i> with: - IE on sexual orientation and gender identity - SR on summary executions	09.00 – 12.00	ANNUAL FULL-DAY DISCUSSION ON THE HUMAN RIGHTS OF WOMEN (HRC res. 6/30)	09.00 – 12.00	ITEM 10 ID with IE on Côte d'Ivoire
	12.00 – 15.00	ITEM 3 - <i>Clustered ID (cont'd)</i> <i>Clustered ID</i> with: - SR on health - IE on international solidarity	12.00 – 15.00	General debate on ITEM 3 (cont'd)	12.00 – 15.00	ID on the Democratic Republic of the Congo
	15.00 – 18.00	ITEM 3 - <i>Clustered ID (cont'd)</i> <i>Clustered ID</i> with: - SR on peaceful assembly and association - SR on the right to education	15.00 – 18.00	ANNUAL FULL-DAY DISCUSSION ON THE HUMAN RIGHTS OF WOMEN (HRC res. 6/30)	15.00 – 18.00	ANNUAL THEMATIC DISCUSSION ON TECHNICAL COOPERATION (HRC res. 18/18 and 33/28)
WEDNESDAY	09.00 – 12.00	ITEM 2 General debate on HC oral update	09.00 – 12.00	ITEM 4 ID with the Commission of inquiry on the Syrian Arab Republic (oral update)	09.00 – 12.00	ITEM 10 ID on regular periodic update on Ukraine
	12.00 – 15.00	ITEM 2 - General debate (cont'd)	12.00 – 15.00	- ID with SR on Belarus - ID with SR on Eritrea	12.00 – 15.00	Other HC country reports and oral updates followed by <b>General debate</b>
	15.00 – 18.00	ITEM 3 ITEM 3 - <i>Clustered ID (cont'd)</i> <i>Clustered ID</i> with: - SR on internally displaced persons - SR on extreme poverty	15.00 – 18.00	- ID with SR on Eritrea (cont'd) - ID with the Commission of inquiry on Burundi (oral update)	15.00 – 18.00	
THURSDAY	09.00 – 12.00	ITEM 3 - <i>Clustered ID (cont'd)</i> <i>Clustered ID</i> with: - WG on transnational corporations and human rights - SR on migrants	09.00 – 12.00	ITEM 4 - ID with the Commission of inquiry on Burundi (oral update) (cont'd) - ID with SR on Myanmar (oral update)	09.00 – 12.00	ITEM 1 Decisions and conclusions
	12.00 – 15.00	ITEM 3 - <i>Clustered ID (cont'd)</i> <i>Individual ID</i> with WG on discrimination against women	12.00 – 15.00	OHCHR oral update on Eritrea followed by <b>General debate</b>	12.00 – 15.00	Decisions and conclusions (cont'd)
	15.00 – 18.00	PANEL DISCUSSION ON ENHANCING CAPACITY-BUILDING IN PUBLIC HEALTH (HRC res. 32/16) <i>accessible</i>	15.00 – 18.00	General debate on ITEM 4 (cont'd)	15.00 – 18.00	Decisions and conclusions (cont'd)
FRIDAY	09.00 – 12.00	ITEM 3 - <i>Clustered ID (cont'd)</i> <i>Individual ID</i> with SR on trafficking	09.00 – 12.00	ITEM 5 Report of the Forum on Business and HRs, HC report and oral update followed by <b>General debate</b>	09.00 – 12.00	Decisions and conclusions (cont'd)
	12.00 – 15.00	<i>Individual ID (cont'd)</i>	12.00 – 15.00	General debate on ITEM 5 (cont'd)	12.00 – 15.00	Decisions and conclusions (cont'd)



15.00  
-  
18.00

**PANEL DISCUSSION ON UNACCOMPANIED  
MIGRANT CHILDREN AND ADOLESCENTS  
AND HUMAN RIGHTS**  
(HRC res. 33/7)

15.00  
-  
18.00

*\*Presentation only*

**ITEM 6 - HC reports followed by  
General debate**

15.00  
-  
18.00

**Decisions and conclusions (cont'd)**  
- Appointment of SP mandate holders  
- Adoption of the session report

## ITEM 1: ORGANIZATIONAL AND PROCEDURAL MATTERS

- [Agenda and annotations for the thirty-fifth session of the Human Rights Council. A/HRC/35/1](#)

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

43. In its resolution 32/2, the Human Rights Council decided to appoint, for a period of three years, an Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, and requested the Independent Expert to report annually to the Council, starting from its thirty-fifth session. Accordingly, the Council will consider the report of the new mandate holder, Vitit Muntarbhorn (A/HRC/35/36).

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

- [Summary of the report of the Office of the United Nations High Commissioner for Human Rights on the panel discussion on the theme “The Implementation of the United Nations Declaration on Human Rights Education and Training: good practices and challenges”. A/HRC/35/6](#)

15. In Costa Rica, a human rights education network composed of government officials and representatives of the Defensoría de los Habitantes (Ombudsman’s Office), academic institutions and civil society was currently developing a national policy for human rights education, and the process had stimulated debates in the country on effective strategies and methodologies. The “Education for a New Citizenship” vision, which links citizenship with — among others — sustainable development, human rights, equality and social equity, guides the entire work of the Ministry of Education. Current areas of focus included combating discrimination against people of African descent and on the grounds of sexual orientation or gender identity. The 2015 Declaration of the Ministry of Public Education as a workplace free from discrimination on the basis of sexual orientation and gender identity guided educational reforms. In concluding her statement, the Minister called for a lively debate in the Human Rights Council on effective strategies for promoting human rights education and training.

- [Summary of the panel discussion on youth and human rights. Report of the United Nations High Commissioner for Human Rights. A/HRC/35/7](#)

13. The President of the European Youth Forum welcomed the initiative to convene the panel discussion taken by the Human Rights Council and expressed hope that the Youth Forum would be able to work with the Council in changing the realities for young people in the world. She noted that more than 500 million young people aged between 15 and 24 lived on less than \$2 a day, and that some 126 million young people were illiterate. She also noted that, according to estimates by the International Labour Organization, in 2016 more than 40 per cent of the world’s active youth population was expected to be either unemployed or living in poverty despite being employed. She noted that youth affected by migration were particularly vulnerable to human rights violations. In their daily lives, young people encountered multiple discrimination based on their age, gender, disability, ethnic origin, religious beliefs, sexual orientation and gender identity, and young people were often shut out of politics or criminalized for speaking out. She emphasized that the current generation of young people, in spite of being the largest, perhaps the most highly educated, technically advanced and mobile generation in history, was being left behind due to a lack of political will.

(...)

36. The moderator concluded the discussion, noting that the challenges that young people faced were multifaceted and required integrated, comprehensive responses from States, international organizations and other stakeholders. The panel discussion had demonstrated that the protection and promotion of young people’s rights and well-being must be among the international community’s highest priorities. Young people faced many challenges, including a lack of respect for their rights to life, health, education and freedom of conscience, and discrimination on the grounds of sexual orientation, in addition to a lack of employment and

adequate education. States had both a practical imperative and a moral obligation to pay greater attention to the issues facing youth and to work with them to define concrete measures to address those challenges.

- [Realization of the equal enjoyment of the right to education by every girl. Report of the United Nations High Commissioner for Human Rights. A/HRC/35/11](#)

Girls at particular risk of being left behind

52. Even where educational opportunities are available, girls may experience multiple and intersecting forms of discrimination that restrict their enjoyment of the right to education, particularly in the transition from primary to secondary school. Gender-based obstacles may combine with, inter alia, identity, ethnicity, beliefs, health status, location, migration status or their particular situation at the given time, including, but not limited to, girls living in poverty, on the street, in rural and remote areas; with disabilities; belonging to national, ethnic, religious or linguistic minorities, a particular caste, of African descent; stateless, migrants, in particular those in an irregular situation and in immigration detention, displaced and/or fleeing conflict-affected or fragile environments; orphans and/or deprived of a family environment; living with HIV/AIDS; and lesbian, bisexual, transgender and intersex girls.

- [Promotion, protection and enjoyment of human rights on the Internet: ways to bridge the gender digital divide from a human rights perspective. Report of the United Nations High Commissioner for Human Rights. A/HRC/35/9](#)

Drivers of the gender digital divide

10. Barriers faced by women in accessing ICTs, and that may limit their participation in digital life, are exacerbated by offline inequalities. Women already discriminated against or marginalized because of their sex and gender, in addition to other factors, such as race, ethnicity, religion or belief, health, status, age, class, caste and sexual orientation and gender identity, are least likely to access, use and benefit from ICTs. Furthermore, they may face obstacles in accessing and using ICTs in a way that is meaningful, relevant and beneficial to them in their daily lives.

(...)

23. Women activists, including women human rights defenders, increasingly rely on ICTs to advocate, communicate, mobilize, protect, access information and gain visibility. Yet, at the same time, ICTs may broaden the kinds of surveillance, censorship and harassment to which they may be subjected. The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression has noted a disproportionate impact of online surveillance on the freedom of expression of a range of groups, such as lesbian, gay, bisexual and transgender individuals, civil society, human rights defenders, journalists and victims of violence and abuse; women within those groups face gender-specific risks and threats. The Special Rapporteur on the situation of human rights defenders observed that women human rights defenders had been subjected to new online forms of violence, such as threats, including death threats, and that such threats could be delivered via telephones, text messages or e-mails.

The Special Rapporteur also drew attention to cases in which human rights defenders had been charged with defamation and, in some cases, blasphemy, because they had published online articles. Further, the Special Rapporteur has emphasized the need for gender-sensitive protection measures and stated that the physical safety of human rights defenders should be interlinked and integrated into their digital security. In addition, as many women human rights defenders still struggle to gain access to online spaces, the need to share devices, use cybercafes and rely on legacy or “dumb” mobile telephones may impair their right to freedom of opinion and expression and further contribute to their digital insecurity.

(...)

36. Specific groups of belonging to ethnic minorities and indigenous women, lesbian, bisexual and transgender with disabilities and women from marginalized groups may be at greater risk and may experience particularly severe forms of online violence. Women human rights defenders, journalists, bloggers and those critiquing sexist media practices online may also face particular harassment or threats online, such as interference with Internet services, computer confiscation, virus and spyware attacks and online defamation campaigns aimed at discrediting them or inciting other abuses against them.

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

#### - [Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on his mission to Honduras. A/HRC/35/23/Add.1](#)

8. The Honduran Criminal Code was amended in 2011 to define the offences of torture, femicide, hate crimes against women and lesbian, gay, bisexual and transgender persons, incitement to hatred and discrimination through the media. A further amendment in 2012 defined enforced disappearance as a specific offence.

(...)

33. The persons targeted with violence and intimidation by State and criminal actors in retaliation for their work include human rights defenders; indigenous, peasant and Afrodescendent leaders involved in land disputes; lesbian, gay, bisexual and transgender activists; justice operators; and journalists.

34. From 2006 to 2015, the Inter-American Commission on Human Rights granted 49 precautionary measures for persons at imminent risk in Honduras. Beneficiaries between 2009 and 2015 included 34 per cent of peasants, 17 per cent of journalists, 14 per cent of indigenous persons, 7 per cent of environmental rights defenders and 6 per cent of lesbian, gay, bisexual and transgender persons. According to a study conducted in 2016 by civil society organizations, 99 per cent of beneficiaries considered that those measures had not granted them security because the protection mechanisms offered by the government had been inadequate or ineffectively implemented.

(...)

Lesbian, gay, bisexual and transgender persons

44. The Special Rapporteur received reports of a high number of attacks and killings against lesbian, gay, bisexual and transgender persons. In total, 123

45. Of the 216 cases registered by civil society organizations between 2004 and 2015, 103 victims were gay,

46. The Section on Violent Deaths of Persons from Vulnerable Groups investigates such deaths. The Public Prosecutor's Office informed the Special Rapporteur that, of the 232 killings registered from 2008 to March 2017, investigations had led to 48 prosecutions, 19 convictions and 9 acquittals.

47. While the Special Rapporteur welcomes the amendments to the Criminal Code criminalizing hatred on the basis of sexual orientation or gender identity, he is concerned to learn that investigations into deaths of lesbian, gay, bisexual and transgender persons continue to be influenced and that a fraction (20.6 per cent) of murder cases appear to lead to prosecutions.

(...)

116. With respect to government officials and institutions, the Special Rapporteur recommends that the Government:

(...)

(a) Ensure the full, prompt, effective, impartial and diligent investigation of homicides perpetrated against human rights defenders, justice operators, indigenous people, journalists, land rights defenders, women, migrants, children, inmates and lesbian, gay, bisexual and transgender persons; and also ensure the effective prosecution and conviction of the perpetrators and masterminds of those homicides.

(d) Train the police and judicial authorities on gender-identity and sexual-orientation awareness; ensure protective and precautionary measures for lesbian, gay, bisexual and transgender persons; and encourage societal tolerance;

- [Informe del Relator Especial sobre ejecuciones extrajudiciales, sumarias o arbitrarias. Christof Heyns, sobre su visita a Honduras: comentarios del Estado. A/HRC/35/23/Add.3](#)

21. En lo que se refiere al **párrafo 43**, debe considerarse que el artículo 189, numeral 7 del Reglamento Especial de Organización y Funcionamiento de La Dirección General de Fiscalía. **SECCIÓN DE MUERTES DE PERSONAS PERTENECIENTES A GRUPOS SOCIALES VULNERABLES:** Tendrá a su cargo el conocimiento de toda muerte dolosa en la que el sujeto pasivo del delito sea parte de un grupo social vulnerable, como ser y sin limitar los que pudieren agregarse en el futuro: los abogados, periodistas o comunicadores sociales, miembros de la comunidad de diversidad Sexual (LGTBI) y extranjeros. La cual se encuentra a nivel nacional en las ciudades de Tegucigalpa y San Pedro Sula conformada por 7 fiscales en total en ambas ciudades, constituyendo como parte de su accionar, el iniciar diligencias de investigación con la sola noticia criminal publicada en las noticias, sobre la muerte de periodistas, a su vez en ese momento se trasladan fiscales de estas ciudades al lugar de los hechos con equipos especiales de investigación ATIC / DPI /DNII o cualquier otra agencia de investigaciones, esto con el fin de evacuar diligencias inmediatas al caso, se da seguimiento por parte de esta fiscalía de las investigaciones y una vez concluidas se presenta el respectivo requerimiento Fiscal siguiendo todo el proceso aun hasta la presentación del Recurso de casación en su caso.

(...)

25. En lo que respecta al **párrafo 45**, la Fiscalía Especial de Delitos Contra la Vida, desde su creación, en agosto de 2013, tiene competencia para conocer de todos aquellos delitos cometidos contra la vida de los habitantes de nuestro país. Es así que entre su estructura se encuentra la Sección de Muertes de Personas Pertencientes a Grupos Sociales Vulnerables; que tiene a su cargo el conocimiento de toda muerte dolosa en la que el sujeto pasivo del delito sea parte de un grupo social vulnerable, como ser y sin limitar los que pudieran agregarse en el futuro: los abogados, periodistas o comunicadores sociales, miembros de la comunidad de diversidad sexual (LGTBI) y extranjeros.

(...)

27. En lo que respecta al **párrafo 46**, se informa que la Fiscalía Especial de Delitos Contra la Vida, a través de la Unidad de Muertes de Personas pertenecientes a Grupos Sociales Vulnerables registra del 2010 al 2014, 123 homicidios de personas LGTBI.

28. En relación con el **párrafo 47**, de acuerdo con lo que informó el Ministerio Público las estadísticas registradas por muertes violentas de personas pertenecientes a LGTBI del 2008 a la fecha a nivel nacional suman un total de 232 casos y de los cuales existen 48 casos judicializados, 19 se encuentran con Sentencias Condenatorias y 9 Sentencias Absolutorias a nivel nacional.



29. En relación al **párrafo 48**, La sección de Muerte de Personas Pertencientes a Grupos Sociales Vulnerables está a cargo de investigar las muertes de miembros perteneciente a la comunidad LGTBI (Lésbico, Gay, Transexual, Bisexual e Intersexual). Del 2013 a 2014 existen 47 investigaciones de Muertes Violentas y en el 2015 disminuye a 23 el número de personas asesinadas.

30. En lo que respecta al **párrafo 49**, un informe del Ministerio Público establece que las investigaciones realizadas por muertes de Personas LGTBI no han establecido que se haya cometido por odio o discriminación. Las principales causas de muerte de miembros de la comunidad, se han debido al robo que los mismos realizan a sus clientes, por venta de drogas, pero no así por su identidad de género y las muertes ordenadas por los mismos miembros de la comunidad en contra de otros miembros pertenecientes a esta.

- [Report of the Special Rapporteur on the human rights of migrants on his mission to Australia and the regional processing centres in Nauru. A/HRC/35/25/Add.3](#)

40. The inclusion of criminal offences from abroad with no corresponding safeguard to undertake due diligence in relation to the actual circumstances of each case risks penalizing and/or resulting in the detention of people who have been charged or prosecuted criminally for acts relating to a legitimate exercise of their human rights. People could be fleeing persecution from countries where homosexuality or peaceful assembly and association are criminalized, or where the independence of the judiciary is not respected. Additionally, this measure risks further misidentifying victims of trafficking and endangering their right not to be prosecuted for violations of immigration laws or for the activities they are involved in as a direct consequence of their situation as trafficked persons.

- [Report of the Special Rapporteur on extreme poverty and human rights on his mission to China. A/HRC/35/26/Add.2](#)

39. The third equality-related challenge relates to persons who identify themselves as lesbian, gay, bisexual, transgender or intersex. An observer is hard pressed to find any reference to this group in government anti-poverty or human rights policy documents. In the recent progress report on poverty reduction and human rights there is no mention at all of lesbian, gay, bisexual, transgender or intersex persons, and the same is true for the new National Human Rights Action Plan. According to a 2014 report, “no government department or specific ministry sees itself responsible for lesbian, gay, bisexual and transgender issues”. The Government should create a government department or ministry responsible for the rights of lesbian, gay, bisexual, transgender and intersex persons, which should immediately undertake a study on poverty in this group.

40. While transgender persons are only a small group within the lesbian, gay, bisexual, transgender and intersex community, the Government appears to be especially reluctant to face up to the policy challenges involved. Transgender persons are often condemned to live in poverty because it is exceedingly difficult for them to find employment due to the intense discrimination they face. As a result, many — especially transgender women — end up as sex workers. Research by the Joint United Nations Programme on HIV/AIDS (UNAIDS) has shown that transgender women are on average 49 times more likely to acquire HIV than all adults of reproductive age. There is, however, a lack of targeted HIV programming and services for this group.

41. Chinese law allows for changing one’s gender on identity documents, but this is possible only after undergoing sex reassignment surgery, which is extremely expensive and is not covered by health insurance plans. To qualify for such surgery, candidates first need to be diagnosed as mentally ill. This huge and unwarranted barrier prevents many from undergoing surgery and thus from being able to change their gender on their identity documents, which further complicates their situation.

- [Report of the Working Group on the issue of discrimination against women in law and in practice on its mission to Hungary. A/HRC/35/29/Add.1](#)

10. In response to the rulings of the Court, in March 2013, Parliament passed the fourth amendment to the Fundamental Law, reconfirming that the family was based on marriage between a man and a woman and the parent-child relationship. According to the Government, the amendment does not exclude the legal protection of family of same-sex couples has been recognized since 1996; such couples have also been able to enter into registered partnerships since 2009 with most of the same rights and duties that come with marriage.

(...)

12. Sex, pregnancy, motherhood or fatherhood, sexual orientation and sexual identity are among the 20 prohibited grounds of discrimination in the Act. By including women as just one of a list of marginalized groups, the Act fails to provide either a stand-alone goal for the elimination of discrimination against women or a goal for integrating women's right to equality within each of the marginalized groups. This undermines the potential for developing targeted gender equality measures on both structural and identity levels, combating gender stereotypes, providing suitable measures for the participation, advancement and empowerment of women in public political and economic forums and securing equality in the family.

(...)

33. The Working Group welcomes the Government's statement that civil society organizations play a crucial role in public life and in the legitimacy of public decisions, and that there is space for them to criticize the Government (A/HRC/33/9). It regrets, however, that some non-governmental women's rights organizations reported that they had experienced a lack of cooperation, or to some interlocutors, the Government focuses on cooperation only with non-governmental organizations dealing with family-related issues, to the exclusion of women's organizations with other policy agendas. This claim is supported by academic research, which has shown that government funding of non-governmental organizations and consultations on issues relating to women's rights policy has been directed mainly to organizations with nationalist or conservative agendas. The Working Group was concerned, as also reported by the Special Rapporteur on the situation of human rights defenders during his visit to Hungary, that women's non-governmental organizations that have a transformative agenda and organizations representing lesbian, gay, bisexual, transgender and intersex persons and minority interests have been subjected to harassment, marginalized and accused by senior government officials and politicians of having politicized and hostile agendas. Indeed, in 2013, a communication campaign was launched in the media targeting 13 non-governmental organizations that had received grants from the European Economic Area Norway Grants fund, including the four major women's transformative human rights organizations, and reportedly been blacklisted by the Government. The organizations had also undergone a financial audit as grantees of the fund.

(...)

VII.

68. The high prevalence of gender stereotyping of women in the public sphere undoubtedly contributes to their low levels of political participation. Some public officials openly justify the low representation of women in politics, as did the Speaker of Parliament, in his speech at a rally for the Fidesz party on 13 December 2015, when he suggested that a woman's place is at home, not in politics; he was greeted by a round of applause. When Hungarian women do enter in politics, they face a strong sexist institutional culture of which the Working Group was given several egregious examples by interlocutors. Offenders are rarely sanctioned for their behaviour or remarks. Interlocutors also informed the Group that incitement to hatred against sexual minorities by politicians and leading government officials is commonplace.

(...)

81. Awareness of the issue of domestic violence has increased over recent years. The 2013 amendment to the Criminal Code prohibits domestic violence, including physical, psychological and economic violence.

Previously, domestic violence was not considered a distinct criminal offence. The prohibition applies to various forms of violence, including battery, violation of personal freedom or duress and attacks on human dignity when perpetrated by spouses, ex-spouses, family members, cohabitants, ex-cohabitants or guardians or persons living under guardianship. The Working Group was informed that the definition also covered non-marital intimate relationships, including same-sex relationships.

(...)

## IX. Conclusions

95. There can be no success in empowering women in Hungary in the political or the economic spheres without addressing the discriminatory stereotyping, the sexist rhetoric against women – including lesbians, and transgender and intersex persons – and the disproportionate burdening of women with responsibility for care work.

(...)

### D. Gender stereotypes

100. The Working Group recommends that the Government:

(...)

(d) Hold public figures accountable for sexist and abusive language and expressions affecting women's dignity and that of lesbian, gay, transex, bisexual and intersex persons by applying fines or the penalty of exclusion from public proceedings, including in Parliament;

(...)

### E. Right to health

(...)

101. The Working Group recommends that the Government:

(...)

(g) Ensure that sexuality education is age-appropriate, comprehensive and inclusive, on the basis of scientific evidence and human rights, for girls and boys, as part of compulsory school programmes, and pays special attention to gender equality, sexuality, relationships, gender identity, and responsible parenthood and sexual behaviour in order to prevent early pregnancies and sexually transmitted infections.

 [Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity. A/HRC/35/36.](#)

*This is the first report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity. We highly recommend reading it all in any of the available languages.*

[Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Turkey. A/HRC/22/Add.3](#)

Blocking of websites

49. As of March 2017, over 100,000 websites had reportedly been blocked in Turkey.<sup>2</sup> The Government has blocked access to URLs including pro-Kurdish websites and news sources, as well as these outlets' Twitter accounts.<sup>3</sup> The Supreme Electoral Council of Turkey (YSK) blocked access to over 90 URLs for sharing polls before the elections. The TIB blocked access to five of the most commonly used LGBTI websites by the application of article 8 of Law no. 5651. Following an order by the Ankara Criminal Court of Peace in March 2015, 49 URLs were banned.<sup>4</sup>

## Civil society

61. Representatives of civil society emphasized that the deterioration of the right to freedom of expression does not result solely from the state of emergency. Pressures on civil society organizations limit the ability of individuals to enjoy the freedom of expression, whether individually or as a collective. On 11 November 2016, 370 NGOs operating in Turkey were suspended under emergency decree, for alleged links with terrorist organizations. The Ministry of Interior assured the Special Rapporteur that all suspensions would be individually reviewed, but on 22 November 2016, all of the suspended NGOs, plus an additional five, were permanently closed and their assets seized under emergency decree no. 677. This brought the number of closed NGOs since the attempted coup to 1,495.<sup>5</sup> According to figures provided by the Government, 187 associations and 21 foundations have been reopened by decree laws. During the mission, the Special Rapporteur met with representatives of artistic and cultural centres, women's rights organizations, children's rights organizations, and organizations working toward equality on the basis of sexual orientation and gender identity.

(...)

65. The lack of legal and policy protections for lesbian, gay, bisexual, transgender and intersex (LGBTI) individuals exacerbates a generally threatening environment for expression related to sexual orientation and gender identity. The Internet and digital security tools provide an important source of protection of LGBTI people in Turkey, and the compromise of digital platforms adds to their vulnerability. LGBTI people have a pervasive fear of being targeted by the government, a result of bans on LGBTI groups, targeting by pro-Government media, lack of protection for lawyers and advocates, restrictions on their ability to hold marches or otherwise express their views, and blocks on LGBTI-friendly social media applications.

### - [Report of the Special Rapporteur on the rights to freedom of peaceful assembly and association. A/HRC/35/28](#)

60. The ability and capacity to aggregate voices is especially important for marginalised communities. To this end, civil society has a vast resume of accomplishments. Civil society groups consisting of and working with an array of marginalised groups – including indigenous populations, persons with disabilities, youth, including children, women, lesbian, gay, bisexual, transgender and intersex (LGBTI) people, minority groups, internally displaced persons, non-nationals including refugees, asylum seekers and migrant workers – have made tremendous progress in highlighting the disenfranchisement of these groups' and in protecting their rights. In Colombia, for instance, la Comisión Étnica para la Paz y la Defensa de los Derechos

<sup>2</sup> Stockholm Center for Freedom, 14 April 2017, available at <http://stockholmcfr.org/scfs-website-blocked-in-turkey/>; and European Digital Rights, 21 October 2015, available at <https://edri.org/turkey-new-attempts-limit-online-access-and-freedom-of-speech/>

<sup>3</sup> Freedom House, Freedom on the Net 2016 Report available at <https://freedomhouse.org/report/freedom-net/2016/turkey>. Such blockings pre-date the coup attempt: <https://cpj.org/2015/07/turkish-authorities-block-access-to-news-websites.php>; <http://www.hurriyetdailynews.com/turkey-blocks-kurdish-websites-as-twitter-and-facebook-slows-down.aspx?pageID=238&nid=85917>; <http://www.pen-international.org/newsitems/turkey-end-crackdown-in-the-kurdish-regions-and-seek-a-peaceful-solution/>;

<sup>4</sup> Report of the OSCE on Freedom of the Media on Turkey and Internet Censorship, available at <http://www.osce.org/fom/41091?download=true>

<sup>5</sup> Al-Monitor, 21 November 2016, available at: <http://www.al-monitor.com/pulse/originals/2016/11/turkey-emergency-rule-cracks-down-on-ngos.html>.

Territoriales ensured that Afro and indigenous peoples took part in the peace process and their participation resulted in a chapter focusing on ethnicity in the final peace agreement.<sup>6</sup>

61. The LGBTI community has used civil society to achieve tremendous advances in human rights, notably in the area of marriage equality. Thanks largely to their advocacy efforts, more than 20 countries allow same-sex marriages today<sup>7</sup>; at the beginning of 2000, there were zero<sup>8</sup>. The community's advocacy work has also been wildly successful in changing public opinion. In the United States, for example, only 26% of people supported the idea of same-sex marriage in 1996. By 2015, that number had risen to 61%<sup>9</sup>.

- [Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association on his follow-up mission to the United States of America. A/HRC/35/28/Add.2](#)

6. The United States has been a key supporter of the Special Rapporteur's mandate, as the main sponsor at the Human Rights Council of the resolutions establishing and extending it.<sup>10</sup> It has also sponsored resolutions on peaceful protests<sup>11</sup> and on civil society space, and has played a positive role in the process of accreditation to the Economic and Social Council for non-governmental organizations<sup>12</sup> and in the promotion of lesbian, gay, bisexual, transgender and intersex rights. The Special Rapporteur is grateful for the leadership that the United States has displayed on the issue of civic space generally.

(...)

A. Conclusions

82. Rights to freedom of assembly and of association have always played a central role in past struggles for justice and equality in the United States. Indeed, the country's history reads like a guidebook on just how pivotal those rights can be, from the abolition of slavery to women's suffrage, to the civil rights movement, to the lesbian, gay, bisexual, transgender and intersex rights movement and more. They remain just as important today, at a time when the United States is experiencing some of the deepest social and political divisions in a generation. Those divisions cannot be healed by decrees from above, by criminalizing protests or by keeping people from organizing. Addressing them requires an environment that encourages participation, openness, dialogue and a plurality of voices, and achieving that kind of pluralism requires maximum protection and promotion of the rights to freedom of peaceful assembly and of association.

- [Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association. Observation on communications transmitted to Governments and replies received. A/HRC/35/28/Add.3](#)

173. The Special Rapporteur reiterates his outrage at the excessive use of force, arbitrary arrests, detentions, cruel, inhuman and degrading treatment, including threats and intimidation against members of the LGBTI community and human rights defenders working for the protection of the rights of LGBTI people (UGA 6/2016).

(...)

177. The Special Rapporteur calls on States to pay particular attention to the plight of groups at risk, including LGBTI individuals. He stresses that the African Commission has adopted a resolution condemning violence and other human rights violations against persons on the basis of their real or imputed sexual orientation or gender identity, including attacks by State actors, physical assaults, torture, arbitrary arrests

<sup>6</sup> Contribution from Comisión Étnica para la Paz y la Defensa de los Derechos Territoriales

<sup>7</sup> <https://www.lgbtqnation.com/tag/gay-marriage/>

<sup>8</sup> <https://www.government.nl/topics/family-law/contents/same-sex-marriage>

<sup>9</sup> <http://www.gallup.com/poll/191645/americans-support-gay-marriage-remains-high.aspx>

<sup>10</sup> Resolutions 15/21, 24/5 and 32/32.

<sup>11</sup> See Council resolution 25/38.

<sup>12</sup> See Council resolutions 27/31 and Corr.1 and 32/31.

and detention, particularly those targeting human rights defenders and civil society organizations working on issues of sexual orientation or gender identity in Africa (resolution 275 of the African Commission). In this regard, he asked asks that positive measures, including affirmative action initiatives, be taken to ensure that all individuals belonging to groups most at risk have the ability to effectively exercise their rights, including the rights to freedom of peaceful assembly and of association.

(...)

Haiti

231. JAL Case no. HTI 3/2016 State reply: none Informations reçues concernant l'annulation du Festival Massi Madi, un festival de films et d'arts sur la thématique lesbienne, gay, bisexuelle, transsexuelle, transgenre et queer (LGBTQ), mettant en vedettes les membres de ces communautés, devant avoir lieu du 27 au 30 septembre 2016.

232. JUA Case no. HTI 2/2017 State reply : none Allégations de menaces à l'encontre de M. Pierre Espérance, défenseur des droits de l'homme, Directeur exécutif du Réseau national de défense des droits de l'homme (RNDDH) et Secrétaire général de la Fédération Internationale des Droits de l'Homme (FIDH) en Haïti.

Observations

Réponses aux communications

233. Le Rapporteur spécial regrette ne pas avoir reçu de réponse aux autres communications et rappelle l'obligation des Etats de coopérer avec son mandat en vertu des résolutions 24/5 (2013), 21/16 (2012) et 15/21 (2010) du Conseil des Droits de l'Homme.

Environnement dans lequel les droits sont exercés

234. Le Rapporteur spécial réitère ses préoccupations quant à l'annulation du Festival Massi Madi, un festival de films et d'arts sur la thématique lesbienne, gay, bisexuelle, transsexuelle, transgenre et queer (LGBTQ). De plus, les menaces proférées contre les membres des organisations LGBTQ organisatrices ainsi que les déclarations faites par des fonctionnaires contre la communauté LGBTQ sont des plus préoccupantes (HTI 3/2016). Par là même, il regrette que les menaces de mort formulées à l'encontre de M. Espérance et sa famille, et à la campagne de dénigrement contre le Réseau national de défense des droits de l'homme, n'aient pas fait l'objet d'une enquête par les autorités (HTI 2/2017). L'hostilité ouverte contre les personnes de la communauté LGBTQ et non sanctionnée, ainsi que la passivité des autorités face aux menaces proférées contre les défenseurs des droits de l'homme indiquent un climat défavorable pour les activistes et le libre exercice des droits à la liberté d'association, de manifestation pacifique et d'expression à Haïti.

(...)

Bangladesh

290. JAL 31/05/2016 Case no. BGD 3/2016 State reply: None. Alleged assassination of two Lesbian Gay Bisexual Transgender and Intersex (LGBTI) rights defenders in Dhaka, Bangladesh.

Environnement dans lequel les droits sont exercés

(...)

610. Le Rapporteur Spécial se dit particulièrement préoccupé par la situation des droits à la liberté d'expression, d'association et de réunion pacifique des personnes LGBT ainsi que des activistes qui œuvrent à la promotion de leurs droits en Tunisie. Les informations qu'il a reçues au cours de la période semblent indiquer de sérieuses restrictions à l'exercice de ces droits pour l'organisation Shams.

611. Il rappelle que l'orientation sexuelle et l'identité de genre sont des motifs de discrimination prohibés par le droit international. En particulier, les résolutions 32/2, 17/19 et 27/32 du Conseil des droits de l'homme, expriment une vive préoccupation pour les actes de violence et de discrimination commis contre des individus en raison de leur orientation sexuelle et de leur identité de genre et les recommandations des organes de droit de l'homme de l'ONU et des titulaires de mandat de procédures spéciales qui interdisent notamment la discrimination fondée sur l'orientation sexuelle et l'identité de genre.

612. Il attire l'attention des autorités tunisiennes sur le fait que le Haut-Commissaire aux droits de l'Homme recommande aux États, entre autres, de supprimer les infractions liées aux relations homosexuelles, d'appuyer les campagnes de sensibilisation visant à combattre l'homophobie et la transphobie, de veiller que les agents de l'État impliqués dans des actes de violence ou complices de tels actes aient à en répondre, de procéder sans délai à des enquêtes approfondies sur les violences motivées par la haine subies par les personnes LGBT et de veiller à ce que ceux qui tiennent des propos haineux au sujet de l'orientation sexuelle ou l'identité du genre aient à répondre de leurs actes (A/HRC/29/23, par. 78 et 79).

- [Report of the Working Group on the issue of discrimination against women in law and in practice on its mission to Kuwait. A/HRC/35/29/Add.2](#)

Sexual orientation and gender identity

35. Further to the amendment of article 198 of the Penal Code in 2007, the law now provides that anyone "imitating the opposite sex in any way" is subject to one year in prison and a fine of KD1,000. This amendment leaves transgender women in Kuwait vulnerable to discrimination on the basis of their sexual orientation and gender identity.

(...)

Transgender women

91. The experts received reports of discrimination against women on the basis of their gender identity and expression. In a joint allegation letter the experts expressed concern about the detention of a Kuwaiti woman arrested outside of her place of residence and charged with "imitation of the opposite sex" (see para. 35 above). According to the information received, transgender people in Kuwait are an isolated, discriminated and vulnerable group who face harassment and threats.

- [Report of the Working Group on the issue of discrimination against women in law and in practice on its mission to Hungary comments by the State. A/HRC/35/29/Add.4](#)

## **Comments on the conclusions of the report**

*„However, the Group regrets to note that some women’s rights NGOs reported that they have experienced a lack of cooperation, or even communication, by state actors since 2010. These interlocutors have said that the Government focuses on cooperation only with NGOs that deal with family-related issues, to the exclusion of women’s organisations which have other policy agendas. This claim is supported by academic research, which showed that Government funding of NGOs and consultations regarding policy on women’s rights have been directed mainly to women’s NGOs which have nationalist and conservative agendas. The Group was concerned, as also reported by the Special Rapporteur on Human Rights Defenders, that women’s NGOs which have a transformative agenda and NGOs which represent LGBTI and minority interests have suffered incidents of harassment and have been marginalized and accused by senior Government representatives and politicians of having politicized and hostile agendas. Indeed in 2013, a communication campaign was launched in the media targeting 13 NGOs which received grants from the EEA/Norwegian NGO Fund, including the four major women’s transformative human rights NGOs, and reportedly blacklisted by the Government. These organisations also faced a financial audit as grantees of the EEA/Norwegian NGO Fund.*

The department of women’s policy has a cooperation agreement with „Women in science” organization and „Association for Women’s Career Development in Hungary”. These organizations do not have a conservative approach and they are established for women’s empowerment and participation in science and business spheres.

<http://nokatud.hu/>

<http://www.womenscareer.org/>

- [Report of the Special Rapporteur on trafficking in persons, especially women and children on her mission to the United States. A/HRC/35/37/Add.2](#)

## **Main findings**

### **A. Forms and manifestations of trafficking in persons**

5. The United States faces challenges as a destination, transit and source country for men, women, children, including LGBTI individuals, migrant workers and unaccompanied migrant children, runaway youth, American Indian and Alaska Natives, persons with disability. In some places African American women and girls are disproportionately affected by trafficking in persons.<sup>13</sup> Both US nationals and migrants, mainly from Central America and South East Asia, are trafficked within and into the United States. Mexico, China, the Philippines, Guatemala and Honduras are the most common countries of origin for trafficking victims.<sup>14</sup> According to the national hotline, the highest number of trafficking cases has been in California, Texas, Florida, Ohio and New York.<sup>15</sup> The close proximity to international borders and high rates of immigrant populations make, amongst other factors, these regions more vulnerable to trafficking in persons.

(...)

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<sup>13</sup> Mayor’s taskforce on anti-human trafficking, Human trafficking report in San Francisco, 2016, p41

<sup>14</sup> Polaris, Hotline statistics (2016),

<sup>15</sup> Ibid.



52. Finally, the expert commends the role of CSOs for providing protection and assistance to victims of trafficking. Insufficient or irregular government funding however remains a barrier for victims rehabilitation, particularly those that are underserved such as youth, male, and transgender victims.

(...)

61. There is also inconsistent application of the non-punishment principle which states that “trafficked persons shall not be detained, charged or prosecuted for the illegality of their entry into or residence in countries of transit and destination, or for their involvement in unlawful activities to the extent that such involvement is a direct consequence of their situation as trafficked persons”.<sup>16</sup> Minor children under the age of 18 are prosecuted for criminal activities in the absence of state safe harbour laws. Those who engage in prostitution/sex work, especially women, girls and LGBTI among whom are potential victims of trafficking are arrested and convicted for prostitution related charges. She regrets that not all vacatur laws apply to adults, nor to other forms of trafficking such as trafficking for labour exploitation.

(...)

### Recommendations

88. On the basis of the above findings, and in the spirit of cooperation and dialogue, the Special Rapporteur offers the following recommendations to build on the efforts of the previous administration and on the traditionally bi-partisan counter-trafficking approach developed in the Congress, to address remaining gaps:

With respect to support services for victims of trafficking:

a) Unconditionally protect and support all victims of trafficking, including child victims, LGBTI, native Americans, victims of labour trafficking and domestic servitude with full respect for their human rights;

- [Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on his mission to Australia. A/HRC/35/41/Add.2](#)

24. The Special Rapporteur was pleased to note that there are credible and active institutions involved in the fight against racism and discrimination in Australia. In Sydney, he met with the President and Commissioners of the Australian Human Rights Commission — the national human rights institution — where he was able to confirm the exemplary work done by this institution, particularly with respect to racism and racial discrimination. The Commission is a statutory body funded by, but operating independently from, the Government. It has responsibility for investigating alleged infringements of federal anti-discrimination legislation (see paras. 17-19 above). It has jurisdiction to investigate and conciliate complaints of unlawful discrimination under the Age Discrimination Act 2004, the Disability Discrimination Act 1992, the Racial Discrimination Act 1975 and the Sex Discrimination Act 1984, which include discrimination on the grounds of race or nationality, colour or ethnic origin, racial vilification, age, sex or gender, sexual harassment, marital or relationship status, sexual orientation, gender identity, intersex status, care status, actual or potential pregnancy, breastfeeding, trade union activity, criminal record, medical record, impairment or physical disability.<sup>17</sup> It also has jurisdiction to investigate alleged violations of human rights by the Commonwealth and complaints relating to equal opportunity in employment. The Australian Human Rights Commission Regulations 1989 define the grounds for “discrimination” for the purposes of complaints relating to equal opportunity in employment. That definition includes attributes that are not protected under federal anti-discrimination law, such as discrimination on the basis of criminal record. The Commission has consistently been granted “class A” status by the Global Alliance of National Human Rights Institutions in virtue of its full

<sup>16</sup>

OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking  
Australian Human Rights Commission Regulations of 1989.

<sup>17</sup>

compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The Commission issues an annual report.<sup>18</sup>

- [Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on his mission to Australia.: comments by the State A/HRC/35/41/Add.2](#)

33. The Australian Federal Police's (AFP) Cultural Reform – Diversity and Inclusion Strategy 2016-2026 identifies five priority diversity groups – Aboriginal and/or Torres Strait Islander Australians; People with Disability; Culturally and Linguistically Diverse (CALD) people; Lesbian, Gay, Bisexual, Trans and Intersex (LGBTI) people; and Women. The strategy focuses on inclusive leadership and work practices that facilitate a more diverse workforce.

34. To ensure the AFP is able to achieve desired workplace and workforce outcomes, a number of measurable targets have been set within this strategy. For example, one high level outcome of the strategy is increased workforce diversity and increased representation of diversity group members in leadership roles. Longer term projects include:

(...)

(c) LGBTI members to reflect 10% of the total AFP workforce by the end of 2020

- [Report of the Special Rapporteur on contemporary racism, racial discrimination, xenophobia and related intolerance on his mission to Fiji. A/HRC/35/41/Add.3](#)

18. The Special Rapporteur was pleased to have interacted with the OHCHR Regional Office for the Pacific located in Suva, Fiji, which has been present since 2005. The Office covers the countries from the South Pacific, including Australia and New Zealand. The Office's mandate includes providing expert advice and technical assistance to government offices and institutions, regional organizations, national human rights institutions, academic institutions, civil society, professional associations, and other stakeholders; encouraging and assisting governments and civil society in the region to actively engage with the international human rights mechanisms: treaty bodies, special procedures, and in particular the Universal Periodic Review (UPR) process. At the time of the visit, the thematic focus areas of the Regional Office included support to States and civil society in their engagement with UN human rights mechanisms, the establishment and strengthening of NHRIs, the prevention of torture and ill-treatment; the promotion of accountability and combating impunity; countering discrimination especially with regards to LGBTI rights, indigenous peoples, migrants and asylum seekers; and protection of human rights in emergencies.

(...)

21. Section 26 of the Constitution guarantees that every person is equal before the law and therefore entitled to equal protection, treatment, and benefit of the law. It specifically prohibits unfair discrimination of a person, directly or indirectly, on a broad range of grounds including race, culture, ethnic or social origin, colour, place of origin, sex, gender, sexual orientation, gender identity and expression, birth, primary language, economic or social or health status, disability, age, religion, conscience, marital status or pregnancy, or opinions or beliefs. There are several exceptions to this guarantee, including laws or administrative actions that appropriate revenue, relate to adoption or marriage, and give effect to the communal ownership of iTaukei, Rotuman, and Banaban lands and access to marine resources (sec. 26(8)).

(...)

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<sup>18</sup>

See [www.humanrights.gov.au/our-work/commission-general/publications/annual-reports-index](http://www.humanrights.gov.au/our-work/commission-general/publications/annual-reports-index).

25. In terms of labour relations, the Employment Relations Promulgation of 2007<sup>19</sup> the prohibited grounds for discrimination whether direct or indirect include race, culture, ethnic or social origin, colour, place of origin, sex, gender, sexual orientation, gender identity and expression, birth, primary language, economic or social or health status, HIV/AIDS status, disability, age, religion, conscience, marital status or pregnancy..

(...)

29. In 2010 Fiji was the first Pacific island nation to decriminalize homosexuality after the government repealed the anti-sodomy laws in 2010<sup>20</sup>. The 2013 Constitution also includes sexual orientation and gender identity as prohibited grounds for discrimination.<sup>21</sup> In 2010, a decree was issued whereby all citizens of the country are to be known as “Fijians,” a term that was previously understood to refer only to indigenous Fijians. Indigenous Fijians are known as “iTaukei,” which translates literally to “owners” in the indigenous language.<sup>22</sup>

(...)

30. In terms of schooling, the Government mandated that schools with ethnic names remove the ethnic connotations to promote schools with mixed ethnic groups.<sup>23</sup> The Government also launched an anti-bullying campaign in August 2012 directed at preventing the targeting of lesbian, gay, bisexual and transgender young people in schools.<sup>24</sup> Fiji “committed to pursuing measures to raise awareness around bullying on the basis of sexual orientation and gender identity and to introduce safeguards in their educational systems.”<sup>25</sup>

(...)

### **The lack of Disaggregated Data**

52. The Special Rapporteur was informed about the absence of disaggregated data, especially regarding the socioeconomic situation of members of the different ethnic groups as well gender analysis, regarding the different policies and programs the current Government has put in place. He believes that in order to measure progress made on the elimination of racism and racial discrimination, and to evaluate the effectiveness of the policies of inclusiveness set up by the current Government, there needs to be an objective evaluation which can only be undertaken if statistics and in particular disaggregated data are collected and made available. This does not mean only data on race and ethnicity, but a whole range of different factors such as gender, age, sexual orientation, geography, income, access to social and economic services and rights. Without disaggregated data, it will be difficult to assess the effectiveness of the merit-based measures that the Government has adopted in recruitment and in awarding scholarships as well as in the other areas. Such data is also valuable as it provides the baselines upon which new policies and programmes can be designed.

(...)

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<sup>19</sup> Employment Relations Promulgation 2007, and Employment Relations (Amendment) Act No. 4 of 2015 <http://www.ilo.org/dyn/travail/docs/820/Employment%20Relations%20Promulgation%202007.pdf>.

<sup>20</sup> The anti-sodomy laws were struck down initially by the Courts in the case of *McCosker vs. State* in 2004 and the Government made no attempt to re-introduce such laws in passing the Crimes Act in 2010

<sup>21</sup> Freedom in the World 2015: Fiji, Freedom House, <https://freedomhouse.org/report/freedom-world/2015/fiji>.

<sup>22</sup> Ministry of iTaukei Affairs, <http://www.fijianaffairs.gov.fj/iTaukei.html>.

<sup>23</sup> NGO Alternate Report to the Committee on the Elimination of Racial Discrimination for the Republic of Fiji, June 2012, [http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/FJI/INT\\_CERD\\_NGO\\_FJI\\_13663\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/FJI/INT_CERD_NGO_FJI_13663_E.pdf).

<sup>24</sup> Campaign to stop gay bashing in Fiji schools, ABC Radio Australia, 17 May 2012, <http://www.radioaustralia.net.au/international/radio/program/pacific-beat/campaign-to-stop-gay-bashing-in-fiji-schools/945850>.

<sup>25</sup> Asia-Pacific Countries Stand United Against Homophobic and Transphobic Bullying in Schools, UNDP, 19 June 2015, <http://www.asia-pacific.undp.org/content/rbap/en/home/presscenter/pressreleases/2015/06/19/asia-pacific-countries-stand-united-against-homophobic-and-transphobic-bullying-in-schools-.html>.

## Conclusions and recommendations

63. In this connection and in a spirit of constructive dialogue the Special Rapporteur wishes to make the following recommendations:

(e) The Special Rapporteur calls upon the Government to evaluate the effectiveness of the policies and programmes of inclusiveness which have been put in place. This can only be achieved with detailed statistics and in particular disaggregated data which needs to be collected and made available. In order to measure progress made on the elimination of racism and racial discrimination, a whole range of different factors such as gender, age, sexual orientation, geography, income, access to social and economic services and rights need to be assessed in order to provide an objective evaluation of the different measures the Government has adopted and to provide the baselines upon which future policies and programmes can be designed;

- [Informe del Relator Especial sobre las formas contemporáneas de racismo, discriminación racial, xenofobia y formas conexas de intolerancia sobre su misión a la Argentina: Comentarios del Estado. A/HRC/35/41/add.5](#)

Finalmente, respecto las observaciones efectuadas por el Ministerio Público de la Defensa con relación al procedimiento de determinación de la condición de refugiado, las cuales constan en el párrafo 59, es menester realizar las siguientes aclaraciones:

1) Respecto a las alegadas prácticas discriminatorias con relación a solicitudes basadas en derecho a la identidad, orientación sexual y nacionalidad -especialmente respecto de las nacionalidades cubana, dominicana y senegalesa -es importante destacar que debe darse particular énfasis al encuadre legal de la cuestión de fondo, dado que se trata del análisis y la aplicabilidad de una definición legal dada por el Derecho Internacional de los Refugiados, cuyos elementos han sido interpretados por la doctrina y la jurisprudencia internacionales, y que no pueden ser manipulados sin rigor técnico y jurídico con el fin de pretender incluir en la definición de refugiado casos que evidentemente no requieren de protección internacional. No se trata de prácticas discriminatorias o de que ciertas nacionalidades parecen ser sistemáticamente objeto de sospecha, sino que en el marco

## ITEM 10: TECHNICAL ASSISTANCE AND CAPACITY-BUILDING

- [Report of the Office of the United Nations High Commissioner for Human Rights. Progress and challenges encountered in the main activities aimed at enhancing technical cooperation and capacity-building undertaken since the establishment of the Human Rights Council. A/HRC/35/20](#)

Achieving results through broad participation in the Republic of Moldova

43. The efforts by OHCHR to ensure a broad participation of stakeholders in its technical cooperation projects were acknowledged in, for example, the external evaluation of the OHCHR project entitled "Combating discrimination in the Republic of Moldova, including in the Transnistrian region" (2014-2015). In the Republic of Moldova, OHCHR decided to implement an anti-discrimination project by engaging one disability organization, one Roma NGO and one organization for lesbian, gay, bisexual and transgender persons. Also, a Roma person was hired to work with so-called "Roma community mediators". These implementing partners were selected among organizations/individuals forming part of, or already working with, the target communities — in this case minority groups who were victims of discrimination. The participation of these beneficiaries in the project was an important strategy in creating networks of victims. With the continued support of OHCHR, these networks managed to establish themselves as officially registered NGOs and associations, which ensured a high degree of sustainability for the project activities.

## REPORTS THAT DO NOT ADDRESS SOGIESC ISSUES

### REPORTS THAT DO NOT ADDRESS SOGIESC ISSUES

- Report Of the High Commissioner for Human Rights on the expert workshop on the impact of existing strategies and initiatives to address child, early and forced marriage. A/HRC/35/5
- Summary of the panel discussion on the adverse impact of climate change on States efforts to realize the rights of the child and related policies, lessons learned and good practices. Report of the Office of the United Nations High Commissioner for Human Rights. A/HRC/35/14
- Operations of the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review. Report of the Office of the United Nations High Commissioner for Human Rights. A/HRC/35/18
- Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. A/HRC/35/22
- Report of the Special Rapporteur on the right to education on his mission to Chile. A/HRC/35/24/Add.1
- Report of the Special Rapporteur on extreme poverty and human rights. A/HRC/35/26
- Report of the Special Rapporteur on extreme poverty and human rights on his mission to Mauritania. A/HRC/35/26/Add.1
- Report of the Special Rapporteur on the human rights of internally displaced persons on his mission to Nigeria. A/HRC/35/27/Add.1
- Report of the Special Rapporteur on the human rights internally displaced persons on his mission to Georgia. A/HRC/35/27/Add. 2
- Report of the Special Rapporteur on the human rights for internally displaced persons on his mission to Afghanistan. A/HRC/35/27/Add.3
- Report of the Special Rapporteur on the independence of judges and lawyers on her mission to Sri Lanka. A/HRC/35/31/Add.1
- Report of the Special Rapporteur on trafficking in persons, especially women and children. A/HRC/35/37
- Report of the Special Rapporteur on trafficking in persons, especially women and children on her mission to the State of Kuwait: comments by the State. A/HRC/35/37/Add.3
- Report of the Office of the United Nations High Commissioner for Human Rights on the impact of arms transfers on the enjoyment of human rights. A/HRC/35/8
- Report of the Office of the United Nations High Commissioner for Human Rights. Analytical study on the relationship between climate and the full and effective enjoyment of the rights of the child. A/HRC/35/13
- Report of the Office of the United Nations High Commissioner for Human Rights. Summary of the high-level panel discussion on the situation of human rights in the Syrian Arab Republic. A/HRC/35/15
- Report of the United Nations High Commissioner for Human Rights on the operations of the Voluntary Fund for Financial and Technical Assistance in the implementation of the Universal Periodic Review. A/HRC/35/18
- Report of the United Nations High Commissioner for Human Rights on ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem: comprehensive review on the status of recommendations addressed to all parties since 2009. A/HRC/35/19
- Additional information pertaining to the comprehensive review on the status of recommendations addressed to all parties since 2009 with regard to the Occupied Palestinian Territory, including East Jerusalem. A/HRC/35/19/add.1
- Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Japan. A/HRC/35/22/Add.1
- Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Japan: comments by the State. /HRC/35/22/Add.5
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