

**SOGIESC OPPORTUNITIES IN THE 36th HUMAN RIGHTS COUNCIL SESSION
(11 – 29 September 2017)**

This report contains weekly updates on SOGIESC issues mentioned in the reports presented during the 36th Human Rights Council session.¹

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

The structure of it is based on the Items of the agenda of the Human Rights Council

¹ 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.

Table of Contents

AGENDA OF THE 36th HUMAN RIGHTS COUNCIL (11- 29 SEPTEMBER,2017)	3
ITEM 1: ORGANIZATIONAL AND PROCEDURAL MATTERS	4
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	4
ITEM 3: PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT	4
ITEM 4: HUMAN RIGHTS SITUATIONS THAT REQUIRE THE COUNCIL'S ATTENTION	9
ITEM 5: HUMAN RIGHTS BODIES AND MECHANISMS	9
ITEM 6: UNIVERSAL PERIODIC REVIEW	10
ITEM 7: HUMAN RIGHTS SITUATION IN PALESTINE AND OTHER OCCUPIED ARAB TERRITORIES	11
ITEM 8: FOLLOW-UP AND IMPLEMENTATION OF THE VIENNA DECLARATION AND PROGRAMME OF ACTION	11
ITEM 9: RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED FORMS OF INTOLERANCE, FOLLOW-UP AND IMPLEMENTATION OF THE DURBAN DECLARATION AND PROGRAMME OF ACTION	11
ITEM 10: TECHNICAL ASSISTANCE AND CAPACITY-BUILDING	11
REPORTS THAT DO NOT ADDRESS SOGIESC ISSUES	15

AGENDA OF THE 36th HUMAN RIGHTS COUNCIL (11- 29 SEPTEMBER, 2017)

DRAFT PROGRAMME OF WORK FOR THE 36TH SESSION OF THE HUMAN RIGHTS COUNCIL (11-29 September 2017)
as of 24 August 2017 (subject to change)

WEEK 1			WEEK 2			WEEK 3		
11 September			18 September			25 September		
M O N D A Y	09.00 – 12.00	ITEM 2 - Oral update by the HC ITEM 3 - Clustered ID with: - WG on arbitrary detention - SR on truth, justice, reparation	09.00 – 12.00	ITEM 4 - ID with Commission of inquiry on the Syrian Arab Republic	09.00 – 12.00	General debate on ITEM 7 General debate on ITEM 8		
	12.00 – 15.00	ITEM 3 - Clustered ID (cont'd) ITEM 3 - Clustered ID with: - IE on the rights of older persons - SR on water and sanitation	12.00 – 15.00	- Enhanced ID on the situation of human rights in South Sudan	12.00 – 15.00	General debate on ITEM 8 (cont'd) ITEM 9 - ID with WG African Descent		
	15.00 – 18.00	ITEM 3 - Clustered ID (cont'd)	15.00 – 18.00	- ID with FFM on Myanmar (oral update) - ID with Commission of inquiry on Burundi	15.00 – 18.00	PANEL DISCUSSION ON IMPACT OF RACIAL DISCRIMINATION ON HUMAN RIGHTS OF WOMEN AND GIRLS (HRC res. 32/17)		
12 September			19 September			26 September		
T U E S D A Y	09.00 – 12.00	ITEM 2 - General debate on the oral update by the HC*	10.00 – 13.00	ITEM 4 - ID with Commission of inquiry on Burundi (cont'd) General debate on ITEM 4	09.00 – 12.00	ITEM 9 - ID WG African Descent (cont'd) General debate on ITEM 9		
	12.00 – 15.00	General debate (cont'd) ITEM 3 - Clustered ID with: - WG on enforced disappearances - SR contemporary forms of slavery	13.00 – 15.00	BREAK	12.00 – 15.00	- ID on HC oral update on Ukraine		
	15.00 – 18.00	ITEM 3 - Clustered ID (cont'd) ITEM 3 - Clustered ID with: - IE on international order - SR on coercive measures	15.00 – 18.00		15.00 – 18.00	- ID on Ukraine (cont'd) - Enhanced ID on OHCHR report on Democratic Republic of the Congo		
				General debate on ITEM 4 (cont'd)		- ID with SR on Cambodia - ID with IE on Somalia		
13 September			20 September			27 September		
W E D N E S D A Y	10.00 – 13.00	ITEM 3 - Clustered ID (cont'd) ITEM 3 - Clustered ID with: - WG on use of mercenaries - SR on hazardous wastes	9.00 – 12.00	ANNUAL PANEL DISCUSSION ON THE RIGHTS OF INDIGENOUS PEOPLES (HRC res. 33/13) accessible	09.00 – 12.00	ITEM 10 - ID with IE on Somalia (cont'd) - ID on HC oral update on Libya - ID with IE on Sudan		
	13.00 – 15.00	BREAK	12.00 – 15.00		12.00 – 15.00	- ID with IE on Sudan (cont'd) - ID with IE on Central African Republic		
	15.00 – 18.00	ITEM 3 - Clustered ID (cont'd) ITEM 3 - ID with SR right to development	15.00 – 18.00	ITEM 5 - ID with Advisory Committee General debate on ITEM 5, incl. on report of IGWG on rights of peasants**	15.00 – 18.00	- ID with IE on CAR (cont'd) General debate on ITEM 10, incl. on other HC/SG country reports (Cambodia; Yemen; Georgia)**		
14 September			21 September			28 September		
T H U R S D A Y	10.00 – 13.00	General debate on ITEM 3, incl. on report of WG right to development, report of IGWG private military and security companies**	09.00 – 12.00	ITEM 6 - UPR outcomes Bahrain, Ecuador, Tunisia	10.00 – 13.00	General debate on ITEM 10 (cont'd)		
	13.00 – 15.00	BREAK	12.00 – 15.00	Morocco, Indonesia, Finland	13.00 – 15.00	BREAK		
	15.00 – 18.00	BIENNIAL PANEL DISCUSSION ON UNILATERAL COERCIVE MEASURES AND HUMAN RIGHTS (HRC res. 34/13)	15.00 – 18.00	United Kingdom of Great Britain and Northern Ireland, India, Brazil General debate on ITEM 5 (cont'd - if time permits)	15.00 – 18.00	ITEM 1 - Decisions and conclusions		
15 September			22 September			29 September		
F R I	10.00 – 13.00	ANNUAL DISCUSSION ON INTEGRATION OF A GENDER PERSPECTIVE (HRC res. 6/30)	09.00 – 12.00	ITEM 6 - UPR outcomes Philippines, Algeria, Poland	09.00 – 12.00	ITEM 1 - Decisions and conclusions (cont'd)		

DAY	13.00 – 15.00	BREAK	12.00 – 15.00	Netherlands, South Africa General debate on ITEM 5 (cont'd)	12.00 – 15.00	- Decisions and conclusions (cont'd)
	15.00 – 18.00	General debate on ITEM 3 (cont'd)	15.00 – 17.30 17.30 – 18.00	General debate on ITEM 6 Complaint procedure (closed meeting)	15.00 – 18.00	- Decisions and conclusions (cont'd) - Election of Advisory Committee members - Appointment of SP mandate holders - Adoption of the session report

* Timing for the general debate on the oral update by the HC is fixed, i.e. it will start at 9 a.m. sharp.

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

ITEM 1: ORGANIZATIONAL AND PROCEDURAL MATTERS

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

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

- [A/HRC/36/24. Midterm progress report on the implementation of the third phase of the World Programme for Human Rights Education- Report of the United Nations High Commissioner for Human Rights.](#)

Education and professional development of teachers and other personnel

16. Several respondents noted that human rights have been integrated into teacher training. Poland highlighted training programmes and activities for teachers of the Ministry of National Education aimed at strengthening knowledge of human rights and skills to deliver human rights education. The Ministry also developed, together with the Ministry of Foreign Affairs, an e-learning course for teachers on global education, with a specific module devoted to participation and human rights issues. In Israel, the Ministry of Education implemented a number of training programmes for teachers aimed at increasing knowledge of human rights, equality, tolerance and coexistence among students, as well as how to deal with racism and effectively use human rights education materials. Germany reported that most of the Länder have taken special measures to integrate human rights education into in-service training for teachers. Higher education institutions also received federal support to develop innovative concepts for teacher training courses and to improve their quality, including by integrating issues related to diversity and inclusive education in the context of its growing refugee population. Uruguay implemented various projects to promote human rights education for teachers and educators; in 2016, education authorities approved a document entitled “Basics and orientation of the 2017 proposal”, which concerns training for all teachers and educators in the country and includes human rights as a main axis, together with diversity and sexual education, for all related programming.

(...)

(...)

(...)

D. Civil servants

28. With regard to human rights training for civil servants, the Defensor del Pueblo of Ecuador has worked since 2014 on developing a sound methodology, based on learner- centred, participatory and experiential approaches, which has been condensed in policy guidelines, promoted through internal staff training and explained in methodological guides such as Vivo mis derechos! Manual de implementación para facilitadores y facilitadoras.

Building on this work, in 2015-2016 through various educational activities the Defensor reached more than 36,000 individuals, particularly civil servants and civil society organizations. In Uruguay, the National Office of the Civil Service and the Secretaría de Derechos Humanos of the Presidency of the Republic signed an agreement in 2016 to strengthen the capacity of public administration officials in human rights; in that context, a course on human rights in public policies is planned for 2017, with the technical support of MERCOSUR. The Netherlands Institute of Human Rights supported human rights training of professionals working in the social domain, including municipal officials, by producing educational materials on the protection of human rights at the local level and by delivering training on the application of human rights in various contexts. Honduras highlighted a pilot project in 2016 addressing drivers of public transport in Tegucigalpa and Comayagüela, identified as a priority target audience among the various target audiences of its large training programme for civil servants, owing to their regular contact with members of the public and particularly groups in situations of vulnerability. The project, which received a positive evaluation, will develop into a wider programme in 2017. The National Human Rights Commission of Korea conducted a study on human rights education in 64 training institutes for civil servants and teachers. In Argentina, the Ministry of Justice and Human Rights created a “human rights school”, which offers educational activities organized jointly with local and community associations to tackle community needs, and a distance learning “campus” with courses on human rights issues, including pedagogy, sexual diversity, interculturality and migration.

(...)

(...)

(...)

41. Some respondents highlighted the need to sensitize journalists to human rights considerations in reporting on issues concerning groups in situations of vulnerability. The Office for Human and Minority Rights in Serbia supported 59 civil society organizations in implementing national anti-discrimination policies through projects targeting media companies and journalists involved in reporting on human rights and specific social groups. The Ministry of Culture and Information also supported projects to train journalists from the local media in reporting on the human rights of people with disabilities and improve professional and ethical standards in reporting on lesbian, gay, bisexual and transgender communities. In addition, the Association of Journalists in Serbia organized a course, in cooperation with UNICEF, on supporting the inclusion in education of children from groups in situations of vulnerability through media coverage. Germany supported 270 community media outlets in 20 countries in strengthening freedom of expression and access to information for groups in vulnerable situations, trained 1,400 individuals to become citizen journalists and supported training programmes on local university campuses focusing on human rights for journalists working in rural areas.

- [A/HRC/36/26. Capital punishment and the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty – Yearly supplement of the Secretary-General to his quinquennial report on capital punishment](#)

B. Discriminatory use of the death penalty based on gender or sexual orientation

46. The Committee on the Elimination of Discrimination against Women, the Special Rapporteur on violence against women, its causes and consequences, and the Working Group on the issue of discrimination against women in law and in practice have challenged the criminalization of adultery as discriminatory. In the light of article 6 of the International Covenant on Civil and Political Rights, which requires States parties that have not abolished the death penalty to limit it to the most serious crimes, the Human Rights Committee concluded that the imposition of the death penalty for adultery is contrary to the Covenant.

47. The imposition of the death penalty for offences relating to consensual homosexual conduct continues to be provided for in the legislation of many States. While few cases of executions for consensual same-sex conduct have been carried out recently, the existence of such laws discriminates against the conduct of lesbian, gay,

bisexual and transgender persons. Those laws also send a social message. They have an intimidating effect and can create an enabling environment for acts of violence and stigma.

48. The Human Rights Committee and the Committee on Economic, Social and Cultural Rights have expressed concern at the fact that consensual same-sex relations remain a crime punishable by death in some countries and have concluded that the application of the death penalty in that context represents a grave violation of human rights, including the rights to life, privacy and non-discrimination. The Special Rapporteur on extrajudicial, summary or arbitrary executions has reiterated that death sentences may be imposed only for the most serious crimes and that offences related to homosexual conduct and sexual relations between consenting adults do not meet that threshold. The European Union guidelines on the death penalty also emphasize that the death penalty must not be applied or used in a discriminatory manner on any ground, including sex or sexual orientation.

- [A/HRC/36/27.High-level panel discussion on the question of the death penalty – Report of the United Nations High Commissioner for Human Rights](#)

15. In terms of future steps, the representative of Thailand to the ASEAN Intergovernmental Commission on Human Rights called for up-to-date, comprehensive, disaggregated and transparent data, including on the number of executions, the number of prisoners on death row and the time lapse from sentencing to execution. Data should be disaggregated by offence, gender and sexual orientation, nationality and immigration status, economic and social status, and the profile of lawyers assigned to provide counsel. It should be used to analyse the potential for discrimination and the effectiveness of legal aid, to enhance transparency in the criminal justice system and to educate judges and public figures. The international human rights system, particularly the Human Rights Committee, and regional mechanisms had a role to play in sharing information and experiences and could be agents for change on the question of the death penalty. At the national level, the adoption of a national human rights plan that incorporated a commitment to phase out the death penalty would be helpful, as would civil society advocacy. In addition, it would be important to reform the criminal justice system, including by reconsidering the offences subject to the death penalty.

(...)

(...)

(...)

38. The need for disaggregated, comprehensive, transparent and current data was emphasized. Such data would help inform the public and policymakers about the reality, efficacy and negative impacts of the death penalty. Data should be collected on the number of executions, the number of prisoners on death row and on the time lapse from sentencing to execution. Data should be disaggregated by offence, gender and sexual orientation, nationality and immigration status, economic and social status, and the profile of lawyers assigned to provide counsel. Such data could be used to analyse discrimination and the effectiveness of legal aid, to enhance transparency in the criminal justice system and to educate the public, judges and public figures about the death penalty and its consequences.

- [A/HRC/36/28. Report of the United Nations High Commissioner for Human Rights on non-discrimination and the protection of persons with increased vulnerability in the administration of justice, in particular in situations of deprivation of liberty and with regard to the causes and effects of overincarceration and overcrowding](#)

A. Role of legislation in the overincarceration of persons with increased vulnerabilities

6. While some legislation may be drafted in a gender-neutral manner, its application may affect predominantly women and result in their overincarceration. This is, for instance, the case with laws criminalizing consensual sexual relations between adults outside marriage or adultery.

8. Laws criminalizing private behaviour also lead to the overincarceration of persons belonging to specific groups. In 2016, 73 countries criminalized same-sex relationships, and 44 of those countries specifically criminalized lesbian relationships. Also, so-called “public scandal”, “morality” and “debauchery” laws disproportionately target transgender people. This is also the case for laws criminalizing cross-dressing and sex reassignment surgery. While the trend seems to be towards decriminalization of consensual same-sex relationships, some States have, nevertheless, created new criminal sanctions, increased penalties or broadened their application. The difference between the age of consent for same-sex and heterosexual relations results in a higher age for the same conduct for same-sex relations.

B. Violence and ill-treatment

35. Violence and abuse are by-products of situations where people are detained in overcrowded conditions and where prison personnel are forced to work in situations of overcrowding. Poor and inadequate conditions contribute to difficult and tense relationships among detainees and between detainees and personnel, which increase the risk of ill-treatment in places of detention. Lesbian, gay, bisexual, transgender and intersex detainees are among the persons most exposed to sexual violence from fellow inmates, and victims do not generally report such acts to the authorities owing to fear of reprisals and distrust of complaints mechanisms. Furthermore, in seeking to protect lesbian, gay, bisexual, transgender and intersex detainees from discrimination, abuse and violence in detention, the authorities too often resort to solitary confinement, sometimes for weeks or even months.

IV. Conclusions and recommendations

54. Data should be disaggregated based on offences or, in the case of administrative detention, reasons for detention; gender and sexual orientation; nationality and immigration status; economic and social status; and the profile of lawyers assigned to provide counsel.

- [A/HRC/36/37/Add.2. Report of the Working Group on Arbitrary Detention on its mission to the United States of America.](#)

34. During the interviews conducted by the Working Group in those private immigration facilities, interviewees expressed concern about the conditions in which they were detained and their treatment throughout the immigration detention process. They also expressed concern about substandard conditions at the moment of apprehension, the poor quality of food and drinking water, the limits imposed on recreation time and access to medical services, the lack of books and information in languages other than English, and the practice of solitary confinement. It was brought to the attention of the Working Group that certain vulnerable groups, such as lesbian, gay, bisexual, transgender and intersex detainees, were reportedly at a higher risk of sexual assault. Several detainees complained about the very low pay provided for work undertaken in the facilities, as well as the high cost of goods available for purchase in facility convenience stores. Those conditions were described as having had a significant effect on the ability of detainees to participate in, and be an asset to, their immigration proceedings.

- [A/HRC/36/38. Methods of work of the Working Group on Arbitrary Detention](#)

Implementation of the mandate of the Working Group

7. The mandate of the Working Group is to investigate cases of deprivation of liberty imposed arbitrarily. In the discharge of its mandate, the Working Group refers to the relevant international standards set forth in the Universal Declaration of Human Rights, as well as to the relevant international instruments accepted by the States concerned, in particular the International Covenant on Civil and Political Rights, the Convention relating to the Status of Refugees of 1951 and the Protocol relating to the Status of Refugees of 1967, the International Convention on the Elimination of All Forms of Racial Discrimination and, when appropriate, any other relevant standards, including the following:

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

- [A/HRC/36/37 Report of the Working Group on Arbitrary Detention.](#)

Deprivation of liberty on discriminatory grounds

46. As the Working Group has recently clarified in the United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before Court, discrimination in the context of the deprivation of liberty may occur on a variety of grounds that aim at or may result in undermining the equality of human beings. The deprivation of liberty on discriminatory grounds may also occur in relation to a broad range of people, including but not limited to: women and children; persons with disabilities, including psychosocial and intellectual disabilities; human rights defenders and activists; persons engaged in social protest; older persons; indigenous peoples; minorities based on national or ethnic, cultural, religious and linguistic identity; lesbian, gay, bisexual, transgender and intersex persons; non-nationals, including migrants, refugees and asylum seekers, internally displaced persons, stateless persons, trafficked persons and those at risk of being trafficked; persons living with HIV/AIDS and other serious communicable or chronic diseases; sex workers; and drug users.

(...)

(...)

(...)

48. The Working Group has consistently found such discrimination when it is apparent that persons have been deprived of their liberty specifically on the basis of their own or perceived distinguishing characteristics or because of their real or suspected membership of a distinct (and often minority) group. In considering whether the source of a communication has demonstrated a prima facie case of deprivation of liberty on discriminatory grounds, the Working Group takes into account a number of factors, including whether:

(...)

(...)

(...)

(e) The alleged conduct for which the person is detained is only a criminal offence for members of his or her group (e.g. criminalization of consensual same-sex conduct between adults).

- [A/HRC/36/39/Add.2. Report of the Working Group on Enforced or Involuntary Disappearances on enforced disappearances in the context of migration.](#)

Discrimination

52. Migrants are often the object of multiple forms of discrimination based on grounds such as their race, national origin, language, religion, gender, age and/or sexual orientation. These multiple forms of discrimination may accumulate, or intersect, to constitute a unique and distinct form of discrimination, referred to as intersectional discrimination. The discourse and language used to address the issue of migration and, in particular, to associate migrants, notably those with undocumented status, with security threats and/or criminality places them in a situation of increased vulnerability, which in turn further exposes them to violence and to becoming victims of

human rights violations. In particular, the multiple forms of discrimination which may be triggered by the use of criminal measures to manage migration may, in extreme cases, violate their right to life.

- [A/HRC/36/39/Add.3. Report of the Working Group on Enforced or Involuntary Disappearances - Addendum - Follow-up report to the recommendations made by the Working Group - Missions to Chile and Spain](#)

Sin perjuicio de lo anterior, la legislación contempla agravantes ordinarias en su catálogo del artículo 12 del CP, en donde recientemente ha tomado medidas para asegurar la proporcionalidad en los castigos cuando se afecte a grupos especialmente vulnerados. Así lo refleja, por ejemplo, el tenor de la agravante que supone “cometer el delito o participar en él motivado por la ideología, opinión política, religión o creencias de la víctima; la nación, raza, etnia o grupo social a que pertenezca; su sexo, orientación sexual, identidad de género, edad, filiación, apariencia personal o la enfermedad o discapacidad que padezca.

Trabajar para que todas las mujeres -sin importar su edad, condición física, lugar de residencia, ingresos económicos, orientación sexual, nacionalidad o etnia- sean tratadas con respeto y sin discriminación en el trabajo, en los lugares de estudio o en las calles.

Entre los contenidos propuestos se encuentran:

Regímenes Jurídicos especiales en Derechos Humanos; Régimen jurídico de inclusión y no discriminación. En particular, mujeres, niños, pueblos indígenas, personas con discapacidad, diversidades sexuales, migrantes y refugiados.

- [A/HRC/36/42. Report on the compendium of principles, good practices and policies on safe, orderly and regular migration in line with international human rights law](#)

Principle 12: Right to health

The United Kingdom makes antiretroviral therapy available to all people living with HIV in the country at no cost regardless of their migration status.

- [A/HRC/36/51. Global issues of unaccompanied migrants' children and human rights. Final report of the Human Rights Council Advisory Committee.](#)

Gender considerations

67. International migration has a differential impact by gender in Mexico. For instance, a teenage girl from the Maya Mam ethnic group stated in an interview that her strategy to avoid sexual abuse was to ask a male fellow traveller to introduce her as his girlfriend in front of others, a Furthermore, heterosexual women are not the only target of gender-based violence, since discrimination against, and persecution of lesbian, gay, bisexual, transgender and intersex children has also been recorded.

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

ITEM 5: HUMAN RIGHTS BODIES AND MECHANISMS

- [A/HRC/36/58. Report of the open-ended intergovernmental working group on a United Nations declaration on the rights of peasants and other people working in rural areas.](#)

3. Article 3

86. Chile and Colombia underscored the importance of having an inclusive list that comprised gender identity and sexual orientation, to which Egypt and the Russian Federation were opposed. One civil society organization proposed adding “legal status”.

(...)

(...)

(...)

Chile (report, para. 86)

1. Peasants and other people working in rural areas have the right to the full enjoyment, individually and collectively, of all human rights and fundamental freedoms recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and other international human rights instruments, free from any kind of discrimination in the exercise of their rights based on grounds such as race, colour, descent, sex, gender identity and sexual orientation, language, culture, marital status, property, disability, nationality, age, political or other opinion, religion, birth or economic, social or other status.

(...)

(...)

(...)

Chaudhry, expert

1. Peasants and other people working in rural areas have the right to the full enjoyment, individually and collectively, of all human rights and fundamental freedoms recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and other international human rights instruments, free from any kind of discrimination in the exercise of their rights based on grounds such as race, colour, descent, sex, language, culture, marital status, property, disability, nationality, age, political or other opinion, place of residence, occupation/employment, sexual orientation, health status, religion, birth or economic, social, or other status.

ITEM 6: UNIVERSAL PERIODIC REVIEW

- **Algeria** received 6 SOGIESC recommendations. It partially accepted 1 and noted 5 recommendations.
- **Bahrein** received 0 SOGIESC recommendations.
- **Brazil** received 11 SOGIESC recommendations. It accepted all 11 recommendations.
- **Ecuador** received 9 SOGIESC recommendations. It accepted 8 and noted 1 recommendation
- **Finland** received 10 SOGIESC recommendations. It accepted 2, partially accepted 1 and noted 7 recommendations.
- **India** received 6 SOGIESC recommendations. It accepted 1 and noted 4 recommendations.
- **Indonesia** received 12 SOGIESC recommendations. It accepted 2 and noted 10 recommendations.
- **Morocco** received 10 SOGIESC recommendations. It supported 3, partially rejected 1 and rejected 6 recommendations.
- **Netherlands** received 5 SOGIESC recommendations. It accepted 3 recommendations and noted 2 recommendations.
- **Philippines** received 2 SOGIESC recommendations. It accepted 1 and noted 1 recommendation.
- **Poland** received 11 SOGIESC recommendations. It accepted 6, partially accepted 4 and did not accept 1 recommendation.
- **South Africa** received 7 SOGIESC recommendations. It accepted all 7 recommendations.
- **Tunisia** received 22 SOGIESC recommendations. It accepted 2 and noted 20 recommendations.

- **United Kingdom of Great Britain and Northern Ireland** received 3 SOGIESC recommendations. It supported 1 and noted 2 recommendations.

If you want to know exactly what happened or find updated information on the Working Group Sessions and the UPR outcomes, check out ILGA's [complete and updated Report on the 27th Working Group Session](#).

ITEM 7: HUMAN RIGHTS SITUATION IN PALESTINE AND OTHER OCCUPIED ARAB TERRITORIES

ITEM 8: FOLLOW-UP AND IMPLEMENTATION OF THE VIENNA DECLARATION AND PROGRAMME OF ACTION

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

- [A/HRC/36/60. Report of the Working Group of Experts on People of African Descent on its nineteenth and twentieth sessions.](#)

26. Carlos Quesada, of the International Institute on Race, Equality and Human Rights, said that although the Latin American and Caribbean region had achieved considerable success in reducing extreme poverty over the last decade, it still had high levels of income and wealth inequality which had stymied sustainable growth and social inclusion. Afro- descendants comprised 30 per cent of the population (more than 300 million people) but, according to numerous organizations, the Afro-descendant population was disproportionately concentrated in the poorest areas with the highest housing deficit, and suffered greater exposure to crime and violence and had higher levels of unemployment. In addition, the situation of structural discrimination was confirmed by the indicators on access to housing, loans, quality health care and education, life expectancy and nutrition status, among others. There was a strong connection between poverty and race and between race and class; these categories intertwined and deepened the serious situation of Afro- descendant people, including men, women, youth, people with disabilities and Afro- descendant lesbian, gay, bisexual, transgender and intersex people. Racial profiling, excessive use of force and racial discrimination in the judicial system had an important impact on the inequality affecting people of African descent in the region. He concluded by calling upon Member States in the region to ratify the Inter-American Convention against Racism, Racial Discrimination and Related Intolerance and the Inter-American Convention against All Forms of Discrimination and Intolerance.

- [A/HRC/36/60/Add. 1. Report of the Working Group of Experts on People of African Descent on its mission to Canada.](#)

B. Institutional and policy measures

26. The Working Group welcomes the new federal initiative to appoint a judiciary that reflects the diversity of the country, thereby encouraging applicants to self-identify on the basis of race, gender identity, indigenous status, sexual orientation and physical disability, and to provide unconscious bias training for committees that screen candidates with a view to preventing rejection of good applicants from minority groups.

B. Hate crimes

50. The Government informed the Working Group that the Criminal Code requires judges to consider, as an aggravating circumstance in sentencing, any evidence that a crime was motivated by bias, prejudice or hate based on grounds such as race, colour, religion, national or ethnic origin. Vandalizing or damaging property primarily used for religious worship is a specific crime if the action is motivated by bias, prejudice or hate based on religion, race, colour, national or ethnic origin. The Criminal Code punishes three hate propaganda offences: advocating or promoting genocide against an identifiable group; inciting hatred against an identifiable group in a public place

that is likely to lead to a breach of the peace; and wilfully promoting hatred against an identifiable group. It defines an identifiable group as “any section of the public distinguished by colour, race, religion, national or ethnic origin, age, sex, sexual orientation, or mental or physical disability”.

D. Multiple and intersecting forms of discrimination

66. The Working Group considered the multiple and intersecting forms of discrimination faced by people of African descent in Canada and heard from several about their experiences of racial and other forms of discrimination based on ethnicity, religion, socioeconomic status, language, sex and gender identity.

A. Conclusions

71. The Working Group further welcomes the new federal initiative of appointing a judiciary that reflects the diversity of the country, encouraging applicants to self-identify on the basis of race, gender identity, indigenous status, sexual orientation and physical disability, and providing training in unconscious bias for committees that screen candidates so as to prevent rejection of good applicants from minority groups.

93. The Government of Canada should:

(c) Ensure that oversight bodies for police departments and prisons include people of African descent as well as other vulnerable groups such as women, youth, persons with disabilities and lesbian, gay, bisexual, transgender persons in their composition.

- [A/HRC/36/60/Add. 2. Report of the Working Group of Experts on People of African Descent on its mission to Germany.](#)

A. Legal framework

14. Protection is also guaranteed under the General Equal Treatment Act (2006), which governs claims and legal consequences in the case of discrimination in private contracts. Section 1 of the Act states that its purpose is to prevent or stop discrimination on the grounds of race or ethnic origin, gender, religion or belief, disability, age or sexual orientation. The Act also addresses the question of affirmative action in its section 5, entitled “Positive Action”, which provides that unequal treatment shall only be permissible where suitable and appropriate measures are adopted to prevent or compensate for disadvantages arising on any of the grounds referred to under section 1. An important outcome of the General Equal Treatment Act was the creation of the independent Federal Anti-Discrimination Agency, which is administratively part of the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth.

B. Institutional and policy measures

18. The Working Group was informed about data on hate crimes collected by the Federal Ministry of the Interior, which include data on racism and racial violence. The data are disaggregated under four categories of politically motivated crime: right-wing politically motivated crimes, left-wing politically motivated crimes, politically motivated crimes of foreign ideology, and other politically motivated crimes. The Working Group learned that these categories include acts directed against a person because of his or her political opinion, nationality, ethnicity, race, skin colour, religion, belief, origin, disability, sexual orientation, outward appearance or social status. While the data show a steady increase in incidents of racism and racial violence, it is difficult to rely on these data alone, as they do not include cases in which the perpetrators are not politically motivated or have no organizational affiliation.

C. Multiple forms of discrimination

45. The Working Group studied the intersectionality of the different forms of discrimination faced by people of African descent and heard experiences of racial discrimination based on ethnicity, religion, socioeconomic status,

sex and gender identity. Civil society sources reported the competing policies of integration versus assimilation, and struggles faced by people in preserving their cultural identity and freedom of religion and cultural expression.

ITEM 10: TECHNICAL ASSISTANCE AND CAPACITY-BUILDING

- [A/HRC/36/25. Communications report of Special Procedures.](#)

II. Statistics on communications and replies by mandate

Mandate	Reporting period: 1 March to 31 May 2017			Reporting period: 1 June 2006 to 31 May 2017		
	Communications sent	Replied to by 31 July 2017	Response rate	Communications sent	Replied to by 31 July 2017	Response rate
Sexual orientation and gender identity	3	1	33%	4	1	25%

- [A/HRC/36/32. Role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights - Report of the Secretary-General.](#)

VI. Human rights information and communication

62. OHCHR expanded its audio-video work. It translated into Khmer the most recent three videos from the global OHCHR “UN Free & Equal” campaign in support of the rights of lesbian, gay, bisexual, transgender and intersex persons and produced an educational clip on the Law on Peaceful Demonstrations.

- [A/HRC/36/61. Report of the Special Rapporteur on the situation of human rights in Cambodia.](#)

III. Vulnerable groups and discrimination

14. International human rights law is predicated on the premise that all persons should enjoy all freedoms and rights without discrimination. In all societies, however, there are marginalized groups whose enjoyment of rights is compromised in some way. Sustainable Development Goal 10 is to reduce inequality within and among countries. In line with international law, rights and freedoms should be enjoyed without distinction of any kind, irrespective of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, sexual orientation, gender identity, disability or other status. As the Government of Cambodia has voluntarily agreed to be bound by international treaties that enshrine that principle, it is appropriate to consider the situation of marginalized groups and communities. In her previous report, the Special Rapporteur included a “subfocus” on indigenous peoples and women, among other issues. In the current report, she provides an update on those key groups and also looks at the situation relating to prisoners, persons in street situations, minorities and children. Other marginalized groups and communities are also addressed.

E. Women

38. Violence against women and gender-based violence continue to be a problem in Cambodia. There is no evidence of greater use being made of legal provisions to prosecute perpetrators, and no evidence of increased protection of vulnerable women. Many victims of violence engage in mediation and return to live with the alleged perpetrator. It is hoped that plans to reach target 5.2 of the Sustainable Development Goals, which aims at eliminating violence against women and girls in public and in private, will add some impetus to the Government’s efforts in that regard. The Special Rapporteur has also received reports of a high incidence of violence against

lesbian, gay, bisexual, transgender and intersex persons. The Government should consider implementing awareness-raising strategies to bring about a cultural shift in attitudes towards violence against women, strengthen the legislative framework thereon and ensure that the police thoroughly investigate all complaints, bring perpetrators to justice and provide protection to victims. Interministerial dialogue on the issue must continue and special consideration should be given to addressing violence against lesbian, gay, bisexual, transgender and intersex persons.

- [A/HRC/36/CRP.2. Report of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Ukraine](#)

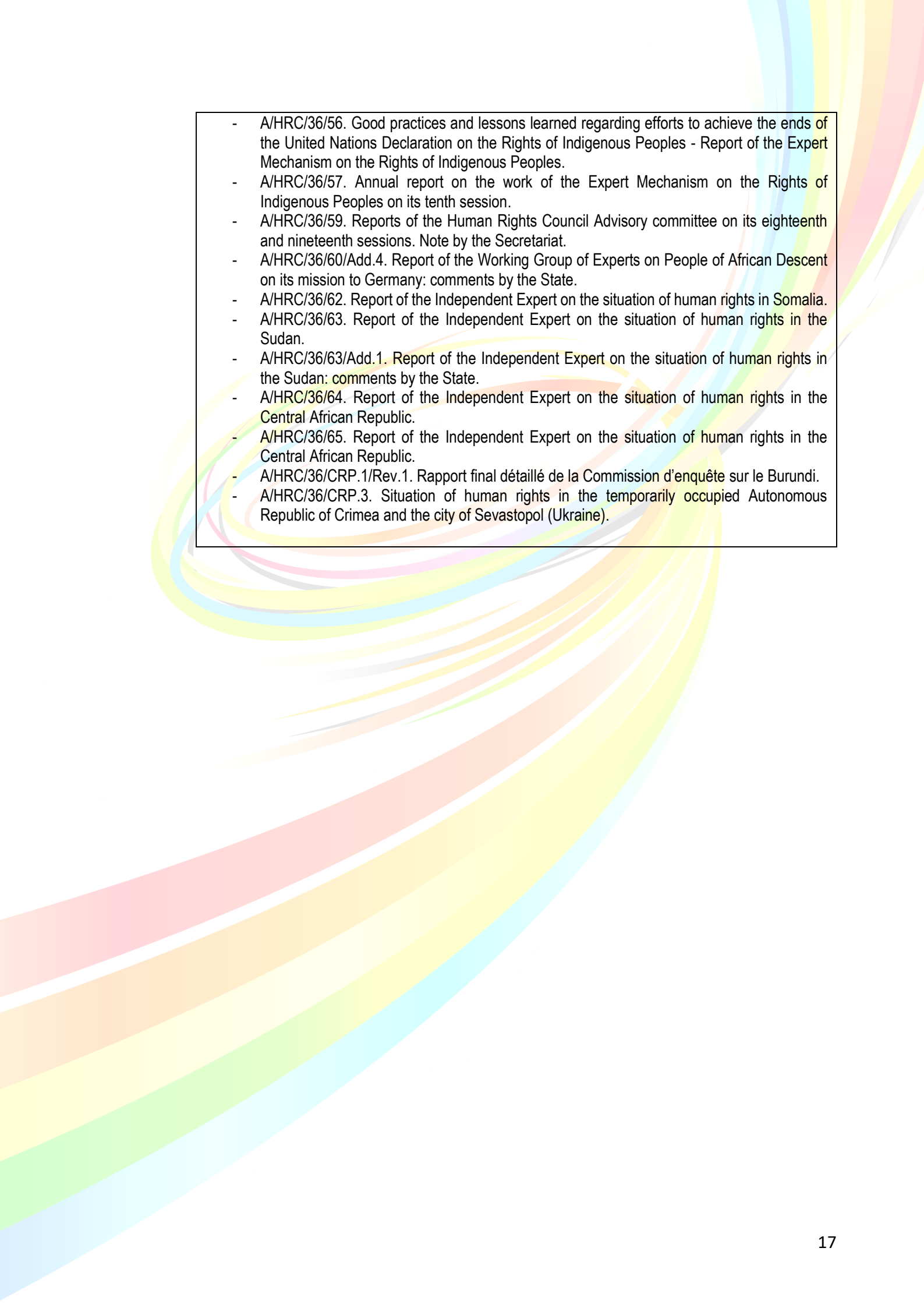
X. Conclusions and recommendations

g) Office of the Prosecutor General and other law enforcement agencies to classify appropriately, thoroughly investigate and prosecute hate crimes, including any crimes committed on the basis of ethnicity, sexual orientation and gender identity.

REPORTS THAT DO NOT ADDRESS SOGIESC ISSUES

- A/HRC/36/1. Agenda and annotations
- A/HRC/36/1/Corr.1. Corrigendum
- A/HRC/36/17. Election of members of the Human Rights Council Advisory Committee - Note by the Secretary General
- A/HRC/36/17/Add.1. Election of members of the Human Rights Council Advisory Committee - Addendum
- A/HRC/36/18. Composition of the staff of the Office of the United Nations High Commissioner for Human Rights – Report of the United Nations High Commissioner for Human Rights.
- A/HRC/36/19. Summary of the Human Rights Council panel discussion on access to medicines.
- A/HRC/36/20. Summary of the panel discussion on realizing the right to health by enhancing capacity-building in public health. Report of the United Nations High Commissioner for Human Rights.
- A/HRC/36/21. Panel discussion on unaccompanied migrant children and adolescents and human rights - Summary report of the United Nations High Commissioner for Human Rights
- A/HRC/36/22. Report of the United Nations high commissioner for Human Rights on the rights of indigenous peoples.
- A/HRC/36/23. Consolidated report of the Secretary-General and the High Commissioner for Human Rights on the Right to Development.
- A/HRC/36/29. Report of the Secretary-General on the promotion and protection of human rights and fundamental freedoms while countering terrorism - Note by the secretariat
- A/HRC/36/30. Expert workshop on best practices to promote women's equal nationality rights in law and in practice- Summary report of the United Nations High Commissioner for Human Rights.
- A/HRC/36/31. Cooperation with the United Nations, its representatives and mechanisms in the field of human rights - Report of the Secretary General
- A/HRC/36/33. Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Yemen, including violations and abuses since September 2014
- A/HRC/36/34. Report of the United Nations Office of the High Commissioner for Human Rights on the human rights situation in the Democratic Republic of the Congo in the electoral context
- A/HRC/36/35. Report of the Working Group on the Right to Development on its eighteenth session. (Geneva, 3-7 April 2017)
- A/HRC/36/36. Report of the open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies
- A/HRC/36/37/Add.1. Report of the Working Group on Arbitrary Detention on its mission to Azerbaijan.
- A/HRC/36/37/Add.3. Report of the Working Group on Arbitrary Detention on its mission to Azerbaijan: comments by the State.
- A/HRC/36/39. Report of work of the Working Group on Enforced or Involuntary Disappearances.
- A/HRC/36/39/Add.1. Report of the Working Group on Enforced or Involuntary Disappearances on its mission to Albania.
- A/HRC/36/39/Add.4. Report of the Working Group on Enforced or Involuntary Disappearances on his mission to Albania: comments by the State.
- A/HRC/36/40. Report of the Independent Expert on the promotion of a democratic and equitable international order.

- A/HRC/36/41. Report of the Special Rapporteur on the implication for human rights of the environmentally sound management and disposal of hazardous substances and wastes.
- A/HRC/36/41/Add.1. Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes on his mission to the United Kingdom of Great Britain and Northern Ireland
- A/HRC/36/41/Add.2. Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes on his mission to the United Kingdom of Great Britain and Northern Ireland: comments by the State
- A/HRC/36/43. Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences
- A/HRC/36/44. Report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights.
- A/HRC/36/44/Add.1. Report of the Special Rapporteur on the negative impact of unilateral coercive measures to his mission to the Russian Federation.
- A/HRC/36/45. Report of the Special Rapporteur on the human rights to safe drinking water and sanitation.
- A/HRC/36/45/Add.1. Report of the Special Rapporteur on the human rights to safe drinking water and sanitation on his mission to Portugal.
- A/HRC/36/45/Add.2. Report of the Special Rapporteur on the human rights to safe drinking and sanitation on his mission to Mexico.
- A/HRC/36/46. Report of the Special Rapporteur on the rights of indigenous peoples
- A/HRC/36/46/Add.1. Report of the Special Rapporteur on the rights of indigenous people on her mission to the United States of America.
- A/HRC/36/46/Add.2. Report of the Special Rapporteur on the rights of indigenous people on her mission to Australia
- A/HRC/36/47. Report of the Working Group on the use of mercenaries as means of violating human rights and impeding the exercise of the right of peoples to self-determination.
- A/HRC/36/47/Add. 1. Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination on its mission to the Central African Republic
- A/HRC/36/48. Report of the Independent Expert on the enjoyment of all human rights by older persons.
- A/HRC/36/48/Add.1. Report of the Independent Expert on the enjoyment of all human rights by older persons on her mission to Singapore.
- A/HRC/36/48/Add. 2. Report of the Independent Expert on the enjoyment of all human rights by older persons on her mission to Namibia
- A/HRC/36/48/Add. 3. Report of the Independent Expert on the enjoyment of all human rights by older persons on her mission to Singapore: comments by the State
- A/HRC/36/49. Report of the Special Rapporteur on the right to development.
- A/HRC/36/50. Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence.
- A/HRC/36/50/Add.1. global study on transitional justice- Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-occurrence.
- A/HRC/36/52. Research-based study on the impact of flow of funds of illicit origin and the non-repatriation thereof to the countries of origin on the enjoyment of human rights, including economic, social and cultural rights - Progress report of Human Rights Council Advisory Committee.
- A/HRC/36/53. Good practices and challenges, including discrimination, in business and in access to financial services by indigenous peoples, in particular indigenous women and indigenous persons with disabilities - Study of the Expert Mechanism on the Rights of Indigenous Peoples.
- A/HRC/36/54. Report of the Commission of Inquiry on Burundi.
- A/HRC/36/55. Report of the Independent International Commission of Inquiry on the Syrian Arab Republic.

- 
- A/HRC/36/56. Good practices and lessons learned regarding efforts to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples - Report of the Expert Mechanism on the Rights of Indigenous Peoples.
 - A/HRC/36/57. Annual report on the work of the Expert Mechanism on the Rights of Indigenous Peoples on its tenth session.
 - A/HRC/36/59. Reports of the Human Rights Council Advisory committee on its eighteenth and nineteenth sessions. Note by the Secretariat.
 - A/HRC/36/60/Add.4. Report of the Working Group of Experts on People of African Descent on its mission to Germany: comments by the State.
 - A/HRC/36/62. Report of the Independent Expert on the situation of human rights in Somalia.
 - A/HRC/36/63. Report of the Independent Expert on the situation of human rights in the Sudan.
 - A/HRC/36/63/Add.1. Report of the Independent Expert on the situation of human rights in the Sudan: comments by the State.
 - A/HRC/36/64. Report of the Independent Expert on the situation of human rights in the Central African Republic.
 - A/HRC/36/65. Report of the Independent Expert on the situation of human rights in the Central African Republic.
 - A/HRC/36/CRP.1/Rev.1. Rapport final détaillé de la Commission d'enquête sur le Burundi.
 - A/HRC/36/CRP.3. Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine).

