



**SOGIESC OPPORTUNITIES IN THE 32nd HUMAN RIGHTS COUNCIL SESSION
(June 13 - July 1, 2016)**

This report contains weekly updates of the reports that will be presented on the 32nd Human Rights Council Session and that mention sexual orientation, gender identity and expression and sex characteristics issues (SOGIESC) on their content.

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

The structure of the report will be based on the Items of the Agenda of the HRC.



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DRAFT PROGRAMME OF WORK FOR THE 32ND SESSION OF THE HUMAN RIGHTS COUNCIL

as of 11 May 2016 (subject to change)

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* Item 2 remains open throughout the session



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

[Report of the United Nations Entity for Gender Equality and the Empowerment of Women on the activities of the United Nations Trust Fund in Support of Actions to Eliminate Violence against Women. A/HRC/32/3-E/CN.6/2016/8](#)

Context

6. The movement to prevent and end violence against women and girls has seen enormous progress since the Trust Fund was established 20 years ago. However, despite achievements in a number of areas, gender-based violence remains a human rights crisis affecting girls and women all over the world, regardless of class, ethnicity, age, sexual orientation or culture. Such violence is at the brutal extreme of a spectrum of discrimination that denies women a whole range of rights and is one of the key cross-cutting challenges identified in General Assembly resolution 70/1, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, in which Member States adopted the Sustainable Development Goals in September 2015.

Grant giving in 2015

22. In Asia and the Pacific, strengthening institutional responses to violence against women and girls and improving access to justice for survivors of sexual violence perpetrated by the Khmer Rouge will be the focus of projects in Cambodia, one of which builds on and extends the work of a previous Trust Fund-backed project. Another new project will work to empower women and girl survivors of violence from marginalized communities, such as lesbian, bisexual and transgender women and women living with HIV/AIDS (China). In Nepal, a new project will focus on schools, using a twofold strategy of football coaching and life skills workshops to teach young girls how to protect themselves against violence. A project in Viet Nam will address the problem of intimate partner violence against pregnant women and new mothers.

D. Providing multisectoral services for survivors, paying particular attention to the needs of underserved women and girls

52. As the report of the Secretary-General on the review and appraisal of the implementation of the Beijing Declaration and Platform for Action and the outcomes of the twenty-third special session of the General Assembly acknowledged, progress “has been particularly slow for women and girls who experience multiple and intersecting forms of discrimination” (see E/CN.6/2015/3). Groups such as women with disabilities, indigenous women, members of ethnic minority groups, and lesbian, bisexual and transgender women are more likely to live in poverty, to be at greater risk of violence and to have very limited access to justice, redress and the integrated services needed to overcome violence. Several Trust Fund-backed projects focus on marginalized women as agents of change working to prevent and end violence against women and girls.

- [Summary of the Human Rights Council panel discussion on the progress in and challenges of addressing human rights issues in the context of efforts to end the HIV/AIDS epidemic by 2030. A/HRC/32/25](#)

11. He emphasized that the current priority was to address the fundamental factors that were preventing progress against AIDS, and that the challenge today was to make human rights work for people. He stressed that discrimination in health-care settings was



unacceptable, and yet HIV positive people continued to be denied health services and to be discriminated against. He also noted that, since we had the tools to end AIDS, the outcomes for persons living with HIV should not be determined by who they were or where they lived. Whereas geography was less important now than in the past in determining access to treatment, vulnerability to HIV and access to services were determined more than ever by gender, sexual orientation, or the fact of being a detainee, an injecting drug user or a sex worker. He noted that the current rates of AIDS among sex workers in some sub-Saharan African countries were unacceptably high. He also stressed that higher HIV vulnerability among women and girls or among gay men and transgender people was less about biology than about the social, legal and human rights challenges faced by these populations.

15. She stressed that efforts to scale up HIV testing and treatment services would remain devoid of meaning and elusive without a full recognition of human rights in AIDS programmes and policies. The lesbian, gay, bisexual and transgender community was still living in fear, and the criminalization of drug users needed to be eliminated. She emphasized that access to affordable medicines was a human right, and that people had to be put ahead of profits. In that regard, she pointed out how trade agreements such as the Trans-Pacific Partnership could endanger access to life-saving commodities.

22. Mr. Pūras underlined the role of health-care settings as spaces where key populations should have access to the services and information they needed. All over the world, people faced various forms of discrimination in relation to health care. Evidence showed that health-care settings were among the environments where people most often experienced HIV-related stigma and discrimination. Such discrimination was often linked, among other factors, to gender, race, socioeconomic status, age, sexual orientation, gender identity and expression, drug use or HIV status. Some of the most common manifestations of discrimination in health-care settings included the denial of health care and unjust barriers in service provision, inferior quality of care, disrespect, abuse and other forms of mistreatment, and extreme violations of autonomy and bodily integrity. Evidence had shown that the interventions that worked the best were those that were based on a strong human rights approach, and that quality health care had to be provided in a timely manner without discrimination.

24. Representatives of the following non-governmental organizations and intergovernmental organizations contributed to the discussions: the Elizabeth Glaser Pediatric AIDS Foundation (in a joint statement with Caritas Internationalis and World Vision International), the Center for Reproductive Rights (in a joint statement with the ATHENA Network, the International Community of Women Living with HIV/AIDS and Vivo Positivo), the International Harm Reduction Association, the International HIV/AIDS Alliance (in a joint statement with the International Lesbian, Gay, Bisexual, Trans and Intersex Association, the International Council of AIDS Service Organizations, the Canadian HIV/AIDS Legal Network, the Global Network of People Living with HIV, the International Planned Parenthood Federation, the International AIDS Society, the Grandmothers' Advocacy Network and the Humanist Institute for Cooperation with Developing Countries), the World Young Women's Christian Association, and Action Canada for Population and Development.

27. Several speakers underlined the importance of ending the discrimination, stigma and violence associated with HIV/AIDS, and identified a need for tailored approaches targeting those with heightened vulnerability to HIV/AIDS, including children and adolescents, women and girls, sex workers, lesbian, gay, bisexual and transgender people, people who injected drugs and prison inmates. Several speakers stressed the importance of eliminating punitive laws against those most vulnerable to HIV/AIDS, for example the laws that criminalized, inter



alia, drug users, same-sex relations, sex workers, and HIV non-disclosure, exposure or transmission. It was also noted that punitive approaches in relation to drug use were impeding global efforts to end the HIV/AIDS epidemic.

IV. Summary recommendations for the high-level meeting on HIV/AIDS

(a) The AIDS epidemic is, today more than ever, characterized by stigma and discrimination. People living with HIV continue to face stigma and discrimination in all sectors, including within families and communities, at the workplace and in health-care settings. The people who are the most vulnerable to HIV, who include women and girls, sex workers, lesbian, gay, bisexual and transgender people, people who inject drugs and people in detention, face high levels of stigma and discrimination. Addressing stigma and discrimination in all aspects of life and society, including in health-care settings, is therefore the essential basis for ending AIDS by 2030.

(d) It is essential to maintain efforts to review and reform laws, policies and practices that adversely affect the successful, effective and equitable delivery of HIV prevention, treatment, care and support programmes to people living with HIV and other key populations, including the laws that criminalize, inter alia, drug users, same-sex relations, sex workers, and HIV non-disclosure, exposure and transmission.

- [Promoting reconciliation, accountability and human rights in Sri Lanka. A/HRC/32/CRP.4](#)

12. The High Commissioner firmly believes that bold and visible steps of this kind can have a far-reaching effect in creating a climate of confidence and trust, but obviously need to be accompanied by more institutionalized change. At the same time, he is concerned by continued aggressive campaigns in social media and other forms (such as the “Sinhale” bumper sticker campaign) that stoke nationalism against ethnic, religious and other minorities. In recent months, incidents targeting the Muslim community, evangelical Christian and LGBT groups have continued to be recorded. The High Commissioner encourages the Government to be more forthright in combating such discriminatory violence, including through appropriate legislation to regulate hate speech and incitement to violence.



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

- [Report of the Working Group on the issue of discrimination against women in law and practice. A/HRC/32/44 . Discrimination against women with regard to health and safety.](#)

17. Women face a disproportionate risk of being subjected to humiliating and degrading treatment in health-care facilities, especially during pregnancy, childbirth and the post-partum period. Furthermore, they are especially vulnerable to degrading treatment in situations where they are deprived of liberty, including in migrant detention facilities or mental institutions. They are subjected to humiliating treatment within the health-care system because of their gender identity and sexual orientation, sometimes expressly in the name of morality or religion, as a way of punishing what is considered “immoral” behaviour.

2. Women facing multiple and intersecting forms of discrimination

42. Recognizing and addressing the nature and consequences of multiple and intersectional discrimination against women in national laws and practices is essential for protecting women’s health and safety. Factors such as socioeconomic, minority and ethnic status, religion, race, sexual orientation, gender identity and expression, disability and bodily diversity exacerbate the discrimination that women face and infringe upon their ability to protect their health and safety.

Women’s sexual orientation and gender identity

58. In many settings, especially where same-sex consensual sexual behaviour is prohibited, lesbian, bisexual and transgender persons are deterred from seeking health services out of fear of being arrested and prosecuted. Even in countries where same-sex sexual orientation is not criminalized, lesbians are often discriminated against and mistreated by medical providers, which deters them from seeking health services. In some settings, they are subjected to coercive, inhumane and degrading practices such as “corrective” or punitive rape. Transgender persons are often subjected in law and practice to compulsory medical interventions without being given an opportunity for informed decision-making and choice. Their gender identity is pathologized in many countries and they are often subjected to mental and physical examinations and treatments and forced to undergo “conversion therapies”. Transgender persons’ biological needs, such as transition- related medical services, screening for cervical cancer, termination of pregnancy and contraception, are often refused by service providers.

B. Equality and non-discrimination

105. The Working Group recommends that States:

(e) Provide special protection and support services to women facing multiple forms of discrimination, and in this regard:

(iii) Ensure social and health-care benefits, entitlements and protection to lesbians and bisexual and transgender persons without discrimination;

D. Autonomous, affordable and effective access to health care 108. The Working Group recommends that States:

(i) Provide age-appropriate, comprehensive and inclusive sexuality education based on scientific evidence and human rights, for girls and boys, as part of the mandatory school



programmes. Sexuality education should give particular attention to gender equality, sexuality, relationships, gender identity, including non-conforming gender identities, and responsible parenthood and sexual behaviour to prevent early pregnancies and sexually transmitted infections;

- [Report of the Special Rapporteur on extreme poverty and human rights on his mission to Chile. A/HRC/32/31Add.1](#)

The Special Rapporteur identifies the main factors hindering the effectiveness of the efforts of Chile in tackling poverty and inequalities, including the fragmentation of anti-poverty programmes, the lack of sufficient “institutionality” to implement human rights, the attenuated role of labour market institutions to protect labour rights, persistent discrimination against and the absence of constitutional, legal and institutional protection of marginalized groups, such as indigenous peoples, children, lesbian, gay, bisexual, transgender and intersex persons and migrants.

5. In section II, the Special Rapporteur provides an overview of the situation of poverty and inequality in Chile, finding that the persistently high levels of inequality are incompatible with full respect for human rights. In section III, he sets out the main factors hindering the effectiveness of the efforts of Chile to tackle poverty and inequalities, including the fragmentation of anti-poverty programmes, the lack of sufficient “institutionality” to implement human rights, the attenuated role of labour market institutions to protect labour rights, persistent discrimination against and the absence of constitutional, legal and institutional protection of marginalized groups such as indigenous peoples, children, lesbian, gay, bisexual, transgender and intersex persons and migrants. In section IV, the Special Rapporteur offers recommendations to the Government of Chile.

C. Discrimination, poverty and inequality

35. In 2012, Chile adopted the new Anti-Discrimination Act (Act No. 20,609). That law had been proposed in Congress years earlier, but was effectively stalled until a 24-year-old gay man Daniel Zamudio was beaten to death in Santiago. Public outcry and international criticism after the killing of Mr. Zamudio finally led to the adoption of the Anti-Discrimination Act in 2012. Because of the link between the brutal killing of Mr. Zamudio and the adoption of the law, the latter is almost synonymous in the public mind with the prohibition of discrimination against lesbian, gay, bisexual, transgender and intersex persons.

43. Significant problems persist in terms of discrimination against lesbian, gay, bisexual, transgender and intersex persons. While the 2012 Anti-Discrimination Act was a landmark achievement in this regard, many lesbian, gay, bisexual, transgender and intersex persons still face discrimination on a daily basis at school, at work and when trying to access basic services, such as health care and housing. The unacceptable discrimination and violence they encounter also makes it more likely that they will end up living in poverty. And those who come from poorer socioeconomic backgrounds are often subject to multiple forms of discrimination, thus making it extremely difficult to lift themselves out of poverty.

forms of discrimination and other violations of human rights. Because of a lack of societal understanding and acceptance of transgender persons and the paucity of government policies and institutions to assist them, they are often forced to find work in the informal sector. Sex work may often be the only employment option effectively available to them, but this leaves them especially vulnerable to violence, diseases such as AIDS and unable to earn a steady income. The vulnerability of transgender persons is also reflected in a life expectancy of 35-40 years of age, compared to 79 in the country as a whole.



45. Deep discrimination against lesbian, gay, bisexual, transgender and intersex persons cannot be eliminated by legislative fiat alone and there is a need for concerted government policies to reinforce the legal commitment through education, resource commitment and policy changes. One fundamental step would be better data collection about the lesbian, gay, bisexual, transgender and intersex population. The CASEN surveys do not take account of sexual orientation or gender identity and the Government has not undertaken other comprehensive surveys or studies of this group, their socioeconomic situation or the nature and extent of violence and discrimination against them. Such data is an essential foundation for the development of coherent government policies addressing the needs of lesbian, gay, bisexual, transgender and intersex persons.

46. The absence of an institution specifically tasked to protect and promote the rights of lesbian, gay, bisexual, transgender and intersex persons is also a critical gap. No government entity is responsible for enforcing the Anti-Discrimination Act and the National Service for Women has not embraced the rights of transgender women as part of its agenda. Given the nature and depth of the discrimination involved, appropriate institutional arrangements are indispensable.

47. Furthermore, the right of transgender persons to change their name and gender identity should be protected by law and put into effect through simple civil procedures. While the bill on gender identity that the Senate initiated in May 2013 was a positive step, the proposed procedures to register a change in gender identity were cumbersome and required judicial approval. Consideration of this bill appears to have stalled and human rights groups have expressed concern that the new Chair of the Senate's Human Rights Commission is opposed to the bill. The opposition of a single legislator should not be permitted to obstruct progress on a vitally important non-discrimination measure.

C. Constitutional and institutional reform

71. President Bachelet has announced that a dialogue on constitutional reform will begin in late 2015. The Special Rapporteur urges the Government of Chile to ensure that the full range of economic, social and cultural rights are recognized in a revised constitution. The rights of particular groups such as women, children, persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons and others should also be specifically recognized in the revised constitution. Recognition should also be accorded to the indigenous peoples of Chile and their rights.

E. Lesbian, gay, bisexual, transgender and intersex persons

79. The Special Rapporteur urges the Government of Chile to collect accurate statistics about the number of lesbian, gay, bisexual, transgender and intersex persons in Chile, which task is a prerequisite to effective policy elaboration. The Special Rapporteur also recommends that future CASEN surveys and the census should offer an alternative to the male/female binary option. In addition, the registration of a change in gender identity should not require time-consuming, expensive and potentially problematic processes of judicial approval. Other States permit individuals to register their own status at civil registries.

80. The Special Rapporteur recommends that the Government should set up a specialized institution to examine, in consultation with the groups concerned, the full range of social and other policies that need to be reformed to take account of the specific needs of lesbian, gay, bisexual, transgender and intersex persons and to ensure equal treatment. Examples of problem areas include housing for transgender persons, the responsibility of an agency such as the National Service for Women for dealing with transgender women, and the facilities and medical treatments made available in prisons. In general, the Special Rapporteur



recommends that all social programmes take account of sexual orientation and gender identity implications.

- [Report of the Working Group on the issue of discrimination against women in law and in practice on its mission to Senegal. A/HRC/32/44/Add.1](#)

83. The Working Group was also informed that lesbian women suffer from considerable violence, stigmatization and exclusion, even within civil society organizations involved in the promotion of gender equality, and do not at all feel supported in their struggle.

- [Report of the Special Rapporteur on the human rights of internally displaced persons on his mission to Honduras. A/HRC/32/35/Add.4](#)

v. Impact on women, girls and the lesbian, gay, bisexual and transgender community

46. The Special Rapporteur met representatives of the lesbian, gay, bisexual and transgender community, who face particularly threats and violence due to their sexuality, which makes them frequent targets of hate crimes. Civil society groups reported 216 deaths of members of that community as a result of hate crimes since 2004, with fewer than one in five cases (19.9 per cent) resulting in prosecution. One representative highlighted that the community feared violence both from gangs and from the police. She stated that “for them to present a complaint can be a death sentence”. Consequently, while accurate figures are unavailable, members of the lesbian, gay, bisexual and transgender community are particularly vulnerable to displacement. Once displaced, they remain at heightened risk, extremely vulnerable to abuse and violence, and require dedicated protection measures.

Protection of women and girls

103. Members of the lesbian, gay, bisexual and transgender community are targeted and experience disproportionate levels of threat and violence, in addition to widespread stigmatization and discrimination in society. As a first step, the Government should enhance its engagement with that community via those organizations working closely with its members and seek to create a viable protection process that recognizes the heightened risk facing some individuals.

- [Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. A/HRC/32/33. Sport and healthy lifestyles as contributing factors to the right to health, with a focus on sport and physical activity.](#)

Respect

16. The obligation to respect the right to health by refraining from denying or limiting access to health services and by abstaining from enforcing discriminatory practices as a State policy extends to participation in sport and physical activity. All people should be permitted to access State-run sporting facilities on an equal basis. Discrimination in access on grounds such as gender, race, ethnicity, religion, sexual orientation, gender identity, sex characteristics, or legal and health status (including HIV/AIDS status) is not permissible. States should conduct an inclusive, participatory and transparent audit of practices, rules and by-laws relating to sport and the right to health in order to determine their compatibility with human rights standards and should remove any which are discriminatory.

Lesbian, gay, bisexual, transgender and intersex people

50. Historically, sport has often involved forms of “hegemonic masculinity”: boys and men have frequently been enabled or encouraged to exhibit aggressive, violent or discriminatory



behaviour in competitive sport, including sexism, misogyny, homophobia and transphobia. A welcome shift in this paradigm has occurred in a number of regions and countries where homophobia has decreased, where this has included the area of sports. Nevertheless, levels of homophobia, transphobia, and discrimination against intersex people remain high in most countries. Those who are perceived to fall outside dominant gender and heteronormative standards, including lesbian, gay, bisexual, transgender and intersex people, continue to face discriminatory treatment and restrictions in sport, including discrimination, harassment and violence, and a lack of safe and welcoming spaces for participation.

51. Numerous issues arise in respect of persons who are lesbian, gay or bisexual in the context of sport. In a recent six-country survey, 80 per cent of respondents reported having witnessed or experienced homophobia in sport, and nearly 20 per cent of gay men reported having been assaulted during sports activities. In certain jurisdictions, lesbian athletes have been harassed and subjected to violence, including “corrective rape”, on the basis of their sexual orientation.

52. Acts of violence, discrimination and marginalization represent human rights breaches that prevent individuals from achieving the highest attainable standard of health. More must be done to secure the full and safe participation of lesbian, gay and bisexual people in sport and physical activity. States should decriminalize homosexuality and repeal other laws used to arrest and punish individuals on the basis of their sexual orientation, and should protect individuals by implementing and enforcing anti-discrimination laws, including in sport.

53. Moreover, sex segregation policies have led to multiple rights violations in sport. Sex segregation has historically been justified on the basis of safety and fairness, rooted in assumptions of male physical superiority. Various legal decisions have noted that this is a generalization and have granted individual girls and women the right to compete in male sporting competitions — although not vice versa. Although it is important to preserve spaces for girls and women to confidently participate in sport, this should not result in exclusion of others, such as transgender people.

54. States should identify groups that are currently excluded from sport and physical activity, and through participatory mechanisms, create an inclusive culture wherein lesbian, gay, bisexual, transgender and intersex people and other historically excluded groups and individuals can fully and safely participate in sport.

Intersex people

55. Current and historic policies have resulted in intersex people — those born with sex characteristics that do not fit with typical binary sex categorization — experiencing multiple rights violations. Sex testing has frequently been conducted to avoid the apparent threat of “sex fraud” (participating under an assumed gender to obtain a competitive advantage). However, no single test “determines” gender. In the recent past, women athletes have undergone chromosomal testing, only to discover that they do not possess two X chromosomes. This has led to stigmatization and to spurious exclusion from competitive sport.

56. Recently, certain international and national sporting federations have instead introduced policies banning women with testosterone levels exceeding a certain threshold from participating in competitive sport. However, there is insufficient clinical evidence to establish that those women are afforded a “substantial performance advantage” warranting exclusion. Although currently suspended, following the interim judgement in *Chand v. Athletics Federation of India* and the International Association of Athletics Federations, these policies



have led to women athletes being discriminated against and forced or coerced into “treatment” for hyperandrogenism. In fact, a number of athletes have undergone gonadectomy (removal of reproductive organs) and partial cliteroidectomy (a form of female genital mutilation) in the absence of symptoms or health issues warranting those procedure

57. Sporting organizations must implement policies in accordance with human rights norms and refrain from introducing policies that force, coerce or otherwise pressure women athletes into undergoing unnecessary, irreversible and harmful medical procedures in order to participate as women in competitive sport. States should also adopt legislation incorporating international human rights standards to protect the rights of intersex persons at all levels of sport, given that they frequently report bullying and discriminatory behaviour, and should take steps to protect the health rights of intersex women in their jurisdiction from interference by third parties.

Transgender people

58. Participation in professional sport is often deliberately or effectively denied to transgender people, and people of non-binary gender. There remains uncertainty regarding “classification” by sports bodies of persons as male or female within sex-segregated sport — for those undergoing gender transition through clinical treatment and for those who are not — as well as concerns with regard to the arbitrary nature of such classifications. The barriers that this presents to participation are unwarranted and unfair.

59. Encouragingly, the recent consensus statement of the International Olympic Committee on sex reassignment and hyperandrogenism addresses this issue. However, consensus should be reached among all international sporting bodies and national governments, in consultation with transgender organizations, on participation by transgender people and non-binary people in sporting competitions. Policies must reflect international human rights norms, should not exclude transgender people and non-binary people from participation and should not require irrelevant clinical data or unnecessary medical procedures as a precondition to full participation.

60. At the amateur level, sporting facilities and teams can be hostile spaces for transgender athletes, including non-binary people. Barriers include poorly designed changing rooms, requirements to wear clothing that might cause individual discomfort or hinder bodily movement, and restrictions on the use of sex-segregated bathrooms.

61. The repeal of laws criminalizing transgender people on the basis of their gender identity or expression, and the legal recognition of gender identity based on self-identification (without abusive requirements) is a prerequisite for transgender people to access sports and enjoy healthy lifestyles. States, sporting organizations and other actors should adopt anti-discrimination policies that permit all persons to participate in amateur sport on the basis of their self-identified gender. Practical steps to create welcoming spaces for participation in sport and physical activity for transgender people and non-binary people could include the installation of appropriate changing rooms, the sensitization of sporting communities, and the enforcement of anti-discrimination laws in the sporting context.

101. The Special Rapporteur recommends that States:

(g) Review legislation and adopt policies to ensure that all persons, including women, lesbian, gay, bisexual, transgender and intersex people, people living with disabilities, children, the elderly and other populations that are underserved or face discrimination, are able to participate in and safely enjoy sports;

(i) Protect the physical integrity and dignity of all athletes, including intersex and transgender women athletes, and immediately remove any laws, policies and programmes that restrict their participation or otherwise discriminate or require them to undergo intrusive, unnecessary m

102. The Special Rapporteur recommends that national human rights institutions, non-State actors and sporting bodies:

(b) Reach consensus on policies allowing for unhindered participation in high-level competitive and amateur sport by transgender and intersex people (international sporting bodies);

(c) Remove any policies that require women athletes, including intersex and transgender women athletes, to undergo unnecessary medical procedures in order to participate in competitive sport (international sporting bodies);

- **[Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. A/HRC/32/32. Health and development in accordance with the unique nature of adolescence.](#)**

12. The transition towards adulthood is characterized by the changing nature of relationships. Across cultures, adolescents begin to attach far greater significance to and are increasingly influenced by their peer group and less by family and caregivers. Adolescents also begin to explore their sexuality, sexual orientation and gender identity. There is considerable diversity in combinations of gender identities, expression and sexual orientation, irrespective of whether such diversity is culturally accepted. It is increasingly clear that sexual orientation and gender identity derive from a complex interplay of biological, genetic and social factors and that individuals have little or no choice in its determination.

32. States should develop a core package of interventions for adolescents, including to sexual and reproductive health services, that are available free of charge. Services must be designed and delivered in a manner consistent with the evolving capacities, developmental needs and the best interests of adolescents. They must respect adolescents' right to privacy and confidentiality, address different cultural needs and expectations and comply with ethical standards. Services must be sensitive to gender and lesbian, gay, bisexual, transgender and intersex status, they must be non-judgemental regarding adolescents' personal characteristics, lifestyle choices or life circumstances and they must treat all adolescents with dignity and respect, consistent with their status as rights holders.

37. Measures to address the right to health should be holistic and integrated, go beyond the provision of health services and be underpinned by cross-departmental commitment. States should take account of and respond to the particular challenges faced by different groups, such as younger and older adolescents, males, females and lesbian, gay, bisexual, transgender and intersex persons.

39. Adolescent girls, adolescents with disabilities, lesbian, gay, bisexual, transgender and intersex adolescents, adolescents living in institutions and adolescents from communities with a proliferation of unregulated weapons or experiencing armed conflict are among those particularly vulnerable to violence. The risks for girls include, for example, exposure to sexual violence and exploitation, forced and early marriage, honour killings and abusive practices often carried out in health-care settings, such as forced sterilization and forced abortion for girls with disabilities, and forced virginity testing.



41. Lesbian, bisexual and transgender youth are at risk of “punitive” rape on the basis of their sexual orientation or gender identity. Adolescents suffer disproportionately from the effects of gun violence and significant numbers of adolescents face serious harm or death as a consequence of armed conflict.

D. Right to non-discrimination

51. Adolescence itself can be a basis for discrimination, with many adolescents treated as dangerous or hostile, incompetent to make decisions, incarcerated, exploited or exposed to violence as a direct consequence of their age. Health-care providers may perpetuate discrimination against adolescents when they deny them health services or contraceptive supplies or treat them poorly, which can make adolescents reluctant to seek the health-care they need. Adolescents belonging to marginalized groups or sectors, such as girls, racial or ethnic minorities, indigenous populations, lesbian, gay, bisexual, transgender and intersex adolescents, refugees and adolescents with disabilities, face a heightened risk of exclusion.

69. The risk of experiencing mental ill-health is heightened by poverty and by adverse childhood events, including, for example, sexual and emotional abuse, bullying and parental loss. Adolescents in post-conflict or disaster settings or who are homeless and street-involved, orphaned, lesbian, gay, bisexual, transgender and intersex or involved with the juvenile justice system are also at greater risk. Adolescents in the juvenile justice system suffer substantially higher rates of mental health conditions than those in the general population, with an estimated 70 per cent having at least one diagnosable mental health condition

73. Public and self-stigmatizing attitudes towards mental illness, concerns about confidentiality and lack of general understanding all serve as barriers to getting help, particularly among adolescents, a problem compounded by the lack of quality mental health services in low- and middle-income countries. For adolescents, the attitude of service providers is more important than their technical expertise. Adolescents who seek services often experience negative or hostile responses from health-care providers, leading to a further reluctance to access help. Same-sex attraction is still considered by doctors in many countries to be a mental disorder. Lesbian, gay and bisexual adolescents may be subjected to harmful therapeutic interventions intended to eliminate or suppress their sexual instincts. Such therapies have been deemed unethical, unscientific, ineffective and, in some instances, tantamount to torture.

84. Many adolescents, in particular girls and those identifying as lesbian, gay, bisexual and transgender, are deterred from approaching health professionals in anticipation of a judgemental attitude that results from social norms or laws that stigmatize or criminalize their sexual behaviour. Rights to sexual and reproductive health for many adolescents are further compromised by violence, including sexual and institutional violence, coercion into unwanted sex or marriage, and patriarchal and heteronormative practices and values. This reinforces harmful gender stereotypes and unequal power relations that make it difficult for many adolescent girls to refuse sex or insist on safe and responsible sex practices.

85. The vulnerability of boys to physical and sexual abuse and exploitation should be highlighted, together with the significant barriers they face in accessing sexual and reproductive information and services. Intersex adolescents often experience particular challenges because of irreversible and non-consensual surgeries performed during their early childhood and because of the natural development of their bodies. Discrimination within the family and society, as well as discriminatory attitudes by health providers, can result in the



denial of access to health services, while lack of knowledge and awareness within the medical profession further impedes access to quality care.

87. AIDS is the second most common cause of death among adolescents globally. Worldwide, adolescents in key population groups, including gay and bisexual boys, transgender adolescents, adolescents who exchange sex for money, goods or favours and adolescents who inject drugs, are also at a higher risk of HIV infection. Adolescent girls in high-HIV burden countries are particularly vulnerable, making up 75 per cent of new infections in Africa in 2013, with gender inequality, harmful traditional practices and punitive age of consent laws

identified as drivers of the epidemic. These sectors and groups face a disproportionately high risk of experiencing stigma, discrimination, violence, rejection by families, criminalization and other human rights violations when seeking sexual and reproductive health services, including denial of access to health-care services, such as HIV testing, counselling and treatment.

91. Furthermore, States should introduce measures to raise adolescents' awareness of their rights to sexual and reproductive health and to services and goods at the family, school and community levels. Age-appropriate, comprehensive and inclusive sexuality education, based on scientific evidence and human rights, should be part of the mandatory school curriculum, with special attention given to relationships, sexuality, gender equality and identity and sex characteristics, including non-conforming gender identities, responsible parenthood and sexual behaviour, and preventing early pregnancy and sexually transmitted infections.

94. The Special Rapporteur deplores the imposition of treatments to try to change sexual orientation and gender identity, including forced sex assignment surgeries for intersex youth, forced sterilizations and abortions for girls with disabilities, the use of surgery and hormone therapy to stunt the growth of children with developmental disabilities and remove their reproductive organs, and the pathologizing of transgender identity and same-sex attraction as psychiatric disorders. States should eliminate such practices and to repeal all laws criminalizing or otherwise discriminating against individuals on the basis of their sexual

orientation or gender identity and expression. There is a need to reform and update national health information systems to include human rights concepts and variables such as lesbian, gay, bisexual and intersex status.

113. In connection to sexual and reproductive health rights, the Special Rapporteur recommends that Governments:

(e) Repeal laws criminalizing or otherwise discriminating against individuals on the basis of their sexual orientation or gender identity, and put an end to practices and treatments aimed at changing sexual orientation and gender identity.

[Practical recommendations for the creation and maintenance of a safe and enabling environment for civil society, based on good practices and lessons learned - Report of the United Nations High Commissioner for Human Rights. A/HRC/32/20](#)

22. Courts must be able to review, in a timely manner, sanctions by State authorities against civil society organizations to assess whether such measures are legitimate, necessary and proportionate. For instance, when the Registry of Associations refused to register an association monitoring the human rights of lesbian, gay, bisexual, transgender and intersex individuals on the grounds that it contravened public order, law and morals, the Constitutional Court of El Salvador reaffirmed the right to register of associations established for lawful purposes and ordered that the association's request for registration be considered regardless of the gender identity or sexual orientation of those concerned. The Constitutional



Court of Turkey examined a ban on accessing YouTube and Twitter, finding a violation of the right to freedom of information and expression.

79. Many civil society actors have developed their own online space, sometimes creating formal networking structures. Communicating online with others to strategize and collaborate to achieve shared goals, exchange experiences or demonstrate solidarity serves to expand space and reduce isolation or marginalization, as experienced by environmental and land rights defenders or lesbian, gay, bisexual, transgender and intersex activists working in unsafe and undermining environments.

- [Report of the Special Rapporteur on extreme poverty and human rights on his mission to Chile: comments by State. A/HRC/32/31/Add.3](#)

Al párrafo 45: En relación a que la Encuesta Casen no recoge la “orientación sexual ni la identidad de género”, se debe hacer presente que en el cuestionario de la Encuesta Casen 2015, cuyo levantamiento se realizó entre noviembre del 2015 y enero del 2016, se incorporó un conjunto de modificaciones orientadas a considerar en este instrumento diferentes aspectos vinculados a la diversidad sexual, referidos a la inclusión de preguntas sobre orientación sexual e identidad de género, modificación de las instrucciones al encuestador para la pregunta sobre sexo; incorporación de nuevas categorías de respuesta en las preguntas sobre parentesco de los integrantes del hogar con el jefe de hogar, y con el jefe de núcleo (familia), que permiten identificar parejas del mismo sexo tanto de jefes de hogar como de jefes de núcleo; actualización de categorías de estado civil y conyugal de todos los miembros, incluyendo la categoría conviviente civil (con Acuerdo de Unión Civil), estado civil aprobado mediante Ley N° 20.830 promulgada el 13 de abril de 2015 y la incorporación de pregunta sobre trato injusto o discriminación a algún miembro del hogar, considerando entre las posibles razones su orientación sexual o identidad de género.

- [Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions in follow-up to his mission to Mexico. A/HRC/32/39/Add.2](#)

Vulnerable and frequently targeted groups and individuals

45. The Special Rapporteur observed with concern the high number of killings of vulnerable persons and recommended that full, prompt, effective, impartial and diligent investigation of homicides perpetrated against women, migrants, journalists and human rights defenders, children, inmates and detainees and lesbian, gay, bisexual and transgender individuals be ensured (para. 111). The Government replied that, in addition to the implementation of the new adversarial accusatory system, eight protocols had been issued by the Supreme Court to facilitate the judiciary’s compliance with human rights obligations, including with regard to: (a) children and adolescents; (b) indigenous peoples; (c) the gender perspective; (d) sexual orientation and gender identity; (e) persons with disabilities; (f) migrants and persons subject to international protection; (g) torture and ill- treatment; and (h) development and infrastructure.

49. Regarding lesbian, gay, bisexual and transgender persons, in June 2015, the Office of the State Attorney General published an action protocol to be followed by its personnel who intervened in cases involving sexual orientation or gender identity.

Lesbian, gay, bisexual and transgender individuals

62. The Special Rapporteur noted the alarming pattern of grotesque homicides of lesbian, gay, bisexual and transgender individuals and the broad impunity for these crimes, sometimes with the suspected complicity of investigative authorities. He recommended that police and other authorities be trained on gender-identity and sexual-orientation awareness,

that protective and precautionary measures be ensured and that societal tolerance be encouraged (para. 119). The Government replied that the 2014 reform of the Federal Act for the Prevention and Elimination of Discrimination included homophobia and violence against individuals based on their sexual orientation as acts of discrimination. Fifteen federal entities had adopted constitutional provisions prohibiting discrimination on these grounds. The Government had instituted the National Day for the Fight against Homophobia and adopted the National Programme on Equality and Non-Discrimination for 2014-2018, which included several lines of work to combat violence and discrimination on the grounds of sexual orientation and gender identity. The Government also recalled the July 2015 protocol of the Office of the State Attorney General in this field. The Inter- American Commission on Human Rights observed that 42 homicides of transsexual persons and 37 homicides of homosexual men had been reported between January 2013 and March 2014. While the Special Rapporteur takes note of the measures adopted to combat violence and discrimination against lesbian, gay, bisexual and transgender persons, he is dismayed to learn about the recurrence of violence against them. He observes the lack of information concerning training initiatives.

- [Report of the Independent Expert on human rights and international solidarity. A/HRC/32/43](#)

B. Comments and recommendations of a general nature on the proposed draft declaration:

35. Highlights of major issues, comments and suggestions of a general nature are summarized as follows:

(h) The Independent Expert was requested to consider including in the draft, references to issues of foreign debt, as well as the rights of women and lesbian, gay, bisexual, transgender and intersex persons.

- [Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on his mission to Greece. A/HRC/32/50/Add.1](#)

16. Until 2005, Greece's anti-racism legislation was limited to Law 927/1979, which was aimed at the punishment of hate speech on racial, ethnic or religious grounds. On 9 September 2014, Parliament approved Law No. 4285/2014, which amends Law 927/1979 by specifically outlawing, inter alia, public incitement to acts or activities that may result in discrimination, hatred or violence against individuals or groups of individuals on all grounds except age, and the malicious denial or trivialization of genocide, and by punishing perpetrators of such crimes with imprisonment of three months to three years and a fine of €5,000 to €20,000. Since 2008, hate crimes are punished by criminal legislation. Penalties were further stiffened when new article 81A was introduced in the Criminal Code. In 2005, Law No. 3304/2005, on the implementation of the principle of equal treatment regardless of race or national origin, religion or other belief, disability, age or sexual orientation, was adopted. This law prohibits both direct and indirect discrimination (art. 3, para. 7) and strengthens the Greek Ombudsperson's Office by entrusting new competences to it. According to article 20, paragraph 2, of the new law, the Greek Ombudsperson's Office is no longer excluded from the investigation of complaints related to the service status of civil servants when these concern cases of discriminatory treatment, and the Office may broaden and intensify its mediation and investigation. It may also actively participate in coordination of and awareness-raising among state authorities and civil society.

29. The Special Rapporteur also met with the Economic and Social Council, an administrative body tasked with the promotion of equal treatment in employment established by Law No. 2232/1994. The mandate of the Council is to formulate policies that are mutually acceptable



to the three groups represented: employers/entrepreneurs; private and public sector employees; and others, such as farmers, self-employed people, consumers, people with disabilities, gender equality organizations and the local government. According to Law No. 3304/2005, the Economic and Social Council presents annual reports on developments relating to the implementation of the principle of equal treatment, mainly in employment, makes suggestions to the Government and to social partners with regard to promoting non-discrimination, and encourages dialogue with NGOs and union representatives interested in combating discrimination on the grounds of ethnic or racial origin, religion or belief, sexual orientation and disability.

36. The essential contribution of the Network—addressing racially motivated acts and xenophobic attitudes—appeared as early as the first months of its pilot phase. During the January-December 2014 period, the Network recorded 81 incidents of racist violence involving more than 100 victims. In 46 incidents, immigrants or refugees were targeted because of their ethnic origin or skin colour, while 32 incidents were committed against lesbian, gay, bisexual and transgender persons (in three of those cases, the victims were foreigners). It also recorded three anti-Semitic attacks, in which places of worship and symbols were desecrated. In most cases, the perpetrators were not members of extremist organizations, but rather Greek citizens, mostly men, and public servants.

37. The Network recommended that the authorities update circular No. 7100/4/3 of 24 May 2006, as issued by the police, on the obligation of police officers to investigate racist motivations for crimes, to collect relevant data and to record and/or report each incident committed against someone for reasons of national or ethnic origin, colour, religion, disability, sexual orientation or gender identity.

43. The Special Rapporteur was informed that hate speech in day-to-day public life had increased since 2009, in particular in the context of the rise of Golden Dawn. Hate speech is directed mainly against migrants, Muslims and Roma, but also against Jews and lesbian, gay, bisexual and transgender persons. Examples include derogatory comments made on public transport, in schools, in shops or in the streets. These developments are closely linked to the rise of political extremism, as well as the current financial, economic and social crisis, which has eroded social cohesion and the ability of the State to counter its consequences.

45. Lesbian, gay, bisexual and transgender groups have reported that homophobic and transphobic hate speech, verbal harassment and inappropriate comments are allegedly routine in the general public discourse, resulting in them feeling constantly discriminated against and excluded in day-to-day life. The Special Rapporteur was informed, however, that the Parliament had passed Law No. 4356/2015, which since 24 December 2015 had recognized same-sex unions by allowing such couples to enter into cohabitation agreements, in compliance with a European Court of Human Rights judgment of January 2013.

46. The Special Rapporteur was also informed that some senior clergy of the Orthodox Church of Greece had publicly expressed homophobic and anti-Semitic views. The Special Rapporteur is particularly concerned by this information, as the Orthodox Church continues to play a prominent role in Greek society with a strong moral authority.

50. The Special Rapporteur was informed of the failure by police to respond adequately to incidents and reports of violence against migrants and asylum seekers. Despite circulars by the Ministry of Citizen Protection, amendments to the Police Code of Ethics, and training courses on human rights, the police appear ill equipped or ill disposed to investigate reports of racist violence. Police behaviour towards undocumented migrants who are the victims of racist attacks seems to nurture a lack of faith and a fear of arrest and deportation, deterring many from considering seeking assistance from law enforcement agencies. The Special



Rapporteur was further informed about the underreporting of homophobic and transphobic violence. Allegations of collusion between police officers and the Golden Dawn party also seem to have diminished trust in the police among victims of racist and homophobic violence. Furthermore, the fact that the police have in the past requested a number of victims to pay a fee of €100 to lodge their complaints created an additional obstacle. Article 5 of Law No. 4285/2014 expressly rules out the imposition of such fees.

The Special Rapporteur also recommends that:

(e) All police officers should be trained on the respect and promotion of human rights, new competences should be given to the specialized units on racism regarding victims of hate crimes based on sexual orientation and gender identity, and the police hotline should be staffed with interpreters (at least in Arabic, Farsi and English);

- **[Communication report of Special Procedures. A/HRC/32/53](#)**

Zambia. Freedom of expression; Freedom of peaceful assembly and of association; Human rights defenders;

Summary of the allegation transmitted

Alleged undue delays in the registration process of a non-governmental organization working on Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) rights. According to the information received, Mr. Paul Kasonkomona, Head of Engender Rights Center for Justice, a non-governmental organization working to promote respect for the rights of LGBTI persons, has since 2011 repeatedly requested the Zambian authorities to register his organization without success. On 7 August 2015, the Registrar of the Ministry of Community Development, Mother and Child Health communicated the decision to refuse registration of the organization as its objectives reportedly conflict with the Penal Code of Zambia. In addition, on 7 April 2013, Mr. Kasonkomona was arrested and charged with “soliciting for immoral purposes” after he had appeared on a television programme in which he expressed the view that Zambia needed to protect and respect the human rights of all people, including LGBTI persons. He was acquitted by the High Court on 15 May 2015. Mr. Kasonkomona was the subject of a previous communication sent on 14 May 2013, see A/HRC/24/21, case no. ZMB 1/2013.

Honduras. Freedom of expression; Freedom of peaceful assembly and of association; Human rights defenders; Summary executions;

Alegaciones de muertes violentas y ataques contra defensores y defensoras de derechos de las personas lesbianas, gays, bisexuales, trans e intersexuales (LGBTI). Según la información recibida, el 23 de junio de 2015, el periodista y defensor de derechos de las personas LGBTI, Juan Carlos Cruz Andara, habría sido víctima de una muerte violenta en Puerto Cortés. El 25 de junio de 2015, la defensora de derechos LGBTI y miembro de la Asociación Arcoiris, Sra. Angy Ferreira, habría sido encontrada muerta a unas cuerdas de la oficina de Arcoiris. El 23 de agosto 2015, la defensora transgénero de derechos LGBTI Sra. Violeta Rivas habría aparecido muerta de forma violenta en El Carrisal, Tegucigalpa. El 11 de octubre de 2015, el abogado de derechos humanos y defensor de la comunidad LGBTI, Sr. Francisco Mencía, fue atacado y dejado por muerto cerca de su casa en Tegucigalpa. El Sr. Mencía ha colaborado con la Asociación por una Vida Mejor (APUVIMEH), la cual ha sido objeto de tres comunicaciones anteriores enviadas al Gobierno de su Excelencia con fecha de 29 de agosto de 2013, véase A/HRC/25/74, caso HND 5/2013; el 20 de enero de 2014, véase A/HRC/26/21, caso HND 1/2014; y el 9 de diciembre de 2014, véase A/HRC/29/50, caso HND 8/2014.

Tunisie. Arbitrary detention; Health; Independence of judges and lawyers; Torture;



Allégations d'abus physiques, d'examen médical dégradant, de procédure judiciaire irrégulière, et de condamnation pénale d'un homme de 22 ans apparemment fondée uniquement sur son orientation sexuelle perçue. Selon les informations reçues, le 6 septembre 2015, M. X a été arrêté par la police et interrogé sur la mort violente d'un autre homme. Les policiers ont accusé M. X d'avoir eu des relations homosexuelles avec l'homme décédé, puis ils l'ont physiquement et verbalement abusé pendant l'interrogatoire. Sous cette contrainte, M. X a confirmé avoir eu une relation homosexuelle avec la personne décédée. Il a par la suite été soumis à un examen médical dégradant et humiliant mené sans son consentement éclairé. Le 22 septembre 2015, Mr. X a été condamné à un an d'emprisonnement pour violation de l'article 230 du code pénal tunisien qui criminalise la sodomie. La procédure judiciaire dont M. X a fait l'objet a été menée sans qu'il puisse bénéficier d'un avocat.

- [Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health on his mission to Paraguay. A/HRC/32/32/Add.1](#)

27. The lack of essential services in deprived neighbourhoods and in rural and remote areas of the country disproportionately affects groups in situations of poverty and peasant and indigenous communities. Certain key populations and specific groups face serious challenges in realizing their right to health, including women and girls, children and adolescents, lesbian, gay, bisexual and transgender persons, persons with disabilities and people living with HIV/AIDS.

Lesbian, gay, bisexual and transgender persons

74. The Special Rapporteur was pleased to note that the situation and rights of lesbian, gay, bisexual and transgender persons have become more visible in Paraguay over the past few years. The National Plan on Sexual and Reproductive Health includes non-discrimination on the basis of sexual orientation and gender identity.

75. However, lesbian, gay, bisexual and transgender persons face significant barriers in the full enjoyment of their right to physical and mental health. The barriers are connected to deeply entrenched discriminatory attitudes in society at large, which generate stigma, violence and abuse, including in the health system.

76. The Special Rapporteur received testimonies and evidence that lesbian, gay, bisexual and transgender persons face extreme forms of violence on the basis of their sexual orientation and gender identity and expression. The violent deaths of at least 34 transgender persons between 1989 and 2013 are evidence of that. During his visit, the Senate held a debate about the situation of transgender persons, and he met with a number of high-ranking government officials who were aware of the specificities and challenges faced by that group.

77. The situation of lesbian, gay, bisexual and transgender persons living outside the main urban areas, some of whom met with the Special Rapporteur, is of particular concern as they are isolated from the main support networks, live and work in very difficult environments and face violence from the community.

78. Lesbian, gay, bisexual and transgender persons face discrimination and rejection from health-care personnel and a lack of comprehensive health services tailored to their needs, particularly when it comes to access to treatment and services for HIV/AIDS. Moreover, confidentiality is not always guaranteed in the provision of health services.

79. Information gathered during his visit allowed the Special Rapporteur to conclude that many lesbian, gay, bisexual and transgender persons do not use health services for fear of



stigma and rejection, which can drive many health issues underground with negative consequences for the health of the persons concerned and that of society at large.

85. Persons living with HIV/AIDS in Paraguay suffer from various forms of public and private discrimination, including arbitrary limitations on access to health services. That is exacerbated by the fact that there are no specific programmes or protocols targeting key populations, such as children and adolescents, lesbian, gay, bisexual and transgender persons, indigenous peoples, persons in detention and persons with disabilities.

Conclusions and recommendations

129. However, during his visit, the Special Rapporteur observed serious challenges to the realization of the right to health connected to the implementation of the existing normative and policy framework, and the prevalence of inequalities, discrimination and violence against key populations, particularly women and girls, children and adolescents, lesbian, gay, bisexual and transgender persons, persons with disabilities and people living with HIV/AIDS.

(l) Prohibit violence and any discrimination on the basis of sexual orientation and gender identity and expression in all services, including health, education, employment and access to public services; and prosecute perpetrators of violence against lesbian, gay, bisexual and transgender persons, protect victims, and ensure access to justice and remedies;

- [Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association. A/HRC/35/36](#)

10. The present report can be viewed as a sequel to the Special Rapporteur's 2014 report to the Council on threats against groups most at risk when exercising assembly and association rights (A/HRC/26/29). That report focused on the groups whose rights were being violated, including persons with disabilities; women; lesbian, gay, bisexual, transgender and intersex (LGBTI) people; members of minority groups; and many others. This report adds a focus on the other half of the equation: who are the perpetrators of these abuses, what are the ideologies that drive them, and what are the State's obligations to respect, protect and fulfil the rights to freedom of peaceful assembly and of association in this context?

63. The Special Rapporteur is also concerned when ostensibly secular States leverage fundamentalist religious teachings to restrict the assembly and association rights of certain groups. Nigeria¹ and Uganda², for example, have seized upon majority Christian opposition to homosexuality to impose draconian laws that severely restrict the assembly and association rights of LGBTI groups and individuals³.

- [Report of the Special Rapporteur on the human rights of migrants on the impact of bilateral and multilateral trade agreements on the human rights of migrants. A/HRC/32/40](#)

Human rights concerns of vulnerable population groups

57. The Special Rapporteur recommends that special attention be paid to the potential impact of trade on migrants who may be further marginalized by other intersecting mutable or immutable characteristics, for instance gender, age, race, minority or indigenous status, disability, medical condition or sexual orientation. While these traits are not inherent

1 [NGA 1/2014](#).

2 [UGA 1/2014](#).

3 See, e.g., [NGA 5/2011](#), [NGA 4/2013](#) and [UGA 5/2012](#).

vulnerabilities on their own, migrants in these groups may be more at risk of exploitation and abuse because of their irregular status and precarious labour contracts.

- **[Report of the Special Rapporteur on violence against women, its causes and consequences on her mission to Georgia. A/HRC/32/43/Add.3](#)**

42. The mandate holder was informed that LGBT are victims of aggressive attitudes and suffer discrimination and violence, because of their sexual orientation or gender identity. The Rapporteur was informed that the perpetrators of violence occurred in 2013, in which 17 people were injured as a result of attacks conducted by reportedly thousands of people during a Pride event,⁴ have not been punished.⁵ In 2014, the Human Rights Committee expressed concern about discrimination and social stigma, hate speech and acts of violence against this group and recommended to take effective measures to provide effective protection to this specific group and ensure the investigation, prosecution and punishment of any act of violence motivated by the victim's sexual orientation or gender identity.

52. The Special Rapporteur recognizes that during the past ten years, Georgia has made several significant improvements of its legislative framework on gender equality and in particular on domestic violence. These include the adoption of the 2006 Law of Georgia on Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence, 2010 Law on Gender Equality and the 2014 Law on the Elimination of all Forms of Discrimination which includes the prohibition of discrimination based on sex, as well as on sexual orientation and gender identity, the 2006 Law on combatting human trafficking and the 2014 Law on Internally Displaced Persons – Persecuted from the Occupied Territories of Georgia, as well as the amendments made to the Criminal Code in 2012, in which new provision defining the scope and categories of domestic violence were included.

- **[Report of the Working Group on the issue of discrimination against women in law and in practice on its mission to the USA. A/HRC/32/44/Add.2](#)**

20. The Violence against Women Act of 1994⁶, as last reauthorized in 2013 is a key resource to prevent gender-based violence, including specifically domestic violence, sexual assault, dating violence and stalking. There are also statutory protections at state and local levels. The last reauthorization of the VAW Act created set-aside funding to support Sexual Assault Response Teams and train law enforcement and prosecutors about sexual assault and explicitly bars discrimination based on gender identity or sexual orientation.²¹ The Working Group also notes positively the adoption of the National Standards to Prevent, Detect, and Respond to Prison Rape in 2012, pursuant to the Prison Rape Elimination Act (2003).

63. The Working Group deplores that substantial disparities persist in the prevalence of certain diseases, like obesity, cancer, HIV/AIDs by ethnicity, sex and education⁷. Black women for instance experience the highest rates of hypertension and obesity compared to any other ethnic group⁸. The experts also regret that the vast majority of LGBTI persons report

4 <https://www.amnesty.org/en/latest/news/2013/05/georgia-homophobic-violence-mars-tbilisi-pride-event/>

5 Op.cit.note 8.

6 See A/HRC/17/26/Add.5

7 CDC Health Disparities and inequalities report 2013

8 Office of Minority Health, Data Brief No.4, November 2015



“experiencing discrimination by healthcare providers, including refusal of care, harsh language and physical roughness”.

79. LGBTI face heightened exposure to hate crimes and physical violence. Sexual orientation-based hate crimes made up about 21 percent of hate crimes reported by law enforcement in 2013 to the Bureau of Justice Statistic’s Uniform Crime Reporting program. This percentage is probably an underestimate given a number of LGBTI survivors of hate violence may not report their abuse to the police.⁹

A. Conclusion

87. The United States, which is a leading state in formulating international human rights standards, is allowing its women to lag behind these standards. While all women are the victims of these missing rights, women who are poor, belong to Native American, African-American, Hispanic and Asian ethnic minorities, migrant women, LGBTI women, women with disabilities and older women are in a situation of heightened vulnerability.

- [Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association. Fundamentalism and preventing extremism and radicalization. A/HRC/32/36](#)

10. The present report can be viewed as a sequel to the Special Rapporteur’s 2014 report to the Council on threats against groups most at risk when exercising assembly and association rights (A/HRC/26/29). That report focused on the groups whose rights were being violated, including persons with disabilities; women; lesbian, gay, bisexual, transgender and intersex (LGBTI) people; members of minority groups; and many others. This report adds a focus on the other half of the equation: who are the perpetrators of these abuses, what are the ideologies that drive them, and what are the State’s obligations to respect, protect and fulfil the rights to freedom of peaceful assembly and of association in this context?

15. In other cases, violations may arise due to the inability or unwillingness of the State to respond to the actions of non-State actors. The State’s failure to protect participants in a peaceful rally against violent, fundamentalist counter-protesters, for example, constitutes a violation of the right to freedom of peaceful assembly. It does not matter if the State does not officially promote the counter-protesters’ ideology; it has a positive duty to protect those exercising their right to peaceful assembly, even if they are promoting unpopular positions (e.g., rights for LGBTI persons or those of a minority religion). Similarly, States may violate their duty to protect by failing to investigate allegations of rights violations and holding the perpetrators accountable; ignoring retaliation against victims of violations; and failing to legislate and enforce the protection of rights for certain groups.

63. The Special Rapporteur is also concerned when ostensibly secular States leverage fundamentalist religious teachings to restrict the assembly and association rights of certain groups. Nigeria¹⁰ and Uganda¹¹, for example, have seized upon majority Christian opposition

9 Ibid

10 [NGA 1/2014.](#)

11 [UGA 1/2014.](#)



to homosexuality to impose draconian laws that severely restrict the assembly and association rights of LGBTI groups and individuals¹².

- [Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions. Observations on communications transmitted to Governments and replies received. A/HRC/32/39/Add.3](#)

The tabulation of communications sent during the reporting period indicates the groups of people addressed in the communications sent by the Special Rapporteur. The main groups of people addressed in the communications (by number of communications sent) were: human rights defenders (23), journalists, bloggers or writers (7), lawyers (6), migrants (5), protesters (4), persons belonging to minorities (4), political activists (3), humanitarian workers (2), health workers (2), members of armed forces (2), members of the judiciary (1), lesbian, gay, bisexual and transgender (LGBT) people (1), persons with albinism (1). In addition, eight communications address the situation of foreign nationals for alleged violations of death penalty safeguards.

Honduras	JAL 11/11/2015 (HND 3/2015)	4 individuals (human rights defenders - LGBTI rights)	Substantive response 01/02/2016	Attacks or killings
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- [Report of the Special Rapporteur on violence against women, its causes and consequences on her mission to South Africa. A/HRC/32/42/Add.2](#)

33. Despite an explicit prohibition of discrimination based on sexual orientation in the Constitution, lesbian women and other sexual minorities are very vulnerable to extreme forms of violence purported at “correcting” their bodies, including the so-called “corrective rape” often accompanied by a particularly heinous murder. This type of extreme violence was reported on the rise, despite the difficulty to detect it since victims are unlikely to spontaneously report their sexual orientation and police do not record this information.

34. The SR welcomes the establishment of a National Task Team on Gender and Sexual Orientation Based Violence formed by government departments, Chapter 9 institutions and CSOs which designed a National Intervention Strategy for LGBTI issues (2014-2017) with the aim to address so-called “corrective rape” and other forms of violence against LGBTI persons. In addition, a Rapid Response Team was established to attend to the pending cases in the criminal justice system. While there is no specific crime against specific persons or groups, the SR welcomes recent case law which shows that courts have started to address such crimes as hate crimes even in the absence of specific hate crimes legislation. In November 2014, the Johannesburg High Court issued a strong condemnation of the discriminatory attitudes that fuelled such crimes and pronounced a sentence of 30 years imprisonment against the murderer of a young lesbian. The Rapporteur welcomes ongoing discussion in relation to the possibility of drafting legislation on hate crimes.

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See, e.g., [NGA 5/2011](#), [NGA 4/2013](#) and [UGA 5/2012](#).

35. Buying and selling sex are criminalized. There are no data available on the number of people being arrested and prosecuted under the relevant provisions of the SOA but the law was reported to be applied to women in prostitution only. The criminalisation of prostitution has driven women in prostitution underground, increased stigma and discrimination, created obstacles to access services and made them very vulnerable to violence, human rights violations and corruption. There has been evidence of police using the law against women in prostitution to commit abuses. As a result, women in prostitution, who often are ignorant of their rights, do not have access to justice. When they are arrested, they are often denied access to their medication (the HIV/AIDS prevalence is particularly high among prostitutes). There is also the stereotype by police that they cannot be raped. In terms of law reform process, the CGE has issued a position paper¹³ laying out the reasons and evidence behind its recommendation that women in prostitution should be decriminalized.

41. Most recently, South Africa was reviewed for the first time and with a 14 years delay by the Human Rights Committee which, after acknowledging the considerable efforts invested, expressed its concerns “that gender-based and domestic violence remains a serious problem in the State party, that the conviction rate for such acts is low and that there is a lack of disaggregated data on the phenomenon. It is also concerned about the persistence of stigma against persons based on their real or perceived sexual or gender orientation, gender identity or bodily diversity, and that such persons are subject to harassment, acts of discrimination and sexual and physical violence”¹⁴.

Constitutional framework

42. Chapter 2 (sects. 7-39) of the Constitution which is regarded as one the most progressive in the world contains the Bill of Rights. While women are protected by this Bill, including the rights to life, human dignity, freedom and security, including being free from all forms of violence from public or private sources, bodily and psychological integrity, they receive specific protection in section 9, entitled "Equality". Section 9 (3) states that “The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.” All of these human rights must be respected, protected, promoted and fulfilled by the state with respect to the individuals under its jurisdiction. The Constitution being the supreme law, any law that is inconsistent with the Constitution is invalid.

3. Policy framework

48. A Cabinet-level Inter-Ministerial Committee (IMC), chaired by the Minister of Social Development initiated the South African Integrated Programme of Action for 2013-2018 (PoA) addressing violence against women and children, but also violence against elderly women and lesbian, as well as people with albinism. The SR regrets that the PoA, which had been endorsed by Cabinet was never disseminated at the provincial or district level, does not have the visibility it would deserve and is not the result of a participatory process since CSOs were not consulted. Additionally, no information was available as to the budget for its implementation. The Minister of Social Development reported that the IMC would be rolled out to provincial and local levels and that the PoA was due for review in 2017.

13 http://www.gov.za/sites/www.gov.za/files/Commission%20for%20gender%20equality%20on%20se%20work_a.pdf

14 CCPR/C/ZAF/CO/1,para 20



(c) Consider enacting a hate crime legislation which would enable to capture both the hate dimension of crimes and the sexual orientation of LGBTI victims of GBV;

4. Collection of data and prevention of VAW:

(a) Expand the collection of data to all forms of VAW, including femicides, domestic violence and all all types of sexual offenses under the SOA. Data should include details on sex, age, sexual orientation, disability as well as relationship between perpetrator and victim.

- **[Report of the Special Rapporteur on violence against women, its causes and consequences on her mission to Georgia. A/HRC/32/42/Add.3](#)**

42. The mandate holder was informed that LGBT are victims of aggressive attitudes and suffer discrimination and violence, because of their sexual orientation or gender identity. The Rapporteur was informed that the perpetrators of violence occurred in 2013, in which 17 people were injured as a result of attacks conducted by reportedly thousands of people during a Pride event,¹⁵ have not been punished.¹⁶ In 2014, the Human Rights Committee expressed concern about discrimination and social stigma, hate speech and acts of violence against this group and recommended to take effective measures to provide effective protection to this specific group and ensure the investigation, prosecution and punishment of any act of violence motivated by the victim's sexual orientation or gender identity.¹⁷

52. The Special Rapporteur recognizes that during the past ten years, Georgia has made several significant improvements of its legislative framework on gender equality and in particular on domestic violence. These include the adoption of the 2006 Law of Georgia on Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence, 2010 Law on Gender Equality and the 2014 Law on the Elimination of all Forms of Discrimination which includes the prohibition of discrimination based on sex, as well as on sexual orientation and gender identity, the 2006 Law on combatting human trafficking and the 2014 Law on Internally Displaced Persons – Persecuted from the Occupied Territories of Georgia, as well as the amendments made to the Criminal Code in 2012, in which new provisions defining the scope and categories of domestic violence were included.

- **[Report of the Special Rapporteur on violence against women, its causes and consequences on her mission to South Africa: comments by the State. A/HRC/32/43/Add.5](#)**

This Act gives a wide definition of 'domestic relationship' that goes beyond the family context to include parties who share residence, whether related or not. It promotes the rights of the Lesbians, Gays, Bisexual, Transgender and Intersex (LGBTI) persons by recognizes same sex relationships. In protecting children, it allows them to apply for protection order assisted or unassisted. This is in view of the fact that the abuser may be the child's parent or guardian.

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<https://www.amnesty.org/en/latest/news/2013/05/georgia-homophobic-violence-mars-tbilisi-pride-event/>

16

Op.cit.note 8.

17

CCPR/C/GEO/CO/4.



Most unusual, the Act further recognizes male persons as victims of domestic violence- equally entitled to legal protection, as espoused by our Constitution.

- [Report of the Special Rapporteur on violence against women, its causes and consequences on her mission to Georgia: comments by the State. A/HRC/32/42/Add.6](#)

16. With regard to paragraphs 45, 46, 86 and 100 (d) of the Report, the GoG would like to note that currently, there are 4 State funded Shelters for DV victims (in Tbilisi-17 beds, Gori -22 beds, Kutaisi-17 beds, Signagi-10 beds). So far, there has been no case, when the victim of domestic violence was denied the services due to lack of places in the shelters. Currently, all requests are met and there are vacant places available. Thus, necessity for more places in the shelters at this stage is not identified. Shelters for the victims of domestic violence operated by the State fund and existing services of the shelters are available for the victims of domestic violence regardless of beneficiary's race, color, language, sex, age, citizenship, place of birth or residence, property ownership or social conditions, religion or faith, national, ethnic or social origin, profession, marital status, health condition, impairment, sexual orientation, gender identity, political or other opinion, or any other reason.

- [Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association on his mission to the Republic of Korea. A/HRC/32/36Add.2](#)

29. Article 8 (2) of the ADA permits police authorities to ban the latter-notified assembly when two or more assemblies with conflicting objectives are to take place at the same time and place. This creates room for abuse, as illustrated by the banning of an assembly by lesbian, gay, bisexual, transgender and intersex (LGBTI) persons in June 2015 because counter-demonstrators had lodged their notification earlier. It was alleged that the earlier notification was solely to prevent the LGBTI gathering. The Special Rapporteur emphasizes that States have an obligation to protect and facilitate simultaneous assemblies, including counter demonstrations.

Groups in situation of vulnerability

44. The Special Rapporteur welcomes the diversity in participants - including women, youth, LGBTI persons, and persons with disabilities - at general protests and demonstrations. He was gratified that he received no complaints of sexual violence during these gatherings. Even so, he took note of the challenges that youth and persons with disabilities face in exercising their rights to peaceful assembly. Persons with disabilities are impeded from participating in assemblies by police immobilising or obstructing their assistive devices, sometimes physically removing them from assemblies against their will. School regulations and attitudes that young people and students are at risk of manipulation by adults prevent them from participating in assemblies.

45. The Special Rapporteur urges authorities to exercise great caution when interacting with disabled persons and their assistive devices, which are integral to their lives. Young persons are equally entitled to exercise their rights to freedom of peaceful assembly. As such, intimidation and punishment - including by school authorities - of minors and young people who express their views through organising or participating in peaceful protests such as the one related to history books, should be prohibited and sanctioned. Similarly, LGBTI persons should not feel intimidated by counter-demonstrators to take part in protests. Counter-



demonstrations, while allowed to take place, should not dissuade participants of the other assemblies from exercising their right to freedom of peaceful assembly (A/HRC/20/27, para. 30). The police should play an active role in this regard.

49. Even more troubling is that government departments can altogether avoid the responsibility of considering legal personality applications if they believe the organization's area of work does not fall within their competence. For example, the Beyond the Rainbow Foundation, a LGBTI association, was denied legal personality by the Ministry of Justice, ostensibly because the group works on a narrow issue of sexual minorities, whereas the Ministry claimed that it can only register groups who work on broader "general human rights" themes. The association 4.16 Sewol Families for Truth and A Safer Society faced a similar rejection of its legal personality application by the Ministry of Maritime Affairs and Fisheries, which claimed the group's proposed activities, such as truth-finding, had already been carried out by government agencies.

- [Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association. A/HRC/32/36/Add.3](#)

Cameroon

40. Le Rapporteur spécial réitère ses préoccupations quant aux menaces et à la campagne de dénigrement contre Mme Ngo Mbe et Mme Nkom et contre leur association REDHAC qui semblent être liées à leurs activités de défense des droits de l'homme et en particulier des droits des personnes lesbiennes, gays, bisexuelles et transgenres (LGBT).

Zambia

135. JAL 11/01/2016. Case no. ZMB 4/2015. State reply: None. Alleged undue delays in registration process of a non-governmental organization working on Lesbian, gay, bisexual, transgender and intersex (LGBTI) issues.

137. The Special Rapporteur reiterates his concern at the reportedly undue delays in reviewing the application for registration of the Engender Rights Centre for Justice and the subsequent refusal to register it for reasons that could be related to the organization's peaceful activities in advocating and speaking out against discrimination and defending the rights of LGBTI persons in Zambia. The Special Rapporteur further reiterates his concerns with regard to the judicial proceedings against Mr. Kasonkomona that appear to result from the legitimate exercise of his right to freedom of expression on a TV show and more generally to his human rights activities within the Engender Rights Centre for Justice.

140. Furthermore, the Special Rapporteur refers to refer to the report of the High Commissioner for Human Rights (A/HRC/19/41) in which he insists on the right of LGBTI not to be discriminated against and enjoy human rights on an equal footing, including in the context of their rights to freedom of peaceful assembly and association.

Honduras

192. JAL 10/11/2015. Case no. HND 3/2015. State reply: 01/02/2016. Alegaciones de muertes violentas y ataques contra defensores y defensoras de derechos LGBTI.

197. El Relator Especial reitera su preocupación respecto de los repetidos ataques y actos de hostigamiento contra defensores y defensoras de los derechos humanos en Honduras, por ejemplo, en el contexto de organizaciones implicadas en el EPU (HND 1/2015) o en contra de miembros de asociaciones indígenas (HND 1/2016) y de organizaciones trabajando para los derechos de las personas LGBTI (HND 3/2015). Se muestra muy preocupado por el alto nivel



de impunidad que prevalece respecto a las agresiones y violaciones de los derechos de los defensores y defensoras, incluyendo asesinatos y atentados contra la vida. Esta situación ha sido objeto de numerosas comunicaciones por parte de los Procedimientos Especiales de las Naciones Unidas.

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Kyrgyz Republic

521. The Special Rapporteur reiterates his concern at the detrimental effect of the Bill on the peaceful and legitimate work of human rights defenders in the Kyrgyz Republic who are working to protect and promote the rights of the LGBTI community. He reminds the Government of the Kyrgyz Republic of its obligation to safeguard the human rights of LGBTI people in accordance with international human rights law based on Universal Declaration of Human Rights, which, in article 1, unequivocally reads: “All human beings are born free and equal in dignity and rights” (A/HRC/26/29, para. 20). He reminds the Government of the Kyrgyz Republic of the Committee on the Elimination of Discrimination Against Women recommendation, which urges the State to ensure the draft Bill is not adopted (CEDAW/C/KGZ/CO/4, para. 10(a)), as well as the reports of the Human Rights Committee regarding violence perpetrated against LGBTI people and a failure to address such violence (CCPR/C/KGZ/CO/C, para. 9).

Uzbekistan

576. PR 13/05/2015. “Discriminated and made vulnerable: Young LGBT and intersex people need recognition and protection of their rights International Day against Homophobia, Biphobia and Transphobia”

- [Informe del Relator Especial sobre ejecuciones extrajudiciales, sumarios o arbitrarios. Seguimiento de recomendaciones a país: México. Comentarios del Estado al Informe del Relator Especial. A/HRC/3239/Add.6](#)

[49.] Con respecto a personas LGBT, fue publicado un extracto del Protocolo de la PGR de actuación para el personal de la Procuraduría General de la República en casos que involucren la orientación sexual o la identidad de género el 26 de junio de 2015, que establece la normativa a seguir por parte del personal que intervenga en la investigación e inicio de acciones judiciales por delitos contra personas LGBTI.

- [Report of the Special Rapporteur on violence against women, its causes and consequences on her mission to South Africa: comments by the State. A/HRC/42/Add.5](#)

This Act gives a wide definition of ‘domestic relationship’ that goes beyond the family context to include parties who share residence, whether related or not. It promotes the rights of the Lesbians, Gays, Bisexual, Transgender and Intersex (LGBTI) persons by recognizes same sex relationships. In protecting children, it allows them to apply for protection order assisted or unassisted. This is in view of the fact that the abuser may be the child’s parent or guardian.



Most unusual, the Act further recognizes male persons as victims of domestic violence-equally entitled to legal protection, as espoused by our Constitution.

- [Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to Greece: comments by the State. A/HRC/32/50](#)

9. Law 4285/2014 punishes, inter alia, public incitement to acts or activities which may result to discrimination, hatred or violence against individuals or groups of individuals defined by reference to race, colour, religion, descent, national or ethnic origin, sexual orientation, gender identity, or disability, in a manner which endangers public order or threatens life, liberty or physical integrity of the abovementioned persons; the establishment of or participation in an organization or union of persons of any kind systematically pursuing the commission of the abovementioned acts; under the circumstances prescribed by the law, the act of publicly condoning, trivializing or maliciously denying the commission or seriousness of crimes of genocide, war crimes, crimes against humanity, the Holocaust and Nazi crimes, recognized by decisions of international courts or the Hellenic Parliament. In addition, the law introduces the liability of legal persons.

10. In particular, art. 2 of the abovementioned "anti-racist" law provides that "Whoever intentionally publicly, orally or through the press, the internet or any other means or manner, condones, trivializes or denies the existence or seriousness or crimes of genocide, war crimes, crimes against humanity, the Holocaust and crimes committed by Nazis, recognized by judgments of international courts of law or the Hellenic Parliament, and such conduct is directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent, national or ethnic origin, sexual orientation, gender identity or disability, when such conduct is carried out in a manner likely to incite violence or hatred or which is threatening or abusive against a group or member of such a group, it shall be punished by the sentences referred to in paragraph 1 of the preceding article (art. 1)"

11. According to article 81A, inserted in the Criminal Code by the above - mentioned law 4285/2014, the commission of any offence on racist grounds (race, colour, religion, descent, national or ethnic origin, sexual orientation, disability, gender identity and, recently added, gender characteristics) constitutes an aggravating circumstance leading to penalty enhancement. A recent legislative amendment by Law 4356/2015, which eliminated the notion of "hatred" from the elements of the crime facilitates even more the applicability of art. 81A.

28. With regard to the fight against racism and discrimination based on sexual orientation or gender identity in particular, apart from the inclusion of such grounds in the anti-racism legislation and soon in Law 3304/2005 on equal treatment (as regards gender identity and gender characteristics), which is currently being amended, the law on the civil partnership pact was recently extended by the above-mentioned Law 4356/2015 to same-sex couples, recognizing family ties between the parties and conferring rights similar, in many fields, to those deriving from marriage. It is considered that the recognition of same-sex partnerships will contribute to the elimination of social prejudices and stereotypes against LGBTQI persons. Furthermore, art. 347 of the Criminal Code providing for a higher age of consent for male homosexual acts was abolished by the same law, effectively resulting in equalization of the age of consent.

30. Concerning, equality and non-discrimination, the respective principles are established by the Greek Constitution and they are specified in the respective legal framework consisting of a several laws. For instance, Law 3304/2005 which transposed the Racial Equality Directive (2000/43) and the Framework Directive on Equal Treatment (2000/78/EC) guarantees equal treatment in employment and occupation, social protection and social advantages, education and access to goods and services which are available to the public. Moreover, criminal sanctions are imposed in case of denial of access to and supply of goods or services based on grounds of racial or ethnic origin, religion or other belief, disability, age or sexual orientation. As already mentioned, a new criminal offence has been recently established (art. 361B of the Criminal Code), punishing the provision of goods and services with the contemptuous exclusion of a person on racist or discriminatory grounds.

31. L. 3304/2005 is currently under review with the intention to increase its effectiveness. The amendments include, inter alia, the reinforcement of the Greek Ombudsman competences' as Equality Body and the explicit inclusion of "gender identity" and 'gender characteristics" as grounds of non-discrimination.

(c) Europe

25. The Audiovisual Media Services Directive requires member States to ensure that services provided by audiovisual media services providers do not contain any incitement to hatred based on race, sex, religion or nationality. In addition, member States should ensure that media services providers comply with the requirement that audiovisual commercial communications must not prejudice respect for human dignity or include or promote any discrimination based on sex, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation.

28. Xenophobia intersects with racism in so far as the (racialized) other is also seen as an outsider or foreign and is feared or is perceived to be a threat. This same dynamic occurs with other groups that have been historically discriminated against on the basis of religion, ethnicity, national origin, sex, sexual orientation or gender identification. Subaltern groups are more likely to be subject to xenophobia precisely because of their place "outside" the dominant community identity. A joint United Nations publication issued in 2015 noted that "migrants are particularly vulnerable to discrimination because their ethnicity, race or religion often differs from those of most people in the host country. Women migrants often face discrimination on multiple grounds of sex, ethnicity, religion and migratory status. There is increasing evidence of racism and xenophobia in destination countries against migrant populations who come from other cultures."

34. Victims of xenophobia and xenophobic discrimination are targeted on account of their actual or perceived status as foreigners. Individuals or groups may be targeted as foreign on account of the multiple and intersecting categories of race, colour, ethnicity, religion, national origin, lineage, nationality, sex, gender, sexual orientation, social class and language, among others. Thus, many manifestations of xenophobic discrimination are proscribed under existing international, regional and national law prohibiting discrimination on these multiple and intersecting grounds. Although existing international and regional human rights law may not use the term "xenophobic discrimination", it applies to that form of discrimination where those who are considered "foreigners" or "outsiders" are targeted on the basis of the prohibited grounds of discrimination. The applicable frameworks discussed below apply to direct and indirect forms of discrimination, and in some cases to discriminatory structures that unlawfully exclude non-nationals and other minorities that are often subjected to



xenophobia including Islamophobia, anti-Semitism, Christianophobia, Romaphobia, Afrophobia and other forms of related intolerance.

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

- **[Report of the Special Rapporteur on the situation of human rights in Belarus. A/HRC/32/48](#)**

121. The Special Rapporteur reiterates his recommendation, echoed in 2015 during the universal periodic review (A/HRC/ 30/3, paras. 129.24 - 129.28), that the authorities of Belarus enact, in order to address discrimination and the impunity thereof effectively, comprehensive anti-discrimination legislation prohibiting any kind of discrimination on the grounds of race, religion, sexual orientation and gender identity, language, political conviction or physical or mental disability, and at the same time establish mechanisms to ensure the constitutional principles of equality and non-discrimination and provide for remedies at law in cases of discrimination.

3. LGBTI persons

127. Although same-sex relationships are no longer criminalized, current legislation does not offer protection to victims of discrimination on the grounds of sexual orientation, gender identity or gender expression.¹⁸ Partly owing to the widespread homophobic rhetoric expressed even at the highest levels of the Government, discrimination against LGBTI persons, frequently manifested in the form of violence, remains a widespread phenomenon in Belarus. For example, on 25 May 2014, a young man, Mikhail Pishcheuski, was attacked while leaving a gay club in Minsk (A/HRC/29/43, para. 123). Mr. Pishcheuski died in hospital on 27 October 2015 from his injuries. Even though at his trial the murderer admitted that he had started harassing Mr. Pishcheuski because of his presumed homosexuality, the court decided that the crime had been motivated by “recklessness”, showing that, in cases of crimes committed against homosexuals, hatred is not considered an aggravating factor. The perpetrator was sentenced to two years and eight months in prison, but was released only 11 months after sentencing.

128. In December 2014, the Government introduced a draft “anti-propaganda” law that would ban the dissemination of any information “discrediting the institution of the family” to children. The draft bill made no mention of any specific penal or criminal sanctions, but could be a further deterrent to open discussion of sexual orientation and gender identity.¹⁹

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Joint submission by GayBelarus and the Sexual Rights Initiative for the universal periodic review of Belarus, May 2015.

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See ILGA-Europe, Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe, 2015.



comprehensive anti-discrimination legislation prohibiting any kind of discrimination on the grounds of race, religion, sexual orientation and gender identity, language, political conviction or physical or mental disability, and at the same time establish mechanisms to ensure the constitutional principles of equality and non-discrimination and provide for remedies at law in cases of discrimination.

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- [Detailed findings of the commission of inquiry on human rights in Eritrea. A/HRC/32/CRP.1](#)

Further, discomfort with discussing issues of sexuality in general in Eritrean society, and homosexual behaviour in particular,²² prevents any contemplation of the perpetration of sexual violence against men within the Eritrean society. In this context, the Commission notes the stigmatisation created by the domestic legislation of Eritrea, which is in breach of international human rights law.²³ The definition of rape in the Transitional Penal Code of

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Joint submission by GayBelarus and the Sexual Rights Initiative for the universal periodic review of Belarus, May 2015.

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See ILGA-Europe, Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People in Europe, 2015.

22

See, e.g., TAA210, TBA203, TBA204, TFM030, TSH043, S048. See also TSS210; U.S. Department of State, *Eritrea 2014 Human Rights Report*, p. 22 (“In general society stigmatized discussion of LGBT issues”), available at: <http://www.state.gov/documents/organization/236568.pdf>.

23

A/HRC/29/23, Discrimination and violence against individuals based on their sexual orientation and gender identity, 4 May 2015, paras. 41, 43 (“States that criminalize consensual homosexual acts are in breach of international human rights law since these laws, by their mere existence, violate the rights to privacy and non-discrimination”), 45; E/C.12/GC/22, General Comment No. 22 (2016) on the Right to sexual and reproductive health (Article 12 of the International Covenant on Economic, Social and Cultural Rights), 4 March 2016, para. 23. See



Eritrea is gender-exclusive and limits the definition of the offence of rape to women.²⁴ Moreover, both the new Penal Code of Eritrea of 15 May 2015 and the Transitional Penal Code of Eritrea criminalise consensual same-sex acts and impose a penalty of a term of imprisonment for such conduct.²⁵ In addition, while non-consensual same-sex act was/is also criminalised, the Commission notes that it is not criminalised as rape but as an “aggravated unnatural carnal offence” under the Transitional Penal Code of Eritrea and as an “aggravated homosexual conduct” under the new Penal Code of Eritrea.²⁶ In light of the above, the Commission is of the view that the risk and fear to be labelled as homosexual with all the stigma, discrimination, exclusion and/or the possible prosecution and detention which that labelling entails further contributed to discouraging male survivors of sexual violence to report such incidents.²⁷

ITEM 6: UNIVERSAL PERIODIC REVIEW

• [Report of the Working Group on the Universal Periodic Review - Namibia. A/HRC/32/4](#)

137. The following recommendations will be examined by Namibia, which will provide responses in due time, but no later than the thirty-second session of the Human Rights Council, in June 2016:

137.69 Spain: Establish legislative measures to decriminalize sexual relations among adults of the same sex.

137.70 France: Repeal provisions criminalizing sexual relations between consenting adults of the same sex, to respect the principles of equality and non-discrimination among all people.

137.71 Iceland: Bring its legislation into conformity with its international human rights obligations by repealing laws that criminalize sexual activity between consenting adults of the same sex.

137.72 Netherlands: Bring its law in conformity with its international human rights obligations by repealing all laws which result in, or are likely to result in the discrimination, prosecution and punishment of people solely for their sexual orientation or gender identity.

137.73 Argentina: Adopt the necessary measures aiming at eliminating the normative provisions which criminalize and discriminate against LGBTI persons.

• [Report of the Working Group on the Universal Periodic Review - Sierra Leone. A/HRC/32/16](#)

also A/HRC/31/57, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, 5 January 2016, para. 15.

24

See Transitional Penal Code of Eritrea, Article 589.

25

See Transitional Penal Code of Eritrea, Article 600; Penal Code of the State of Eritrea of 15 May 2015, Article 310(1). The Commission notes that any offence committed on a date before the entry into force of the new Penal Code of Eritrea of 15 May 2015 shall be prosecuted according to the law in force at the time of the offence, i.e. according to the Transitional Penal Code. See Penal Code of the State of Eritrea of 15 May 2015, Article 4(1).

26

See Transitional Penal Code of Eritrea, Article 601(2); Penal Code of the State of Eritrea of 15 May 2015, Article 310(2)(d).

27

See, e.g., TBA204, TSH033, TSH043.

36



111. The following recommendations will be examined by Sierra Leone, which will provide its responses in due time, but no later than the thirty-second session of the Human Rights Council, in June 2016:

111.80 Decriminalize same-sex conduct between consenting adults and pass legislation to prohibit discrimination based on sexual orientation or gender identity (Canada);

111.81 Repeal sections 61 and 62 of the “Offences Against the Persons Act 1861”, which criminalize consensual same-sex relations (Netherlands);

111.82 Repeal legal provisions penalising sexual relations between consenting adults of the same sex, in order to respect the principles of equality and non-discrimination among all persons (France);

111.83 Make the necessary legal amendments in order to eliminate standards that criminalize and stigmatize lesbian, bisexual, gay, transgender and intersex persons (Argentina);

111.84 Encourage the adoption of measures to guarantee the human rights of the lesbian, bisexual, gay, transgender and intersex population (Colombia);

111.85 Strengthen norms and programmes to combat discrimination and violence based on sexual orientation and gender identity (Chile);

- [Report of the working Group on the Universal Periodic Review - Latvia. A/HRC/32/15](#)

118. The recommendations formulated during the interactive dialogue/listed below have been examined by Latvia and enjoy the support of Latvia:

118.17 Develop and implement public awareness campaigns and education programs to promote diversity and inclusion, while combatting racism, xenophobia and homophobia (Canada);

118.18 Continue strengthening programmes for combating xenophobia, discrimination and violence motivated by the sexual orientation and gender identity of the victims (Chile);

120. The following recommendations will be examined by Latvia which will provide responses in due time, but no later than the thirty-second session of the Human Rights Council in June 2016:

120.39 Consider as a crime all acts of violence, regardless of the harm that they cause, in addition to specifically punishing violence based on sexual orientation or gender identity (Spain);

120.40 Amend legal prohibition on incitement to hatred to include prohibitions on the basis of sexual orientation (United Kingdom of Great Britain and Northern Ireland);

120.41 Consider legislative and administrative measures to combat violence on the basis of gender identity or sexual orientation (United States of America);

120.42 Adopt legislation that explicitly recognizes homophobic and transphobic motivation for a criminal offence as an aggravating circumstance in its criminal law (Finland);

120.50 Ensure that diversity is actively pursued in school curricula through awareness-raising activities in order to eliminate discrimination against minorities, especially lesbian, gay, bisexual, transgender and intersex persons (Finland);

120.51 Verify the impact of the amendments of the educational law relating to the mandate to “morally educate children in compliance with the values of the constitution” on the realization of human rights, in particular women’s rights, rights of lesbian, gay, bisexual, transgender and intersex persons and freedom of expression (Germany);

120.55 Continue its efforts in countering racist discourse in politics and in the media, fighting racially motivated crimes, and eliminating violence and discrimination based on sexual orientation and gender identity (Thailand);



120.58 Enhance its efforts aimed at preventing and combating and bringing to justice perpetrators of hate crimes, as well as acts of racism, xenophobia and discrimination against vulnerable groups, including lesbian, gay, bisexual, transgender and intersex individuals (Brazil);

120.61 Raise public awareness of hate speech against lesbian, gay, bisexual and transgender persons and take steps to increase reporting of hate crimes against lesbian, gay, bisexual and transgender persons (Norway);

120.62 Adopt measures to promote equality of the rights of lesbian, gay, bisexual and transgender persons and end discrimination against them regard (France);

120.63 Introduce legislation that recognises the diversity of forms of partnerships and that provides same sex couples with the same rights and social security as couples of the opposite sex, as previously recommended (Netherlands);

120.64 Deepen actions against discrimination and violence suffered by lesbian, gay, bisexual, transgender and intersex persons; in particular, ensure access to courts as well as the investigation and punishment of these acts; and strengthen the assistance provided to victims (Argentina);

- [Report of the Working Group on the Universal Periodic Review - Solomon Islands. A/HRC/32/14](#)

101. The recommendations below did not enjoy the support of Solomon Islands and would thus be noted:

101.1 Take measures to prevent and combat discrimination based on sexual orientation and gender identity, including by decriminalizing sexual relations between consenting adults of the same sex (Brazil);

101.2 Adopt measures to ensure full enjoyment of rights and equality to lesbian, gay, bisexual, transgender and intersex people, both in terms of legislation as well as on policies and practices (Israel);

101.3 Extend the scope of the Penal Code (Sexual Offences) (Amendment) Bill of 2015 to clarify existing, and create new, legislation to protect the human rights of the lesbian, gay, bisexual, transgender and intersex community (United Kingdom);

101.4 Adopt comprehensive anti-discrimination legislation, including on discrimination based on sexual orientation or gender identity, and repeal any laws which result in, or are likely to result in, the discrimination, prosecution and punishment of people solely for their sexual orientation or gender identity (Netherlands);

101.5 Decriminalize sexual activities between consenting adults of the same sex, as previously recommended (Slovenia);

101.6 Decriminalize sexual relations between consenting adults of the same sex (Chile).

- [Report of the Working Group on the Universal Periodic Review - Palau. A/HRC/32/11](#)

104. The following recommendations will be examined by Palau, which will provide responses in due time, but no later than the thirty-second session of the Human Rights Council, in June 2016:

104.80 Introduce comprehensive anti-discrimination legislation, including discrimination based on sexual orientation or gender identity (Netherlands);

104.81 Legislate in order to permit marriage between persons of the same sex (Spain);

104.82 Extend existing legislation to protect the rights of the lesbian, gay, bisexual, transgender and intersex community, including the recognition of same sex couples and anti-discrimination employment laws (United Kingdom of Great Britain and Northern Ireland);



- 104.83 Adopt measures to ensure that lesbian, gay, bisexual, transgender and intersex persons are no longer victims of discriminatory provisions (France);
- 104.84 Consider establishing explicit legislation or policies that prohibit discrimination based on sexual orientation or gender identity (Israel);
- 104.85 Take all the necessary measures to eliminate discrimination based on sexual orientation and gender identity (Mexico);

- [Report of the Working Group in the Universal Periodic Review - Denmark. A/HRC/32/10](#)

120. The following recommendations will be examined by Denmark which will provide responses in due time, but no later than the thirty-second session of the Human Rights Council in June 2016:

- 120.64 Expressly prohibit discrimination against persons with disabilities as well as religious belief, sexual orientation or age, outside the labour market (Bulgaria);
- 120.66 Review its body of legislation prohibiting discrimination on any grounds, and in this regard, expressly prohibit discrimination due to disability, age, religious belief, sexual orientation or gender identity (Canada);
- 120.100 Implement support services and ensure non-discrimination against the lesbian, gay, bisexual, transgender and intersex community (South Africa);
- 120.101 Ensure equal access to public health for lesbian, gay, bisexual and transgender persons, removing existing legislative barriers for access to gender reassignment-related treatments (Uruguay);

- [Report of the Working Group in the Universal Periodic Review - Paraguay. A/HRC/32/9](#)

102. The recommendations formulated during the interactive dialogue/listed below have been examined by Paraguay and enjoy the support of Paraguay:

- 102.33 Further develop policies to ensure full enjoyment of rights and equality to lesbian, gay, bisexual, transgender and intersex persons (Israel);
- 102.36 Accord priority to passing draft anti-discrimination legislation, tabled in Congress in November 2015, and reviews existing laws to ensure consistency with the draft legislation's objectives (Australia);
- 102.37 Ensure the adoption and implementation of an anti-discrimination law, cohering to international human rights standards (Greece);
- 102.38 Move towards the adoption of a comprehensive law against all forms of discrimination, including discrimination on the basis of sexual orientation and gender identity, that punishes and prohibits all forms of discrimination in public and private settings (Chile);
- 102.39 Foster the presentation of a new bill against all forms of discrimination (Cuba);
- 102.40 Adopt and implement comprehensive anti-discrimination legislation in line with international human rights standards (Slovenia);
- 102.41 Encourage the adoption and implementation of legislation to combat all forms of discrimination, in compliance with international human rights standards and in line with Paraguay's commitments (Guatemala);
- 102.42 Present to the Parliament and support the approval, as soon as possible, of a new comprehensive draft bill against racism, racial discrimination, xenophobia and all related forms of intolerance (Brazil);
- 102.43 Adopt the necessary legislative and policy measures to combat any form of discrimination, including by guaranteeing access to justice and recognizing the right to due reparation for victims (Honduras);



102.45 Consider taking up an anti-discrimination bill in dialogue with State and non-State actors, which would guarantee basic safeguards of non-discrimination, prevention and punishment of all forms of discrimination against all human beings, in line with the main standards of the international human rights instruments to which Paraguay is a party (Uruguay); which would include, among other issues, awareness on issues such as gender violence, and the freedom of sexual orientation (Spain);

102.52 Adopt a law prohibiting all forms of discrimination, including discrimination based on sexual orientation and gender identity (South Africa);

102.53 Adopt a law against all forms of discrimination, including discrimination based on sexual orientation and gender identity (Sweden);

102.54 Enact legislation to prohibit discrimination, including based on sexual orientation and gender identity (Canada);

102.55 Adopt a law to fight against discrimination, to prevent and punish discrimination in all its forms including discrimination on sexual orientation and gender identity (Argentina);

102.56 Pass legislation prohibiting discrimination, including comprehensive prohibitions against discrimination on the grounds of sexual orientation and gender identity (United Kingdom of Great Britain and Northern Ireland);

102.57 Review all type of provisions that could lead to the discrimination of lesbian, gay, bisexual, transgender and intersex persons, as well as review labour provisions which may affect domestic workers (Colombia);

102.58 Strengthen the fight against all forms of discrimination including discrimination based on sexual orientation or gender identity (France);

103. Paraguay considers that the recommendations 102.2, 102.5-102.9, 102.11, 102.12, 102.14-102.18, 102.20-102.27, 102.30-**102.33**, **102.35-102.47**, 102.49, **102.51- 102.61**, 102.66-102.75, 102.77-102.87, 102.90-102.93, 102.95-102.101, 102.103, 102.104, 102.1106-102.111, 102.113-102.115, 102.118-102.121, 102.123-102.125, 102.129, 102.131, 102.133, 102.135, 102.137-102.141, 102.143, 102.144, 102.146, 102.149, 102.151-102.153, 102.155-102.158, 102.161-102.164, 102.166-102.170, 102.172, 102.173, 102.175, 102.176, 102.178-102.184 and 102.186 above are already implemented or in the process of implementation.

- [Report of the Working Group on the Universal Periodic Review - Estonia. A/HRC/32/7](#)

122. The recommendations formulated during the interactive dialogue and listed below have been examined by Estonia and enjoy the support of Estonia:

122.60 Combat discrimination on account of nationality, ethnic or religious affiliation, and sexual orientation or gender identity (United States of America);

122.73 Implement their “Diversity Enriches” programme to promote inclusion, tolerance and integration of people from different backgrounds, nationalities, religions, genders and sexual orientations (United Kingdom of Great Britain and Northern Ireland);

122.74 Launch a debate on issues concerning ethnic and cultural diversity aiming at promoting tolerance towards divergent cultural, religious and sexual orientations within the Estonian society (Germany);

122.80 Develop and adopt legislation that would recognize explicitly hatred on the basis of sexual orientation and gender identity as a motive and make it an aggravated circumstance in a crime (Bulgaria);

122.81 Develop and adopt legislation that would explicitly recognize hatred on the basis of sexual orientation and gender identity as a motive and make it an aggravated circumstance in a crime (Slovenia);



122.82 Thoroughly investigate and prosecute all acts of violence against ethnic and racial minorities and vulnerable groups, including lesbian, gay, bisexual, transgender and intersex persons, and enact legislation on hate crimes based on sexual orientation or gender identity (Canada);

• [Report of the Working Group on the Universal Periodic Review - Mozambique. A/HRC/32/6](#)

129. The following recommendations will be examined by Mozambique, which will provide responses in due time, but no later than the thirty-second session of the Human Rights Council in June 2016:

129.5 Adopt additional measures necessary to protect minorities, such as older persons, lesbian, gay, bisexual and transgender persons, persons with disabilities (Argentina);

129.11 Revise laws to expressly prohibit discrimination on the basis of sexual orientation, gender identity and intersex status (Australia);

129.12 Include sexual orientation and gender identity amongst illegal criteria for discrimination, in social, economic and political life and eliminate norms prohibiting consenting sexual relation between adults of the same sex (Chile);

129.13 Adopt legislation to specifically prohibit discrimination on the basis of sexual orientation and gender identity (Sweden);

130. The recommendations below did not enjoy the support of Mozambique and would thus be noted:

130.12 Strengthen mechanisms to prohibit discrimination against vulnerable groups, including persons with albinism; and ensure non-discrimination on applications for accreditation by civil society organizations, including organizations such as LGBT Association of Mozambique (Canada);

130.13 Agree to the registration of LAMBDA (the Association for Defence of Sexual Minorities) as an official NGO (United Kingdom of Great Britain and Northern Ireland);

• [Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review - Mozambique. A/HRC/32/6/Add.1](#)

17. Recommendation 129.5. - Noted.

20. Recommendations 129.11., 129.12., 129.13. - Noted.

• [Report of the Working Group on the Universal Periodic Review - Belgium. A/HRC/32/8](#)

138. The recommendations formulated during the interactive dialogue/listed below have been examined by Belgium and enjoy the support of Belgium:

138.105 Consider abolishing the requirements for medical interventions for transgender people who wish to obtain legal recognition of their gender (Israel);

138.106 Amend the legislation to allow the change of the civil identity without need of previous surgery (Spain);

140. The following recommendations will be examined by Belgium, which will provide responses in due time, but no later than the thirty-second session of the Human Rights Council, in June 2016:

140.10 Strengthen the national plans and policies to prevent acts of discrimination and violence motivated by racial and/or religious hatred, xenophobia, homophobia and gender grounds (Chile);

- [Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review - Belgium. A/HRC/32/8/Add.1](#)

3. La Belgique appuie les recommandations suivantes: 140.1, 140.4, 140.5, 140.6, 140.9, 140.10, 140.11, 140.12, 140.13, 140.15, 140.16, 140.17, 140.18, 140.19, 140.22, 140.24, 140.26, 140.27, 140.29, 140.35.

- [Report of the Working Group on the Universal Periodic Review - Seychelles. A/HRC/32/13](#)

120. The following recommendations will be examined by Seychelles, which will provide responses in due time, but no later than the thirty-second session of the Human Rights Council, in June 2016:

120.45 Adopt comprehensive anti-discrimination legislation, including on the basis of sexual orientation and gender identity (Netherlands);

120.46 Reinforce the relevant legal framework in order to contrast discrimination on the basis of sexual orientation (Italy);

120.47 Implement its commitment to repeal Section 151 of the Penal Code to decriminalize same-sex relationships (United Kingdom of Great Britain and Northern Ireland);

120.48 Repeal laws criminalizing consensual, same-sex relationships between adults (Australia);

120.49 Repeal the provisions criminalizing same-sex sexual relations between consenting adults, to respect the principles of equality and non-discrimination among all persons (France);

120.50 Decriminalize consensual sex relations between adults of the same sex and strengthen legislation punishing all forms of discrimination, including on the grounds of sexual orientation and gender identity (Chile);

120.51 Expressly prohibit discrimination based on sexual orientation and gender identity, and decriminalize same-sex sexual conduct between consenting adults (Canada);

120.52 Guarantee that lesbian, gay, bisexual, transgender and intersex persons fully enjoy their human rights, on equal terms, by repealing norms that criminalize and stigmatize them (Argentina);

120.53 Repeal national provisions that discriminate against lesbian, gay, bisexual and transgender persons, and decriminalize consensual sexual relations between adults of the same gender (Germany);

- [Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review - Seychelles. A/HRC/32/13/Add.1](#)

120.45. Seychelles **accepts** the recommendation.

120.46. Seychelles **accepts** the recommendation.

120.47. Seychelles **accepts** the recommendation. Following a proposal made by the Government, in May 2016 the National Assembly approved the repeal of paragraphs (a) and (c) of Section 151 of the 'Penal Code, 1955' which can criminalize acts of a homosexual nature, as well as potentially give rise to discrimination and homophobic sentiments.

120.48. Seychelles **accepts** the recommendation and refers to its comments under 120.47.

120.49. Seychelles **accepts** the recommendation and refers to its comments under 120.47.



- 120.50. Seychelles **accepts** the recommendation and refers to its comments under 120.47.
- 120.51. Seychelles **accepts** the recommendation and refers to its comments under 120.47.
- 120.52. Seychelles **accepts** the recommendation and refers to its comments under 120.47.
- 120.53. Seychelles **accepts** the recommendation and refers to its comments under 120.47.

[Report of the Working Group on the Universal Periodic Review-Singapore. A/HRC/32/17](#)

76. Singapore affirmed that lesbian, gay, bisexual, transgender and intersex persons were part of Singaporean society and their contributions were acknowledged like those of all citizens. The Government had to manage lesbian, gay, bisexual, transgender and intersex issues sensitively and pragmatically without fracturing society because Singapore was basically a conservative society.

77. Section 377 A of the Penal Code on sodomy, which was inherited during the colonial history of Singapore, was not proactively enforced. Lesbian, gay, bisexual, transgender and intersex persons were free to lead their lives. Parliament decided after an intense debate in 2007 to retain this law. The Prime Minister noted at that time that it was better to accept the legal untidiness and ambiguity of leaving the law as it was, and it would not be wise to force this issue by settling it one way or the other. Singapore firmly opposed discrimination and harassment, and did not discriminate against lesbian, gay, bisexual, transgender and intersex applicants to the civil service. The approach was “to live and let live”, preserve the common space for all communities, and let society evolve gradually and decide collectively.

108. Finland welcomed the ratification of the Convention on the Rights of Persons with Disabilities and the International Convention on the Elimination of All Forms of Racial Discrimination. It encouraged decriminalization of consensual sexual activity and revoking censorship guidelines discriminating against lesbian, gay, bisexual, transgender and intersex persons.

II. Conclusions and/or recommendations

166. The following recommendations will be examined by Singapore, which will provide responses in due time, but no later than the thirty-second session of the Human Rights Council in June 2016.

166.60 Enact comprehensive legislation prohibiting discrimination in employment on the basis of sex, race, ethnicity, religion, age, sexual orientation, gender identity and expression, marital status or disability (Canada);

166.68 Abolish section 377 A of the Penal Code (Norway);

166.69 Take necessary measures to eliminate legislation that criminalizes same-sex relations and to repeal section 377 A of the Penal Code (Slovenia);

166.70 Decriminalize consensual homosexual relations between adults (Spain);

166.71 Revoke legal provisions criminalizing sexual activity between consenting adults (Sweden);

166.72 Repeal laws that criminalize homosexuality (United Kingdom of Great Britain and Northern Ireland);



166.73 Repeal the anti-sodomy law, which criminalizes the private consensual conduct of gay men (United States of America);

166.74 Formally repeal section 377 A of the Penal Code criminalising homosexual acts (Austria);

166.75 Take the necessary measures to eliminate legislation and policies that criminalize, in a direct or an indirect way, same sex relations and discriminate against lesbian, gay, bisexual, transgender and intersex persons (Brazil);

166.76 Eliminate provisions in national legislation that discriminate against women and other groups such as lesbian, gay, bisexual, transgender and intersex persons, including revising the section 377 A of the Penal Code (Czech Republic);

166.77 Repeal section 377 A of the Penal Code to decriminalize homosexuality (France);

166.78 Consider de-criminalizing same-sex relations (Greece);

- [Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review - Singapore. A/HRC/32/17/Add.1](#)

31. **Singapore notes recommendation 166.60.** Singapore strongly supports the principle of non-discrimination in the workplace. Our preferred approach is to encourage employers to adopt fair employment practices through the Tripartite Alliance for Fair and Progressive Employment Practices (TAFEP), which sets guidelines for employers to treat their employees fairly and with respect, and refrain from discriminatory practices, rather than a legislative approach which may add market rigidities without addressing discriminatory practices. Errant employers are sanctioned.

LGBT community

46. **Singapore notes recommendation 166.154.** LGBTI content is permitted so long as it meets the current media guidelines, which are revised periodically in accordance with societal values. **Singapore notes recommendations 166.68, 166.69, 166.70, 166.71, 166.72, 166.73, 166.74, 166.75, 166.76, 166.77 and 166.78.** Singapore's policy on this issue has been explained to our UPR Working Group.



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

- **[Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. A/HRC/32/49](#)**

13. The Special Rapporteur also received reports of attacks by individuals and groups linked to far-right and neo-Nazi groups on homosexual, bisexual, lesbian and transgender individuals. The same groups that attack, discriminate and promote discrimination against racial minorities are also involved in attacks against individuals on the basis of their sexual identity. The Special Rapporteur is of the opinion that the identity of an individual is made up of multiple components, including gender, age, nationality, profession, sexual orientation, political opinion, religious affiliation and social origin; tolerance, mutual understanding and respect for all, without prejudice, stereotyping or discrimination, should therefore be the basis of human relations of any kind. He also notes the multiple and often interlinked forms of discrimination that individuals face on the basis of their race, colour, descent, national or ethnic origin or sexual orientation, and in this regard draws attention to the underreporting of racial violence directed at homosexual, bisexual, lesbian and transgender persons. He therefore urges States to take the measures necessary to address the intersectional nature of different forms of discrimination.

B. Legislative measures

19. As stated in the outcome document of the Durban Declaration and Programme of Action, any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence should be prohibited by law, as should be the dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, and all acts of violence or incitement to such acts. In that regard, the Special Rapporteur calls upon all States to respect the commitments made in the Durban Declaration and Programme of Action, which is a comprehensive framework for action against racism, racial discrimination and xenophobia. He also recommends that States adopt legislation that conforms to international human rights standards, including the International Convention on the Elimination of All Forms of Racial Discrimination, paying particular attention to their obligations under article 4 of the Convention. In that connection, States should introduce into domestic criminal law a provision to the effect that the commission of any offence with racist, xenophobic, anti-Semitic or homophobic motivations or aims constitutes an aggravating circumstance attracting heavier sanctions.

E. Capacity-building

25. The Special Rapporteur recommends that the capacity of law enforcement officials and members of the judiciary be strengthened further to address crimes

motivated by racist, xenophobic, anti-Semitic or homophobic biases. Comprehensive and mandatory human rights training, including training with a specific focus on racist and xenophobic crimes perpetrated by individuals linked to extremist political parties, groups and movements, should be provided to public officials, including law enforcement agents, who should also be provided with the necessary guidelines and procedures to be able to identify, investigate and register such crimes. He emphasizes that States should also ensure that law enforcement agents engage with vulnerable groups particularly at risk of racist, xenophobic or anti-Semitic crimes, in order to mitigate their legitimate fears and concerns, restore



confidence in the application of the rule of law, and encourage them to report such crimes adequately.

- [Panel discussion the incompatibility between democracy and racism - Summary report of the United Nations High Commissioner for Human Rights. A/HRC/32/29](#)

26. One delegate, speaking on behalf of a group of States, noted that, 16 years after the first resolution on the incompatibility between democracy and racism had been adopted, racism, xenophobia and intolerance in public opinion and society seemed on the rise. Vulnerable groups, such as migrants, refugees, asylum seekers, indigenous peoples, minorities and lesbian, gay, bisexual and transgender persons continued to be victims of violence and attacks.

REPORTS THAT DO NOT ADDRESS SOGIESC ISSUES

REPORTS THAT DO NOT ADDRESS SOGIESC ISSUES

- Report of the Independent Expert on human rights and international solidarity on her mission to Morocco: comments by the State. **A/HRC/32/43/Add.2**
- Report of the Special Rapporteur on violence against women, its causes and consequences. **A/HRC/32/42/Corr.1**
- Best practices to counter the negative impact of corruption on the enjoyment of all human rights. **A/HRC/32/22**
- Human rights and the regulation of civilian acquisition, possession and use of firearms. **A/HRC/32/21**
- Summary of discussions of the Forum on Business and Human Rights. **A/HRC/32/46**
- Report of the Special Rapporteur on violence against women, its causes and consequences: comments by the State. **A/HRC/32/42/Add.4**
- Report of the Working Group on the Universal Periodic Review – Niger. **A/HRC/32/5**
- Operations of the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review. **A/HRC/32/28**
- Report of the Special Rapporteur on extreme poverty and human rights on his mission to Romania. **A/HRC/32/31Add.2**
- Report of the Special Rapporteur on the right to education. **A/HRC/32/37**
- Report of the Special Rapporteur on the human rights of internally displaced persons on his mission to the Philippines. **A/HRC/32/35/Add.3**
- Report of the Special Rapporteur on the human rights of internally displaced persons on his mission to the Syrian Arab Republic. **A/HRC/32/35/Add.2**
- Report of the Special Rapporteur on the human rights of internally displaced persons on his mission to Iraq. **A/HRC/32/35/Add.1**
- Report of the Special Rapporteur on the independence of judges and lawyers. **A/HRC/32/34**
- Report of the Special Rapporteur on the independence of judges and lawyers. **A/HRC/32/34/Add.1**
- Report of the Special Rapporteur on extreme poverty and human rights on his mission to Romania: comments by the State. **A/HRC/32/31/Add. 4**
- Report of the Working Group on the Universal Periodic Review. Somalia. **A/HRC/32/12**
- Report of the Special Rapporteur on violence against women, its causes and consequences on her mission to the Sudan. **A/HRC/32/42/Add.1**
- Report of the Special Rapporteur on violence against women, its causes and consequences. **A/HRC/32/42**
- Panel discussion on the adverse impact of climate change on States' efforts to progressively realize the right of everyone to the enjoyment of the highest

attainable standard of physical and mental health and related policies, lessons learned and good practices – Summary report of the Office of the United Nations High Commissioner for Human Rights- **A/HRC/32/24**

- Report of the Special Rapporteur on the human rights of internally displaced persons. **A/HRC/32/35**

- Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on his mission to Ukraine. **A/HRC/32/Add.1**

- Report of the Special Rapporteur on trafficking in persons, especially women and children. **A/HRC/32/41**

- Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises on the Asia Forum on Business and Human Rights. **A/HRC/32/45/Add.2**

- Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises on multistakeholder action to protect and respect human rights. **A/HRC/32/45/Add.3**

- Report of the Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights. **A/HRC/32/51**

- Report of the Working Group on the issue of human rights and transitional corporations and other business enterprises. **A/HRC/32/45**

- Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises on its mission to Brazil. **A/HRC/32/45/Add.1**

- Improving accountability and access to remedy for victims of business-related human rights abuse. **A/HRC/32/19**

- Analytical study on the relationship between climate change and the human right of everyone to the enjoyment of the highest attainable standard of physical and mental health. **A/HRC/32/23**

- Expert workshop to review the mandate of the Expert Mechanism on the Rights of Indigenous Peoples- Report of the Office of the United Nations High Commissioner for Human Rights. **A/HRC/32/26**

- Panel discussion the incompatibility between democracy and racism – Summary report of the United Nations High Commissioner for Human Rights. **A/HRC/32/29**

- Report of the Special Rapporteur on extreme poverty and human rights. **A/HRC/32/31**

- Report of the Special Rapporteur on the right to everyone to the enjoyment of the highest attainable standard of physical and mental health on his mission to Nigeria. **A/HRC/32/32/Add.2**

- Report of the Special Rapporteur on the right to education his mission to Fiji. **A/HRC/32/37/Add.1**

- Report of the Special Rapporteur on the promotion and protection of the

right to freedom of opinion and expression. **A/HRC/32/38**

- Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on the right to life and the use of force by private security providers in law enforcement contexts. **A/HRC/32/39**

- Report of the Special Rapporteur on trafficking in persons, especially women and children on her mission to Jordan. **A/HRC/32/41/Add.1**

- Report of the Independent Expert on human rights and international solidarity on her mission to Morocco. **A/HRC/32/43/Add.1**

- Report of the commission of inquiry on human rights in Eritrea. **A/HRC/32/47**

- Views and conclusions and/or recommendations, voluntary commitments and replies presented by the State under review. **A/HRC/32/5/Add.1**

- Situation of human rights of Rohingya Muslims and other minorities in Myanmar. **A/HRC/32/18**

- Operations of the voluntary trust fund for participation in the UPR – Report of the OHCHR. **A/HRC/32/27**

- Implementation of Human Rights Council resolution 30/27 – Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Burundi. **A/HRC/32/30**

- Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions. **A/HRC/32/39/Add.4**

- Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions. **A/HRC/32/39/Add.5**

- Report of the Special Rapporteur on the rights to freedom of peaceful assembly and association on his mission to the Chile: comments by the State. **A/HRC/32/36/Add.4**

- Report of the Working Group on the issue of discrimination against women in law and in practice on its mission to Senegal: comments by the State. **A/HRC/32/44/Add.3**

- Informe del Grupo de Trabajo sobre la cuestión de los derechos humanos y las empresas transnacionales y otras empresas sobre la “Consulta regional para América Latina y el Caribe: Políticas públicas para la implementación de los Principios Rectores de las Naciones Unidas sobre Empresas y Derechos Humanos, en el marco de la Agenda 2030 para el Desarrollo Sostenible”. **A/HRC/32/45/Add.4**

- Report of the Independent Expert on the enhancement of capacity-building and technical cooperation with Côte d’Ivoire in the field of human rights. **A/HRC/32/52**

- “They came to destroy”: ISIS Crimes Against the Yazidis. **A/HRC/32/CRP.2**