



**SOGIESC ISSUES AT THE 31<sup>ST</sup> HUMAN RIGHTS COUNCIL SESSION  
(February 29 – March 24, 2016)**

*This report contains all the interventions related to sexual orientation, gender identity and expression and sex characteristics issues (SOGIESC) on their content.*

*The objective of this report is to identify the SOGIESC relevant interventions.  
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.*

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**DRAFT PROGRAMME OF WORK FOR THE 31<sup>ST</sup> SESSION OF THE HUMAN RIGHTS COUNCIL (29 FEBRUARY - 24 MARCH 2016)**

		WEEK 1		WEEK 2		WEEK 3		WEEK 4	
		29 February		7 March		14 March		21 March	
M O N D A Y	9.00 – 12.00	<b>ITEM 1</b> Opening of session High-level segment (HLS)		<b>ANNUAL FULL-DAY MEETING ON THE RIGHTS OF THE CHILD</b> (HRC res. 7/29 and 28/19)		<b>ITEM 4</b> <i>Individual IDs with:</i> - SR on DPR of Korea - SR on Eritrea (oral update)		<b>ITEM 7</b> - <i>Individual ID w. SR on OPT</i> - <i>HC/SG reports followed by General debate</i>	
	12.00 – 15.00	HLS (cont'd)		<b>ITEM 3 (cont'd)</b> <i>Clustered ID with:</i> - IE on foreign debt - SR on food		<b>ITEM 4 (cont'd)</b> <i>Individual IDs with:</i> - SR on Islamic Republic of Iran		<b>ITEM 7 (cont'd)</b> <b>General debate (cont'd)</b> <b>ITEM 8 General debate</b>	
	15.00 – 18.00	<b>ANNUAL HIGH-LEVEL PANEL ON HUMAN RIGHTS MAINSTREAMING</b> (HRC res. 16/21)		<b>ANNUAL FULL-DAY MEETING ON RIGHTS OF THE CHILD</b> (HRC res. 7/29 and 28/19)		<b>ITEM 4 (cont'd)</b> <i>Individual IDs with:</i> - SR on Iran (cont'd) - SR on Myanmar		<b>ITEM 9</b> - Reports of IGWG, Ad Hoc Committee and HC oral update followed by <b>General debate</b>	
	18.00 – 18.30					<b>ITEM 4 (cont'd)</b>		<b>ITEM 10</b> <i>Individual ID with IE on Central African Republic</i>	
T U E S D A Y	9.00 – 12.00	<b>HIGH-LEVEL PANEL ON 50<sup>TH</sup> ANNIV. OF HUMAN RIGHTS COVENANTS</b> (HRC res. 29/1)		<b>ITEM 3 (cont'd)</b> <i>Clustered ID with SRSGs:</i> - violence against children - children and armed conflict		<b>ITEM 4 (cont'd)</b> <i>Individual ID with COI on the Syrian Arab Republic</i>		<b>ITEM 10 (cont'd)</b> - <i>Individual ID with IE on CAR (cont'd)</i> - <i>Enhanced ID on Burundi</i>	
	12.00 – 15.00	HLS (cont'd)		<b>ITEM 3</b> <i>Clustered ID w SRSGs (cont'd)</i> <i>Clustered ID with:</i> - SR on torture - SR on sale of children		<b>ITEM 4 (cont'd)</b> <b>OHCHR report on DPRK and oral update on Eritrea followed by General debate</b>		<b>ANNUAL DISCUSSION ON TECHNICAL COOPERATION</b> (HRC res. 18/18 and 30/21)	
	15.00 – 18.00	HLS (cont'd)		<b>ITEM 3 (cont'd)</b> <i>Clustered ID (cont'd)</i>		<b>ITEM 4 (cont'd)</b> <b>General debate (cont'd)</b>		<b>ITEM 10 (cont'd)</b> - <i>Enh. ID on Burundi (cont'd)</i> <i>Individual ID with:</i> - IE on Côte d'Ivoire	
	18.00 – 21.00	<b>HLS (cont'd)</b>		<b>ITEM 3 (cont'd)</b> <i>Clustered ID (cont'd)</i>		<b>ITEM 4 (cont'd)</b> <b>General debate (cont'd)</b> --- <b>ITEM 3 (cont'd)</b> <b>ID with SR on minority issues</b>		<b>ITEM 10 (cont'd)</b> - <i>Individual ID on HC oral update on Ukraine</i> <b>ITEM 2 (cont'd)</b> - <i>Individual ID on HC report on South Sudan</i>	
W E D N E S D A Y	10.00 – 13.00	HLS (cont'd)		<b>ITEM 3 (cont'd)</b> <i>Clustered ID (cont'd)</i> <i>Clustered ID with:</i> - SR on privacy - SR on freedom of religion		<b>ITEM 5</b> - Report of Forum on Minority Issues - SP annual report by CC chair followed by <b>General debate</b> --- <b>ITEM 6</b> <b>UPR Micronesia</b>		<b>Individual ID on HC report on South Sudan (cont'd)</b> <b>ITEM 10 (cont'd)</b> <i>Individual IDs with:</i> - IE on Haiti - IE on Mali <b>Other HC/SG country reports (Item 2) followed by General debate</b>	
	13.00 – 15.00	HLS (cont'd)		<b>ITEM 3 (cont'd)</b> <b>ID on joint compilation w:</b> - SR peaceful assembly - SR summary executions		<b>ITEM 6 (cont'd)</b> <b>UPR outcomes</b> Lebanon, Mauritania, Nauru		<b>ITEM 10 (cont'd)</b> <b>General debate (cont'd)</b>	
	15.00 – 18.00	HLS (cont'd) <b>General segment</b>		<b>ITEM 3 (cont'd)</b> <i>Clustered ID (cont'd)</i>		<b>ITEM 6 (cont'd)</b> <b>UPR outcomes</b> Rwanda, Nepal, Austria		<b>ITEM 1 (cont'd)</b> <b>Decisions and conclusions</b>	
	18.00 – 21.00							<b>ITEM 1 (cont'd)</b> <b>Decisions and conclusions</b>	
T H U R S D A Y	9.00 – 12.00	<b>PANEL DISCUSSION ON CLIMATE CHANGE AND RIGHT TO HEALTH</b> (HRC res. 29/15)		<b>ITEM 3 (cont'd)</b> <i>Clustered ID w. (cont'd)</i> - SR on terrorism - SR on cultural rights		<b>ITEM 6 (cont'd)</b> <b>UPR outcomes</b> Australia, Georgia, Saint Lucia		<b>ITEM 1 (cont'd)</b> <b>Decisions and conclusions</b>	
	12.00 – 15.00	<b>ITEM 3</b> <i>Clustered ID with:</i> - SR on environment - SR adequate housing		<b>ITEM 2*</b> <b>HC annual report followed by ID with the HC</b>		<b>ITEM 6 (cont'd)</b> <b>UPR outcomes</b> Oman, Myanmar, Saint Kitts and Nevis		<b>ITEM 1 (cont'd)</b> <b>Decisions and conclusions</b>	
	15.00 – 18.00	<b>ITEM 3 (cont'd)</b>		<b>ITEM 2 (cont'd)</b> <b>ID with the HC (cont'd)</b>		<b>PANEL DISCUSSION ON PREVENTING VIOLENT</b>		<b>ITEM 1 (cont'd)</b> <b>Decisions and conclusions</b>	
	18.00 – 21.00								



Report of the 31st Human Rights Council (February 29th – March 24th,2016)

Y		18.00		18.00		EXTREMISM (HRC res. 30/15)		- 18.00		Appt. of mandate holders Adoption of session report				
F		9.00		9.00		9.00								
R		12.00		12.00		12.00								
I		12.00		12.00		12.00								
D		15.00		15.00		15.00								
A		15.00		15.00		15.00								
Y		18.00		18.00		18.00								
		<b>Clustered ID with:</b> - SASG on genocide - SR on defenders		18.00 19.30										
			4 March			11 March			18 March			25 March		
		ANNUAL DEBATE ON RIGHTS OF PERSONS WITH DISABILITIES (HRC res. 7/9 and 28/4)		9.00 12.00		PANEL DISCUSSION ON HUMAN RIGHTS AND HIV/AIDS EPIDEMIC (HRC res. 30/8)		9.00 12.00		PANEL DISCUSSION ON THE INCOMPATIBILITY BETWEEN DEMOCRACY AND RACISM (HRC res. 29/20)				
		ITEM 3 (cont'd)		12.00 15.00		ITEM 3 (cont'd) - Report of IGWG on transnational corporations - HC/OHCHR/SG thematic reports followed by General debate		12.00 15.00		ITEM 6 (cont'd) UPR outcomes Sao Tome & Principe ---		UNITED NATIONS HOLIDAY		
		ITEM 3		15.00 18.00		ITEM 3 (cont'd) General debate (cont'd)		15.00 18.00		DEBATE ON STATE OF RACIAL DISCRIMINATION WORLDWIDE (GA res. 70/140)				
		<b>Clustered ID with:</b> - SR on persons with disabilities - IE on albinism		18.00 19.30										

\* Item 2 remains open throughout the session.

1. **Monday, 29 February**

- **Opening of the Session. High-level segment**

**United Nations High Commissioner for Human Rights:** ignorance leads to fear, fear leads to hate, and hate leads to violence. That is the equation," wrote Abu al-Walid Mohammad ibn Ahmed ibn Rushd, the great Islamic and European philosopher of Spain, 850 years ago. When leaders express, or ignite, waves of hate speech, as we have seen in recent months – hate speech against migrants, and specific ethnic and religious groups – they are setting off shock-waves, whose impact will lead to violence.

**Argentina:** was precisely the purpose of collaborating on inclusion and combating discrimination and violence, which has led to Argentina to participate in international initiatives that seek that in a joint effort we respect our differences, we can move towards a world where it doesn't matter the race, religion, gender or sexual orientation, a world where there is freedom and equality for all as postulated by the Universal Declaration of Human Rights

**France:** continue to fight for human rights: mobilizing for gender equality, which must incite us to fight against other forms of discrimination as well, including those which date back to a long-gone age which are too often applied against LGBTI people.

**Finland:** this council has contributed greatly to the promotion of human rights. It has fulfilled its role by addressing such topics as business and human rights, sexual orientation, gender identity, and indigenous people's rights.

**Brazil:** we have achieved important progress to guarantee the rights of the child, persons with disabilities, the elderly, as well as LGBTI persons. Setbacks will not be acceptable.

**European Union:** attention to these country situations goes hand – in – hand with our commitment to advancing the rights, dignity, freedom and safety of each and every human being. We engage world-wide to advance the principles of non-discrimination and equality, and condemn discrimination and violence based on any ground or status, including creed, race, sexual orientation and gender identity.

**Luxemburg:** I am particularly concerned also of the tendency to criminalize sexual orientation in some countries. Anti-LGBT legislation is shocking and should be eliminated.

**Botswana:** as many will agree, issues of sexual orientation and gender identity are still contentious in many developing countries, especially in Africa. However, this not an excuse to condone any acts of violence against anyone, regardless of their perceived sexual orientation.

**Ecuador:** among these actions a deep restructuring of state includes, decentralizing, expanding and strengthening functions and institutions with a view to ensuring access to participation of all citizens to the mechanisms of promotion and protection of their rights, with particular emphasis on promoting equality and social rights of those groups that have been historically discriminated or limited or are priority groups, such as women, children, the elderly (...) sexual minorities.

**Commonwealth:** this year's Commonwealth theme is 'An Inclusive Commonwealth'. We decry and reject discrimination on the grounds of race, colour, gender, religious or political belief, language, and national or social origin. We acknowledge that discrimination against persons on the basis of their sexual orientation or gender identity remains widespread, most notably in the form of laws criminalizing homosexuality. As I have previously said on many occasions, discrimination on any grounds has no place in the modern Commonwealth. Furthermore, the Commonwealth cannot be truly inclusive if criminalization of homosexuality and discrimination on the grounds of



sexual orientation or gender identity are not addressed. This remains one of our most pressing human rights challenges and we will continue to work with our member states towards inclusiveness.

- **Annual High – Level Panel Discussion On Human Rights Mainstreaming**

**Secretary General Of The United Nations:** I have spoken up repeatedly for the rights of all people, regardless of their ethnicity, religion, disability, caste or other distinction. In many countries, lesbian, gay, bisexual, transsexual and intersex people are subjected to brutal and sometimes deadly violence. I commend this Council for adopting two historic resolutions on sexual orientation and gender identity. I urge you to maintain your stance on this issue.

**UNAIDS:** among the 2015 awardees was a community mobilization and networking advisor from one of our country offices in sub-Saharan Africa, who was given the award for outstanding efforts to prevent and respond to HIV-related human rights crises linked with two high profile court cases where individuals were faced with harsh punitive action linked to sexual orientation.

**United States of America:** the Council must act on issues of anti-discrimination and inclusion at a time where people continue to be target of violence simply because of who they are, because of their sexual orientation, their gender identity, their political beliefs or their religion, we believe the Council must do better to protect the human rights of these marginalized individuals

**2. Tuesday, 1 March**

- **High – Level Segment (Cont'D)**

**Sweden:** however, this development cannot be taken for granted. The Swedish Government is especially concerned by three tendencies that I will address today: firstly, shrinking democratic space for journalists and civil society; secondly, gender inequalities, as well as continued opposition to sexual and reproductive health and rights; and finally, the human rights of persons in increased risk of vulnerability, such as persons belonging to minorities, LGBTI persons and migrants. H.E. Ms. Alice Bah Kuhnke, Minister for Culture and Democracy.

**Fiji:** we also guarantee freedom from discrimination on the ground of gender, or gender identity and expression, of marital status and pregnancy. Thus Fiji has displayed consciousness of the moving and developing nature of human rights.

- **ID with SR Adequate Housing**

**ILGA (RFSL – COC – MULABI):** We congratulate the Special Rapporteur for stressing not only that discrimination acts as a cause and a consequence of homelessness, but also that people who face discrimination, such as LGBTI individuals, are more likely to become homeless, and to face different types of intersecting discrimination.

We thank the Special Rapporteur for having drawn the attention of States to young LGBTI persons, who are shockingly overrepresented in homeless populations in some countries. For example 40% homeless American youth are LGBT individuals.<sup>1</sup>

LGBTI people, especially LGBTI youth and children, frequently face severe discrimination, physical and mental abuse and shame based on their sexual orientation, gender identity and expression or sex characteristics. These pressures may be strongest within both their families and schools. LGBTI individuals are sometimes excluded from family homes, disinherited, sent to psychiatric institutions, forced to marry, or subjected to attacks on their personal

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<sup>1</sup> Durso, L.E., & Gates, G.J. (2012). *Serving Our Youth: Findings from a National Survey of Service Providers Working with Lesbian, Gay, Bisexual, and Transgender Youth who are Homeless or At Risk of Becoming Homeless*. Los Angeles: The Williams Institute with True Colors Fund and The Palette Fund.

reputation.

Intersex youth face specific challenges. Because of the personal shame that they may experience due to a variety of outside pressures, as well as the discrimination and negative attitudes of family members, they may feel neither safe nor welcome in the family home.

It is no surprise, therefore, that LGBTI youth would leave or feel forced out of the family home and their local community to seek a life more free of prejudice and discrimination. In such circumstances, a life on the streets may seem like their best or only option.

However, that precarious life presents its own risks. LGBTI persons may experience traumatic incidents even within shelters. As stated by the Special Rapporteur, some shelters do not take these individuals in, for example in some shelters trans women are not accepted because their legal documents do not match with their gender identity, others may require consent from parents, and others again are run by religious foundations and have rules based on conservative values.

We call on States to take all measures necessary to eliminate all forms of discrimination and violence, which undermine LGBTI people's full enjoyment of their human rights, and increase the likelihood of homelessness.

We also call on States to ensure the existence of shelters for homeless LGBTI persons, as well as to regulate and monitor youth shelters to protect and support LGBTI minors.

Finally, we welcome the attention paid to the human rights violations that LGBTI persons face and call on the Special Rapporteur to continue to integrate issues of sexual orientation, gender identity and expression, and sex characteristics in the activities of the mandate. And would like to ask to the SR: what measures do you think states should take to prevent and protect LGBTI individuals from homelessness?

### **Wednesday, 3 March**

#### **- Panel discussion on climate change and right to health**

**WILPF (Women's International League for Peace and Freedom):** This requires putting the most marginalized communities at the mainstream. The 2012 UN Framework Convention on Climate Change (FCCC) recognized that "Women are disproportionately affected by climate change impacts, such as droughts, floods and other extreme weather events, but they also have critical role in combating climate change". Women must be recognized as both human rights holders and also core stakeholders in building community resilience. The community care work of women and other marginalized groups must be recognized, whether feeding, nursing, teaching or nurturing children, the disabled or the disenfranchised. Climate action must ensure the sexual and reproductive health rights of women and gender responsive strategies including around sexual orientation and gender identity, included in disaster risk reduction efforts, and integrate gender into any security sector engagement to guard against sexual and gender based violence and abuse. This is especially critical for addressing areas at the nexus of conflict and climate change, such as in Syria, Darfur, Tunisia, and Egypt.

#### **- Clustered Interactive Dialogue with: Special adviser to the secretary-general on the prevention of genocide, and special rapporteur on the situation of human rights defenders' Special Rapporteur on the situation of human rights defenders**

**Australia:** Human rights defenders play a particularly crucial role protecting vulnerable groups – including women and girls, religious minorities, LGBTI individuals, and people with disabilities. We would welcome the Special Rapporteur's insights on how States can actively promote the work of these defenders.



**Iran:** At the same time, while recognizing that human rights defenders are diverse, based on their different backgrounds, cultures and belief systems, this should not provide an authentic platform for giving special acknowledgment and legitimacy to specific groups which are not universally recognized, and labelled them as human rights defenders. Consequently, we call upon the SR to remain focused on the main idea behinds the mandate and avoid to use controversial concepts such as sexual orientation and gender identity in his future reports.

**Germany:** Looking at the state of human rights worldwide, the German Government is highly alarmed by the shrinking space for Human Rights Defenders. WE are appalled by the suppression of and violence against inter alia journalists, online activists, Human Rights Defenders in rural regions, indigenous or ethnic minorities, LGBTI activists and those standing up for the freedom of belief, the rights of women or the safeguard of their inherent economic, social and cultural rights.

**Finland:** As the situation of women human right defenders is often even more difficult, it is necessary to provide particularly active support to their work. In his report, the Special Rapporteur points to the fact that gender influences the risks and threats human right defenders face. Women human rights defenders also face discrimination more often on multiple grounds, for example in addition to their gender on the basis of their ethnicity, religion or sexual orientation.

**Slovenia:** It is unacceptable that in many parts of the world human rights defenders – especially defenders of LGBTI rights, rights of minorities and women defenders – still face risks of being discriminated against and even persecuted. The report mentions that women defenders are more at risk of verbal abuse and violence and emphasizes the need for gender sensitive protection measures. What gender sensitive protection measures could be put in place? How can we best mitigate the risks they face?

**Denmark:** “We welcome the focus of your report on conceptualizing good practices in the protection of human rights defenders, including of those that face greater risks than others, such as women defenders, and defenders working on the rights of minorities, indigenous peoples and LGBTI persons. We also share your concern about the closing of civil society space in many parts of the world”

**Chile:** “In that matter, we recognize the fundamental role of education to prevent the causes that might originate the crime of genocide, also the affirmation of a pluralist and democratic society that must respect the cultural identity, national, linguistic, ethnic, religious, of gender and sexual of all persons”

**ISHR:** Your report mentions the important work of the African Commission to highlight the violations against defenders on the basis of their gender and/or their work in areas such as sexuality, reproductive health and women’s rights. We encourage to continue cooperation with this and other regional mechanisms, and to ensure coordinated implementation.

**Action Canada:** The diversity of women HRDs, in particular, needs to be explored further, as women who do not fit the stereotypical definitions of “woman” are further marginalized by the denial of their existence, by the penalties they endure and for the use of their bodies. We refer here to transgender women, women seeking abortions, sex workers, women living with HIV, lesbian and bisexual women, as examples.

### 3. Tuesday, 8 march, 2016

- **ID with the SR on the sale of children, child prostitution and child pornography and the SR on torture**

**Dominican Republic (CELAC):** We also condemn all types of racism and discrimination, including the based on sexual orientation.

**Italy:** I would like to express our appreciation to the Special Rapporteur for having also taken into consideration the unique experience of LGBTI persons while applying a gender perspective throughout his report. We particularly welcome the focus on harmful practices, which cause physical or psychological or suffering to a large number of women and girls around the world.

**Paraguay:** the approbation of the protocol of intervention for transgender people deprived of liberty, are other examples of national progress.

**Estonia:** please allow me to now turn to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, who we would like to thank for the comprehensive annual report and commend on all the work he has done. Estonia firmly believes that sharing expertise in these cases will help us better address human rights violations and eliminate different forms of abusive practices of women, girls, and lesbian, gay, bisexual, transgender and intersex persons.

Estonia would like to support the recommendations of the special rapporteur that States must decriminalize same-sex relationships, abortions, ensure access to legal and safe abortions, and include marital rape to the crime of rape definition.

**Denmark:** Denmark welcomes your recent report on the applicability of the prohibition against torture and other cruel, inhuman or degrading treatment or punishment in international law to the unique experiences of women, girls, and LGBTI persons. In your report you emphasize that these individuals are at a particular high risk of torture and ill-treatment when deprived of their liberty, both in the criminal justice system and in other settings.

Could you please elaborate on why these individuals have a particular high risk of being victims of torture and ill-treatment while in detention? which safeguards do you believe are particularly important to protect these individuals from torture and ill-treatment during detention?

**Uruguay:** Let me conclude, Mr. President we welcome that the SR focused his report on a sensitive but important issue to its mandate, the applicability of the prohibition of torture and other cruel, inhuman and degrading treatment in international law to the own experiences of women, girls and LGBTI persons.

**Switzerland:** Switzerland has pay special attention to the SR on Torture. We share the concern of the SR with regard to the discrimination and violations against women, girls and LGBTI people. Switzerland supports this approach that considers the prohibition of torture in connection with other human rights, as the discriminations based on gender, gender identity or sexual orientation. We would like to ask the SR: Given the variety of violations against women, girls and LGBTI people, do you intend to conduct more work on this category, and are you planning to eventually collaborate with other special procedures on this issue?

**Czech Republic:** Your rightly remind us that LGBT persons are at particular risk of torture and ill treatment when deprived of their liberty, both within criminal justice systems and other, non-penal settings and that shortcomings within criminal justice systems have a particularly negative impact on these marginalized groups. It is a fact that violence in detention against lesbian, gay, bisexual, and transgender detainees reaches higher rates than against the general prison population. Could you please share with us some good examples of State activities systematically and successfully protecting rights of these persons when deprived of their liberty?

**Albania:** Albania support strategies an preventive measures to protect vulnerable groups such as women and LGBTI, groups that as highlighted in the report face grave violations of HR in forms of ill – treatment and torture. In Albania already exists a comprehensive legal framework as well and specific institutions are in place, such as the commissioner against discrimination with responsibility to punish offenders especially for offences committed against the most vulnerable people, including LGBTI persons. Existing stereotypes and discrimination are factors inciting

violations committed against persons who transgress sexual and gender norms. Women, girls, especially LGBTI persons, are particularly exposed to torture and ill – treatment when in vulnerable situations.

**Spain:** Regards the report of Mr. Mendez, thank you for your attention to gender perspective in torture, Mr. Mendez has dared to go beyond and referred to the situation of LGBTI as subjects of torture. This is a group that has often been subject of discrimination, and rights previously violated, and torture unfortunately is a violation. Therefore, we believe it is especially important that a radical change of states and governments must occur towards this group, by eliminating discriminatory laws, including the ones that criminalize their orientation, this would be a first step to prevent torture.

**Luxemburg:** (...) You make a particular emphasis on the experiences that men and women who are stigmatized by their sexual orientation have.

**France:** France welcomes your report and shares your call for more effective implementation of the existing frameworks in the fight against torture and ill – treatment against women and LGBTI people. The fight against violations of human rights based on gender, sexual orientation and gender identity is a human rights priority for our country. France deplors that in too many countries, women and LGBTI persons continue to be victims of harassment, torture and ill – treatment, arbitrary detentions and even murder, all this in a climate of impunity.

**Republic of Korea:** Regarding the report of the SR on torture, we commend such a detailed analysis on various types of torture and ill – treatment from gender perspectives. In particular, we share his views that women, girls, and sexual minorities are at particular risk of torture and ill- treatment when deprived of liberty, and accordingly, different incarceration and treatment policies and infrastructures are required to address their distinct needs and ensure their protection.

**Chile:** Chile is concerned that the prohibition of torture and ill-treatment is particularly frequently transgressed when it comes to women and girls as well as people according to their sexual orientation and gender identity. It is a motive of alert the finding that gender stereotypes, besides preventing the full enjoyment of women's rights can also be an additional factor in the commission of acts of torture and ill- treatment of men and women, either because of the role the society has assigned to them or because of the sexuality option they have chosen. (...) Violence against people because of their sexual orientation and gender identity is another issue that we thank the SR for addressing it. The criminalization of same – sex relations, the acquiescence of the state agents against violence that affects LGBTI people, as well as homophobic crimes are all factors that affect the practice of torture and ill – treatment against certain group that deserves just as much protection and respect for their life and physical, psychological and emotional integrity as others.

**UK:** The UK would also like to thank the SR on torture for his report, which focuses on the prohibition of torture in relation to the experiences of women, girls and LGBTI persons.

**Thailand:** On this issue of torture, the Ministry of Justice recognizes the importance of protecting LGBTI persons from violation and discrimination on the basis of sexual orientation and gender identity. Recently, internal discussions began on measures to protect LGBTI rights in the justice system, especially for inmates.

**Costa Rica:** We have read with interest the report of Juan Mendez, which this year addresses the issue of torture and ill – treatment of women and lesbians, gays, bisexual and transgender people deprived from their liberty. We agree with the SR when he highlights the importance on this issues, because these persons are in a situation of double vulnerability.

**Fiji:** Fiji recognizes that much work is required domestically to review police procedures at police stations and during informal arrests and detentions. Work is also required to train police officers, lawyers, prosecutors and judges on the rights of persons in custody, including those with disabilities, of various sexual orientations, children and women and girls.

**States that criticized the approach of the report**

**Iran:** We are concerned over the misuse of the noble aim of eradicating torture as a subterfuge to push further a non-internationally agreed controversial argument on LGBTIs in the report. Hence, this suspicious enclosure of a matter which does not appropriately fit into a report focusing on torture is cerebrally off beam, and does not relieve the considerations of this august body.

**Russia:** Mr. Mendez violated his mandate, because the mandate says to take into account the gender aspects of the victims of torture, and I repeat take into account the gender aspects and not to study the problem of discrimination and violence against women. The approach of the special rapporteur highlighting different groups of persons that allegedly suffer more from torture, under the logic of Mr. Mendez they require legal protection, this means the SR is attempting to create a hierarchy of victims. (...) We are also quite surprised how lightly and irresponsibly Mr. Mendez, qualifies such phenomenon as overcrowding, detention in isolation cells, the banning of abortion and sex change of operations as a means of torture. Does the SR know that he is distorting the definition of torture? We believe that this approach is harmful.

**Egypt:** Nevertheless, the present report is associated with problematic challenges. The report can open the door for setting a hierarchy among victims of torture and thus compromising the objective of universal and absolute prohibition. The report also uses concepts such as torture, ill-treatment, violence including sexual and gender-based violence and harmful practices interchangeably which can negatively reflect on the cohesive global consensus around the definition of torture under article 1 of the Convention against Torture. (...) As on previous occasions, the SR voluntarily expands the scope of the mandate. Equating or creating of an open-ended correlation between issues such as (...) sex change surgeries is legally invalid and certainly counter-productive to the agreed objectives of the mandate. Finally, we strongly disagree with any attempt to use eradication of torture as a platform to promote for controversial issues and concepts such as sexual orientation and gender identity that lack any basis under international law and associated with significant cultural and social sensitivity.

**Bangladesh:** Mr. President, Bangladesh does not support any torture against any human being. However, we regret that on such important issue, the report of the SR on torture and other cruel, inhuman or degrading treatment or punishment has deviated from its focus in various areas. We therefore, cannot endorse some parts of the report.

**Nigeria:** The deliberate emphasis on a single controversial subject and allowing it to dominate the entire report on torture does not enjoy our support as it negates the essence of this dialogue. We are of the view that introducing controversial issues into important discussions of this nature, insults the sensibility of the majority of the Members of the international community. We urge mandate holders to endeavor to ensure broad-spectrum assessment and treatment of topics in line with their mandate. The tendency to reduce an entire report to one controversial topic does not help deliberation in this Council.

**NGOs interventions**

**APT:** In your report on gender, you rightly stress that the placement in solitary confinement or administrative segregation of LGBTI persons as a “protective” measure can result in ill-treatment and even torture. What would be the alternatives authorities could take to prevent placing LGBTI persons in solitary confinement or administrative segregation while effectively guaranteeing their protection?

**OMCT:** OMCT commends your efforts to underline the cross-cutting dimension of torture and ill-treatment to many human rights violations suffered by the LGBTI persons. We are dismayed by the significant increase of reported killings of transgender persons particularly in Latin America, including in Honduras and Mexico. In this latter, could you confirm whether your follow-up visit has been already scheduled? In addition, Mr. Mendez, could you please mention examples of best practices identified within your mandate to guarantee that transgender persons can develop their life project without interference with their right to personal integrity? OMCT has also documented a rise



in the number of reports denouncing “conversion” therapies for LGBTI persons that encompass liberty depriving measures, in countries such as Guatemala, and sees with serious concern regressive measures in countries you have recently visited such as Tunisia, where six first – grade students were condemned for sodomy only last week. Moreover, women and LGBTI rights defenders, including the right to be free from torture, remain particularly at risk, in countries like Egypt, Cameroon, Honduras, Saudi Arabia and the Philippines.

**ILGA:** We warmly welcome the report of the Special Rapporteur on torture, drawing attention to the specific instances of torture and inhumane and degrading treatment faced by persons who are perceived to transgress sexual and gender norms. The gender-sensitive and intersectional approach of this report is particularly timely, given that discussions on torture in the past have often frequently focused on aspects that predominantly affect heterosexual, cisgender men.

Every person has the right to be free from torture and other cruel, inhuman or degrading treatment. State responsibility is engaged if public officials, including prison and police officers, participate or are complicit in such acts, and also if they fail to prevent, investigate, prosecute and punish such acts by public or private actors.

This is an absolute right, and yet LGBTI individuals continue to face torture and ill-treatment in many different contexts. Lesbians and bisexual, intersex and trans women are at particular risk because of gender inequality and power relations within families and wider society.

Motshidisi – a young teenage black lesbian woman in South Africa – was found dead earlier this year. She had been tortured: her body burnt, eyes gouged out and private parts mutilated in a likely homophobic attack.

Her tragic death is just one example of the torture that LGBTI persons face around the world. Such torture – in this case carried out by private individuals – constitutes a form of gender-based violence, driven by a desire to punish those seen as defying gender norms.

States must not only take action to prohibit, prevent and redress such torture and ill-treatment, but address at a fundamental level – through education and awareness raising – the root causes of these attacks.

In detention facilities, LGBT persons face particular challenges and we are grateful to the Special Rapporteur for highlighting this. Recently, 14 Trans women held in an immigration detention facility in the USA were subject to invasive strip searches conducted by male officers. The inappropriate placement of a Māori trans woman within a shared mainstream male cell in New Zealand last year resulted in her rape.

Prison officials lack knowledge of LGBT issues and therefore do not have sensitivity in how to deal with LGBT inmates. For example, “V”, a lesbian in a women's prison in Paraguay, was recently denied the right to be visited by her partner, unlike women with opposite sex partners.

We welcome the attention given to the specific torture faced by intersex people. Medically unnecessary normalizing interventions on intersex people without their informed consent are being carried out every day around the world. This must stop.

We know that governments are taking some actions: a national education campaign conducted by South Africa to raise awareness, investigations into abuse in the US and elsewhere, Trans-sensitive training of prison officials in Colombia. an initiative to try and halt intersex surgeries in Chile.

But not enough is being done. This is a mere drop in the ocean when faced with the levels of torture against LGBTI persons the world over. With such horrific human rights violations, a change at the core of society is needed to address the systemic prejudice against gender and sexual minorities. Governments must take their human rights

responsibilities seriously and take concrete action to both change hearts and minds and bring these practices to an end.

In that light, finally we would like to draw attention to a side event being held on Thursday 10 March at 1 p.m. in Room XXIV (24) at which the Special Rapporteur will continue to speak on these issues together with a representative of the UN Subcommittee on the Prevention of Torture and Human Rights Defenders working on LGBTI issues.

**Associacao Brasileira De Gays, Lesbicas E Transgeneros:** The LGBT community constitutes one of the most vulnerable groups, especially during arrests and detention by police and penitentiary agents. That is an issue raised by the SR that should be taken seriously by Brazil.

**American Civil Liberties Union:** Second, we welcome his final thematic report to the Council, focused on gender perspectives on torture. This landmark report, which is so fittingly presented on International Women's Day, critically assesses the applicability of the prohibition of torture and other cruel, inhuman or degrading treatment or punishment in international law to the unique experiences of women, girls, and LGBTI persons globally, and seeks to more effectively consider ill treatment of persons who transgress sexual and gender norms as human rights violations through the lens of international human rights law and torture and other cruel, inhuman, or degrading treatment. We call on Member States to heed his thoughtful and comprehensive recommendations, and call on the next mandate-holder to follow-up and press for much-needed implementation of legal and human rights obligations to protect women, girls, and LGBTI persons from torture and ill-treatment in various contexts, including detention.

#### **Final remarks of the SR**

**SR on torture:** The statements made yesterday refer to the fact that my report addressed controversial matters and that there was no agreement in the international community. I assume you don't refer to the discrimination against women, but you refer to LGBTI individuals. Thematic reports don't aim to discuss what is been entirely agreed upon no rather they try to flag up areas where there needs to be consensus and there needs to be a possible agreement on the possible framework regarding torture and cruel, inhumane and degrading treatment. In that regard I want to say that the principle of non-discrimination and equality is broadly accepted by the international community, the ICCPR refers to discrimination, any type of discrimination not only gender discrimination. As I understand it, this is now accepted internationally but it also refers to discrimination on any call. Prohibition of torture or any ill – treatment or punishment against any individuals of any category is also an absolute prohibition on this broad consensus, it is a norm of *ius cogens*. My report links up this two norms, in one hand saying that the states that criminalize same – sex relations generates a cultural situation, and in this situation is easier to see violence perpetrated against LGBTI individuals, and that is why in this notion of gender we do include LGBTI and we also and simply try to flag up the way this individuals, this in particular are subject of torture and inhuman and degrading treatment.

#### **4. Wednesday, 9 March**

- **Item 3 – Cluster ID with the Special Rapporteur on Privacy and Special Rapporteur on Freedom of Religion or Belief**

**Germany:** Hate speech can, according to German law, fulfil several statutory offences, when incitement to hatred or violence is directed against a person or a group on the basis of race, ethnic origin, nationality, religion, sexual orientation or identity, gender, age or disabilities.

- **Item 3 – Clustered Id with the Special Rapporteur on Peaceful Assembly and the Special Rapporteur on Summary Execution**

**Iran:** While we stress that States should take all necessary legal and practical measures to ensure equal and effective protection of the rights of all people to exercise their right to peaceful assembly without any discrimination, at the same time, we are deeply disturbed with the reference and overtone emphasis made by the SR on the non – universally recognized controversial issue of LGBTs and suspiciously under the pretext of right to peaceful assembly encourages states to take additional measures to protect and facilitate their right to freedom of assembly. Therefore, we do call upon SRs to focus on the main scheme of their mandate and not to bring up contentious issues which in fact undermine credibility and practical recommendation of the report as a whole.

## 5. Thursday, March 10

### - ITEM 3 – ID with the Special Rapporteur on Promotion and Protection of Human Rights While Countering Terrorism and the Special Rapporteur In the Field of Cultural Rights

**Sr in the field of cultural rights:** One of my main goals is to promote the enjoyment of cultural rights without any discrimination, and I have been particularly disturbed by recent political discourses of exclusion, sometimes directed at entire religious or other groups. I also note that the relationship between individuals and groups in the field of cultural rights needs further exploration, as does the terminology used to refer to the latter. In the report, I explore the question of what we mean exactly when we refer to “communities,” without defining the term. I commit to being thoughtful about the use and implications of such concepts, being mindful that while the recognition of difference is important in the field of human rights, so is the recognition of commonality. We must not forget that one of the most important groups to which we all belong is what the Universal Declaration of Human Rights calls “the human family”.

**EU:** The EU shares the SR’s concerns about recent political discourses of exclusion, based on for example race, sex, religion, political or other opinion, sexual orientation or gender identity. The EU therefore welcomes the SR’s focus on the enjoyment of cultural rights without any discrimination.

**Algeria:** How are we to approach cultural change around women’s rights and empowerment? Another question that was raised recurrently throughout the interventions: Cultural rights and diversity how can we battle this dilemma? Between upholding cultural heritage and ensuring diversity at the same time.

**France:** France fully subscribes to the analysis which sees that cultural heritage might be a vehicle for pushing oppression against women for instance among other marginalized groups.

**COC:** Through grassroots activities, like open youth mics, theatre presentations, and music performances, we have witnessed fathers soften their hearts towards accepting their gay son (...). We voice concern about the clampdown on cultural practices, such as Pride Marches. (...) We look forward to supporting Dr. Karima Bennoune as SR in the Field of Cultural Rights as she takes on the priorities specified in her report. We welcome the SR’s recommendations which calls on States to ensure the right of all persons to access, participate in and contribute to all aspects of cultural life, including in identifying and interpreting cultural heritage, and deciding which cultural traditions, values or practices are to be kept intact, modified or discarded (...) States should equally ensure this right regardless of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, sexual orientation, gender identity, age, migrant status, disability or poverty.

### - Item 2 – Annual Report of the UNHCHR and Reports of the Office Of The High Commissioner and the SG

**HCHR:** This Council has taken commendable initiatives to end discrimination against lesbian, gay, bisexual and transgender people, including expressing its grave concern regarding the violence and discrimination that they frequently suffer. All forms of discrimination fundamentally violate human rights principles, and I strongly urge you to continue this work.

**Uruguay (Lac 5):** We thank the High Commissioner for his report. We note the efforts made by his office to fight discrimination based on sexual orientation and gender identity and we encourage you to continue to strengthening them in conformity with the principles of equality and non-discrimination and universality. In particular, we support the efforts to combat homophobia and transphobia through its public education campaign “Free & Equal”. It is fundamental to work on the change of stereotypes and social damaged that threatened the dignity of LGBTI individuals. We also welcome the organization of the meeting of experts to debate the specific human rights problems that intersex individuals have, and we thank the Office for the particular attention on this topic. In last June session, 80 countries of all the regions encouraged the Office to continue addressing violence and discrimination based on sexual orientation and gender identity, and to explore the opportunity to increase the understanding and of these topics, through a constructive dialogue. In his intervention, the Secretary General of the UN said that this council had adopted two historic resolutions on sexual orientation and gender identity, and fostered us to keep the defense on this specific issue.

**Chile:** For Chile the fight against discrimination broadly means ensuring that no one is violated or discriminated because they are women or men, national or not nationals, migrants or refugees, persons with disabilities, LGBTI individuals, African descendants (...).

**Brazil:** We particularly appreciate its engagement in the efforts to eliminate violence and discrimination against women, LGBTI people, migrants, refugees and children.

**Australia:** As an active participant in the Council, Australia believes it is critical we all do what we can to protect vulnerable groups, including women and girls, LGBTI individuals, people with disabilities, and people experiencing violence and conflict.

**Argentina:** We appreciate the work of the Office regarding inclusion; under a framework of dialogue and understanding, we believe we can move towards agreements were the race, religion, gender, sexual orientation o gender identity of the persons it is not an argument for discrimination. In particular, we would like to emphasize the “Free & Equal” campaign that promotes tolerance and respect for others, and we encourage your office to continue its efforts in favor of inclusion.

**Ecuador:** We also recognized the work on reducing the impact of discrimination based in being part of a minority group, especially when it comes to the inclusion in the process of decision making, nationally and internationally, as well as the most affected areas, so that societies can eradicate the discriminatory conducts based on sexual orientation and gender identity.

**Slovenia:** We welcome the engagement of your office in addressing human rights violations based on sexual orientation and gender identity. Despite some positive development in this field, LGBTI persons still face hatred, prejudice, discrimination and even violence in many parts of the world. They encounter discrimination at home, at school, and in the society. In this respect we are particularly pleased with the OHCHR global education campaign against homophobia and transphobia entitled “Free and Equal”.

**Nigeria:** We urge the Council to focus on its mandate and not get distracted by matters that offend the sensibilities of majority of its members States, particularly those attitudes that contradict their religious and cultural beliefs and municipality laws especially when such matters are repugnant to natural laws. We reject the method of the UN system to use campaign video to showcase LGBT and intersex people and their contributions to community; including the unveiling of UN commemorative stamps. We believe this is not the mandate of the UN; nor is this technique in the interest of its larger membership, majority of us who abhors this attitude.



## 6. Friday, 11 March

### - 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

**UNAIDS (Keynote Speaker):** The epidemic is growing in several countries across the Middle East and North Africa, in Asia and the Pacific and in cities in North America and western Europe – primarily among gay men and other men who have sex with men, transgender people, sex workers and their clients, and people who inject drugs, in part because of stigma, discrimination and punitive legal and social environments.

More than 30 years into the AIDS epidemic, punitive laws, policies and practices continue to violate human rights and our efforts to advance HIV prevention, treatment and care. HIV-related discrimination is often deeply interwoven with other forms of discrimination based on gender, race, disability, drug use, sexual orientation and gender identity, immigration status and being a sex worker, prisoner or former prisoner. The AIDS response has been and continues to be an instrument for challenging social injustice. It has led us to address inequalities between the rich and the poor. It has led us to address punitive approaches to and exclusion of the most marginalized – sex workers, people who use drugs, men who have sex with men and transgender people. They are our brothers, sisters, children, and friends. They too have human rights. There is much more work to be done to overcome inequality and exclusion; and it is human rights work that we must do to end this epidemic – to reach all those in need of HIV prevention, treatment, care and support.

**Indonesia Aids Coalition:** We still saw that our fellows from LGBT community were living in fear due to stigma and discrimination. Some countries, including my country are trying - and even already have Anti-LGBT law. These kinds of law would create barriers for them to access the prevention, care, support and treatment program that they need. We need to revoke this kind of law and promoting a supportive law that could treat them as equal as other human being.

**Minister for Gender, Children and Social Protection of Ghana:** Tens of young men perceived to be MSM assaulted, chased from their community seeking refuge in my Human Rights office because no police will not protect them. (...) High level public interest Litigation. Filed amicus curiae in Supreme Court in a case where the supreme court was being asked to declare homosexuality a crime.

**Global Fund to Fight Aids, Tuberculosis and Malaria:** The Global Fund has had a human rights objective in its Strategy since 2011. We realized then that human rights-related barriers to services were preventing us from achieving maximum impact. Indeed, in many settings the impact of our grants is greatly reduced because of these barriers – whether it is in concentrated epidemics in Africa where women and girls often do not access testing and treatment or are not retained in treatment because of stigma and discrimination and gender-based violence; or in concentrated epidemics where men who have sex with men, people who use drugs, sex workers, transgender people, migrants, and prisoners often cannot access prevention and treatment because of the discrimination they experience in health-care settings, or the violence perpetrated by police.

**SR in the Right of everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health:** Such discrimination is often linked to race, socio economic states, and age of services users; or because they are women, because of their sexual orientation or gender identity and expression, because they live with HIV and/or disability; or because they sell sex, use drugs, and/or because they live in prisons. (...) Health care must be provided in a timely and quality manner regardless of gender, nationality, age, disability, ethnic origin, sexual orientation or gender identity, religion, socioeconomic status, health status, or because they sell sex, use drugs or live in prison.

**EU:** Adopting a human rights – based approach to the HIV/AIDS epidemic is vital. Such an approach encompasses in our life, inter alia: ending HIV – related discrimination and stigma, including the elimination of laws which criminalize consensual adult same – sex conduct; providing tailored and inclusive HIV prevention and treatment

services that address the specific needs of most vulnerable individuals, namely sex workers, men who have sex with men, people who inject drugs, transgender people

**Egypt:** The 2011 Political Declaration also indicated the central role of the family and the cultural, ethical and religious value. In this connection, we highlight that abusing the efforts to eradicate HIV/AIDS to promote controversial social norms and issues such as sexual orientation, decriminalization of drug abuse and legalization of sex work can weaken the global partnership to accomplish our common objective.

**Austria:** Any health system or health effort that delivers lesser results on grounds such as race, ethnicity, class, religion, sexual orientation or gender identity is not only deeply unjust, it is also inefficient and puts everyone, not only the groups directly concerned, in danger, as the case of the fight against epidemics amply illustrates.

**Uruguay:** In Uruguay, the percentage of people affected with the disease is less than 1%, but in some groups this is higher, as in the case of persons deprived from their liberty, men who have sex with men and trans persons.

- **Items 2 And 3. Thematic Reports of the Secretary General and the High Commissioner**

**EU:** In line with article 5 of the Universal Declaration, all of us must strive to bring an end to the use of torture and other cruel, inhuman and degrading punishment. We thank the SR for his relevant focus on the applicability of the prohibition in international law to the unique experiences of women, girls, and LGBTI persons. (...) We also strongly concur with the recognition of children as rights holders, regardless of gender, sexual orientation or disability.

**Russia (on behalf of Bangladesh, Belarus, China, Cote D'Ivoire, El Salvador, Morocco, Qatar, Saudi Arabia, Tunisia, Uganda and Russia):** The report tackled issues that fall outside of the scope of the resolution and are characterized with an inherent controversial nature such as the issue of the definition of the family in a way that departs from the widely accepted family concept internationally. The invitation to recognize an open – ended and loose definition of family is certainly counter-productive and can result in grave threat to the human rights of family members particularly children who should be raised in a context of love and harmony within a proper family environment.

**Egypt:** On the other hand, it is deeply regrettable that the report went beyond the scope of the request outlined in HRC resolution 29/22 a situation that led to addressing issues of highly divisive and controversial nature such as the scope of definition of the family unit and the alarming attempts to revise the widely shared and well-established concepts of family and marriage. We are of the view that absolute flexibility in defining the family can be counter-productive to the objective of protection and promotion of human rights specially rights of children whose rights can be gravely abused if not raised within the appropriate family environment needed for their well-being and nurturing.

**Ireland:** We recall the factual reality that in different cultural, political and social systems, various forms of family exist. We are pleased that the reality of "diverse and changing forms of the family", which has been consistently recognized in various UN fora in the past, is clearly recognized in the report.

**Spain:** We appreciate that the report revealed in its conclusions the need to promote and protect the equality of family members without distinction and that requires States to take family policies with a human rights approach. This means recognizing the equal rights to all family members without discrimination, in particular gender, age, disability or sexual orientation or gender identity. (...) We encourage States to adapt their legislations based on the recommendations, and thereof eliminating in their laws the discrimination against women, children and LGBTI people.

**Chile:** In our legal framework we give protection to a diversity of different types of families, single parent, two parents, included the one formed by a man and a woman, and we have recognized union of any type. The principles that inspire us are equality and non-discrimination.

## 7. Monday, 14 March

### - Item 4: Individual ID with SR on DPR of Korea and SR on Eritrea

**New Zealand:** We hope to see this Council work effectively with states to stem the abuses of power that so often lead to devastating conflicts and to work with all citizens regardless of religion, sexual orientation, gender ethnicity or race.

### - Item 4: Individual dialogue with SR on the situation of human rights in the Republic of Iran

**International Federation for Human Rights Leagues (FIDH):** The year 2014 witnessed at least 743 executions, including 53 carried out in public. In 2015, around 1,000 people were executed, a record since 1989. About three quarters of those executed had been charged with drug- related crimes, a large number of whom were poor and marginalized individuals and members of the ethnic minorities, in particular Kurds and Baloch and Afghan migrants. Criminals punishable by death in Iran include adultery, consensual sex between men, repeated consumption of alcohol, theft, cursing the Prophets, economic crimes, religious and political offences, and drug trafficking.

**Allied Rainbow Communities International (ARC International):** The Report of the Secretary General draws attention to the ongoing violation of the rights of 'LGBTI children'. The Report also notes the serious and systematic violation of the rights of women through a web of legislations which seek to keep women in a subordinate position.

Expression of intimacy between two men as well as between two women are severely punishable with the ultimate punishment being the death penalty. Transgender persons have no option but to alter their bodies through hormones and surgery and become permanently and irreversibly infertile in order to get identity papers in the gender of their choice.

We submit that there is a connection between the legislations which keep in place the subordination of women and the legislations which target and control LGBT expression.

Both series of legislations seek to keep in place a rigid two gender system, where what it to be a man and what it is to be a woman is sought to be controlled by law. Any expression of maleness which moves away from the legal and social norm of heterosexuality is liable to be punished. Similarly, within this rigid system any attempt by women to break out their legally enforced subordination and assert their equal rights within marriage is punished.<sup>2</sup>

Iran must repeal the slew of laws which seek to imprison sexual and gender diversity within the iron cage of a man made two gender system.

Only if Iran accepts the norm of equality of all people regardless of their gender, sexual orientation, gender identity or gender expression, would Iran be in conformity with the promise of the Universal Declaration of Human Rights which is the very foundation of the human rights system.

## 8. Tuesday, 15 March

### - Item 4: Individual Interactive Dialogue with the Commission if Inquiry on the Syrian Arab Republic

**Canada:** Canada calls on parties to the conflict: to comply with applicable international human rights obligations and international humanitarian law, to immediately cease attacks on civilian objects; to end the use of torture, violence against women, and violence bases on sexual orientation and gender identity; and to guarantee unhindered access to humanitarian aid and the protection of humanitarian workers.

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<sup>2</sup> Justice For Iran, Diagnosing Identities , Wounding Bodies : Medical abuses and other Human Rights Violations Against Lesbian, Gay and Transgender People in Iran, 2014.



**Israel:** The report enlightens us regarding the several and dreadful violations that are taking place in Syria. Among those, we can mention: the use of starvation as a weapon of war, the use of schools for military purposes, the targeting of people based in their sexual orientation, the sieging of cities, the destruction of structures of civilian life, the targeting of hospitals, medical personnel and transport. To this, we have added the specific crimes that ISIS is committing, such as the use of suicide bombs, markets to sell women and girls and the destruction of cultural heritage.

**Allied Rainbow Communities International (Joint Statement: ARC International, ILGA, Mantaqitna):** The Report of the Independent International Commission of Inquiry on the Syrian Arab Republic has already demonstrated how extremist groups such as Daesh and the Jubhat al-Nusra systematically aim to eliminate the very existence of many diverse groups, including LGBTIQ persons. It is also important to emphasize that in addition to Daesh and Jabhat al-Nusra, many other parties are also involved in the structural discrimination and violence committed against LGBTIQ populations.

The atrocities committed by Daesh and al-Nusra or other factions must not divert our attention from the multiple discriminations Syrians experience in the countries where they seek refuge or apply for asylum. Many LGBTIQ persons constantly speak of, but cannot properly report, physical and verbal violence as well as subtler forms of discrimination, be it at work, hospitals, police stations or other venues.

The cooperation of the countries where LGBTIQ populations seek asylum as well as the countries of resettlement is thus key to ensuring that the creation of “protection space for asylum-seekers and refugees” goes beyond the resettlement scheme into ensuring that they have access to full rights as guaranteed by international law.

We urge the UNHCR to understand the specificity of the violations that LGBTIQ persons and to address them in a sensitive and timely manner and ensure that their rights are protected. We also encourage all states to fulfill their obligations towards protecting Syrian LGBTIQ refugees in accordance with international law.

- **Item 4: Presentation of the Report of OHCHR in its role and achievements in the Democratic Peoples Republic of Korea and General Debate**

**Ireland:** Another issue of great concern is the reports of harassment and intimidation of LGBTI activists and that laws in Russia regarding “non-traditional sexual relationships” are being used to intimidate LGBTI activists. The situation for LGBTI persons in some countries in Africa also remains very difficult and Ireland urges the Governments in these countries to reject attempts to further criminalize homosexuality, which may lead to increased attacks, discrimination and abuse.

**ILGA:** Horrific human rights violations continue unabated against lesbian, gay, bisexual, trans, intersex and queer (LGBTIQ) persons in all regions. It is not possible to even begin to list the sobering catalogue. We call this Council’s attention to just a few.

In Indonesia, the situation for LGBTIQ persons is deteriorating with a number of government officials making openly anti-LGBTIQ statements and the Indonesian parliament currently legislating a ban on public information with LGBTIQ content. The government’s lack of political will to put a stop to this wave of discriminatory actions, statements and attacks, and its failure to ensure safety and protection of LGBTIQ persons, is in violation of its duties under international law.

In Guatemala, El Salvador, Honduras, Costa Rica, and Panama, there is a systemic situation of extreme violence and discrimination faced by trans people. Life expectancy of trans women in that region is now less than 35 years. This is part of a tragic global phenomenon. Since this Human Rights Council session started, at least eleven trans persons have been murdered in transphobic-related attacks.

In Russia, a man was brutally attacked outside a grocery store for looking like a 'fag'. In the United States, a father aimed a loaded gun at his teenage daughter after she came out as a lesbian. And the extreme pressure brought against non-gender-conforming youth is all too much sometimes. In India, a 15-year-old student set himself on fire after suffering harassment and abuse from neighbours who saw him being intimate with another boy.

In Malaysia, arbitrary arrests of trans women are continuing to take place under laws criminalizing "Male person posing a woman". These laws are in violation of international human rights standards – including the rights to self-determination, freedom of movement and freedom of expression.

In all countries Intersex persons continue to face unnecessary medical interventions carried out without their informed consent, with most recently Ireland, Kenya and France all receiving recommendations from the Committee on the Rights of the Child to stop this practice.

While it is not all bad news – and we will be sharing examples of how civil society and governments are working together for solutions in a statement under Item 10 – these human rights violations demonstrate once again that governments must step-up their response to the human rights violations faced by LGBTIQ people.

Governments cannot hide from their international responsibilities. No matter it feels uncomfortable about discourse on human sexuality, it is a government's responsibility to prevent attacks and discrimination against all members of its population.

#### - **Item 6: UPR Outcomes**

During the 31st session, the Human Rights Council adopted the UPR reports for 14 countries including Micronesia, Lebanon, Mauritania, Nauru, Rwanda, Nepal, Austria, Australia, Georgia, Saint Lucia, Oman, Myanmar, Saint Kitts and Nevis. ILGA worked with human rights defenders from **Lebanon, Nauru, Australia, Georgia, Saint Lucia** and **Saint Kitts and Nevis** to prepare and help deliver statements during the UPR adoptions at the 31st HRC.

During the second cycle of the UPR, **Micronesia** received **5** SOGIESC recommendations and accepted **1** of these recommendations.

During the second cycle of the UPR, **Lebanon** received **5** SOGIESC recommendations and accepted **none** of these recommendations.

During the second cycle of the UPR, **Mauritania** received **3** SOGIESC recommendations and accepted **none** of these recommendations.

During the second cycle of the UPR, **Nauru** received **6** SOGIESC recommendations and accepted **none** of these recommendations.

During the second cycle of the UPR, **Nepal** received **5** SOGIESC recommendations and accepted **3** of these recommendations.

During the second cycle of the UPR, **Australia** received **6** SOGIESC recommendations and accepted **1** of these recommendations.

During the second cycle of the UPR, **Georgia** received **7** SOGIESC recommendations and accepted **6** of these recommendations.

During the second cycle of the UPR, **Saint Lucia** received **13** SOGIESC recommendations and accepted **4** of these recommendations.

During the second cycle of the UPR, **Myanmar** received **2** SOGIESC recommendations and accepted **none** of these recommendations.

During the second cycle of the UPR, **Saint Kitts and Nevis** received **9** SOGIESC recommendations and accepted **none** of these recommendations.

During the second cycle of the UPR, **Austria** received **5** SOGIESC recommendations and accepted **none** of these recommendations.

During the second cycle of the UPR, **Sao Tome** received **2** SOGIESC recommendations and accepted **2** of these recommendations.

#### **9. Thursday, 17 March**

- **Panel Discussion of the Human Rights Council on the Human Rights dimensions of preventing and countering violent extremism**

**Amnesty International:** We would like to highlight in this intervention two specific concerns: the discriminatory application of PVE measures and the abuse of such measures by some governments to target human rights defenders; environmental, LGBTQ, and other activists; and political opponents.

#### **10. Friday, 18 March**

- **Panel Discussion on the incompatibility between democracy and racism**

**Uruguay on behalf of MERCOSUR:** We recognize that the persons that are in state of vulnerability such as migrants, refugees, asylum seekers, people who belong to minorities and the LGBTI individuals, still are the main victims of violence and attacks committed or based on these ideas (Res 29/20 PP11 and Res 18/15 PP 7 and 8)

**Colombia:** Colombia recognizes that the elimination and penalty of all types of discrimination on whatever grounds such as race, sex, religion, nationality, gender, language, sexual orientation, social or economic status, is a process that every State should develop in line with its international commitments. This is a task that implies challenges. Every effort is a valuable tool to build solid democracies that assure that none of our citizens are left behind.

- **Commemoration of the International day for the elimination of racial discrimination and debate on the state of racial discrimination worldwide**

**Commissioner, Rapporteur on the Rights of Women and Rapporteur on the Rights of Afro-descendants – Inter-American Commission on Human Rights:** The Commission has also included an ethnic-racial approach for its country thematic reports based on the principles of non-discrimination and equality. This approach has allowed it to issue a number of recommendations addressing State's obligations to enact or modify legislation, public policies and programmes aimed at ending structural discrimination and guaranteeing civil, political, economic, social and cultural rights to people of African descent in the Americas. Similarly, the Commission has especially highlighted the problem of intersectional discrimination based on race, sex, gender identity and/or sexual orientation. In 2015, several reports were issued by the Commission on this matter: The regional report on violence against LGBT persons (2015) includes a section and case reports on violence and sections on other groups, such as Afro-descendants and indigenous peoples.

**EU:** The Charter of Fundamental Rights states that any discrimination based on any ground such as sex, race, color, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership or a national minority, property, birth, disability, age or sexual orientation shall be prohibited.

**France:** France is fully committed on fighting all forms of discrimination based on origin, sex, sexual orientation, nationality, disabilities, beliefs and age. (...) The respect and dignity of all human beings that their religion, origin, sex, and sexual orientation must reaffirm to our youth through schools and education.

## 11. Monday, 21 March 2016

### - Item 8: General Debate

**UK:** The UK is clear in its belief that human rights are universal and should apply equally to all people everywhere. We are implacably opposed to all forms of discrimination and work to uphold the rights and freedoms of LGB&T people on all circumstances. We believe that the international community must, without delay, work to address discrimination on the basis of sexual orientation and gender identity. (...) It is the HRC duty to uphold diversity, non-discrimination and tolerance for all human beings. LGB&T people are not asking for special rights, merely to be accorded the same dignity, respect and rights as all other citizens. We must continue to work together through the UN to address violence and discrimination against the LGB&T community and build on the success of the HRC resolution passed in September 2014. The UK will continue to champion the rights of LGB&T people, and will continue to stridently urge others to ensure that their rights are protected and upheld.

**Israel:** It is clear that states have well-established obligation to respect, protect and fulfill the human rights of all persons, including LGBTI persons. The Secretary-General has described the fight against homophobia and transphobia as “one of the great, neglected human rights challenges of our time”. Israel agrees with that statement. Israel acknowledges that the HRC has held debates in the past to discuss the violence and discrimination against individuals based on their sexual orientation and gender identity. Israel has strongly engaged in those debates, and has raised its voice to condemn acts of violence against LGBTI people. But more is needed from all of us. We call once again the international community as a whole, to take concrete action to eradicate discrimination and violence based on sexual orientation and gender identity.

**Spain:** Universality in the enjoyment of rights that this Council must defend when it comes to the limitation of the rights of different groups of people based on different arguments. It is specially of a concern, and Spain denounces it regularly, the discrimination and persecution that LGBTI individuals face. It is more concerning that there is no will to end this persecution based on cultural differences or “regional values”, religious and culture. None of this justifies that a person can be discriminated, criminalized or even condemn to death because they love another person of their same sex. This Council has already spoken about this issue in two opportunities, unfortunately not with enough strength.

**ISHR:** The VDPa reaffirmed that principles of universality and non-discrimination are central to human rights. Yet, time and again, civil society has raised its alarm of ongoing, systematic violence and discrimination against persons based on their sexual orientation, gender identity or expression and sex characteristics. The majority of these cases are treated with impunity. The Communications report of the Special Procedures, presented at this session, document a disturbing trend indicating the targeting of individuals and organizations working on these issues. In the Kyrgyz Republic, an NGO working to protect the rights of LGBTI people was subjected to attempted arson. In Ukraine, a human rights defender working on the rights of LGBTI people received threats in connection with his advocacy and was brutally assaulted by unidentified men. We are especially concerned that in Honduras, the Special Procedures responded to allegation of the killings of 5 Honduran LGBTI activists since 23 June 2015. We recognize the important and valuable work of LGBTI rights defenders, particularly given the climate of social exclusion to which LGBTI people are subjected to in a great number of countries. We remind this Council that it is the “duty of States,

regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms". The Yogyakarta Principles affirm that international legal standards to which all states must comply are applicable in relation to sexual orientation and gender identity. We urge all States consider this set of Principles in ensuring universal implementation of human rights obligations. We welcome the call by the UN Secretary General at this session, as well as the joint statement by Argentina, Brazil, Chile, Colombia and Uruguay, for the Council to maintain its attention on human rights, sexual orientation and gender identity. However, we stress that the violations and abuses are systematic, and therefore reiterate the urgent need for an institutionalized response by this Council.

- **Item 9**

**EU:** All over the world, too many people continue to suffer from racism, discrimination, xenophobia and exclusion despite the fact that all human beings are supposed to be born free and equal in dignity and in rights. All members of our societies, irrespective of their gender, racial or ethnic origin, religion or belief, disability, age, sexual orientation or gender identity, must be treated equally.

**International Humanist and Ethical Union:** In Russia, a government derived nationalism tightly interlinking state and Orthodox Church – and selectively limiting free speech – has been instrumental in whipping up anti-migrant sentiment, and fuelling the often extremely violent intolerance of religious minorities, such as Muslims from the Caucasus, and LGBTI minorities.

**Center for Environmental and Management Studies:** Germany also seems to be leading the way in terms of dealing with "intersex" children – the term used to describe those children who are born of physically indeterminate gender-. On 1 November, Germany became the first country in Europe – and one of the first countries in the world – to allow the parents of babies without "clear gender-determining physical characteristics" to register them not as male or female, but to choose a third blank box instead. Transsexuality's another area in which Germany has been making a lot of progress recently. Germany now allows a person to change their legal gender if they can prove both a medical diagnosis of transsexualism and they've been living as their preferred sex for a minimum of three years. The previous laws were far stricter, transsexual people had to prove themselves permanently infertile as well as being forced to have a surgery to change any external sexual characteristic to a "significant approximation" of the desired sex. In fact, the "world's youngest transsexual" is a German – Kim Petras, a budding pop star, had gender reassignment surgery at the age of 16. And last April a Berlin Trans man became the first German male to give birth.

**European Union of Public Relations:** Italy has however, enacted a National Action Plan on Violence against Women and Stalking (2010-2013) and the First National Strategy for the prevention and the fight against discrimination on the ground of sexual orientation and gender identity.

**World Environment and Resources Council:** After the 2012 elections in France, women held a record of 27 percent of seats in the National Assembly. In 2013, France became the 14<sup>th</sup> nation in the world, and the ninth in Europe to legalize gay marriage.

**12. Wednesday, 23 March**

- **Item 10: Presentation of the country reports of the Secretary-General and High Commissioner for Human Rights on technical assistance and capacity building**

**ILGA:** Under Item 4, we made a statement cataloguing just a few of the many situations around the world where LGBTI persons face a wide range of often horrific human rights violations. Under Item 10, in the spirit of technical assistance and capacity building, we wish to share just a few of the many good practices and positive changes that we are seeing in all regions.





Ignorance breeds fear, and fear breeds exclusion. Therefore, education campaigns raising awareness on the human rights issues facing LGBTI persons are right at the core of making a difference. In Cambodia, the Ministry of Information is working with LGBT rights groups to create a regular radio program that discusses LGBT issues, with the aim of making society more welcoming. As society understands that yes, LGBT persons are people too, attitudes change. In Bolivia, the government is backing a new video campaign to increase respect for elderly LGBT people, who are considered to be among Bolivian society's most discriminated groups. When people hear about the life of an older person who is, say, a lesbian, they shift their attitudes. In Costa Rica, a project called Caja De Herramientas has been launched to promote awareness and share good practices about the inclusion of LGBTI persons in the workforce. Supported by the government, the initiative has created a toolbox that companies can use to analyze how they are respecting the rights of their LGBTI employees, and to develop actions to promote their inclusion.

In order to raise awareness in societies, civil society needs space to flourish and share visions for change. In that light, we warmly welcome the landmark ruling in Botswana, where the Court of Appeal last week upheld the right to freedom of expression and association in the case of the NGO "Lesbians, Gays and Bisexuals of Botswana" (LEGABIBO), instructing the relevant government department to register them. In a similar vein, we also welcome the court decision in Tunisia in February, ruling that a local NGO working on LGBT issues could resume normal activities.

Laws and policies are also changing. For example, we warmly welcome the progress made in the Seychelles where the cabinet of ministers has recently proposed to the national assembly to repeal the law criminalizing same-sex sexual activity. And just a few days ago, the Norwegian Ministry of Health published a proposal that would finally allow individuals to self-determine their gender without having to undergo any compulsory requirements, like sterilization. If passed, this would be a great step forwards. These are just a few places experiencing positive changes. We encourage governments and other actors around the world to follow these and many other examples.