

**26TH UPR WORKING GROUP SESSIONS
SOGIESC RECOMMENDATIONS
(31 OCTOBER – 9 NOVEMBER 2016)**

This report contains a summary and the SOGIESC recommendations of the 26th UPR Working Group Session.

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

The report is based on the draft report submitted by the Working Group and also by notes taken by ILGA during the Working Group Sessions.

For further information on the UPR, please contact: upr@ilga.org.

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UNIVERSAL PERIODIC REVIEW – HAITI UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 7 NOVEMBER 2016, 9:00 – 12:30

DATE AND TIME OF THE ADOPTION OF THE REPORT: 9 NOVEMBER 2016, 9:00 – 12:30

During the 26th UPR Working Group Sessions, Haiti received and noted 1 SOGIESC recommendation.

A. SOGIESC Information

- National Report

N/A

- UN Compilation

23. The United Nations country team noted that, although Haiti had no law discriminating on the basis of sexual orientation, certain acts of violence against lesbian, gay, bisexual, transsexual and intersex persons had neither been punished by the courts nor condemned by the authorities. Judicial abuse had been reported against homosexual men who had engaged in consensual sexual relations. The Human Rights Committee recommended that Haiti launch a national awareness campaign, addressing first the forces of law and order and judicial personnel and later the general public, to combat stereotypes based on sexual identity.

- Stakeholders Summary

26. JS7¹ condemned the fact that lesbian, gay, bisexual, transgender and intersex (LGBTI) persons were subjected to discrimination and stigmatization by the public. Despite this, the State had done nothing to protect LGBTI rights. Negative social attitudes, poverty and the importance of religion in society exacerbated the violence and discrimination faced by LGBTI persons. JS7 found it regrettable that most of the presidential candidates in 2015 had spoken out against homosexuality and equality of marriage rights.

27. JS1² noted that members of the LGBTI community were forced to live in secrecy and isolation, due to fear of violence and discrimination. LGBTI organizations had documented physical attacks committed on the basis of a victim's gender nonconforming demeanour and reported numerous incidents of police discrimination leading to arbitrary arrests and violence.

28. AI recommended that Haiti investigate all acts of violence motivated by discrimination based on sexual orientation and gender identity and bring those responsible to justice; carry out training for State agents on how to handle such cases; and implement human rights education and anti-discrimination awareness-raising programs in collaboration with LGBTI rights organizations.

40. JS16³ noted that instability in the aftermath of the 2010 earthquake had exacerbated vulnerabilities of women and LGBT persons and incited further sexual violence. JS1 stated that the Government had

¹ Joint Submission 7 submitted by: Association Pour la Lutte Contre l'Homophobie (APLCH), Gran Lakou, Kouraj, Port-au-Prince, Haiti; endorsed by: Bureau des Avocats Internationaux (BAI), Institute for Justice and Democracy in Haiti (IJDH), Mouvement de Liberté, d'Égalité des Haïtiens pour la Fraternité (MOLEGHAF).

² Joint Submission 1 submitted by: FASCDIS, Port au Prince, Haiti; Human Rights and Gender Justice (HRGJ) Clinic at CUNY Law School, New York, USA; MADRE, New York, USA; OutRight Action International, New York, USA; SEROVie Port au Prince, Haiti.

³ Joint Submission 16 submitted by: Alternative Chance/Chans Alternatif, New York, USA, and Center for Human Rights and International Justice, Boston College, Boston, USA; endorsed by: Institute for Justice & Democracy in Haiti, Boston, United States.

failed to prevent and investigate sexual and gender-based violence against women and girls and that the failure to bring perpetrators to justice implicitly condoned such violence.

B. SOGIESC Advanced Questions for Haiti

- **Belgium:** What concrete measures is the Government of Haiti taking to fight impunity for acts of violence against LGBTI persons? Does the Government consider adopting a national awareness campaign to combat stereotypes based on sexual identity, as recommended the Human Rights Committee?
- **Czech Republic:** What measures has the Government adopted or is preparing in order to combat systematically stereotyping and discrimination against women and girls as well as discrimination and stigmatization of persons based on their sexual orientation and gender identity? Does the Government consider reviewing its legislation in order to eliminate discriminatory provisions and adopting a robust law preventing and fighting violence against women, including a definition of rape consistent with international standards and the criminalization of marital rape?

C. Haiti's Working Group Session

N/A

D. Recommendations for Cycle II (2016)

- a) **The following recommendations have been examined by Haiti and do not enjoy the support of Haiti:**
 - **Colombia:** Take measures to combat norms, practices and stereotypes that cause discrimination and violence based on sexual orientation and gender identity (7.26).

E. Recommendations for Cycle I (2011)

N/A

F. [Video of Haiti's UPR Working Group Session](#)

UNIVERSAL PERIODIC REVIEW – ICELAND UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 1 NOVEMBER 2016, 14:30 – 18:00

DATE AND TIME OF THE ADOPTION OF THE REPORT: 4 NOVEMBER 2016, 15:00 – 18:00

During the 26th UPR Working Group Sessions, Iceland received and accepted 1 SOGIESC recommendation.

A. SOGIESC Information

- National Report

4. Rights of LGBTI+

34. Iceland has demonstrated high standards regarding equal rights and non-discrimination on the basis of sexual orientation and gender identity for many years. In particular same-sex couples enjoy identical status to heterosexual couples in relation to marriage, adoption and artificial fertilization.

35. The Constitution guarantees equality before the law and the enjoyment of human rights for all. Accordingly, discrimination on any grounds, including on the grounds of sexual orientation, gender identity or sex characteristics, is prohibited. According to Article 233 (a) of the General Penal Code, it is punishable to publicly mock, defame, denigrate or threaten a person or group of persons for their nationality, colour, race, religion, sexual orientation or gender identity, or disseminate such materials. The Media Act contains a provision against hate speech and incitement to criminal activities.

36. A committee composed of representatives from the LGBTI+ community and all political parties in parliament, as well as experts in the field, was established in 2014 to prepare an action plan to improve the status and situation of LGBTI+ people, including on matters such as neutral gender registration and family rights.

37. An Act adopted in 2012, on the legal status of individuals with gender identity disorder, contains provisions concerning the rights of individuals with gender identity disorder, their right to healthcare and decisions on diagnosis and treatment. Moreover, the registered name and sex of people can now officially be changed upon request, following an 18-month transition period and on the basis of a medical assessment and an expert panel review.

38. According to an opinion issued by the Ombudsman for Children in 2015, unnecessary surgical or hormonal treatment on intersex children should not be performed. Whenever possible, intersex children should be allowed to make informed decisions about their treatment when they have developed an awareness of their own gender identity. Under the Icelandic legislation, a person's right to formally report medical misconduct to the Directorate General of Public Health is subject to a ten-year statute of limitation. It has been pointed out that this can limit legal options for adult intersex people who have been subject to such treatment as children.

92. According to Article 233 (a) of the General Penal Code, it is punishable to publicly mock, defame, denigrate or threaten a person or group of persons for their nationality, colour, race, religion, sexual orientation or gender identity, or disseminate such materials. The Media Act contains a provision against hate speech and incitement to criminal activities.

93. The Metropolitan Police have appointed a specialist to increase the capacity to deal with such matters. The police have in recent years dealt with cases concerning hate speech on the grounds of, among other things, sexual orientation, gender identity, religion and race.

143. Iceland actively promotes the elimination of all forms of discrimination, including based on sexual orientation and gender identity; the rights of the child, action against trafficking in human beings, the protection of human rights while countering terrorism and violent extremism, as well as the elimination of torture, the death penalty and extrajudicial executions.

- UN Compilation

N/A

- Stakeholder's Summary

25. JS2⁴ reported that in May 2015, the ombudsperson for children issued a statement condemning non-medically necessary interventions on a child's sex characteristics without informed consent.

26. JS2 reported that while the law on hate crime and hate speech did mention sexual orientation and gender identity, it did not refer to sex characteristics, which would protect intersex people. On the rights of trans persons, JS2 reported that legal gender recognition was bound to diagnosis of gender identity disorder. People who wanted to undergo a transition required such a diagnosis. JS2 stated that the transition process was not open to gender non-conforming trans people, non-binary trans people and anyone else who fell outside the binary spectrum of women and men. The current legislation on health care for trans people did not cover trans youth and the health care services they required.

59. JS2 reported that over the last three years, Iceland had seen a rapid rise in numbers of people seeking asylum, including LGBTQIA+ asylum seekers. The Directorate of Immigration followed the UNCHR guidelines for claims to refugee status based on sexual orientation and/or gender identity. Those guidelines clearly stated that training of all staff members, including translators, was essential for being able to follow the guidelines as expected. JS2 reported that the Directorate of Immigration offered no such training to its staff. JS2 called for such training for all staff members at the Directorate of Immigration. Stressing the vulnerable position of LGBTQIA+ asylum seekers, JS2 insisted that their deportation under the Dublin regulation be discontinued.

B. SOGIESC Advanced Questions for Iceland

- **Spain:** Since 2011, Iceland schools have been following curriculum guides which include lessons on equality, diversity, and LGBTI rights. Has the Government of Iceland already been able to measure the effectiveness of these new education guidelines? Has it received any feedback from teachers and students?

C. Iceland's Working Group Session

- **Closing Remarks:** Within the framework of human rights and equality education some municipalities have organized LGBT rights education in schools in connection with the objectives of the national curriculum. In the capital of Reykjavik, the LGBTI association is

⁴ Joint Submission 2 submitted by: Samtökin 178 The National Queer Organisation, Intersex Iceland, Trans Iceland, Reykjavik, Iceland.

educating the school staff and students about the rights of these groups within a long-term goal of the schools taking into account the education programme.

D. Recommendations for Cycle II (2016)

a) Remarks of States

- **Australia:** We note the Icelandic constitution guarantees equality before the law and enjoyment of human rights for all, including for LGBTI persons. However, Iceland doesn't have comprehensive legislation in place that protects the rights of intersex people in terms of equality and non-discrimination. We call on Iceland to strengthen discrimination protections for LGBTI persons.
- **Uruguay:** We also acknowledge the progress made in protecting LGBT persons, including their equal rights in marriage and adoption.

b) The following recommendations have been examined by Iceland and enjoy the support of Iceland

- **Australia:** Australia recommends Iceland enact legislation that includes protection from discrimination on the basis of intersex status (5.44).

E. Recommendations for Cycle I (2011)

N/A

F. [Video of Iceland's UPR Working Group Session](#)

UNIVERSAL PERIODIC REVIEW – LITHUANIA UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 2 NOVEMBER 2016, 14:30 – 18:00

DATE AND TIME OF THE ADOPTION OF THE REPORT: 4 NOVEMBER 2016, 15:00 – 18:00

*During the 26th UPR Working Group Sessions, Lithuania received 22 SOGIESC recommendations.
It accepted 20 and noted 2 recommendations.*

A. SOGIESC Information

- National Report

H. Rights of persons belonging to sexual minorities

80. Assessment of situation (88.24, 88.25, 88.27). In implementing the Inter- Institutional Action Plan on Non-discrimination, the Equal Opportunities Ombudsperson is planning to conduct survey and analyse its results regarding social position and protection of private life of transsexual persons residing in Lithuania in 2017. This will contribute to the visibility of problems faced by transsexual persons and their solution in Lithuania and other EU Member States, especially regarding equal opportunities and non-discrimination in the field of employment and profession.

81. Awareness raising (88.20, 88.23). In 2016, the campaign #TRANS_LT dedicated to increasing social visibility was nominated in the category of “Breakthrough of the Year Award” in the National Equality and Diversity Awards. It was an opportunity for the transsexual persons to tell their personal stories in a sensitive and subtle manner for the first time on what it means to be a transsexual person in Lithuania. The campaign was launched in 2015 with the encouragement of international partners ILGA-Europe and TGEU. Videos on YouTube were watched over 30,000 times and shown on TV. The project managed to draw attention to this social group and encouraged high-ranking officials and the public to discuss their situation.

82. Freedom of expression and assembly (88.26, 88.33, 88.34). Lithuanian authorities take measures to ensure these rights of LGBT persons. Vilnius city municipality authorised the Pride parade taking place in June 2016.

88. Activities of the Inspector of Journalist Ethics (88.23). The Inspector of Journalist Ethics implementing the provisions of the Law on Provision of Information to the Public and following the conclusions of the experts establishes whether public information published in the media causes discord on the grounds of gender, sexual orientation, race, nationality, language, origin, social status, religion, beliefs or views, i.e. investigates cases of incitement of discord (hate, discrimination, bullying) in the public information. Between 2012 and 2015, at the request of pre-trial investigation authorities the total amount of 400 content examinations of public information were conducted (129 in 2012, 123 in 2013, 46 in 2014, and 103 in 2015).

99. There are still open challenges in the activities of State institutions as regards human rights policy-making, implementation, coordination and leadership. The difficulty is posed by considerable diversity of views on how to deal with human rights issues, which leads to problems in making legislation. Different views are partially responsible for problems related to the protection of rights of vulnerable persons (e.g. according to NGOs, dissemination of positive information about LGBT people is limited, and sexual orientation hate offences and their investigation still pose a problem).

- UN Compilation

21. The Human Rights Committee was concerned at the increasing negative attitudes against, and stigmatization of, LGBT persons in society, which had manifested itself in instances of violence and discrimination, and at reports of reluctance on the part of police officers and prosecutors to pursue allegations of human rights violations against LGBT persons. It was concerned that certain legal instruments might be applied in a manner unduly restrictive of the freedom of expression guaranteed under ICCPR, and that various legislative proposals, if adopted, would impact negatively on the enjoyment of fundamental rights by LGBT persons.

- Stakeholder's Summary

15. While noting several UPR recommendations to combat discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons, JS5⁵ stated that the legislation provided for legal guarantees against discrimination on the ground of sexual orientation. However, their implementation remained ineffective and instances of discrimination on the ground of sexual orientation remained underreported. The Office of the Equal Opportunities Ombudsperson was not reportedly perceived as an effective remedy to address those instances of discrimination. JS5 concluded that the authorities did not seek to comprehensively address the instances of discrimination on the grounds of sexual orientation or gender identity.

16. JS5 noted concerns expressed regarding the potentially discriminatory application of provisions of the law on the protection of minors against the detrimental effect of public information with a view of disproportionately limiting the right to freedom of expression of LGBT persons. During the reporting period, the law was applied in three occasions with a view to censoring information related to LGBT persons, which created a chilling effect on online media outlets. The European Union Agency for Fundamental Rights (EU-FRA) noted that several news websites had reportedly established a practice of branding articles related to lesbian, gay, bisexual, transgender and intersex (LGBTI) persons as adult content, thus sending a clear message that depictions of LGBTI issues qualified as information detrimental to children.

17. EU-FRA noted that domestic law had been interpreted as imposing limitations on the right to demonstrate freely and peacefully in favour of LGBTI rights.

18. JS5 recommended ensuring that Article 4.2.16 of the law on the protection of minors is not applied with a view to censoring lesbian, gay, bisexual and transgender (LGBT*) persons related public information; that any limitations on freedom of expression for the local LGBT* community meet the strict requirements of lawfulness, necessity and proportionality and that any limitations on their right to freedom of expression can be challenged through an effective legal remedy.

19. JS5 noted that Lithuania supported two UPR recommendations to refrain from legislative initiatives, criminalising homosexual relations. During the reporting period, Parliament considered seven homophobic and/or transphobic legislative initiatives with a view to limiting the rights and freedoms of LGBT* persons. None of the legislative initiatives had been adopted yet, but none of them had been definitively rejected. JS5 stated that public debate around those legislative proposals had negatively

⁵ Joint Submission 5 submitted by: National LGBT* Rights Organisation LGL, Vilnius (Lithuania); European Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA Europe), Brussels (Belgium) and Sexual Rights Initiative (a coalition of organizations from Canada, Poland, India, Argentina and Africa).

impacted the social climate for LGBT people. Many politicians pushed for a homophobic and/or transphobic agenda with a view to reinforcing the socially hostile atmosphere for LGBT* persons.

20. JS4 and JS5 reported about cases of refusal by the law enforcement bodies to investigate complaints submitted on hate speech based on the ground of sexual orientation, and that the aggravating circumstance established under the Criminal Code had been never applied in practice with a view to qualifying a particular criminal offence as a hate crime on the ground of sexual orientation.

21. EU-FRA noted the absence of legal provisions addressing discrimination based on gender identity. JS5 explained that the legal system did not recognize gender identity as a legal category, rendering discrimination against transgender people technically not punishable by law.

22. JS5 recommended introducing gender identity as a legal category into the legislation with a view to protecting transgender people from discrimination and violence. JS4⁶ and JS5 recommended ensuring effective investigation of cases of hate speech and hate crimes on grounds of sexual orientation and/or gender identity.

23. JS5 stated that Lithuania had no procedures of gender recognition and medical gender reassignment. Transgender people were not able to receive necessary medical services within the health care system and they were forced to seek those services abroad. After undergoing the treatment abroad, they had to go through a litigation procedure in order to obtain identity documents upon their return. EU-FRA made similar observations.

24. JS5 recommended adopting comprehensive legislation on gender recognition; ensuring that transgender people receive appropriate medical services within the health care system; and considering the possibility of issuing new identity documents for transgender people without a mandatory requirement for gender reassignment surgery.

B. SOGIESC Advanced Questions for Lithuania

- **Czechia:** What concrete measures has the Government introduced to address comprehensively various forms of discrimination, e.g., based on sexual orientation and gender identity or religion or disability? Does it consider revising the Law on the Protection of Minors against the Detrimental Effect of Public Information so that it cannot be used as a pretext for discrimination against persons based on sexual orientation and gender identity?
- **Germany:** Since the last UPR Lithuania has adopted several legislative initiatives which may restrict the freedom of expression and may have the effect of discriminating against LGBTI individuals. How does Lithuania guarantee the protection of LGBTI persons and which concrete measures does Lithuania plan to encourage tolerance and non-discrimination of LGBTI, inter alia through respective school curricula?
- **Mexico:** What measures have been taken to guarantee the rights of LGBT groups in the law, including the reform of existing legislation that may be discriminatory or the abstention from adopting legislative measures that may lead to discrimination?
- **Netherlands:** Is the government of Lithuania willing to look into the possibility to further incorporate a comprehensive Interinstitutional Action Plan on Non-Discrimination of LGBT- People?
- **Norway:** How is the government of Lithuania working to prevent and combat hate speech and discrimination against minorities, such as LGBTI* community?

⁶ Joint Submission 4 submitted by: Lithuanian Centre for Human Rights, Lithuanian Disability Forum, Diversity Development Group, Lithuanian Jewish Community, National LGBT* Rights Organisation LGL, Roma Community Centre, Vilnius (Lithuania).

- **Spain:** President Dalia Grybauskaite has stated that national discussions about homophobia are required in Lithuania. How does the government plan to increase tolerance levels regarding discrimination on the basis of sexual orientations, gender identity or same-sex partnership?
- **Sweden:** Could the Government of Lithuania please elaborate on what steps have been taken in the last 3 years to ensure that LGBTI-persons are not subject to harassment or discrimination, de jure or de facto, in Lithuania?
- **United Kingdom:** Please could you outline the steps planned and delivered since the last UPR to ensure that LGBTI persons are protected legally from discrimination and are able to fully enjoy their right to freedom of expression?

C. Lithuania's Working Group Session

- **Opening Remarks:** Mr. President, Ladies and Gentlemen. Tolerance is an essential building block of our modern societies. Tolerance cannot be taken for granted. Promoting tolerance requires concrete actions from both governments and civil societies. Sound legislation, effective law enforcement, rule of law, respect for international commitments, as well as education, youth and online and offline media policies play a critical role in pursuing this goal.

On 28th January 2015, the Government of the Republic of Lithuania approved an Inter-institutional action plan for promoting non-discrimination. The three-year plan provides for reducing discrimination, ensuring equal opportunities, raising awareness and promoting tolerance.

Presenting positive developments in the area of Tolerance and Non-discrimination, I would like to highlight that this year, on 18th June, the national LGBT rights organization LGL for the third time organized the Baltic Pride "March for Equality". Why do I emphasise this event? The reason is simple. Organizers of previous Baltic Pride Parades faced different obstacles and the impact of the event for public life was relatively low. But this year the Baltic Pride Parade was organized without restrictions, attracted broad attention from society and was attended by a number of public officials, members of the Parliament and NGOs. This year the festival was followed by a big number of various cultural events and public discussions, aiming to raise public awareness.

On the occasion of the Baltic Pride 2016, the Ministry of Foreign Affairs issued a public statement reaffirming the inherent dignity of each individual as expressed in the Universal Declaration of Human Rights and paying tribute to the important work of the LGBTI communities in the Baltic States who seek to ensure Human Rights for LGBTI persons and end discrimination on the basis of sexual orientation or gender identity. Moreover, Lithuania has co-sponsored the historic resolution on Protection against violence and discrimination based on Sexual Orientation, and Gender Identity adopted this year in the 32nd session of the Human Rights Council and supported the establishment of the mandate of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.

In 2016, the Equal Opportunities Ombudsperson together with the National Equality and Diversity Forum issued for the third time the National Equality and Diversity Awards to people and organizations who have excelled at promoting equality and non-discrimination. In 2016, the campaign #TRANS_LT dedicated to increasing social visibility was nominated in the category of "Breakthrough of the Year Award" in the National Equality and Diversity Awards. It was an opportunity for the transsexual persons to tell their personal stories in a sensitive and subtle manner for the first time on what it means to be a transsexual person in Lithuania. The campaign was launched in 2015 with the encouragement of international partners ILGA-Europe and TGEU.

Videos on YouTube were watched over 30,000 times and shown on TV. The project managed to draw attention to this social group and encouraged high-ranking officials and the public to discuss their situation. In the category "Rainbow Appreciation Award" the support group of parents of LGBTI children was awarded for their work in advocating for their children's rights and for raising public awareness about the challenges faced by LGBTI youngsters. These awards mark an important milestone in awareness raising and fighting LGBTI discrimination in Lithuania.

Talking about future steps, while implementing the Inter-Institutional Action Plan on Non-discrimination, the Equal Opportunities Ombudsperson is planning to conduct survey and analyse its results regarding social position and protection of private life of transsexual persons residing in Lithuania in 2017. This will contribute to the visibility of problems faced by transsexual persons and their solution in Lithuania and other EU Member States, especially regarding equal opportunities and non-discrimination in the field of employment and profession.

As regards the implementation of recommendations to further incorporate the prohibition of discrimination into legislation, the new Labour Code adopted by the Parliament which will enter into force on 1st of January 2017, explicitly envisages the principle of gender equality and non-discrimination on other grounds and provides certain responsibilities for the employer to ensure the implementation of these principles. Direct and indirect discrimination, harassment, sexual harassment, instruction to discriminate on grounds of sex, race, nationality, language, origin, social status, age, sexual orientation, disability, ethnic origin, membership in a political party or association, religion, faith, beliefs, or opinions is strictly forbidden.

- **Intervention Made by Lithuania After 43 Interventions:** (...) The period of 2011 – 2016 was characterized by the reduction of the number of hate crimes, hate crimes include nationally, religiously motivated, xenophobic, anti-Semitic, homophobic incidents and hate speech cases as well.

(...) In 2010 a national and diversity forum was created it is a national cooperation network that brings together NGO's working in combating discrimination against vulnerable groups and fighting discrimination on the basis of gender, disability, sexual orientation, age, religion or belief (...). The government of Lithuania approved in 2015 the plan to promote non-discrimination from 2015 – 2020 The purpose of the plan is to reduce discrimination on the grounds of (...) sexual orientation.

D. Recommendations for Cycle II (2016)

a) Remarks of States

- **Australia:** Australia remains concerned about the rights of lesbian, gay, bisexual and transgender (LGBTI) people in Lithuania. While the holding of the annual Baltic Pride March in Lithuania is a positive step.
- **Belgium:** However, regarding certain issues there is still room for improvement. In particular, we remain concerned with the high prevalence of domestic violence against women and increasing negative attitudes against LGBTI.
- **Brazil:** Finally, we commend Lithuania for ratifying OP-CAT and for implementing measures such as the training of police officers on combating hate crimes, the preparation of an amendment to the Criminal Code adding disability and age among prohibited grounds of discrimination and incitement, and the public campaign to raise visibility of transgender people in the country, in line with recommendations made by Brazil in the first UPR.

- **Mexico:** We believe that progress also can be made in the fight against discrimination based on sexual orientation and gender identity. We welcome the steps taken by the Lithuanian authorities to promote awareness of the challenges that the LGBT community faces and the efforts to ensure freedom of expression and assembly.
- **Norway:** Norway commends significant progress in ensuring the right of assembly for LGBTI community during the Baltic Pride march in 2016. However, further effort is necessary to prevent discrimination and hate speech against the LGBTI community. Potentially homophobic legislative initiatives should be reevaluated.
- **Netherlands:** We share the concern of the Human Rights Committee at the increasing negative attitudes against and stigmatization of LGBTI persons in society, including in public debates around legislative initiatives. This has manifested itself in instances of discrimination and violence that need to be investigated.⁷
- **United Kingdom:** We commend Lithuania on the successful hosting of Baltic Pride in 2016 and hope that this positive trend in supporting and empowering the LGBTI community will continue.

b) The following recommendations have been examined by Lithuania and have been accepted by Lithuania

- **Argentina:** Adopt measures that guarantee the respect for the rights of LGBTI persons, by investigating and punishing acts of violence and discrimination as well as reviewing all legislation that may affect their rights (5.75).
- **Australia:** Continue to address homophobia and discrimination through better education programs and ensure that LGBTI people are able to exercise their rights to freedom of expression and assembly (5.76).
- **Belgium:** Reject the adoption of legislative proposals that would restrict the enjoyment of fundamental rights by LGBTI persons (5.77).
- **Canada:** Raise public awareness of hate speech and hate crimes on grounds of sexual orientation, gender identity or expression, religious affiliation, disability or ethnic identity; encourage reporting to authorities; and develop procedures to ensure such crimes are effectively investigated (5.82).
- **Chile:** Strengthen actions and policies in order to combat effectively discrimination and violence suffered by persons on account of their sexual orientation or gender identity (5.81).
- **France:** Fight against discrimination based on origin, gender and sexual orientation, and strengthen its legislative framework to provide recognition and protection for trans-gender persons (5.80).
- **Germany:** Ensure that the Law on the Protection of Minors against the Detrimental Effect of Public Information is not applied with a discriminatory effect against LGBTI persons (5.88).
- **Ireland:** Strengthen its efforts to address discrimination relating to sexual orientation and gender identity, ensure that all allegations of human rights violations against LGBTI persons are investigated and that effective remedies are made available to victims (5.78).
- **Israel:** Consider ways of improving the authorities' response to hate crimes based on sexual orientation or gender identity (5.79).
- **Mexico:** Not to apply the Law on the protection of minors to restrict freedom of expression, and facilitate access to legal remedies of persons who consider that the enjoyment of their right has been affected (5.91).

⁷ UN Compilation of Information on Lithuania (para 21). Mogelijke toevoeging: CERD has also expressed concern about reports of incidents of hate crime targeting individuals belonging to ethnic minorities.

- **Netherlands:** Step up efforts to investigate and act upon instances of hate speech and hate crime and to ensure effective access to justice and remedies for victims, including LGBTI persons and members of religious or ethnic minority communities (5.74).
 - **Norway:** That the Law on the Protection of Minors is not applied with a view to censoring LGBTI persons related information (5.90).
 - **Norway:** Discard efforts to narrow down and legally entrench a restrictive definition of family based exclusively on heterosexual marriage that could be considered discriminatory; An inclusive concept of partnership, also for same-sex couples, would be a positive step (5.92).
 - **Spain:** Address the gap that prevents trans-gender persons from legal recognition (5.93).
 - **Slovenia:** Take all necessary measures to prevent and prosecute hate crimes, especially all forms of violence and harassment related to sexual orientation and gender identity (5.73).
 - **Slovenia:** Refrain from adopting legislation which may limit the rights and freedoms of LGBTI persons (5.86).
 - **Sweden:** Ensure that effective investigations of incitement and agitation to hatred and violence, and hate crimes on grounds of sexual orientation and/or gender identity are carried out (5.83).
 - **United Kingdom:** Ensure effective legal frameworks are in place that enable the reporting, investigation and prosecution of cases of discrimination or hate crimes on the grounds of sexual orientation and gender identity (5.84).
 - **United States:** Conduct thorough investigations of alleged hate crimes against LGBTI persons, Roma and refugees (5.85).
 - **Uruguay:** Recognize in law the gender identity of transgender people and do not restrict the rights of LGBTI people (5.94).
- c) **The following recommendations have been examined by Lithuania and have been noted by Lithuania**
- **Czechia:** Amend the Law on the Protection of Minors against the Detrimental Effect of Public Information so that it cannot be abused for discriminating and punishing persons for their sexual orientation and gender identity (5.87).
 - **Switzerland:** Review the Law on the Protection of Minors against the Detrimental Effect of Public Information so that it could not be interpreted to prevent carrying out awareness-raising activities on issues of sexual orientation and gender identity (5.89).

E. Recommendations for Cycle I (2011)

Recommending State	Recommendation	Response
Belgium	Refrain from adopting legislative measures which criminalise homosexual relations or breach the rights to freedom of expression and to non-discrimination of Lesbian, Gay, Bisexual and Transgender people	Accepted
Slovenia	Refrain from legislative initiatives which may criminalize homosexual relations between consenting adults	Accepted

United States	Develop public awareness campaigns to combat manifestations of discrimination and racism, including xenophobia, homophobia, anti-Semitism, and other forms of intolerance in order to further protect and strengthen the rights of members of minority groups, including Lesbian, Gay, Bisexual, and Transgender individuals and the Roma community	Accepted
Argentina	Consider/Study the possibility to take additional measures to combat discrimination against LGBT people	Accepted
Sweden	Take action in order to avoid discrimination of LGBT persons, in practice and through law	Accepted
Norway	Carefully consider whether the right balance is struck when the main street of Vilnius is made available for annual marches by neo-Nazis on Independence Day, whilst vulnerable groups like the LGBT society are refused to use the same venue, and are referred to less attractive locations	Accepted
Ireland	Take further steps to eliminate discrimination against people based on their sexual orientation or gender identity	Accepted
Slovenia	Take all necessary measures to prevent and prosecute all forms of violence and harassment related to sexual orientation and gender identity	Accepted
Australia	Continue to ensure that lesbian, gay, bisexual and transgender people are able to exercise their rights to freedom of expression and assembly	Accepted
Slovenia	Ensure the full respect for freedom of expression and freedom of assembly for all, including LGBT people	Accepted

Belgium	Review the Law on the Protection of Minors against the Detrimental Effect of Public Information in order to remove all possibilities that this law may be applied in such a way to stigmatize or discriminate against Lesbian, Gay, Bisexual and Transgender people or to breach their rights to freedom of assembly or expression	Accepted
Switzerland	Introduce necessary measures to ensure full respect of human rights for all, including for Lesbian, Gay, Bisexual and Transgender people, by reviewing the Law on the Protection of Minors against the Detrimental Effect of Public Information	Accepted
Switzerland	Take the necessary legislative measures and enact policies that recognise the diversity of families and provide same sex couples with the same rights and social security benefits as heterosexual couples	Accepted
Denmark	Take steps to ensure that legislation protects the full rights of sexual minorities	Accepted
Slovenia	Repeal any discriminatory provision in existing laws on sexual orientation and gender identity	Accepted

F. Video of Lithuania's UPR Working Group Session

UNIVERSAL PERIODIC REVIEW – REPUBLIC OF MOLDOVA UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 4 NOVEMBER 2016, 9:00-12:30

DATE AND TIME OF THE ADOPTION OF THE REPORT: 15 NOVEMBER 2016, 16:30 – 18:00

During the 26th UPR Working Group Sessions, the Republic of Moldova received 10 SOGIESC recommendations. It accepted 8 and noted 2 recommendations.

A. SOGIESC Information

- National Report

24. In 2014 the Council was invested with powers of an investigating agent for certain categories of contravention. The procedure to examine complaints on the rectification of the civil status acts as a result of sex change was stipulated as judiciary practice in the Recommendation No.16 issued by the Supreme Court of Justice (SCJ) in November 2012.

28. The observance of the rights of the LGBT persons in the RM is ensured for them through peaceful actions carried out lately.

- UN Compilation

5. He called for the wider involvement of civil society organizations, in particular with women and youth and religious communities, and stressed that more needed to be done to promote and defend the rights of stigmatized groups such as lesbian, gay, bisexual and transgender persons, Roma, persons living with HIV/AIDS and persons with disabilities.

15. The United Nations country team reported that, during the previous two years, the lesbian, gay, bisexual and transgender annual prides had been successfully protected by the police, but much more needed to be done in countering homophobia when it came to individual cases. At least five cases had been registered of direct attacks in public of lesbian, gay, bisexual and transgender persons, and in almost all of the cases the police had failed to properly investigate them as hate crimes because of insufficient legislation regulating the investigation and prosecution of such crimes.

- Stakeholders Summary

35. GENDERDOC-M recommended that the Republic of Moldova ensure effective investigation of bias-motivated crimes and hate speech against LGBT people and activists and carry out training for police officers and prosecutors on investigation of these crimes. JS5⁸ recommended extending the list of grounds for hate speech.

45. Stating that there were still cases of pressure and attacks against LGBT organisations and HRDs, JS5 recommended to pay particular attention to these cases and investigate them as well as ensure that HRDs are able to exercise their rights without obstruction, in Transnistrian region too.

B. SOGIESC Advanced Questions for Republic of Moldova

⁸ Joint Submission 5 submitted by: Coalition of NGOs for UPR Moldova: Civil Rights Defenders; Nondiscrimination Coalition/CND; Genderdoc-M Information Centre (GDM); Independent Journalism Centre (IJC); Lawyers for Human Rights; Human Rights Information Center (CIDO); HomoDiversus and Information and Legal Center "Apriori"; Chisinau (Republic of Moldova).

- **Belgium:** Belgium welcomes the 2015 draft law introducing amendments to the Criminal Code and the Code of Administrative offences with regards to bias-motivated crimes, defining such offences and extending the list of protected criteria, inclusive of sexual orientation and gender identity. What concrete measures have been taken by the Republic of Moldova in the fight against impunity for violence against LGBTI, to ensure that such crimes are effectively investigated and perpetrators are brought to justice?
- **Czechia:** How does the Government address attacks and ensure safety and rights of persons belonging to minorities that are viewed with prejudice, stigmatized and threatened by hate crime, especially with regard to LGBTI persons and persons with disabilities?
- **Spain:** Please, elaborate how Moldova would guarantee the freedom of expression of LGTB activists, and especially the members of the NGO GENDERDOC-M.
- **Switzerland:** What measures has the State undertaken to ensure that LGBT activists and organizations can work without threats to their physical and psychological integrity?
- **Sweden:** Equality and non-discrimination are key features of the Moldovan anti-discrimination law. Is the Government of Moldova ready to consider participating in public action, to support the equal rights of LGBTI persons, in line with its anti-discrimination legislation and commitment to European values and integration?
- **Switzerland:** What measures has the State undertaken to ensure that LGBT people are protected against discrimination in all spheres of life?
- **United Kingdom:** How does the Government plan to strengthen legislation and guidelines for the police and prosecution to ensure that attacks against lesbian, gay, bisexual and transgender persons are properly investigated as hate crimes?

C. Republic of Moldova's Working Group Session

- **Intervention Made by the Republic of Moldova After 50 Interventions:** As regards the actions undertaken by authorities to support the equal rights of LGBTI persons, I will like to very briefly to inform you that during the last two years' extensive information campaigns of anti-discrimination policy have been organized with the reference to the legal provisions of the law, on ensuring equality. On the occasion of the International Day Against Homophobia and Transphobia on 22 May this year without fear, a solidarity march was organized by GENDERDOC-M and by the center to attract the attention of our public opinion to the rights of the LGBT people. In order to ensure the effectiveness of this solidarity march, the public order and the supervision of the participants, the competent afford is provided an extensive protection by the police specialized sub-divisions.

Moreover, in June 2016, the information campaign 'good people' took place to popularize the law no. 121 on assuring equality, the campaign was elaborated with the focus group discussions which analyzed the public perceptions of the equality council, which resulted in the understanding that the work of the council and the concept of discrimination in the Republic of Moldova are not sufficiently known to the public in general and specially to the public in rural settings.

D. Recommendations for Cycle II (2016)

a) Remarks of States

- **France:** France welcomes the efforts of the Moldovan authorities to combat discrimination based on sexual identity and domestic violence and calls for further reforms to ensure full respect for human rights.

b) The recommendations listed below have been examined by the Republic of Moldova and enjoy the support of the Republic of Moldova

- **Australia:** Strengthen support for LGBTI rights and address the barriers to full participation in daily life (6.70).
- **Canada:** Review and amend relevant legislation, such as the Criminal Code and the Code of Administrative Offences, to enhance the protection and promotion of the rights of LGBTI persons and of individuals belonging to vulnerable, minority populations, including religious communities and ethnic minorities, as well as amend Article 1 of the Law on Ensuring Equality to include sexual orientation and gender identity (7.20).
- **Chile:** Continue reinforcing the normative framework in order to combat all forms of discrimination, including those on the grounds of sexual orientation and gender identity (6.71).
- **Mexico:** Ensure that no acts of violence, intimidation, torture or discrimination are carried out against LGBTI persons (6.68).
- **Netherlands:** Step up efforts to investigate and act upon instances of hate speech and hate crime and to ensure effective access to justice for victims, including LGBTI persons and members of religious or ethnic minority communities (6.73).
- **Spain:** Further effective actuation of public authorities to protect the LGBT community from discrimination (6.69).
- **Sweden:** Adopt the draft law on amending and completing the Criminal Code and the Code of Administrative Offences with regard to bias-motivated crimes and incidents to also include sexual orientation, gender identity and gender expression as ground for hate crimes (7.21).
- **Uruguay:** Duly investigate the crimes of hate and discrimination, among them, the most recent acts committed against the LGBTI community (6.72).

c) The following recommendations have been examined by Moldova and have been noted by Moldova

- **Croatia:** Include in the Law on Equality four protected criteria – namely social origin, material situation, sexual orientation and health status (7.19).
- **Sweden:** Amend Article 1 of the Law on Ensuring Equality by including criteria such a social origin, marital situation, health status, sexual orientation, gender identity, and gender expression in the main list of criteria for categories to be protected from discrimination (7.18).

E. Recommendations for Cycle I (2011)

Recommending State	Recommendation	Response
Poland	Prevent discrimination of social minorities, such as Roma people and LGBT persons and adopt a comprehensive anti-discrimination law	Accepted
Norway	Intensify its efforts to address discrimination against LGBT and to investigate and prosecute crimes against LGBT –community members	Accepted
United States	Redouble efforts to protect the rights of members of minority religious, ethnic and social	Accepted

	groups and particularly focus on protecting members of the LGBT community from both official and societal discrimination	
Sweden	Action in order to build broad support for LGBTI-rights in the new comprehensive anti-discrimination law	Accepted
Australia	Allow members of the LGBT communities the right to freedom of expression and assembly	Accepted
Spain	Take concrete measures to raise public awareness about LGBT rights, including the guarantee of the right of assembly and association	Accepted
UK	Ensure that public events planned by the LGBT, religious and other rights groups are permitted in and adequately policed, according to the obligations of the Republic of Moldova under international human rights law	Accepted
France	Adopt a law on the fight against all forms of discrimination and clearly guarantee, in its domestic law, the freedom of expression and therefore the right for LGBT persons to peaceful demonstrations	Accepted
Mexico	Continue efforts to adopt and implement the legislative framework to prevent, punish and eliminate all forms of discrimination, with special attention to gender equality and discrimination based on sexual orientation and disability	Accepted
US	Commit international to the rights of the LGBT community by signing the Joint Statement on LGBT human rights from the March 2011 session of the Human Rights council	Accepted

F. Video of the Republic of Moldova's UPR Working Group Session

UNIVERSAL PERIODIC REVIEW – SOUTH SUDAN
UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 7 NOVEMBER 2016, 14:30 – 18:00
DATE AND TIME OF THE ADOPTION OF THE REPORT: 9 NOVEMBER 2016, 17:00-18:00

During the 26th UPR Working Group Sessions, South Sudan received 0 SOGIESC recommendations.

A. SOGIESC Information

- [National Report](#)

N/A

- [UN Compilation](#)

22. According to the country team, stigma and discrimination against people living with HIV and key population groups at higher risk of HIV infection, that is, female sex workers and men who have sex with men, remained an impediment to access to and utilization of HIV services by those persons.

- [Stakeholder's Summary](#)

N/A

B. SOGIESC Advanced Questions for South Sudan

N/A

C. South Sudan's Working Group Session

N/A

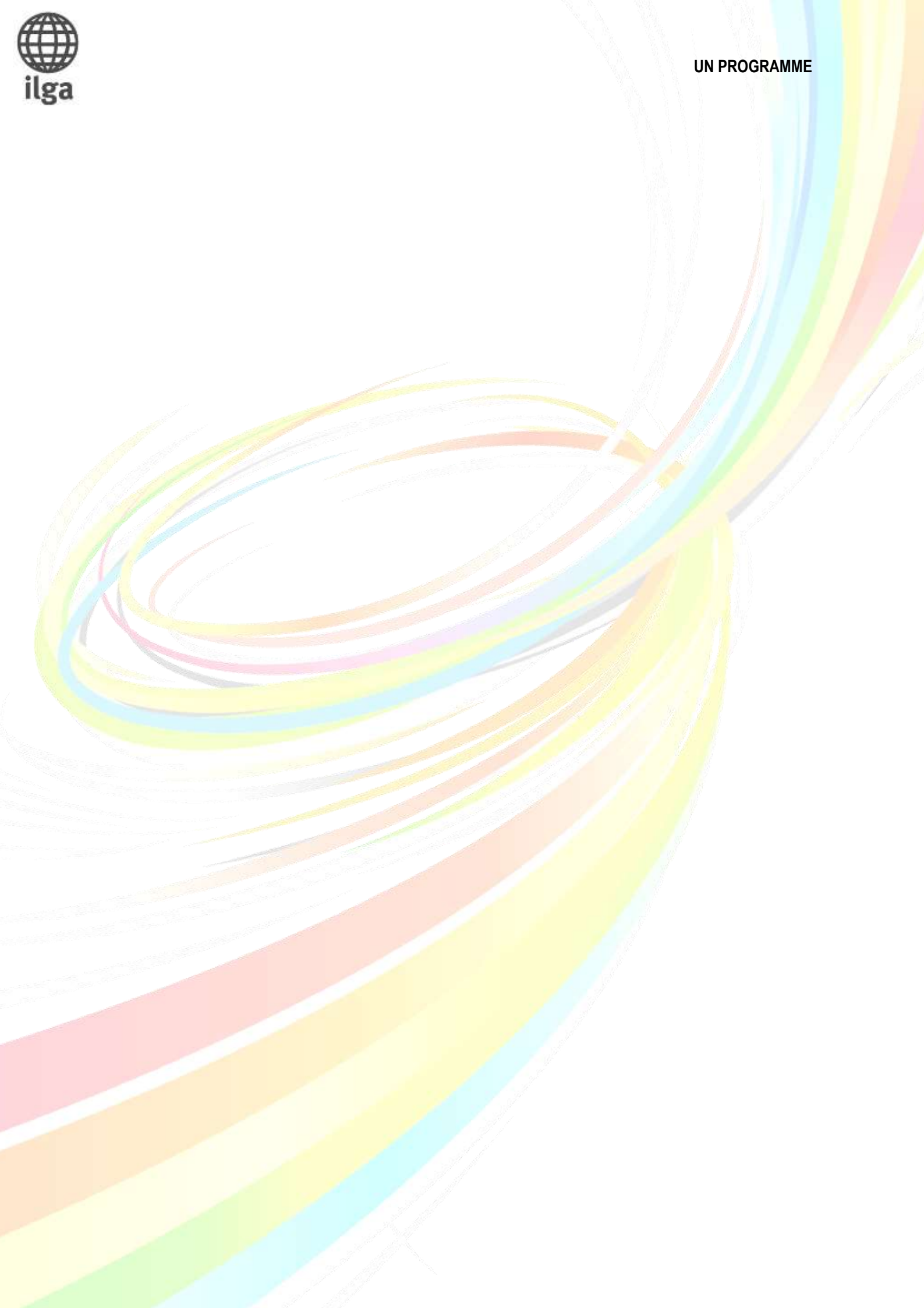
D. Recommendations for Cycle II (2016)

N/A

E. Recommendations for Cycle I (2011)

N/A

F. [Video of South Sudan's UPR Working Group Session](#)



UNIVERSAL PERIODIC REVIEW – SYRIAN ARAB REPUBLIC
UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 31 OCTOBER 2016, 14:30 -16:00

DATE AND TIME OF THE ADOPTION OF THE REPORT: 4 NOVEMBER 2016, 15:00 – 16:00

During the 26th UPR Working Group Sessions, the Syrian Arab Republic received 0 SOGIESC recommendations.

A. SOGIESC Information

- [National Report](#)

N/A

- [UN Compilation](#)

N/A

- [Stakeholder's Summary](#)

N/A

B. SOGIESC Advanced Questions for Syrian Arab Republic

N/A

C. Syrian Arab Republic's Working Group Session

N/A

D. Recommendations for Cycle II (2016)

N/A

E. Recommendations for Cycle I (2011)

N/A

F. [Video of Syrian Arab Republic's UPR Working Group Session](#)

UNIVERSAL PERIODIC REVIEW – TIMOR-LESTE UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 3 NOVEMBER 2016, 14:30 – 18:00

DATE AND TIME OF THE ADOPTION OF THE REPORT: 8 NOVEMBER 2016, 16:30 – 18:00

During the 26th UPR Working Group Sessions, Timor-Leste received and accepted 2 SOGIESC recommendations.

A. SOGIESC Information

- National Report

60. Timor-Leste also recognizes other minority groups, especially groups with different sexual orientations such as lesbian, gay, bi-sexual and transgender (LGBT) in Timor-Leste. There is now a group called the coalition of diversity and advocacy (CODIVA) which was established in 2014, and is a member of the NGO forum. This group works with State agents such as the PNTL, MS, CCF, PDHJ and the HIV/AIDS Commission to provide advocacy on HIV/AIDS and rights in order to obtain protection for minority groups, especially those with different sexual orientations, at the national and municipal levels. The CODIVA has a network in six municipalities, namely Baucau, Viqueque, Bobonaro, Oecusse, Aileu and Covalima.

- Compilation of UN Information

11. The country team noted that the exhaustive list of grounds in the Constitution on which discrimination was prohibited did not include sexual orientation, and that same-sex unions were not recognized. It also noted that research conducted in 2014 among 198 gay and transgender persons had showed that 27 per cent of them had reportedly experienced physical maltreatment, 35 per cent had been verbally maltreated, 31 per cent had been refused access to health-care services, and 25 per cent had been provided with poor quality health services.

- Stakeholder's Summary

18. Joint Submission 3 (JS3)⁹ noted that although Article 52 of the Penal Code considers crimes motivated by discriminatory sentiment on the basis of gender and sexual orientation to be aggravating circumstances, which may incur greater penalties, crimes motivated by bias on the basis of gender identity or intersex status were not subject to any penalty enhancement under the Penal Code. JS3 went on to state that this was particularly problematic, given that transgender people experience high levels of physical and symbolic violence and hate crimes in Timor-Leste.

21. JS3 noted that Timor-Lest did not have any laws prohibiting discrimination on the basis of sexual orientation, gender identity and intersex status. In December 2001, the Constituent Assembly specifically voted against the inclusion of sexual orientation as a non-discrimination ground in Article 16(2) of the Constitution.

22. JS3 stated that the lack of specific legislation was a contributing factor to the discrimination experienced by lesbian, gay, bisexual, trans-gender and inter-sex (LGBTI) persons in all areas of public life in Timor-Leste.

⁹ Joint submission 3 submitted by: Kaleidoscope Australia Human Rights Foundation (Kaleidoscope) (Australia) and the Sexual Rights Initiative.

23. JS3 also emphasized that the lack of legal gender recognition left trans-gender people to significant discrimination in all areas of life where gender information is required, including employment, healthcare, education and access to justice.

50. JS3 emphasized that Timor-Leste's lack of anti-discrimination was particularly worrying given that the previous Labour Code enacted in 2002 and repealed in 2012, prohibited on the basis of sexual orientation in employment, which represents a step backwards leaving lesbian, gay, bisexual, trans-gender and inter-sex workers open to discrimination and harassment and interferes with their right to work.

56. JS3 noted reports of discrimination against transgender people and men who have sex with men when accessing health checks in hospitals and clinics. According to JS3, transgender people and men who have sex with men experience high levels of stigma in healthcare settings. The difficulties to accessing healthcare in a safe and non-discriminatory manner discourages lesbian, gay, bisexual, transgender and inter-sex people from accessing healthcare.

B. SOGIESC Advanced Questions for Timor-Leste

N/A

C. Timor-Leste's Working Group Session

- **Closing Remarks:** I would like to address gender, gender identity and the principle of non-discrimination based on sexual orientation. Timor-Leste has been promoting LGBTI rights and supported the first HRC resolution on this matter. There are still some challenges facing us concerning some access to services and employment placement services that we will have to counter.

D. Recommendations for Cycle II (2016)

a) Remarks of States

- **Brazil:** Brazil is also monitoring discrimination based on sexual orientation and gender identity and against women we hope that the country will take measures to bring the perpetrators of acts of violence against LGBTI persons to justice.
- **Canada:** We are also concerned about the lack of anti-discrimination legislation prohibiting discrimination on the basis of sexual orientation, gender identity and intersex status in all areas of public life, including health care, education and housing.
- **Uruguay:** We express our concern at the absence of legislation prohibiting and preventing discrimination based on sexual orientation and gender identity, which adversely affects LGBT people in different spheres of public and social life.

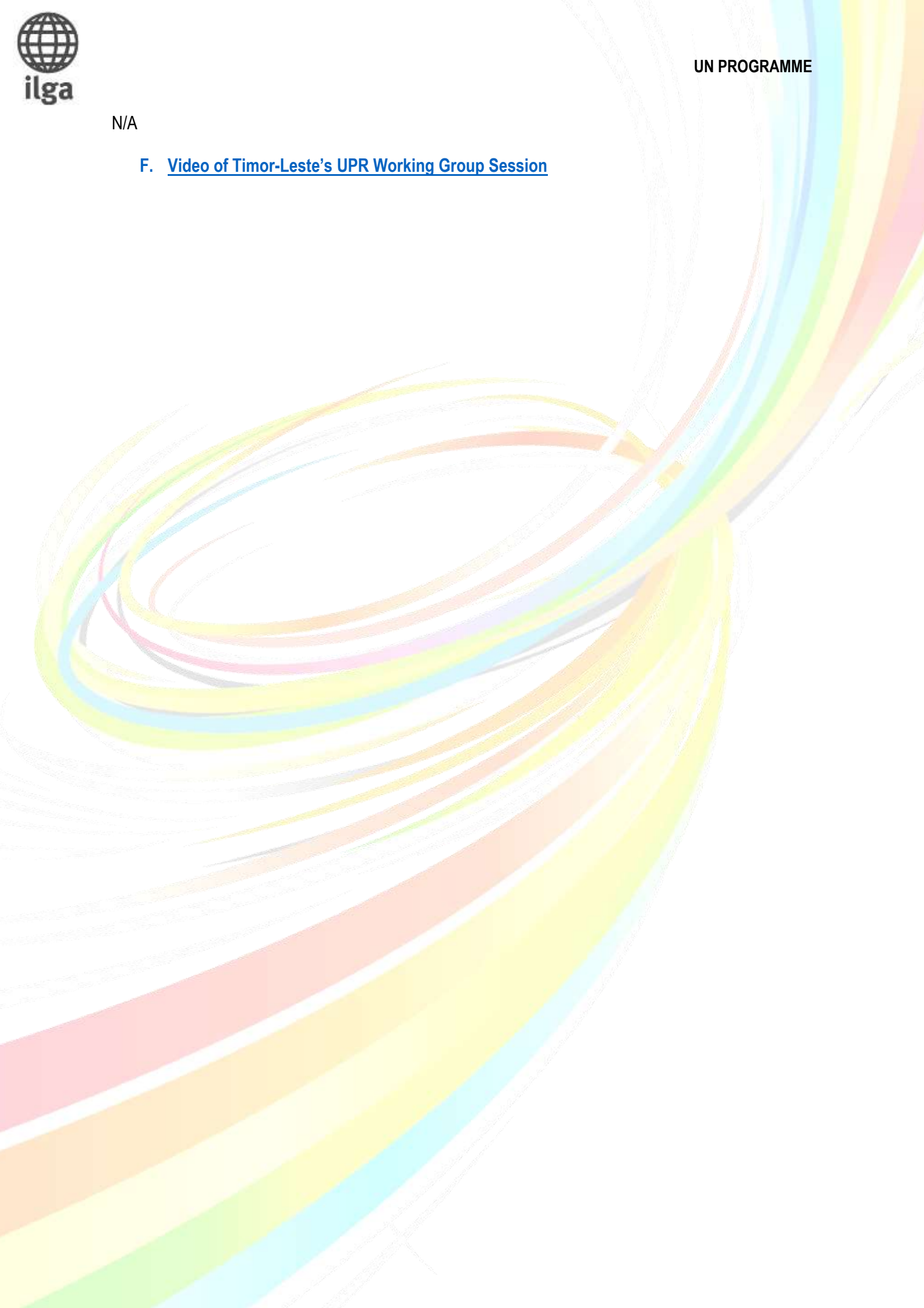
b) The following recommendations have been examined by Timor-Leste and have been supported by Timor-Leste:

- **Argentina:** Develop and adopt legal and administrative measures to investigate and punish acts of discrimination, stigmatization and violence against LGBTI persons (5.77).
- **Chile:** Strengthen the legal framework in order to ensure gender equality and to ban discrimination on the grounds of sexual orientation and gender identity (5.76).

E. Recommendations for Cycle I (2011)

N/A

F. [Video of Timor-Leste's UPR Working Group Session](#)



UNIVERSAL PERIODIC REVIEW – TOGO UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 31 OCTOBER 2016, 9:00 – 12:30

DATE AND TIME OF THE ADOPTION OF THE REPORT: 4 NOVEMBER 2016, 15:00 – 16:00

During the 26th UPR Working Group Sessions, Togo received 12 SOGIESC recommendations and accepted none.

A. SOGIESC Information

- National Report

N/A

- UN Compilation

27. The Special Rapporteur noted that same-sex relations between consenting adults were a criminal offence punishable by imprisonment and a fine. He also noted that the working environment for defenders of the rights of lesbian, gay, bisexual, transgender and intersex persons was often hostile owing not only to pressure from society and families but also the existing legal framework.

64. The Special Rapporteur noted that the environment in which human rights defenders worked in Togo continued to be highly polarized and politicized. She recommended that Togo ensure that human rights defenders could work in a safe and enabling environment, in particular women and those working for the rights of lesbian, gay, bisexual, transgender and intersex persons, by removing obstacles to their work and amending relevant legislation.

- Stakeholder's Summary

32. AI¹⁰ noted that the revised Criminal Code increases penalties against consensual same-sex sexual relations and that LGBTI persons face harassment and arbitrary detention by the security forces on the basis of their sexual orientation. JS1¹¹ and AFPT also noted that LGBTI persons experience discrimination. JS1 recommended that legislation be amended to include sexual orientation and gender identity as prohibited grounds of discrimination and that consideration be given to the decriminalization of sexual relations between consenting adults of the same sex. AFPT and JS1 made similar recommendations.

68. According to JS5¹², pursuant to article 3 of the 1901 law on the contract of associations, the legal registration of an association can be denied if their objectives are deemed to contravene “morality”. Such overbroad provisions allow for excessive discretion. LGBTI organizations cannot be formed or exist and are subjected to institutional discrimination, as article 392 of the 2015 Criminal Code criminalizes “an indecent act or an act against nature committed with an individual of the same sex”.

78. JS1 welcomed the progress made in terms of the right to health, in particular the consideration given to men who have sex with men in the response to HIV/AIDS.

¹⁰ Amnesty International (Geneva, Switzerland).

¹¹ Joint Submission 1 submitted by: Afrique Arc-En-Ciel et Sexual Rights Initiative.

¹² Joint Submission 5 submitted by: World Alliance for Citizen Participation (CIVICUS) and Concertation Nationale de la Société Civile du Togo (CNSC-Togo) (Togo).

B. SOGIESC Advanced Questions for Togo

N/A

C. Togo's Working Group Session

N/A

D. Recommendations for Cycle II (2016)

a) Remarks of States

N/A

b) The following recommendations below have been examined by Togo and did not enjoy the support and have been noted of Togo:

- **Australia:** Decriminalize sexual relations between consenting adults of the same sex (8.8).
- **Argentina:** Adopt the additional necessary measures to guarantee the full enjoyment of human rights of vulnerable groups subjected to discrimination, such as LGBTI people, including investigation and punishment of cases of discrimination and the repeal of laws that criminalize and stigmatize (8.16).
- **Belgium:** Repeal the provisions of the Penal Code that criminalize sex between consenting people of the same sex and incitement to sexual relations between consenting people of the same sex (8.18).
- **Brazil:** Fully align national criminal laws with international human rights obligations, especially in relation to the criminalization of same-sex relations (8.17).
- **Canada:** Ensure a safe working environment for human rights defenders, by modifying the legislation that allows the denial of legal registration of organisations specialised in reproductive and sexual rights of women as well as associations defending the rights of LGBTI (8.19).
- **Chile:** Strengthen the laws to ensure that sexual orientation and gender identity are included among grounds for prohibition of discrimination in order to prevent impunity in acts of discrimination based on those grounds (8.9).
- **France:** Repeal legal provisions that criminalize LGBTI persons, in accordance with the principle of non-discrimination (8.11).
- **Mexico:** Repeal provisions of the Criminal Code, which criminalise sexual conduct between persons of the same sex (8.10).
- **Slovenia:** Adopt and implement legislation prohibiting discrimination on the basis of sexual orientation and gender identity, including by decriminalising consensual same-sex sexual conduct (8.12).
- **Spain:** Decriminalize sexual relations between consenting adults of the same sex (8.13).
- **Uruguay:** Protect, respect and make a reality human rights for all people regardless of their sexual orientation or their gender expression or identity (8.14).
- **Uruguay:** Investigate all allegations of attacks and arbitrary detentions of LGBTI persons and bring the perpetrators to justice (8.15).

E. Recommendations for Cycle I (2011)

Recommending State	Recommendation	Response
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Canada	Amend legislation to ensure that sexual orientation and gender identity are included as prohibited grounds for discrimination.	Noted
Argentina	strengthen the measures aimed at prohibiting discrimination based on sexual orientation	Noted
Australia	repeal legislation criminalizing homosexuality, and introduce policies aimed at ending discrimination against homosexuals.	Noted
Brazil	consider decriminalizing sexual relations between consented adults of the same sex.	Noted
Spain	with respect to the situation of the rights of lesbian, gay, bisexual and transgender people, adopt policy and legislative measures to establish a specific framework for the protection against discrimination based on sexual orientation, together with the suppression of penal provision which criminalize sexual relations between consented adults of the same sex and launch public awareness-raising campaigns on this issues.	Noted

F. [Video of Togo's UPR Working Group Session](#)

UNIVERSAL PERIODIC REVIEW – UGANDA UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 3 NOVEMBER 2016, 9:00 – 12:30

DATE AND TIME OF THE ADOPTION OF THE REPORT: 8 NOVEMBER 2016, 16:30 – 18:00

During the 26th UPR Working Group Sessions, Uganda received 18 SOGIESC recommendations and noted them all.

A. SOGIESC Information

- National Report

4. Accountability – Recommendations 38, 39, 60, 64, 65, 67–71

45. Recommendations were made regarding enhancing accountability for human rights violations including:

(d) Investigate and prosecute attacks against the LGBT community and gay rights activists.

- UN Compilation

22. On 24 February 2014, the United Nations High Commissioner for Human Rights denounced the anti-homosexuality law signed into force in Uganda, institutionalizing discrimination against lesbians, gay, bisexual and transgender people and encouraging harassment and violence against them. The law imposed sentences of life imprisonment for homosexuality, same-sex marriage and “aggravated homosexuality”.

23. The country team noted discriminatory provisions in the Penal Code Act on “unnatural offences” that support legal and social aversion towards homosexuality and lesbian, gay, bisexual, transgender and intersex persons, and the persistence of harmful traditional practices and stereotypes that perpetuate discrimination against women, children, persons with disabilities, sexual minorities, ethnic minority groups, most at-risk populations and people living with HIV.

24. The Committee on Economic, Social and Cultural Rights was concerned about lesbian, gay, bisexual, transgender and intersex persons being denied access to health care and, in particular, same-sex partners facing serious difficulties in accessing HIV/AIDS-related prevention and treatment. The Committee urged Uganda to investigate and deter acts of discrimination against lesbian, gay, bisexual, transgender and intersex people, bring perpetrators to justice and provide compensation to victims.

25. The same Committee expressed concern about the lack of comprehensive anti-discrimination legislation and recommended taking steps to combat and prevent discrimination and societal stigma, in particular against persons with disabilities, persons with albinism and lesbian, gay, bisexual, transgender and intersex individuals, and ensure access to housing, employment, social security, health care and education.

70. The same Committee of ESCR expressed concern about information indicating that many tenants were evicted following the passage of the Anti-Homosexuality Act in 2014 and urged Uganda to investigate all reported cases of illegal evictions of lesbian, gay, bisexual, transgender and intersex persons and ensure that victims are compensated.

- Stakeholders Summary

54. JS5¹³ and International Commission of Jurists (ICJ) noted that Uganda passed the Anti-Homosexuality Act in early 2014, before it was invalidated procedurally in August 2014. JS3¹⁴ recommended recognising the Supreme Court's annulment of the Anti- Homosexuality Act. Human Rights Watch (HRW), ICJ, JS3 and JS5 recommended Uganda to repeal other laws that discriminate against LGBTI persons.

55. HRW and JS5 called for investigation and prosecution of all forms of attacks on LGBTI persons. JS5 also urged prohibiting media from inciting violence and parading LGBTI persons.

56. JS9¹⁵ recommended developing and implementing programmes aimed at addressing the gender stereotypes and norms that tolerate violence against sexual minorities.

57. JS5 noted that the Registration of Persons Act failed to provide transgendered adults a way to officially change sex, and recommended Uganda to repeal it. JS3 noted that many transgender women engage in sex work as a result of discrimination, stigma and unemployment.

76. HRW and JS5 urged Uganda to prohibit the police force from abusing LGBTI persons. JS3 made similar recommendations, and further recommended strengthening judicial capacity to guarantee every person, and particularly LGBTI people, access to justice. JS23¹⁶ and ARF¹⁷ recommended establishing state-funded legal aid to increase access to justice.

81. JS3 recommended implementing education campaigns to encourage families, public agents and the community in general to reflect on the general prejudices in LGBTI issues.

93. ICJ reflected that Uganda's criminalization of same-sex sexual conducts violated LGBTI persons' right to work, and urged Uganda to improve LGBTI persons' access to employment, enjoyment of just and favourable conditions of work, and ability to redress inequality in employment.

B. SOGIESC Advanced Questions for Uganda

- **Mexico:** What policy measures have been taken to address discrimination and violence against LGBTI persons?
- **Netherlands:** Will the Ministry of Health revise its health policies and programs concerning LGBTI persons [for example Reproductive Health Policy and the Adolescent Health Policy]? And

¹³ Joint Submission 5 submitted by: Human Rights Awareness and Promotion Forum (HRAPF); Sexual Minorities Uganda (SMUG); East and Horn of Africa Human Rights Defenders Project (EHAHRDP); Ice Breakers Uganda; Trans Gender Equality Uganda (TEU); National LGBTI Security Committee; Defenders Protection Initiative (DPI); Spectrum Initiatives Uganda; Refugee Law Project (RLP); The Consortium on Monitoring Violations Based on Sex Determination, Gender Identity and Sexual Orientation; Kampala (Uganda).

¹⁴ Joint Submission 3 submitted by: Transgender Equality Uganda (TEU) and the Sexual Rights Initiative (SRI).

¹⁵ Joint Submission 9 submitted by: Action Group for Health, Human rights and HIV/AIDS (AGHA); Anti-corruption Coalition Uganda (ACCU); Asha Rayzan Foundation (ARF); Bridge Builders Uganda; Center for Health, Human rights and Development (CEHURD); Coalition for Health Promotion and Social Development (HEPS- U); Family life Education program, Busoga Diocese (FLEP); Heart sounds Uganda; Human Rights awareness and promotion forum (HRAPF); Human rights network Uganda (HURINET); Initiative for Social and Economic rights (ISER); Inspire Health Uganda; International Community of Women living with HIV/AIDS eastern Africa (ICWEA); National Union of disabled persons of Uganda (NUDIPU); National community of women living with HIV/AIDS (NACWOLA); OLYAKI Nutrition Health and Life style support Uganda; Reproductive Health Uganda (RHU); Save for Health Uganda; Transform Uganda; Uganda Islamic Aids Network (UIANET); Uganda National Health Consumer's Organization (UNHCO); Uganda National Network of Aids Service Organizations (UNASO); Uganda Network on Law, Ethics and HIV/AIDS (UGANET); Uganda Youth and Adolescents Health Forum (UYAHF); Uganda Youth Alliance for Family Planning and Adolescent Health (UYAFPAH); United Citizens Child Support Organization - Uganda (UCCSO); Vijana Na Children Foundation Uganda; White Ribbon Alliance for Safe Motherhood Uganda (WRA-U); Youth plus policy Network.

¹⁶ Joint Submission 23 submitted by: The Advocates for Human Rights; The World Coalition Against the Death Penalty; The Foundation for Human Rights Initiative; Parliamentarians for Global Action.

¹⁷ Ashah Razyn Foundation, Kampala (Uganda).

if so, when? What steps has Uganda taken to investigate and prosecute intimidation and attacks on LGBT community members and activists, as per accepted recommendation during the previous UPR review?

C. Uganda's Working Group Session

- **Intervention Made by Uganda After 25 Interventions:** About LGBTI, first of all let me give you the history on this issue. There was a privates' member motion, that was introduced in our parliament, to criminalize the activities of the LGBTI community, that motion was admitted as a government motion, but in any case, it was passed by parliament, however it was challenged in our courts of law, and the courts of law say that we.... They struck it out, that law, so it is not in place, because some people seem to think that there is a law prohibiting the LGBT as a new act. There are previous laws which we inherited as many countries have done, but related to sexual offences, and those laws do exist but there is no new law so I wanted to give you the history of that.

Second, there is the belief that there is harassment and torture of those who are, who have that orientation it is a complicated matter and different countries are at different stages with develop it with it, I am sure each one of you knows the acceptance, the change of cultural norms, it takes time, in every country that I know, it hasn't come overnight, so it should take time, but what are we saying, even if we go on, we do not accept, and do not tolerate any discrimination because of sexual orientation, we do not accept or tolerate any discrimination because of sexual orientation, and that one is not there, in our country. We do not accept or tolerate harassment of those people, and by the way it is true that these people, people with that orientation, even in Africa have been there for centuries, but have never been harassed, and mainly because these two things, and that is what we may need to discuss together, we are not entirely enthusiastic about promotion, if it is how you are, that is how you are, but why promote? I can tell you what I am, but I don't go around promoting it, why promote it? and when you have vulnerable communities of poverty and there is a little bit of resources for promotion that can negatively impact on society and we also, do not accept exhibition, it is your private life, live it and nobody will discriminate you and nobody will harass you and let me say to you, that we have had cases of harassment and I have examples here, which I leave with the secretariat to secure it, were perpetrators of this kind of harassment against the LGBTI community have been arrested and have been charged, cases under investigation, and others have been found that there was no evidence against them so there is no tolerance of that what so ever. I leave this for 'securation', so you can have it in your files as an evidence of how we treat the LGBT community.

D. Recommendations for Cycle II (2016)

a) Remarks of States:

- **Australia:** The LGBTI community in Uganda remains under pressure.
- **Germany:** However, we are concerned by continuing cases of torture. We condemn discrimination of women and infringements of the right to freedom of peaceful assembly, mostly targeted at the political opposition but also at other groups such as members of the LGBTI community.
- **Netherlands:** We believe it is also important to ensure that the LGBTI-community is not disproportionately affected by social stigma that could limit their access to health services.
- **Slovenia:** We remain strongly concerned over continuous discrimination on the basis of sexual orientation and gender identity.

- **Sweden:** While the Constitution of Uganda protects rights such as freedom of expression and assembly, free and fair elections and discrimination on the basis of sex, the realization of these rights are not fully carried out. Moreover, the Constitution does not specifically prohibit discrimination on the basis of sexual orientation and gender identity.
 - **Ukraine:** Ukraine takes note of reported persistence of harmful practices and stereotypes against women, children, persons with disabilities, sexual minorities, ethnic minority groups and people living with HIV.
- b) The following recommendations have been examined by Uganda and do not enjoy the support and have been noted by Uganda**
- **Argentina:** Adopt the necessary measures in order to repeal all legislation which discriminates and penalizes persons because of their sexual orientation (7.58).
 - **Australia:** Repeal the Penal Code provisions criminalizing sex among consensual same sex partners; and remove discriminatory language against LGBTI or minority groups, or those that supports them (7.59).
 - **Austria:** Repeal all legislation giving rise to discrimination against people on grounds of their sexual orientation or gender identity and refrain from reintroduction of the Anti-Homosexuality Act annulled by the Supreme Court in 2014 (7.61).
 - **Brazil:** Decriminalize same-sex relations and review its national legislation with a view to promoting equality and avoid discrimination of any kind (7.64).
 - **Canada:** Decriminalise consensual same-sex conduct, starting with the repeal of laws governing unnatural offences and indecent practices, and investigate and prosecute cases of discrimination, intimidation and attacks on LGBTI persons and organisations (7.1).
 - **Chile:** Take further measures to combat and prevent all forms of discrimination and social stigmatisation including on the grounds of sexual orientation and gender identity (7.3).
 - **Colombia:** Take measures to combat rules, practices and stereotypes that cause discrimination and violence against lesbians, gays, bisexuals and transgender persons, particularly those that are an attack against their dignity and self-determination with respect to their sexual orientation (7.4).
 - **Czechia:** Decriminalise same-sex relationships between consenting adults (7.9).
 - **France:** Repeal the legal provisions which provide for the criminalization of LGBTI people, in respect of the principle of non-discrimination (7.14).
 - **Guatemala:** Adopt measures to combat and prevent discrimination and social stigmatization, in particular to persons with disabilities, persons with albinism, and on the grounds of sexual orientation or gender identity (7.23).
 - **Iceland:** Investigate and prosecute state actors and individuals perpetrating violence against LGBTI persons (7.27).
 - **Mexico:** Repeal the law against homosexuality, which facilitates discrimination against lesbian, gay, bisexual and transgender people, encourages harassment and violence against them, and imposes sentences of life imprisonment for the offenses of homosexuality, same-sex marriage and "aggravated homosexuality" (7.31).
 - **Netherlands:** Increase access to sexual and reproductive health services for vulnerable groups, including sexual minorities, by raising the health budget to 15 per cent in line with the Abuja declaration (7.36).
 - **Norway:** Respect, protect and promote the human rights of all persons, without discrimination on any grounds, including sexual orientation, gender identity or same-sex relationships between consenting adults (7.39).

- **Slovenia:** Decriminalize consensual same-sex sexual relations, de-legalize discrimination against lesbians, gay, bisexual and transgender people and discourage harassment and violence against them (7.46).
- **Spain:** Amend the law against homosexuality and Uganda's Criminal Code, which criminalises homosexual conduct (7.48).
- **Sweden:** Take all necessary measures to ensure that the human right of non-discrimination is applied and that the human rights of all persons is fully respected and protected, including LGBTI persons (7.49).
- **Uruguay:** Repeal the provisions of the penal code which penalise same sex relations between consenting adults and put an end to detention and harassment of LGBTI activists and allow them to freely exercise their right to assembly and peaceful protest (7.54).

E. Recommendations for Cycle I (2011)

Recommending State	Recommendation	Response
Netherlands	Investigate and prosecute intimidation and attacks on LGBT community members and activists	Accepted
Belgium	Investigate thoroughly and sanction accordingly violence against LGBTs, including gay rights activists	Accepted
Czech Republic	Take immediate concrete steps to stop discrimination and assaults against LGBT persons	Accepted
Canada	Publicly announce the shelving of the proposed bill on homosexuality and decriminalize homosexual behaviour	Noted
Norway	The parliament to dismiss the proposed Anti-homosexuality Bill 2009	Noted
Slovenia	Reject the Anti- Homosexuality Bill and decriminalize homosexual relationships between consenting adults	Noted
Norway	Fulfil its obligations under international human rights law to decriminalize same-sex relationships between consenting adults and repeal any laws or reforms that explicitly or implicitly discriminate on any grounds,	Noted

	including sexual orientation and gender identity	
Belgium	Repeal laws that discriminate against LGBTs	Noted
Switzerland	Revise its national legislation to decriminalise homosexuality and prohibit all forms of discrimination	Noted
Australia	Remove criminal penalties for offences on the basis of sexual orientation	Noted
Argentina	Study the possibility to decriminalize relationships between consenting adults of the same-sex	Noted
Brazil	Abstain from applying legislation that criminalizes homosexuality	Noted
Switzerland	Immediately and unconditionally release all persons currently detained for the reason of homosexuality alone	Noted
Austria	Decriminalize same-sex relations between consenting adults and ensure that no person is subject to arbitrary arrest or detention because of their sexual orientation or gender identity	Noted
Spain	Derogate the legislation that criminalizes the LGBT community, and put an end to the defamatory and harassing campaigns against them	Noted
Sweden	Reconfirms its commitment to protecting the rights of all persons regardless of their sexual orientation or gender identity in anti-discrimination and equal opportunity legislation and bodies	Noted
Netherlands	Repeal all provisions criminalizing sexual activity	Noted

	between consenting adults and ensuring the same rights for same-sex couples as heterosexual couples	
US	Ensure equal rights for all individuals, regardless of sexual orientation	Noted
Denmark	Fulfil its obligations under international human rights law and ensure the protection of all minorities and repeal any laws or reforms that explicitly or implicitly discriminate on any grounds, including sexual orientation, gender identity and gender expression	Noted

F. [Video of Uganda's UPR Working Group Session](#)

UNIVERSAL PERIODIC REVIEW – VENEZUELA UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 1 NOVEMBER 2016, 9:00- 12:00

DATE AND TIME OF THE ADOPTION OF THE REPORT: 4 NOVEMBER 2016, 15:00 – 16:00

*During the 26th UPR Working Group Sessions, Venezuela received 4 SOGIESC recommendations.
It accepted 2 recommendations and noted 2 recommendations.*

A. SOGIESC Information

- National Report

32. The Plan takes up the recommendations accepted after the first universal periodic review. The validation process involved 258,096 people and 153 human rights organizations, including organizations representing groups requiring special protection, such as indigenous peoples, persons deprived of their liberty, women, children, persons with disabilities, persons of African descent, young people and the LGBTI population. The whole process was supported by the United Nations system.

124. Another major challenge is to take action to protect and guarantee the rights of Venezuelans of diverse sexual orientation and gender identity; action has been taken, but further progress must be made to achieve the hoped-for results.

- UN Compilation

20. The Committee on the Rights of the Child recommended that the State prevent all forms of discrimination, including discrimination based on sexual orientation, gender identity and disability, and ensure that such discrimination is prohibited.

- Stakeholder's Summary

6. With regard to the protection of vulnerable groups, it highlighted policies and bodies created to protect the rights of children, women, older persons, homeless persons, persons living with HIV/AIDS, lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, and indigenous peoples.

19. JS29¹⁸ called for a special unit to be established within the Ombudsman's Office to defend the human rights of LGBTI persons. EJERCITOEMANCIPADOR recommended the creation of a special prosecutor to try cases of discrimination and hate against LGBTI people.

33. According to JS29, the Bolivarian Republic of Venezuela has not taken measures to ensure the social and legal inclusion of LGBTI persons, as was recommended. ROMPELANOR recommended adopting legislation to combat discrimination on grounds of sexual orientation and provide for equal marriage. VeneDiver reported discrimination against LGBTI persons in the workplace.

90. VeneDiver indicated that LGBTI persons are subjected to psychological abuse in health centres. UNAF¹⁹ stated that gynaecological services are not adapted to the needs of LGBTI persons.

¹⁸ Joint Submission No. 29 by 2 organizations grouped in the Red LGBTI de Venezuela, Caracas, Venezuela (Bolivarian Republic of);

¹⁹ Union Afirmativa de Venezuela

B. SOGIESC Advanced Questions for Venezuela

- **Mexico:** What mechanisms are currently implemented to prevent discriminatory practices, particularly on the basis of gender, sexual orientation and gender identity? Are there considerations to strengthen and extend the legislation regarding discrimination on this regard? What steps have been taken to avoid the promotion or incitement of discrimination?

C. Venezuela's Working Group Session

- **Intervention Made by Venezuela After 33 Interventions:** To protect the human rights of the LGBTI community and in order to prevent dissemination of discriminatory messages against gender diversity we have established coordination with the Presidential Council of the Popular Government for gender diversity as well as to the national commission of telecommunications.

D. Recommendations for Cycle II (2016)

a) These recommendations have been examined by Venezuela and have been supported by Venezuela

- **Israel:** Prevent all forms of discrimination, especially discrimination based on sexual orientation or gender identity, ensuring equal treatment particularly in schools, health services and the armed forces (5.108).
- **Spain:** Ensure respect for and protection of LGBTI persons through measures such as the decriminalization of homosexual relations in the armed and security forces, the recognition of same-sex couples and the right to change identity for transgender people (5.113).

b) These recommendations have been examined by Venezuela and have been noted by Venezuela

- **Israel:** Adopt measures to ensure that people can change their legally recognized gender without sex-reassignment surgery (5.112).
- **South Africa:** Intensify its actions in guaranteeing the right to equality and non-discrimination on the basis of sexual orientation, gender identity and/or expression (5.104).

E. Recommendations for Cycle I (2011)

Recommending State	Recommendation	Response
Canada	Continue to consolidate the rights of women and people belonging to vulnerable groups, including indigenous peoples and persons of diverse sexual orientation and gender identity, both within its legal framework and in practice	Accepted

F. [Video of Venezuela's UPR Working Group Session](#)

UNIVERSAL PERIODIC REVIEW – ZIMBABWE UPR SOGIESC RECOMMENDATIONS

DATE AND TIME OF THE REVIEW: 2 NOVEMBER 2016, 9:00 – 12:30

DATE AND TIME OF THE ADOPTION OF THE REPORT: 4 NOVEMBER 2016, 15:00 – 16:00

During the 26th UPR Working Group Sessions, Zimbabwe received 10 SOGIESC recommendations and accepted none.

A. SOGIESC Information

- [National Report](#)

N/A

- [UN Compilation](#)

28. The Committee reiterated its concern about high levels of discrimination against certain groups of children, including children with disabilities, children in street situations, children living in rural areas, children born out of wedlock, orphans, children living in foster care, lesbian, gay, bisexual, transgender and intersex children and children infected with HIV or affected by HIV/AIDS.

- [Stakeholder's Summary](#)

10. JS5²⁰ stated that the lack of legal recognition and inability to change gender markers on government issued documentation significantly impeded the rights of transgender individuals.

25. GALZ stated that although the 2013 Constitution guarantees equality for all citizens and freedom from unfair discrimination, it fails to specifically prohibit discrimination on the basis of sexual orientation and gender identity. Homophobia permeates Zimbabwean society unchecked and manifests itself in different forms, ranging from verbal and physical assault on, to discrimination of, lesbian, gay, bisexual, transgender and intersex people on the basis of their sexual orientation or gender identity. Refusal by duty bearers and policy makers to address this issue has resulted in the public intolerance of lesbian, gay, bisexual, transgender and intersex persons becoming deeply ingrained in the community and reinforces the general stigmatization of sexual minorities in society. JS5 stated that political leaders and state-sponsored media regularly incited hatred towards gays and lesbians by depicting same-sex relations as immoral.

33. JS5 stated that sex workers experienced verbal, physical and sexual abuse from law enforcement officials. Many sex workers have been detained and forced to engage in sexual activities with officers to ensure their release.

34. JS5 stated that lesbian, gay, bisexual, transgender and intersex individuals, particularly transgender women and men, reported cases of arbitrary detention and torture by law enforcement officials, which were frequent and harmful.

35. GALZ stated that there was a disproportionately high rate of arbitrary detentions of lesbian, gay, bisexual, transgender and intersex individuals due to them being sexual minorities.

²⁰ Joint Submission 5 submitted by: The Sexual Rights Centre (Bulawayo, Zimbabwe), GALZ – An Association of LGBTI People in Zimbabwe, Harare, Zimbabwe, COC Nederland, Amsterdam, Netherlands (Joint Submission 5).

38. JS5 stated that lesbian, bisexual and transgender women were particularly at risk of sexual violence in the form of “corrective” or “curative” rape, where those women were raped by family members under the erroneous belief that this will “cure” their sexuality.

72. JS5 stated that many sex workers report problems in seeking health services from government hospitals because the medical personnel refuse to treat sex workers unless they bring their partners for treatment. JS5 stated that lesbian, gay, bisexual, transgender and intersex persons have reported being threatened, ridiculed, and driven out of health institutions upon disclosing that they have engaged in same-sex relations. This stigmatization prevented sex workers and lesbian, gay, bisexual, transgender and intersex persons from fully disclosing their specific health needs. With regard to transgender individuals, there was a lack of access to gender affirming services including access to hormones, medical equipment such as binders, and to medical procedures such as surgery.

B. SOGIESC Advanced Questions for Zimbabwe

- **Czechia:** Given the Zimbabwean Constitution recognizes the equality of all human beings, which concrete steps has GoZ undertaken to implement laws to give effect to the Constitution, including the embedding of equal rights of LGBTI people in relevant laws?
- **Netherlands:** Given the Zimbabwean Constitution recognizes the equality of all human beings, which concrete steps has GoZ undertaken to implement laws to give effect to the Constitution, including the embedding of equal rights of LGBTI people in relevant laws?
- **Slovenia:** How is the Government implementing its commitment to the preservation of equal rights and principles of equality and non-discrimination guaranteed by the Constitution in the area of sexual orientation and gender identity?

C. Zimbabwe’s Working Group Session

N/A

D. Recommendations for Cycle II (2016)

a) Remarks of States

- **Costa Rica:** We are concerned by the discrimination that people with disabilities and LGBTI persons have.

b) The following recommendations have been examined by Zimbabwe and do not enjoy the support and have been noted by Zimbabwe

- **Argentina:** Make progress both at the legislative level and in practice, in ensuring the rights and fundamental freedoms of LGBTI persons (8.9).
- **Brazil:** 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 (8.13).
- **Canada:** Prohibit discrimination against persons because of their real or imputed sexual orientation, gender identity or expression, and ensure adequate protection for LGBTI persons, sex workers, and other marginalized group (8.15).

- **Czechia:** Eliminate discrimination, stigmatization and violence against persons based on their sexual orientation and gender identity and through public dialogue promote tolerance and culture of non-discrimination (8.17).
- **Chile:** Adopt urgent measures to make progress on the elimination of all forms of discrimination, stigmatization and violence against people on the basis of their sexual orientation and gender identity and to promote the respect of the rights of all persons by the society (8.16).
- **France:** Rescind legal provisions that provide for the criminalization of LGBTI persons following the principle of non-discrimination (8.8).
- **Israel:** Adopt measures to prevent discrimination and violence based on sexual orientation and gender identity, both by state officials and non-state actors, and allow the change of gender markers on Government-issued documentation (8.14).
- **Italy:** Enhance efforts to promote gender equality and combat all forms of discrimination including those on the basis of sexual orientation and gender identity (8.18).
- **Spain:** Decriminalize consensual sexual relations between consenting same sex adults (8.10).
- **Uruguay:** Repeal the provisions in the Criminal Code which criminalise sexual relations between consenting adults of the same sex (LGBTI) (8.7).

E. Recommendations for Cycle I (2011)

Recommending State	Recommendation	Response
France	Decriminalise as soon as possible sexual relations between consent adults of same sex and repeal the 2006 law	Noted

F. [Video of Zimbabwe UPR Working Group Session](#)