

25TH UPR WORKING GROUP SESSIONS. SOGIESC RECOMMENDATIONS

(2 – 13 May, 2016)

This report contains a summary and the SOGIESC recommendations of the 25th Working Group Session.

The structure of the report contains the relevant SOGIESC remarks made by the State under Review, recommendations of cycle I and II and advanced questions.

The report is based on the draft report submitted by the working group and also by notes taken by ILGA during the sessions.

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**UNIVERSAL PERIODIC REVIEW – SURINAME
UPR SOGIESC RECOMMENDATIONS**

Date and time of the review: 2 May 2016, 9:00 – 12:30

Date and time of the adoption of the report: 6 May 2016, 16:00 – 18:00

During the 25th UPR Working Group Sessions, Suriname received 7 SOGIESC recommendations. It accepted 6 and will provide responses no later than the 33rd HRC session of the remaining recommendation

A. Remarks of the State Under Review (opening and closing speech): Jennifer Van Dijk Silos, Minister of Justice and Police and Head of the Delegation for the Consideration of the National Report of the Republic of Suriname

Opening remarks: As a multicultural society, the subject of sexual orientation and gender identity and expression is one that requires a broad based consultation process at the national level, involving all sectors of society, including the civil society. In this respect the UPR Working Group may be informed that the Ministry of Justice and Police will commence aforementioned consultation process in July 2016, starting with faith based organizations. With the amendment to the Penal Code, which came into force on the 13th of April 2015, the State made a further step in the direction of protection of LGBT.

The definition of discrimination enshrined in article 126a of the Penal Code applies to everyone, hence takes into account the principle of equality. In Articles 175 and 176 of the amended Penal Code defamation of persons because of their sexual preference has been criminalized. Instigation to hate, discrimination or violence (article 175a), defamation by publication (article 176), as well as the support of discriminatory actions have been criminalized.

Article 500a of the Penal Code furthermore criminalizes occupational discrimination, including discrimination based on sexual orientation. In this respect I may inform you that measures will be undertaken to inform the wider public about the new provisions in the Amended Penal Code. In addition, I can inform that there are no differences in regulations and legislation regarding opportunities to carry out activities in Suriname by different organizations.

LGBT can submit requests for permission to carry out activities under the same legal conditions as all other organizations and legal entities in Suriname. The principle of equality remains applicable when it comes to fundamental rights, such as the right to freedom of thought and expression and the right of peaceful congregation and organization of activities to promote certain principles. It has been regular occurrence that police protection and surveillance has been provided to LGBTI organizations when carrying out public activities.

Intervention made by Suriname after 3 recommendations: The situation of the LGBT persons are still discriminated, I can assure you and I can guarantee you that they are not discriminated neither by law, and not in general also in my country what we miss are specific legislation that they can have the same rights as heterosexuals. But as in your country or in most of the countries that are represented in here it is a process of acceptance and Suriname has started that process right now, and we hope that we can report you within a few years that there are some legislation already to guarantee it, that they have equal rights, what it cannot be done within one year or one week or one month, important is that officially there is not any law that discriminates the LGBTI and in the formal situation in Suriname there is a tolerance for the LGBTI and we are now going into the process to have, to guarantee the special rights, but as you know it is a process. I don't know if you realize that we have about 20 different ethnic groups in my country, with different religions, and you need some kind of consensus in the society to arrange this legislation but the government has taken it as a challenge to within these 4 years when I am still the Minister of Justice to reach some legislation even if it's one, were we can see

that we guarantee all the rights of the LGBT and that they have to be treated equal on different aspects in the society. We will start with the hearings and I am sure that after a year we will finish, and that we have create some acceptance for the equality of the rights LGBT, because the Minister of Justice and Political has defined the rights of LGBTI as Human Rights, and that is important.

B. Recommendations for the Second Cycle (2016):

a) Remarks made by the Recommending State:

Ireland: We further note that while consensual same-sex relations are not criminalized, members of the LGBTI community continue to face stigmatization and discrimination and to experience violence, including at the hands of security forces, and obstacles on their enjoyment of the right to privacy and family life. We urge Suriname to legally recognize same-sex unions.

Australia: Australia is pleased to note that Suriname is one of only three CARICOM countries in which consensual same-sex sexual activity has been decriminalized.

b) The recommendations listed below have been examined by Suriname and enjoy the support of Suriname:

Ireland: Develop and implement training programmes for current and trainee police officers to address stigmatisation and discrimination of LGBTI persons.

Netherlands: Take all necessary steps to adopt legislative and other measures to explicitly prohibit discrimination on the basis of sexual orientation and gender identity.

Australia: Enact legislation that specifically addresses discrimination against LGBTI individuals.

Chile: Adopt specific legislation to prevent discrimination based on sexual orientation or gender identity.

Brazil: Take effective steps for the country's legal framework to protect the rights of LGBTI people.

Chile: Intensify measures to prevent and sanction violence against LGBTI persons.

c) These recommendations will be examined by Suriname which will provide responses in due time, not no later than the 33rd HRC session:

Mexico: Adopt legislation and promote measures to prevent discrimination based on race, disability, sexual orientation and gender identity.

C. Recommendations for the First Cycle (2011):

Norway: Equalize the age of consent for opposite and same-sex conduct, and adopt appropriate legislative and other measures to prohibit discrimination on the basis of sexual orientation and gender identity. (Noted)

Netherlands: Equalize the age of consent for opposite and same-sex conduct, and adopt legislative and other measures to explicitly prohibit discrimination on the basis of sexual orientation and gender identity. (Noted)

D. SOGIESC questions submitted in advance for Suriname:

United Kingdom of Great Britain and Northern Ireland: Following the revision of the penal code in 2015, how does the Government of Suriname plan to ensure that civil society is consulted to implement measures to prevent discrimination against LGBTI persons in practice?

E. Video of Suriname UPR Working Group Session: <http://webtv.un.org/meetings-events/watch/suriname-review-25th-session-of-universal-periodic-review/4873190860001>

**UNIVERSAL PERIODIC REVIEW – ST VINCENT AND THE GRENADINES
UPR SOGIESC RECOMMENDATIONS**

Date and time of the review: 2 May 2016, 14:30 – 18:00

Date and time of the adoption of the report: 9 May 2016, 13:00 – 14:00

During the 25th UPR Working Group Sessions, St. Vincent and the Grenadines received 7 SOGIESC recommendations and will provide responses no later than the 33rd HRC session

A. Remarks of the State Under Review (opening and closing speech): Permanent Representative of Saint Vincent and the Grenadines to the United Nations, Rhonda Kings

Intervention made by St. Vincent and the Grenadines after 24 recommendations: First with respect to same-sex relationships, these provisions have existed from time and memorial, and the precepts that aligned them have overwhelming public support, in our Christian society, which adopts this bundle Christian values in our Caribbean context. However, we acknowledge that changes in these values are occurring particularly among sections of the young people, largely as a consequence of influences from outside. This matter therefore is always under review, and we must appreciate all these nationals' sensitivities within the context of the existing values system. But is important to note there has been no incidence of imprisonment in forever. I conclude on that point that there currently is no public or legislative appetite to revise any of the laws that prohibit sexual activities between consenting adults.

I want to address also the issue of the LGBTI, one delegate commented on the need to implement legislation to protect LGBTI persons against violence. I want to reiterate that every citizen in St. Vincent and the Grenadines is afforded protection against violence. The constitution and existing criminal laws ensure this.

B. Recommendations for the Second Cycle (2016):

a) Remarks made by the Recommending State:

Australia: Australia remains concerned that violence and discrimination against LGBTI persons have not been addressed appropriately.

b) The recommendations listed below have been examined by Saint Vincent and the Grenadines and enjoy the support of St. Vincent and the Grenadines: None

c) These recommendations will be examined by St. Vincent and the Grenadines which will provide responses in due time, not no later than the 33rd HRC session:

US: Reform laws related to discrimination and violence against women and LGBTI persons, including by repealing provisions which may be used to criminalize consensual, same-sex sexual activity between adults, and establishing a law criminalizing domestic violence.

Mexico: Enact legislation and take necessary measures to prohibit discrimination on the grounds of sexual orientation, gender identity and social status.

Australia: Enact legislation prohibiting discrimination against LGBTI persons, including removing laws criminalising consensual same sex activity.

Italy: Decriminalize homosexuality and oppose all forms of discrimination and abuse against LGBTI persons.

Brazil: Consider taking steps to decriminalize consensual same sex relations and abolish any discriminatory legislation and practices against LGBTI people.

Spain: Decriminalize homosexual relations between consenting adults.

Netherlands: Abolish section 148 of the Criminal Code, which criminalizes consensual sexual practices between persons of the same sex, as a step towards decreasing discrimination of same-sex relationships.

Chile: Take measures to prevent violence and discrimination against persons based on their sexual orientation and gender identity.

C. Recommendations for the First Cycle (2011):

Canada: Institute policies and initiatives to address discrimination based on sexual orientation or gender identity. (noted)

France: Repeal all discriminatory provisions against lesbian, gay, bisexual and transgender people. (noted)

UK: Bring the legislation into conformity with the country's commitment to equality and non-discrimination and its international human rights obligations, by repealing all provision which may be applied to criminalize sexual activity between consenting adults. (noted)

Brazil: Consider revising its Criminal Code, in particular with a view to decriminalizing sexual relations between consenting adults of the same sex. (noted)

US: Repeal provisions in the law which may be used to criminalize consensual activity between adults. (noted)

Germany: Abolish section 146 of the Criminal Code as a first step towards the introduction of a law prohibiting the discrimination of same-sex relationships. (noted)

Norway: Repeal section 146 of the Criminal Code, which criminalizes sexual relations between consenting adults of the same sex. (noted)

Canada: Eliminate legal sanctions against consensual sexual acts between adults in private. (noted)

France: Implement the 2008 recommendation of the Human Rights Committee by decriminalizing sexual relations between consenting adults of the same sex. (noted)

Slovenia: Implement the 2008 recommendation of the Human Rights Committee to repeal section 148 of the Criminal Code, which criminalizes sexual relations between consenting adults of the same sex. (noted)

D. SOGIESC questions submitted in advance for St. Vincent and the Grenadines:

UK: Does the Government of St. Vincent and the Grenadines have plans to introduce specific legislation to address discrimination based on sexual orientation, gender identity or social status?

E. Video of St. Vincent and the Grenadines UPR Working Group Session:

<http://webtv.un.org/meetings-events/human-rights-council/universal-periodic-review/25th-upr/watch/st-vincent-and-the-grenadines-review-25th-session-of-universal-periodic-review/4875358777001>

**UNIVERSAL PERIODIC REVIEW – SAMOA
UPR SOGIESC RECOMMENDATIONS**

Date and time of the review: 3 May, 9:00 – 12:30

Date and time of adoption of the report: 9 May, 13:00 – 14:00

During the 25th UPR Working Group Sessions, Samoa received 9 SOGIESC recommendations. It accepted 1 recommendation and will provide responses no later than the 33rd HRC session of the remaining 8 recommendations

A. Remarks of the State Under Review (opening and closing speech): Ms. Peseta Noumea Simi, Chief Executive Officer Ministry of Foreign Affairs and Trade and others

Intervention made by Samoa after the first 11 recommendations: There is a say in our country that you don't hide behind the shadow of a tree, and I am specifically noting the remark on the issues that have been raised with us on the perceived discriminatory practices based on gender identity and sexual orientation. This is a huge challenge but as I said, we will not hide behind the shadow of a tree and out of this UPR the direction has also been set for us, to ensure that we do move forward in the execution of our obligations in the human rights agenda.

Intervention made by Samoa after the first 20 recommendations: My colleague said, we are not hidden behind a tree, we are not saying we are not going to do it and we are not going to use excuses, no, we will be actively trying to make sure that our obligations to the universal community and as far as human rights issues, that we are committed to that and you have that commitment from our country that we will attempt as fast as possible to try and ratify these instruments.

(...) Some of these issues regarding same-sex marriage, these things take a real issue with the way Samoans live and the way we are as people, and we have to balance it out. One of the sayings is, we don't want to try and address one issue and ending up being people that we are not, we have to be given time to look at issues such as same-sex marriage and see how that affects the way that we are as Samoans, the two precepts that hold our country together is the culture and religion, now those two do not approve of gay marriage.

Now if we are to look at the human rights issue of gay marriage and address it now, then we are going to have a lot of issues in the future with how Samoans are going to live, and that kind of issue takes time to understand and takes time to consult with people of all classes in Samoa and try to explain how this can overcome, but it takes time, that is all I am saying, that we are not trying to hide behind a tree as my colleague alluded to, but it does take time to address this issues that some of the speakers are alluding to.

B. Recommendations for the Second Cycle (2016):

a) Remarks made by the Recommending State:

Netherlands: We do have concerns about the discrimination on the ground of gender identity in Samoa.

New Zealand: Finally, we note that further work is needed in the area of lesbian, gay, bisexual, and transgender rights.

Slovenia: We are also concerned that the same-sex relations between consenting adults continue to be criminalized.

- b) The recommendations listed below have been examined by Samoa and enjoy the support of Samoa:

Netherlands: Prohibit discrimination on the ground of gender identity in employment legislation, such as by amending the Labour and Employment Relations Act, 2013.

- c) These recommendations will be examined by Samoa which will provide responses in due time, not no later than the 33rd HRC session:

Ireland: Finally, we are concerned that same-sex relations between consenting adults remain criminalized and at the persistence of discrimination and stigmatization. We strongly urge Samoa to decriminalize consensual same-sex relations and to adopt initiatives to increase public awareness, understanding and acceptance of LGBTI persons.

New Zealand: Take steps to address inequalities affecting human rights in the area of discrimination based on sexual orientation and gender identity.

Slovenia: Repeal all provisions criminalizing same-sex relations between consenting adults.

Spain: Complete the updating of legislation by decriminalizing homosexual relations between consenting adults.

United States: Combat discrimination based on sexual orientation and gender identity by decriminalizing "sodomy" and quote: "indecentcy between males," end quote, which currently constitute crimes punishable by prison sentencing for up to seven years.

Canada: Repeal laws that criminalise consensual same sex-conduct, and prohibit discrimination on the grounds of sexual orientation or gender identity in all areas of public life, including employment, health and education, bringing Samoa's legislation into conformity with its commitment to equality

Chile: Adopt measures to prevent violence and discrimination against persons on the basis of their sexual orientation and gender identity.

Slovenia: Adopt measures to reduce violence against women and girls and violence based on sexual orientation and gender identity.

C. Recommendations for the First Cycle (2011):

Canada: Fulfil its commitment to equality and non-discrimination by repealing all legal provision that criminalize sexual activity between consenting adults and investigate all cases of discrimination based on sexual orientation and gender identity. (noted)

France: repeal laws criminalizing relations between consenting adults of the same sex. (noted)

Norway: Repeal all provision which may be applied to criminalize sexual activity between consenting adults and adopt appropriate legislative measures to include sexual orientation and gender identity in equality and non-discrimination laws. (noted)

United States: Continue its reconsideration of laws that restrict the human rights of individuals based on sexual orientation or gender identity, and repeal such laws. (accepted)

D. SOGIESC questions submitted in advance for Samoa: None.

E. Video of Samoa UPR Working Group Session: <http://webtv.un.org/meetings-events/watch/samoa-review-25th-session-of-universal-periodic-review/4875776954001>

**UNIVERSAL PERIODIC REVIEW – GREECE
UPR SOGIESC RECOMMENDATIONS**

Date and time of the review: 2 May 2016, 14:30 – 18:30

Date and time of adoption of the report: 6 May 2016, 13:00 – 14:00

During the 25th UPR Working Group Sessions, Greece received 4 SOGIESC recommendations. It accepted 3 recommendations and will provide responses no later than the 33rd HRC session of the remaining one

A. Remarks of the State Under Review (opening and closing speech): Kostis Papaioannou, Secretary-General for Transparency and Human Rights.

Opening Remarks: Regarding discrimination based on sexual orientation or gender identity, and in response to the questions of Norway and The Netherlands, apart from the inclusion of such grounds in anti-racism legislation, the law on the civil partnership pact was recently extended to same-sex couples, recognizing family ties and conferring rights similar to marriage. Furthermore, art. 347 of the Criminal Code providing a higher age of consent for male homosexual acts was abolished. Ministry of Justice is currently drafting legislation on legal gender recognition and is reviewing family law. Adoption by same sex couples may also be considered.

B. Recommendations for the Second Cycle (2016):

a) Remarks made by the Recommending State:

UK: The UK welcomes Greece's recognition of same-sex unions with the passage of the cohabitation agreement bill in December 2015 and notes the effective cooperation of the Greek authorities with NGOs and civil society organizations on this and other issues.

Australia: Australia welcomes Greece's extension of civil partnership to same-sex couples.

Brazil: We specially commend Greece for extending the law on civil partnership pact to same-sex couples.

Canada: Canada notes with satisfaction that Greece adopted legislation in December 2015 legally recognizes same-sex civil partnerships, extending many of the rights of marriage to same-sex couples. We encourage Greece to continue taking steps towards extending full legal equality to LGBTI persons.

Germany: We however remain concerned about the *de facto* segregation of Roma children and the exclusion of some Roma communities. Germany notes the increase of discrimination and hate speech against Roma and other vulnerable groups such as migrants, refugees and the LGBT community, knowing that this problem also exists in other countries.

Montenegro: However, we noted concerns of several human rights experts at the impact of the economic crisis on further discrimination against the most vulnerable groups, such as migrants, refugees, asylum seekers, Roma and LGBT communities, as well as women and children belonging to minorities.

b) The recommendations listed below have been examined by Greece and enjoy the support of Greece:

Chile: Combat more actively the stereotypes and prejudices to which LGBTI people are subject, organizing public awareness campaigns and ensuring that the perpetrators of acts of violence on the grounds of sexual orientation are prosecuted and punished.

Israel: Adopt measures to fight against discrimination based on sexual orientation or gender identity.

US: Actively investigate instances of discrimination in employment, including against LGBTI persons.

c) These recommendations will be examined by Greece which will provide responses in due time, not no later than the 33rd HRC session:

Netherlands: Take steps towards full legal recognition of same-sex relationships; this includes registered partnership, fiscal partnership, and marriage and the possibility to adopt children



C. Recommendations for the First Cycle (2011):

Norway: Include sexual orientations and gender identity as grounds for protection in anti-discrimination legislation and policies. (accepted)

Spain: Incorporate in the legislation the combat against discrimination based on gender identity or expression. (accepted)

Brazil: Consider recognizing same-sex couples. (accepted)

D. SOGIESC questions submitted in advance for Greece:

Netherlands: Which steps has the government of Greece taken to work towards full legal recognition of same-sex relationships, including registered partnerships, fiscal partnership, and marriage? Which steps has the governments of Greece taken towards enabling same-sex couple to adopt children?

Norway: How is the government of Greece working to prevent and combat discrimination against LGBTI personas and the Roma population?

Spain: What actions are taken to prevent and punish hate-motivated acts against some allegedly targeted groups such as refugees, migrants, Roma and LGBTI persons?

E. Video of Greece UPR Working Group Session: <http://webtv.un.org/meetings-events/watch/samoa-review-25th-session-of-universal-periodic-review/4875776954001>

**UNIVERSAL PERIODIC REVIEW – PAPUA NEW GUINEA
UPR SOGIESC RECOMMENDATIONS**

Date and time of the review: 6 May 2016, 9:00-12:30

Date and time of the adoption of the report: 11 May 2016, 13:00 – 14:00

During the 25th UPR Working Group Sessions, PNG received 5 SOGIESC recommendations and will provide responses no later than the 33rd HRC session

A. Remarks of the State Under Review (opening and closing speech): Fred Sarufa, Ministers, Chargé d'Affaires and Deputy Permanent Representative of PNG to UN

Intervention made by PNG after 31 recommendations: On the issue that many delegations have raised today, about the LGBT, this is an evolving issue in the country and there are many different types of tribes with their traditional ways of doing things. This is an issue that needs to be understood by the population in PNG, were we will need to have a broad base with a national consultation process, to be able to address the issue in a more comprehensive way. At this stage we are not going down to that part yet, what needs to be done in my delegations view, this will require a national level consultation, which has never happened before and we have listened carefully to the issues that have been raised from a number of delegations and we are looking forward to respond fully on this concern in our final response to the recommendations that have been made.

B. Recommendations for the Second Cycle (2016):

a) Remarks made by the Recommending State:

b) The recommendations listed below have been examined by PNG and enjoy the support of PNG:
None

c) These recommendations will be examined by PNG which will provide responses in due time, not no later than the 33rd HRC session:

New Zealand: Decriminalize sexual relations between consenting adults of the same sex and amend national legislation to include sexual orientation and gender as prohibited grounds for discrimination.

Chile: Take measures to prevent violence and discrimination against persons on the basis of their sexual orientation and gender identity.

France: Take all the necessary measures to decriminalise sexual relations between consenting same-sex adults and take additional measures to combat discrimination and violence against LGBT persons.

Slovenia: Decriminalize all same-sex relations between consenting adults by repealing all relevant provisions of the Criminal Code.

Sweden: Decriminalize sexual relations between consenting adults of the same sex and amend national legislation to include sexual orientation as prohibited grounds for discrimination.

C. Recommendations for the First Cycle (2011):

Slovenia: Decriminalize sexual relations between consenting adults of the same sex. (noted)

France: Decriminalize sexual relations between consenting adults of the same sex. (noted)

UK: Amend national legislation to include "sexual orientation" and "gender" as prohibited grounds for discrimination (noted)

D. SOGIESC questions submitted in advance for PNG:

Spain: Is Papua New Guinea ready to amend the Criminal Code in order to decriminalize consensual same-sex relations between adults?

Sweden: Would the Government of Papua New Guinea be ready to amend its anti-discrimination legislation to include the prohibition of discrimination on the grounds of sexual orientation?

E. Video of PNG UPR Working Group Session: <http://webtv.un.org/meetings-events/human-rights-council/universal-periodic-review/25th-upr/watch/papua-new-guinea-review-25th-session-of-universal-periodic-review/4880644468001>

**UNIVERSAL PERIODIC REVIEW – TAJIKISTAN
UPR SOGIESC RECOMMENDATIONS**

Date and time of the review: 6 May 2016, 14:30 – 18:00

Date and time of the adoption of the report: 11 May 2016, 13:00-14:00

During the 25th UPR Working Group Sessions, Tajikistan received and accepted 1 SOGIESC recommendation

- A. Remarks of the State Under Review (opening and closing speech):** None
- B. Recommendations for the Second Cycle (2016):¹**
 - a) Remarks made by the Recommending State:**

Australia: We are concerned about ongoing restrictions of freedom of expression and opinion, particularly impacting the media, judicial independence and civil society, and targeting political, religious and sexual freedoms.

Slovenia: (...) and that while homosexuality had been decriminalized in 1998, homophobia and transphobia remain widespread and result in discriminatory practices against LGBTI individuals.

- b) The recommendations listed below have been examined by Tajikistan and enjoy the support of Tajikistan:**

Slovenia: Conduct mandatory human rights training for law enforcement agencies, including training on hate crimes

- C. Recommendations for the First Cycle (2011):** None
 - D. SOGIESC questions submitted in advance for Tajikistan:**

Liechtenstein: The work of human rights defenders in Tajikistan is severely compromised by, inter alia, intimidations by official authorities, unjustified inspections and restricted access to information online. Women and LGBTI people are at particular risk for discrimination, threats and violence.

- E. Video of Tajikistan UPR Working Group Session:** <http://webtv.un.org/meetings-events/human-rights-council/universal-periodic-review/25th-upr/watch/tajikistan-review-25th-session-of-universal-periodic-review/4884044370001>

¹ Tajikistan also received the following recommendation: **Continue to provide protection to the family as the natural and fundamental unit of the society (Egypt).**

**UNIVERSAL PERIODIC REVIEW – SUDAN
UPR SOGIESC RECOMMENDATIONS**

Date and time of the review: 4 May 2016, 9:00 – 12:30

Date and time of the adoption of the report: 10 May 2016, 13:00 – 14:00

During the 25th UPR Working Group Sessions, Sudan received 2 SOGIESC recommendations and accepted none of the above recommendations

- A. Remarks of the State Under Review (opening and closing speech):** None
- B. Recommendations for the Second Cycle (2016):**
 - a) Remarks made by the Recommending State:** None
 - b) The recommendations listed below have been examined by Sudan and enjoy the support of Sudan:** None
 - c) These recommendations will be examined by Sudan which will provide responses in due time, not no later than the 33rd HRC session:** None
 - d) The following recommendations were noted by Sudan:**

Honduras: Adopt measures in the legislative and political spheres, including appropriate budget allocation, to guarantee, prevent and eradicate discrimination on religious grounds, ethnic composition, gender or sexual orientation.

Chile: Push forward for the elimination of discriminatory provisions affecting LGBTI persons.

- C. Recommendations for the First Cycle (2011):** None
- D. SOGIESC questions submitted in advance for Sudan:** None
- E. Video of Sudan UPR Working Group Session:** <http://webtv.un.org/meetings-events/human-rights-council/universal-periodic-review/25th-upr/watch/sudan-review-25th-session-of-universal-periodic-review/4877515262001>

**UNIVERSAL PERIODIC REVIEW – HUNGARY
UPR SOGIESC RECOMMENDATIONS**

Date and time of the review: 4 May 2016, 14:30 – 18:00

Date and time of adoption of the report: 10 May 2016, 13:00 – 14:00

During the 25th UPR Working Group Sessions, Hungary received 6 SOGIESC recommendations and will provide responses no later than the 33rd HRC session

A. Remarks of the State Under Review (opening and closing speech): Minister of Justice, Mr. László Trócsányi

Opening remarks: Special protection is granted to victims of vulnerable groups such as the elderly, children, disabled people, LGBT people etc.

Intervention made by Hungary after 71 recommendations: I would like to mention the issue of the LGBT community, it is important to put this in to context of hate speech as well, so in connection with LGBT people it is important to note that any sort of racist, motivation is very similar of what we can see in our criminal code concerning LGBT persons, so it is criminalized and that is very clearly indicated out on our legal framework. Furthermore, I think if we just take a look at the global state I think Hungary is in the middle race in the acknowledgment of LGBT rights.

B. Recommendations for the Second Cycle (2016):

a) Remarks made by the Recommending State:

Australia: However, we note with concern several highly prejudiced public statements about LGBTI people, from both political figures and government officials.

b) The recommendations listed below have been examined by Hungary and enjoy the support of Hungary: None

c) These recommendations will be examined by Hungary which will provide responses in due time, not no later than the 33rd HRC session:

Czech Republic: Implement effectively its legislation and policies against hate speech and hate crimes with particular focus on the human rights protection of Roma, Jews, LGBTIs and other vulnerable groups.

Australia: Adopt and implement a comprehensive strategy and action plan to tackle discrimination based on sexual orientation and gender identity.

Chile: Adopt a strategy and a comprehensive plan of action to counter discrimination based on sexual orientation and gender identity.

Colombia: Take comprehensive measures to counter discrimination on the grounds of sexual orientation and gender identity.

France: Fight against discrimination based on the origin, gender and sexual orientation, by continuing its efforts in the implementation of the existing instruments.

Greece: Adopt a comprehensive strategy in order to combat discrimination based on sexual orientation and gender identity.

d) The following recommendations were noted by Hungary: None

C. Recommendations for the First Cycle (2011):

United Kingdom: Ensure that the cardinal laws, resulting from the new Fundamental Law, do not contain provisions that discriminate against people with disabilities, women and LGBTI people. (accepted)

² Hungary also received the following recommendation: **Continue to provide protection to the family as the natural and fundamental unit of the society (Egypt).**



United States: Strengthen hate crimes laws to protect against violence motivated by gender identity, sexual orientation and intolerance, and implement public awareness campaigns to include law enforcement officials and to combat intolerance. (accepted)

Switzerland: Introduce the necessary measures to ensure full respect for the rights of persons with disabilities and women, as well as persons with a different sexual orientation. (accepted)

Norway: Reconsider the relevant provisions of the new Constitution in order to ensure keeping access to abortion as a safe and legal option, and to ensure that the same protection and rights apply to every persons regardless of their sexual orientation. (noted)

D. SOGIESC questions submitted in advance for Hungary:

Netherlands: Which concrete steps has the Hungarian government undertaken to ensure the embedding of equal rights of LGBTI people in relevant laws including the Constitution and the Family Protection Act?

Spain: How is the Hungarian government fighting public defamation against Jews, Roma, LGTBI persons, refugees and migrants?

Czech Republic: Has the Government taken any steps against attempts to prevent the full and safe enjoyment of the right to peaceful assembly for all, including by LGBTI persons?

E. Video of Hungary UPR Working Group Session: <http://webtv.un.org/meetings-events/human-rights-council/watch/hungary-review-25th-session-of-universal-periodic-review/4880644420001>

UNIVERSAL PERIODIC REVIEW – TANZANIA
UPR SOGIESC RECOMMENDATIONS

Date and time of the review: 9 May 2016, 9:00 – 12:30

Date and time of the adoption of the report: 12 May, 17:00 – 18:00

During the 25th UPR Working Group Sessions, Tanzania received 5 SOGIESC recommendations, it accepted none of them

- A. Remarks of the State Under Review (opening and closing speech):** None
- B. Recommendations for the Second Cycle (2016):**
- a) Remarks made by the Recommending State:**

Australia: We encourage Tanzania to commit to protect the rights of all persons regardless of sexual orientation and gender identity.

- b) The recommendations listed below have been examined by Tanzania and enjoy the support of Tanzania:** None
- c) These recommendations will be examined by Tanzania which will provide responses in due time, not no later than the 33rd HRC session:** None
- d) The following recommendations below did not enjoy the support of Tanzania:**

Sweden: Strengthen the legal protection of individuals belonging to groups in the most vulnerable situations: persons living with albinism; LGBTI persons; elderly women; pastoralist and hunter-gatherers/community with specific needs; and people with disabilities, in comprehensive anti-discrimination legislation.

Uruguay: Eliminate the criminalization of homosexuality and adopt urgent measures to amend the Criminal Code to this effect.

Chile: Take urgent steps to amend the penal code and eliminate the criminalization of consensual sexual relations between adults of the same sex.

Canada: Effectively implement the National Human Rights Action Plan and publicly call for an end to attacks, abuse and discrimination against persons with disabilities, persons with albinism, LGBTI persons, and people living with, at risk of and affected by HIV/AIDS.

France: Repeal provisions criminalizing homosexuality, with the aim at fully respecting the principles of equality and non-discrimination.

C. Recommendations for the First Cycle (2011):

Sweden: Commit itself to the protection of the rights of all persons regardless of their sexual orientation or gender identity in anti-discrimination and equal opportunity legislation and bodies. (noted)

Spain: Adopt political and legislative measures to establish a specific framework for the protection against discrimination based on sexual preferences accompanied with the elimination of penal provisions that criminalize consensual relations between adults from the same gender, and the implementation of public awareness campaigns in this matter. (noted)

Slovenia: Repeal criminal provisions against persons based on their sexual orientation (noted)

D. SOGIESC questions submitted in advance for Tanzania:

Czech Republic: Does Tanzania consider revising its legislation discriminatory towards women and girls, including customary laws, and adopting comprehensive antidiscrimination legislation prohibiting discrimination on all grounds? Does the Government envisage decriminalizing homosexuality?

Slovenia: Slovenia is concerned about the criminalization of homosexuality and would we would be interested to learn whether the Government of the United Republic of Tanzania is considering to amend the Penal Code to decriminalize homosexuality?



Sweden: Sweden would like to ask the Government of Tanzania of how it will guarantee the rights of individuals belonging to “key population”, i.e. gender- and sexual minorities, to equal treatment in accessing health services and justice.

- E. **Video of Tanzania UPR Working Group Session:** <http://webtv.un.org/meetings-events/human-rights-council/watch/tanzania-25th-session-of-universal-periodic-review/4885170236001>

**UNIVERSAL PERIODIC REVIEW – ANTIGUA & BARBUDA
UPR SOGIESC RECOMMENDATIONS**

Date and time of the review: 9 May 2016, 14:30 – 18:00

Date and time of the adoption of the report: 12 May 2016, 17:00 – 18:00

During the 25th UPR Working Group Sessions, Antigua & Barbuda received 13 SOGIESC recommendations. It accepted 1 among these recommendations and noted the remaining 12

A. Remarks of the State Under Review (opening and closing speech): Maureen Payne, Senator & Parliament Secretary at the Ministry of Legal Affairs and Public Safety

Intervention made by Antigua & Barbuda after 26 recommendations: With the issue of the LGBTI, I didn't address that before, but that is an issue which is going to take time, there seems to be this impression that in the Caribbean if you are gay or if you are lesbian then you are brutally treated all the time, that is not the case.

There are well known personalities in Antigua who are of that persuasion. Our constitution states that you have the right to be treated fairly, regardless of your sex, creed and political bias, it really doesn't matter. Personal prejudice is something we have change overtime, we have to sensitize people, even if you legislate against that you are still going to have issues. That is something that we are still working on and you cannot force that down, the physique of the people in Antigua, we are a very tolerant society, and I just don't want this whole body to go with the impression that if you are gay or lesbian that you have to be hidden, that you can't go in the streets, that you can't go shopping, that is not true.

It is an issue that we know that the international organizations take very seriously we have lots in our books, that still need to be done, that says that if two adults have sex, two homosexuals have sex, it is a crime but no one is ever prosecuted under those prohibitions, and I know that doesn't give you much comfort, but that is the reality, people are not prosecuted on that prohibition, those prohibitions are usually used when adults have bugged children, but to say that is to say that we are prosecuting people, and no, we are not prosecuting under that act, those have been inherited. I do take the point, we need to change that, if we are going to be more serious in human rights, that is something the government will need to look at.

Intervention made by Antigua & Barbuda after 37 recommendations: (...) The same happens with the LGBTI community, we have to sensitize our people, to these type of changes, a quantum in their minds, they are very moral, they are very religious and if they start talking about these issues, as we have done with other programs, there is always someone who rings and tells you what the bible says, what Leviticus says including chapter and verse, so we are very much aware of that, and this is something that you have to work on, you have to sensitize your community, you have just take your time, you just cannot say to people this is how it is, because if you force them down on them, then the level of rejection will be much higher.

You can see people walking, and you can observe them and based on how they dress and how they conduct themselves that they might be of that persuasion, and you can walk pass them and have no issue. But I think if as a government, we start saying you must... you have to... it becomes very negative, it will actually have a very regressive effect, people can be more ... people are going to try and resist it more with aggression, but if we are just doing gently bit by bit it has a greater way of being accepted, you just cannot say to people this is how it is. But as I said we do have people of that persuasion leaving in our community quit happy, and I am going to reemphasize this, if you start legislating, and you say you have to do this, and you you have to do that, then you will have a moral, or a religious answer.

Closing remarks: With the regards to the issue of relations between two consenting adults, yes it is on the book, and from a human rights perspective, I am aware of that, that is an issue but the fact that no one is prosecuted under that sections is not good from a human rights perspective, but we have to be mindful of the context in which we leave and I think I have said it already, we understand the physique of the community in

which we live in, and if you start highlighting some things, then you can have a very retrograde consequence, and as I said, in time maybe it can be taken of the books, but I am sure if the government wants to say we are going to take it off today, it will start a ginormous debate and will have more negative reactions than a positive reaction, but that is something the we will have to take on board, and as I said is something that we have to gently message our people to see it.

B. Recommendations for the Second Cycle (2016):

a) Remarks made by the Recommending State:

Netherlands: The government of Antigua and Barbuda stated

Australia: Australia remains concerned that violence and discrimination against LGBTI persons have not been addressed.

Germany: We believe that equality and non-discrimination are crucial to a democratic society and that the criminalization of LGBTI persons constrains the chances of these persons to report cases of discrimination and violence.

Mexico: We hope that Antigua & Barbuda takes measures that guarantee the access to social and health services for all the population, including the people with economic vulnerability and people from the LGBTI community.

Spain: We consider important the respect for the principle of non-discrimination on grounds of sexual orientation.

UK: We also encourage the government to promote a culture of tolerance to discrimination against lesbian, gay, bisexual and transgender people.

b) The recommendations listed below have been examined by Antigua & Barbuda and enjoy the support of Antigua & Barbuda:

Mexico: Continue the efforts to ensure that national legislation prohibits discrimination on the grounds of disability, sexual orientation, gender identity or social status.

a) These recommendations will be examined by Antigua & Barbuda which will provide responses in due time, not no later than the 33rd HRC session: None

b) The recommendations below did not enjoy the support of Antigua & Barbuda and would thus be noted:

South Africa: Continue efforts at protecting all members of society from discrimination, harassment and violence, regardless of their sexual orientation.

Argentina: Adopt the additional necessary measures to ensure the full enjoyment of human rights by the vulnerable groups which are subjected to discrimination, such as LGBTI persons, including the investigation and punishment of cases of discrimination, as well as the abrogation of norms that criminalize and stigmatize.

Australia: Enact legislation prohibiting discrimination against LGBTI persons, including removing laws criminalising same sex activity.

Spain: Carry out awareness and education campaigns in favour of non-discrimination based on sexual orientation.

Chile: Eliminate the provisions that criminalize same-sex sexual relations between adults.

France: Put an end to the legal discrimination against LGBTI persons and to the criminalization of homosexuality.

Germany: Abolish all provisions that criminalize consensual same-sex relationships and adopt a national policy to promote tolerance and address discrimination and violence against LGBTI persons.

Netherlands: Repeal articles 12 and 15 of the Sexual Offence Act of 1995 that criminalize sexual relations between consenting individuals of the same sex, which are contradictory to the commitment of non-discrimination.

Honduras: Decriminalize relations between persons of the same sex.

Slovenia: Decriminalize sexual relations between consenting adults of the same sex.

Spain: Decriminalize consented homosexual relations between adults.

United States of America: Reform the penal code to decriminalize private, same-sex sexual activity between consenting adults.

Brazil: Take concrete measures with a view to decriminalizing consensual same-sex relations and abolishing any discriminatory legislation against LGBTI persons, even if such laws are not applied in practice.

C. Recommendations for the First Cycle (2011):

US: Condemn acts of violence and human rights violations committed against persons because of their sexual orientation or gender identity and ensure adequate protection for those human rights defenders who work on the rights of Lesbian, Gay, Bisexual and Transgender persons. (accepted)

Canada: Institute policies and initiatives to address discrimination based on sexual orientation or gender identity.

Spain: Implement public awareness campaigns on discrimination based on sexual preference. (accepted)

France: Abrogate the provisions criminalizing sexual relations between consenting adults of the same sex. (noted)

Canada: Eliminate legal sanctions against consensual sex acts between adults in private. (noted)

Hungary: Repeal all provisions that may be applied to criminalize sexual activity between consenting adults, and which are contrary to its commitment to equality and non-discrimination. (noted)

United States: Decriminalize homosexual conduct by reforming the penal code so that for the purposes of prosecution, gross indecency would not apply to private acts between consenting adults. (noted)

Spain: Adopt policy and legislative measures to establish a specific framework for the protection against discrimination based on sexual preference along with the abrogation of criminal provisions that criminalize consensual relations between adults of the same sex. (noted)

D. SOGIESC questions submitted in advance for Antigua & Barbuda:

UK: What progress has been made on repealing all provisions that discriminate against people on the grounds of their sexual orientation, thereby protecting the rights of LGBT persons?

Mexico: Is Antigua and Barbuda considering the inclusion of nondiscrimination clauses in national legislation? How is it guarantee that no one is discriminated on the basis of disability, language, sexual orientation, gender identity or social status? What are the legal safeguards to avoid such discrimination?

E. Video of Antigua & Barbuda UPR Working Group Session: <http://webtv.un.org/meetings-events/human-rights-council/universal-periodic-review/25th-upr/watch/antigua-and-barbuda-25th-session-of-universal-periodic-review/4885170321001>

**UNIVERSAL PERIODIC REVIEW – SWAZILAND
UPR SOGIESC RECOMMENDATIONS**

Date and time of the review: 10 May 2016, 9:00 – 12:30

Date and time of the adoption of the report: 13 May 2016, 16:00-18:00

During the 25th UPR Working Group Sessions, Swaziland received 2 SOGIESC recommendations. It accepted 1 and noted 1 of these recommendations

A. Remarks of the State Under Review (opening and closing speech): Edgar Hillary, Minister of Justice and Constitutional Affairs

Intervention made by Swaziland after 39 recommendations: I will address to issues about the advanced question on sexual minorities and stigma of persons leaving with HIV. The Kingdom of Swaziland does not deny access to services, based on an individual sexual orientation, concerning the decriminalization of same-sex relations, the Kingdom of Swaziland at this stage has no plan to decriminalize same-sex relations, that having been said, Swaziland does not prosecute anyone for engaging in private consensual same-sex relations.

Closing remarks: I would also like to talk about the issue of decriminalizing same-sex marriage, in fact in Swaziland it is not even criminal, it is the same common law marriage that is used on anybody else to get married to his or her partner, it is the same marriage for same-sex, even the last weekend there were couples of the same-sex who got married, it is open, it is not criminal, so I wanted maybe to remove that perception, that this is criminalized.

B. Recommendations for the Second Cycle (2016):

a) Remarks made by the Recommending State:

b) The recommendations listed below have been examined by Swaziland and enjoy the support of Swaziland: None.

c) The following recommendations enjoy the support of Swaziland, which considers that they are already implemented or in the process of implementation:

Spain: Ensure and guarantee non-discriminatory access to health services, education, justice and employment for all persons, irrespective of their actual or perceived sexual orientation or gender identity.

d) These recommendations will be examined by Swaziland which will provide responses in due time, not no later than the Swaziland HRC session: None

e) The recommendations below did not enjoy the support of Swaziland and would thus be noted:
Slovenia: Decriminalize same-sex relations.

C. Recommendations for the First Cycle (2011):

US: Implement measures to prevent violence against the LGBT community, through training and advocacy campaigns.

US: Take concrete measures to decriminalize same-sex relations and prevent discrimination based on marital status and sexual orientation.

Spain: Adopt the necessary political and legislative measures to establish a specific framework to protect against discrimination on the grounds of sexual orientation and repeal all laws which criminalize homosexual practice, and implement public awareness-raising campaign on this matter.

Portugal: Bring its legislation into conformity with its international human rights obligations by repealing provisions which may be used to criminalise same-sex activity between consenting adults.

Portugal: Take all necessary measures to ensure enjoyment of the right to the highest attainable standard of health, without discrimination on the basis of sexual orientation or gender identity.

D. SOGIESC questions submitted in advance for Swaziland:

Norway: Norway is also concerned that sexual minorities in Swaziland still face challenges related to access to health care, discrimination and prejudice. What steps will the Government of Swaziland take to prevent discrimination on the basis of sexual orientation? Will there be any efforts taken to decriminalize same-sex relations?

- E. Video of Swaziland UPR Working Group Session:** <http://webtv.un.org/meetings-events/human-rights-council/universal-periodic-review/25th-upr/watch/swaziland-25th-session-of-universal-periodic-review/4886631523001>

**UNIVERSAL PERIODIC REVIEW – TRINIDAD & TOBAGO
UPR SOGIESC RECOMMENDATIONS**

Date and time of the review: 10 may 2016, 14:30 – 18:00

Date and time of the adoption of the report: 13 may 2016, 16:00 – 18:00

During the 25th UPR Working Group Sessions, Trinidad & Tobago received 15 SOGIESC recommendations and will provide responses no later than the 33rd HRC session

A. Remarks of the State Under Review (opening and closing speech): Eden Charles, Ambassador Extraordinary and Plenipotentiary

Intervention made after 11 recommendations: With regards to the advance questions by the delegation of Norway I wish to respond as follows: the government of Trinidad & Tobago recognizes that discrimination against any affected group is scourged in our society which must be tackled. Again, taking into consideration the cultural nature, the diversity of the society any changes to statutory law would involve extensive nationwide consultation not only involving the affected groups but the wider society. The consultations ultimately evolve into national policy, and such national policy is later codified were possible in legislation being passed by our parliament.

Intervention made after 22 recommendations: Which regards issues concerning discrimination of certain groups, I addressed that also in my national statement and I also answered the specific question posed by certain delegations.

B. Recommendations for the Second Cycle (2016):

a) Remarks made by the Recommending State:

Netherlands: The Netherlands welcomes the ongoing parliamentary debate on equal rights and non-discrimination of the LGBTI community. However, since discrimination based on sexual orientation remains prevalent, there is room for improvement for the fulfilment of rights of LGBTI persons.

Norway: Norway is also worried about continued stigma and discrimination against LGBTI-persons, as well as people living with HIV.

Slovenia: On the other hand, we note that while no executions have taken place since 1999, death penalty continues to be mandatory for those found guilty of murder, marriage of girls and boys as young as 12 and 14, respectively, is permitted; rape is prosecuted as an “indecent” rather than a grievous assault; and non-coercive sexual activity between minors of the same-sex may lead to life imprisonment.

Spain: It is necessary to continue the fight against discrimination, including in particular discrimination based on sexual orientation.

US: Lastly we remain concerned about the lack of respect for the human rights of the LGBTI persons.

Australia: Australia remains concerned that violence and discrimination against LGBTI persons has not been addressed through legislative and policy instruments.

Germany: Since equality and non-discrimination are the basis of a democratic society, Germany continues to be worried that that provisions criminalizing and discriminating LGBTI persons are still in effect.

Montenegro: My delegation would appreciate if the delegation could elaborate on its possible intention to amend the Equal Opportunity Act 2000 with a view to afford protection to individuals on the grounds of sexual orientation and gender identity?

b) The recommendations listed below have been examined by Trinidad & Tobago and enjoy the support of Trinidad & Tobago: None

c) These recommendations will be examined by Trinidad & Tobago which will provide responses in due time, not no later than the 33rd HRC session:

Colombia: Take into account the recommendations of the National Commission for Equal Opportunities concerning the need to amend the Equal Opportunities legislation so that it covers the elderly, persons living with HIV and discrimination on the grounds of sexual orientation.

US: Put into effect first cycle recommendations 87.23 and 88.50, and develop policy and programmatic responses to the needs of LGBTI persons.

Canada: Amend the Equal Opportunity Act to include sexual orientation and gender identity as prohibited grounds for discrimination, as part of a proactive strategy to promote respect for the dignity and rights of all individuals.

Chile: Adopt legislation prohibiting discrimination on the grounds of sexual orientation and gender identity, introducing also awareness-raising programs that promote respect for sexual diversity.

Australia: Enact legislation prohibiting discrimination against LGBTI persons, including removing laws criminalising same sex activity.

Netherlands: Repeal articles 13 and 16 of the Law on Sexual Offences of 1986, penalizing sexual relations between consenting individuals of the same sex. Despite the fact that laws criminalizing same sex activity are not enforced, a formal withdrawal of the law is highly recommended.

Norway: Take steps to combat discrimination of LGBTI people in legislation and practice, including decriminalisation of sexual activities between consenting adults of the same sex.

Slovenia: Decriminalize sexual relations between consenting adults of the same sex.

Spain: Decriminalization of homosexual relations between consenting adults.

Argentina: Take additional measures as necessary to ensure the full enjoyment of human rights by vulnerable groups that are suffering from discrimination, such as LGBTI persons, including investigation and punishment of cases of discrimination and repealing of laws that criminalize and stigmatize them.

France: Repeal all provisions that criminalize consensual same-sex relationships or that discriminate against LGBTI persons.

Italy: Decriminalize homosexuality and combat all forms of discrimination and abuse against LGBTI persons.

Montenegro: Decriminalize same sex relations including in the Sexual Offences Act.

Brazil: Take concrete measures with a view to decriminalizing consensual same-sex relations and abolishing any discriminatory legislation against LGBTI people, even if it is not applied in practice.

Chile: Review the Children Act of 2012 in order to decriminalize consensual sexual relations between minors of the same sex.

C. Recommendations for the First Cycle (2011):

Canada: Undertake proactive policies to promote the rights of individuals, especially with regard to their sexual orientation and HIV/AIDS status. (accepted)

United States: Increase measures to ensure that violence and discrimination against members of vulnerable groups, such as women and lesbian, gay, bisexual, and transgender persons, are both prevented and prosecuted. (accepted)

France: Repeal as soon as possible the provision in the Penal Code and particularly articles 13 and 16 of the law on sexual offences of 1986, penalizing sexual relations between consenting individuals of the same sex. (noted)

New Zealand: Repeal all provisions of domestic law that criminalize same sex relation between consenting adults including the Sexual Offences Act. (noted)

Germany: Repeal all provisions that criminalize consensual same sex relationships between adults or discriminate against homosexuals. (noted)

Spain: Regarding the situation LGBT community, adopt legislative and political measures to establish a specific framework of protection from discrimination for sexual preference. Additionally, put in place public awareness raising campaigns on the matter. (noted)

D. SOGIESC questions submitted in advance for Trinidad & Tobago:



Norway: Which concrete steps does Trinidad and Tobago intend to take to fight discrimination towards people based on health status, sexual orientation, gender identity or other stigmatized groups, and what legal recourse will be made available for victims of discrimination?

UK: What progress has been made on repealing all provisions that discriminate against people on the grounds of their sexual orientation, gender identity or social status?

E. Video of Trinidad & Tobago UPR Working Group Session: <http://webtv.un.org/meetings-events/human-rights-council/universal-periodic-review/25th-upr/watch/trinidad-and-tobago-25th-session-of-universal-periodic-review/4887254150001>

**UNIVERSAL PERIODIC REVIEW – THAILAND
UPR SOGIESC RECOMMENDATIONS**

Date and time of the review: 11 May 2016, 9:00 – 12:30

Date and time of the adoption of the report: 13 May 2016, 16:00 – 18:00

During the 25th UPR Working Group Sessions, Thailand received and accepted one SOGIESC recommendation

- A. Remarks of the State Under Review (opening and closing speech):** Mrs. Saowanee Khomepatr. Chief Inspector-General. Ministry of Social Development and Human Security

Intervention made after 42 interventions: We continue to promote the empowerment of women, with a view to creating a more equal and fairer society for all, as illustrated in our national women's development plan for 2011 - 2016. The Gender Equality Act that was recently passed in 2015 also protects everyone from gender based discrimination including persons with sexual expression that is different from biological sex.

B. Recommendations for the Second Cycle (2016):

a) Remarks made by the Recommending State:

Canada: Canada encourages Thailand to continue its efforts to protect the rights of persons who are marginalized and most vulnerable, including migrant workers, women, children and LGBTI persons.

b) The recommendations listed below have been examined by Thailand and enjoy the support of Thailand:

Mexico: Intensify efforts to promote policies in the area of prevention, sanction and eradication of all forms of violence against women, including measures aimed at promoting their rights regardless of its religion, race, sexual identity or social condition.

c) These recommendations will be examined by Thailand which will provide responses in due time, not no later than the 33rd HRC session: None

C. Recommendations for the First Cycle (2011): None.

D. SOGIE questions submitted in advance for Thailand:

Mexico: What are the policy measures taken in order to allow LGBT persons to live with no discrimination?

E. Video of Thailand UPR Working Group Session: <http://webtv.un.org/meetings-events/human-rights-council/universal-periodic-review/25th-upr/watch/thailand-25th-session-of-universal-periodic-review/4888484783001>

**UNIVERSAL PERIODIC REVIEW – IRELAND
UPR SOGIESC RECOMMENDATIONS**

Date and time of the review: 11 May 2016, 14:30 – 18:00

Date and time of the adoption of the report: 13 May 2016, 16:00 – 18:00

During the 25th UPR Working Group Sessions, Ireland received 3 SOGIESC recommendations. It accepted 1 and will provide responses no later than the 33rd HRC session of the remaining 2 recommendations

A. Remarks of the State Under Review (opening and closing speech): Tánaiste and Minister of Justice and Equality, Frances Fitzgerald.

Opening remarks: Notwithstanding the impact of the financial crisis that we have experienced in recent years, we continued to make substantial progress domestically on human rights and equality of treatment issues since 2011. The single most important development in this regard since the first cycle is the adoption by the Irish people by referendum of an amendment to our constitution to provide for same-sex marriage. This hugely symbolic step, providing for the recognition of, and respect for, the equality of our LGBTI fellow citizens is a hugely important legal change. It also represents a milestone of world significance on the journey to equal rights for LGBTI people, in that Ireland is the first sovereign country to make the journey to marriage equality by popular vote. On 22 May 2015, the people of Ireland decided by a strong majority that the Irish Constitution would be amended to enable persons to marry without distinction as to their sex. This has been given effect by the Marriage Act 2015, which has opened the institution of marriage to same-sex couples since 16 November 2016. Protections for religious bodies have also been reiterated, in that the Act provides that neither religious bodies nor religious solemnisers can be compelled to perform marriages.

Ireland has also been at the forefront of introducing self-determined gender recognition, through the passing of the Gender Recognition Act 2015. The Act allows adults to determine their own gender without recourse to medical or psychological opinion. It also provides for the preferred gender of a person to be fully recognised by the State for all purposes. Children between the ages of 16 and 18 may apply for a Gender Recognition Certificate with court approval. The Government has committed to reviewing this new legislation within a two-year period and I can inform the UPR working group that the Department of Children and Youth Affairs is currently engaged in a collaborative consultation process with children and young people and representative organisations to see what amendments, if any, may be needed to improve the legislation in the best interests of children.

Final remarks: Arguably, the single most important development in human rights in Ireland since we were last here is the adoption by the people by referendum of an amendment to our constitution to provide for same sex marriage. This hugely symbolic step, providing for the recognition of, and respect for, the equality of our LGBTI fellow citizens is a hugely important legal change and represents a milestone of world significance on the journey to equal rights for LGBTI people. Ireland is the first sovereign country to make the journey to marriage equality by popular vote. Furthermore, we made that journey through a fundamentally democratic process, and a decision made by referendum of the people.

B. Recommendations for the Second Cycle (2016)³:

a) Remarks made by the Recommending State:

Israel: Israel is concerned by the cases of medically unnecessary surgeries and other procedures on intersex children before they were able to provide their informed consent; as well as by the persistent discrimination against LGBTI children.

³ Ireland also received the following recommendation: **Continue to provide protection to the family as the natural and fundamental unit of the society (Egypt).**

Netherlands: The Netherlands also congratulates Ireland on the amendment to the Constitution to allow same-sex marriage, the first country to have done so by public vote.

New Zealand: New Zealand commends, for example, Ireland for its progress in relation to same-sex marriage in November 2015.

South Africa: We commend Ireland for its commitment to the promotion and protection of human rights; submitted a voluntary interim report and having enacted legislation to ensure that same-sex couples can marry.

Spain: We also congratulate the recent adoption of the law on same-sex marriage.

UK: We welcome Ireland's decision to change its Constitution to extend marriage rights to same-sex couples.

Slovenia: We welcome in particular (...) the legislation on marriage equality for same-sex couples.

Uruguay: We welcome the legislative measures taken in the fight against discrimination based on sexual orientation or gender identity.

Brazil: We commend Ireland for enacting legislation ensuring same-sex marriage.

Denmark: Denmark would like to commend the Irish Government for the truly historic popular referendum, which approved a change to the Irish Constitution permitting marriage equality for same-sex couples. However, a number of challenges for LGBTI persons remain, particularly for transgender persons.

b) The recommendations listed below have been examined by Ireland and enjoy the support of Ireland:

Denmark: Take further steps to address discrimination of LGBTI persons in access to goods, employment and services, including healthcare.

c) These recommendations will be examined by Ireland which will provide responses in due time, not no later than the 33rd HRC session:

Spain: Continue legislating so that there is no discrimination against LGBTI persons in the field of pensions.

Canada: Protect and promote reproductive rights without any discrimination, recognising reproductive rights include the right to the highest attainable standard of sexual and reproductive health, the right of all to decide freely and responsibly the number, spacing and timing of their children, as well as decide on matters related to their sexuality, and to have the information and means to do so free from discrimination, violence or coercion.

C. Recommendations for the First Cycle (2011):

Spain: Further reform the law on same-sex marriage and change the concept of the traditional family as enshrined in the Constitution. (accepted)

Switzerland: Amend Article 37 of the 1998 Employment Equality Act in order to prevent such discrimination against homosexuals and unmarried parents. (accepted)

D. SOGIESC questions submitted in advance for Ireland: None

E. Video of Ireland UPR Working Group Session: <http://webtv.un.org/meetings-events/human-rights-council/universal-periodic-review/25th-upr/watch/ireland-25th-session-of-universal-periodic-review/4890347078001>