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**Report on sexual orientation and gender identity at the
20th session of the Human Rights Council**

18 June – 6 July 2012

SUMMARY

Whilst there was no specific initiative on sexual orientation or gender identity (SOGI) during this session of the HRC, the issues were brought in as relevant concerns under many agenda items and debates. The High Commissioner for Human Rights has been increasingly proactive, and raised SOGI-related concerns on freedom of expression and assembly in her opening statement to the Council. A broad range of Special Procedures mandate holders integrated the issues in their work, both in thematic reports and reports on country visits. South Africa also reaffirmed its commitment to SOGI issues by delivering a strong statement with Brazil on follow-up to the panel discussion that took place at the 19th session.

There were also some worrying trends this session – Egypt was systematic in its challenges throughout the agenda of the Council, a group of States consistently challenged language on multiple grounds of discrimination, and we saw the entry onto the Geneva scene of fundamentalist groups such as Family Rights Watch International.

This report outlines statements made on SOGI issues in General Debates, Interactive Dialogues and formal Panel discussions, as well as in side events. Some key statements, including NGO interventions, are annexed at the end.

General Debates

Item 2 – Update by the High Commissioner for Human Rights and General Debate

The High Commissioner expressed concern about LGBT rights in her opening statement to the Council, saying:

“I am concerned about laws and bills restricting freedom of expression and assembly for LGBT persons and groups, for example in Ukraine, Moldova, and the Russian Federation, as well as repeated high-level expressions of homophobia exacerbating the situation.”

Supportive statements were made by the European Union, Norway, the Czech Republic, Switzerland, and Finland, as well as by the Canadian HIV/AIDS Legal Network/ARC International.

Denmark, on behalf of the EU stated that it shared the High Commissioner's view that no human being may be denied his or her rights or be subjected to violence on the grounds of sexual orientation or gender identity.

Norway also shared concern about laws and bills restricting freedom of expression and assembly for LGBT persons and groups. It expressed support for the work of the Office in this area and encouraged States, civil society, and other stakeholders to engage in a broad dialogue to strengthen common understanding and recognition of the violence, harassment and discrimination experienced by LGBTI persons in all parts of the world.

Czech Republic also shared concern about discrimination based on sexual orientation and gender identity. A protection gap affecting LGBT persons was unacceptable and such violations of human rights should be addressed on a regular basis and in a systematic manner.

Switzerland said it was necessary for the Human Rights Council, in all its activities, to pay particular attention to the categories of persons who are most often the victims of violence: minorities, migrants, human rights defenders, women, the disabled, LGBT persons, peaceful protesters and journalists. It was essential that representatives of these groups could come to Geneva to participate in the works of the Council without fear of reprisals. It was the responsibility of States concerned to ensure this.

Erkki Tuomioja, Minister of Foreign Affairs of Finland, said that decisive legislative and practical measures against discrimination were needed, especially regarding those who faced raging and flagrant discrimination on the basis of their sexual orientation and gender identity by authorities, the society and their families. All too often women were denied justice, access to resources, and influence in politics as well as in public and economic sectors. Finland welcomed the special emphasis on women's rights in this session. It also noted the need to recognize that women were not a homogenous group. Also noted was the importance of recognizing sexual and reproductive rights. Finland urged all States to take the necessary measures to ensure the protection of all human rights defenders.

Canadian HIV/AIDS Legal Network/ARC International said that there was room for improvement with regard to the Universal Periodical Review. The work of the Special Procedures had been hampered by non-cooperation by States. That should be tabulated, highlighted and publicized and taken into account by the Council and the General Assembly. It also called for upholding of the principle of universality including for LGBT persons, and commended the High Commissioner for her attention to anti-LGBT laws in specific countries. (see annex for full statement)

Item 4 – General Debate on human rights situations that require the Council's attention

Human Rights House Foundation said that the alarming situation of freedom of expression in Azerbaijan should be addressed. Human Rights House Foundation expressed concern about the restriction of civil society activities in Russia and noted that on the International Day Against Homophobia human rights defenders in Armenia, Georgia and Ukraine had faced violence when manifesting in favour of the rights of lesbian, gay, bisexual and transgender persons.

Centre for Inquiry in a joint statement said that the homosexual community was being discriminated against in Uganda and stressed that several non-governmental organizations had been prohibited in the country because of allegations that they were "recruiting homosexuals". A draft law proposed the death penalty for practising homosexuals and, if adopted, that law would have an impact on the human rights of homosexual persons. The Centre reminded the Ugandan Government of its

obligations to human rights and called upon the Council to speak out to protect all minorities in Uganda and to send a clear message to all Governments that persecuted homosexual and transgendered persons.

Item 5 – Human rights bodies and mechanisms

The Human Rights Council held a general debate on the work of the Advisory Committee and the Special Procedures, including the Advisory Committee’s draft declaration on the right to peace which has a reference to sexual orientation.

During the discussions, Senegal, on behalf of the African Group, made a statement on the draft declaration, stating that the process of consultation on the draft declaration on the right to peace should be transparent, constructive and inclusive, and should take place within an intergovernmental framework. The African Group reserved its position regarding “subjects which went beyond the competence of the Council including controversial subjects”.

Russia, on behalf of the Like-Minded Group, urged the mandate-holders to exercise their functions “in accordance with their mandates” and focus on their implementation in accordance with international human rights law. Going beyond the scope of mandates, as well as selectivity in discharging the mandates, was counterproductive.

Hungary said recent cases of reprisals against human rights defenders made it clear that an atmosphere of intimidation posed a threat to the entire United Nations system. Firmness and determination should be the golden standard in the Council, which was one of the custodians of human rights. Individuals should not be subjected to ill-treatment because of their cooperation with the Council. Hungary said that the incidents reported even in Geneva while the Council was in session were alarming and that this distressing trend must end.

Item 6 – General Debate on the UPR

Action Canada for Population and Development, COC Netherlands, and the Sexual Rights Initiative made a joint statement (see annex) urging States to be more specific in their recommendations about laws and policies that serve to systematically discriminate against and marginalise women, and place women’s lives, health and wellbeing at risk. They requested States to make recommendations on violence, sexual and reproductive rights, land rights, right to do sex work, early and forced marriage, access to education as well as other issues.

Item 8 – Follow up and implementation of the VDPA

South Africa, in a joint statement with Brazil, (see annex) condemned all violence against any human being, irrespective of their sexual orientation or gender identity, and said that the challenge was how to end the violence and discrimination that existed in all regions, including South Africa. No person was above the law, but no person or group of persons should be considered beneath it either. Dialogue was needed to end violence and discrimination against individuals based on their sexual orientation and gender identity. South Africa and Brazil welcomed the sharing of opposing views, hoping that this would generate a genuine dialogue that none needed to shy away from, in a place such as the United Nations which was considered by all as a ‘World Parliament of Democracy’.

Norway (see annex) said that the report of the Human Rights Commissioner displayed the serious violations committed against individuals on the basis of their sexual orientation and sexual identity. It noted in particular that homosexuality was criminalized in more than 76 countries and was

subject to the death penalty in six countries. Norway supported the High Commissioner's recommendations to Member States on how best to combat impunity for abuses and crimes and was pleased to see that other United Nations agencies were making efforts to combat discrimination.

Council of Europe (see annex) expressed concern about the situation of lesbian, gay, bisexual and transgender persons and the manifestations of intolerance and social barriers. The European Court of Human Rights and other institutions were also concerned with that issue and the Council of Europe was ready to support its members. However, it remained the responsibility of national authorities to undertake and ensure the protection of all of their citizens against discrimination and intolerance.

ILGA Europe, COC Netherlands and ARC International, speaking in a joint statement (see annex), noted with concern the continuing human rights violations, reported by the Special Rapporteurs, which individuals faced every day in every region because of their sexual orientation and gender identity. Those violations included killings, rape, torture, and criminal sanctions. A more systematic way of addressing those violations was needed, and the adoption by consensus of a resolution on that topic by the General Assembly of the Organization of American States was welcomed.

Action Canada for Population and Development said that the United Nations human rights system had made progress in advancing sexual and reproductive rights. However those rights remained contested with devastating consequences for human lives. It urged States to engage in dialogue on issues such as the decriminalization of abortion and access to education and information on sexuality.

Interactive Dialogue with Special Procedures

Interactive Dialogue with Special Rapporteurs on Health and Education

During his opening statement the Special Rapporteur on Health expressed concern about the HIV impact of criminalisation of female sex workers in Viet Nam. No States or NGOs referred to SOGI issues.

Interactive Dialogue with Special Rapporteurs on Extrajudicial Executions and Freedom of Expression

Both Special Rapporteurs presented their annual thematic reports on journalists. Neither mandate holders nor States raised sexual orientation or gender identity in their statements.

However, the Canadian HIV/AIDS Legal Network, International Commission of Jurists and ILGA Europe said in a joint statement (annexed) that countries such as Russia, Ukraine, Hungary, Latvia and Republic of Moldova had enacted or were considering new laws that threatened the right to freedom of expression of lesbian, gay, bisexual and transgender individuals and others. Those laws were so vague that it was not clear what kind of expression was prohibited. They asked what could be done to ensure that national laws respected the right to freedom of expression for all including lesbian, gay, bisexual and transgender persons.

Interactive Dialogue with Special Rapporteur on rights to freedom of peaceful assembly and of association

During his opening statement the Special Rapporteur on freedom of peaceful assembly and association stated that:

“One of the central elements of the rights to freedom of peaceful assembly and of association is that “everyone is entitled to these rights”. This means that all individuals, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, shall enjoy these rights. This applies inter alia equally to women and men, youth, persons with disabilities, persons belonging to minority groups or holding ‘unpopular or controversial’ opinions (A/62/225) or other groups at risk, including those victims of discrimination because of their sexual orientation and gender identity, as well as non-nationals. As a result, no one must be criminalized for the sole exercise of the rights to freedom of peaceful assembly and of association, nor should he or she be subject to any discrimination, threats or use of violence, harassment, persecution, intimidation or reprisals.”

Germany shared the concern about restrictions to the right to peaceful assembly and association and called on all countries that constrained that right, specifically Russia, to review their recently tightened legislation. The rights to freedom of peaceful assembly and of association must be granted to all individuals and vulnerable groups including victims of discrimination because of their sexual orientation or gender identity whose rights were restrained in several Eastern European countries, including Member States of the European Union.

Togo said that the right to freedom of peaceful assembly and of association provided channels for dialogue, pluralism, tolerance and open-mindedness. However, the exercise of this right had to be carried out in conformity with the constitution, in respect for national security, public order, public health, morality and the freedoms and fundamental rights of others.

Egypt responded that concerning the “highly controversial notion of sexual orientation”, they could only reiterate that it is “not part of the universally recognized human rights”. They called on Mr. Kiai as Special Rapporteur not to “undermine the credibility and legitimacy of his important work in the eyes of real people who actually need it, especially in regions where such concepts are rejected by both its Christian and Muslim inhabitants like the Middle East.”

COC Netherlands (see annex) said that States should protect the rights of those discriminated against because of their sexual orientation or gender identity, since their peaceful activities were oppressed by State and non-State actors. Peaceful demonstrations, activities and pro-human rights gatherings by lesbian, gay, bisexual and transgender groups had been arbitrarily shut down in Uganda and other parts of the world; and specific anti-lesbian, gay, bisexual and transgender laws and proposals in Ukraine, Republic of Moldova, and Russia had been highlighted by the High Commissioner, which prohibited expressions of the right to equality in violation of international norms.

Interactive Dialogue with Special Rapporteur on extreme poverty and human rights

The Special Rapporteur noted in her opening statement that in each country, there exist groups who are particularly vulnerable to poverty due to entrenched discrimination and other factors. These groups are often excluded from general poverty reduction trends and remain persistently poor and excluded. She underscored that all States must take more of a concerted action to tackle the obstacles that persons living in poverty face in accessing essential services, including physical, economic, cultural and administrative barriers. Her mission report to Paraguay highlighted particular groups vulnerable to extreme poverty, including on grounds of sexual orientation and gender identity.

European Region of the International Lesbian and Gay Federation and ARC International (see annex) noted that in many societies, lesbians, gays, bisexuals and transgender people were at

increased risk of homelessness, faced discrimination in educational institutions and in the workplace, and were denied access to adequate health care, among other risks. The NGOs would welcome views on how these factors could contribute to vulnerability to extreme poverty for those affected and what actions States could take to address these concerns.

Interactive Dialogue with Working Group on Discrimination against Women in Law and Practice

During the interactive dialogue, Argentina stressed the importance of the Working Group on discrimination against women. Concerning legislative advancements against discrimination, Argentina had reformed its criminal code to derogate sentence exceptions on sexual crimes when victims requested the court; furthermore, legislation on gender identity and the free development of the person and identification had been adopted. A national programme on sexual and reproductive health had also been established and Argentina had promoted the establishment of a working group on diversity and sexual and reproductive rights, improving access to sexual and reproductive health services for lesbian, gay, bisexual and transgender persons.

Pakistan, speaking on behalf of the Organization of Islamic Cooperation, said that the role of the Working Group was to provide assistance where required by States in fulfilling their own commitments, rather than enforcing its own views on States or defining what these commitments should be.

Germany said that a lot remained to be done and in some cases there may still be regulatory gaps in ensuring equality. The problem of multiple discrimination was also important, women were often not only discriminated against because of their sex, but also because of ethnicity, religious, sexuality, caste, or marital status. Women participating in political change and public life were often exposed to violence due to stereotypes about femininity and sexual orientation. Germany asked which experiences the Working Group could share in this regard.

Kamala Chandrakirana, Chairperson/Rapporteur of the Working Group on discrimination against women in law and in practice, said in concluding remarks that they expected to develop recommendations such as on addressing social and cultural stereotypes.

The Sovereign Military Order of Malta expressed its support for the objectives set by the Working Group on discrimination against women and said that this phenomenon was often related to persisting stereotypes, patriarchal norms and societal structures that historically placed women in subordinate positions.

Interactive Dialogue with Special Rapporteur on violence against women

The Special Rapporteur on violence against women, Rashida Manjoo, presented her thematic report, which this year focused on the issue of gender related killings of women. She stated that her report provides an overview of the global trends and manifestations of gender-related killings of women, which are currently reaching alarming proportions. These include: killings of women as a result of intimate partner violence; killings of women due to accusations of sorcery/witchcraft; killings of women and girls in the name of “honour”; killings in the context of armed conflict; killings of indigenous women; extreme forms of violent killings of women, such as those related to gangs, organised crime, drug dealers, and human and drug trafficking chains; killings as a result of sexual orientation and gender identity; and other forms of gender-related killings of women and girls, such as female infanticide. The report argues that these manifestations are culturally and socially embedded, and continue to be accepted, tolerated or justified - with impunity as the norm. States’

responsibility to act with due diligence in the promotion and protection of women's rights, is largely lacking as regards the killing of women.

The report concludes by recalling how international and regional human rights systems have interpreted the due diligence obligations of States in cases involving gender-related killings. These include ensuring effective investigations, prosecution and sanctions; guaranteeing de jure and de facto access to adequate and effective judicial remedies; treating women victims and their relatives with respect and dignity throughout the legal process; ensuring comprehensive reparations to victims and their relatives; identifying certain groups of women as being at particular risk for acts of violence, due to multiple forms of discrimination, when adopting measures to prevent all forms of violence; and modifying the social and cultural patterns of conduct of men and women as well as eliminating prejudices, customary practices and other practices based on the idea of the inferiority or superiority of either of the sexes, and on stereotyped roles for men and women.

Senegal, on behalf of the African Group took note of the report on violence against women, and stated that it was important to explore international instruments in the area of gender-related killings.

Pakistan, on behalf of the OIC, suggested that the focus of the Special Rapporteur on violence against women's report on "gender related killings of women" was a tautology. They asked for a clarification from the Special Rapporteur on the focus of the report. The OIC also agreed with the Special Rapporteur that it was difficult to collect data on gender-based killings, because it infers making an inference regarding the motives of the killers.

Finland reiterated that one of the reasons for the prevalence of violence against women was that it was often accepted, tolerated or justified as a culturally and socially embedded manifestation. Finland had an action plan to reduce violence against women that took a comprehensive approach including prevention, protection and support for the victims, specially addressing the situation of vulnerable minorities. Noting the escalation of crimes against lesbian, gay, bisexual, and transgender persons and their particular vulnerability to violent crime, Finland indicated that when combating gender-based violence special attention should be paid to sexual and gender minorities.

In her closing remarks, Rashida Manjoo, Special Rapporteur on violence against women, said she was pleased to note the concern of States about the phenomena of violence against women and gender-related killings. In the global context of invisibility and the lack of analysis of homicides, her report on killings of women was an important tool to highlight the need for disaggregated data of homicides and a better understanding of gender-based violence. Concerning the difficulties in data collection, Ms. Manjoo said that looking at the history of violence a particular victim faced could provide a better understanding of that violence; more specificity and data collection were definitely needed. There was a need for a more effective response to violence against women and prevention measures sometimes were not fully adequate. Regional discussions on violence against women and sharing of practices on addressing femicide were important; those were emerging practices, policies and operational procedures, and needed to be shared.

Botswana stated that the political, social and economic context contained the root-causes of gender-related violence and should be better understood. Justifications on the basis of custom, tradition or religion, when men did not suffer the same abuses, could only be self-serving; and impunity emboldened perpetrators and normalised violence. Women and girls must have access to mechanisms of justice and remedies.

Egypt disagreed with the link between discrimination against women and girls and killings. Egypt asked for corroborating evidence leading to the focus on "gender-related killings" as an extreme

form of violence. Egypt categorically rejected the attempt by the Special Rapporteur to introduce notions alien to the international human rights framework and the obligations of States, such as the notion of sexual orientation and gender identity.

Republic of Moldova requested the Special Rapporteur on violence against women to provide information on good practices regarding the standard aimed at modifying the social and cultural patterns of conduct of men and women, at the elimination of prejudices, customary practices and other practices based on the idea of inferiority or superiority of either of the sexes, and stereotyped roles of men and women.

European Region of the International Lesbian and Gay Federation, (see annex) in a joint statement with ACPD on behalf of the Sexual Rights Initiative, said that gender-motivated killings were manifestations of patriarchy, multiple and intersecting forms of discrimination against women, and violence which was accepted, tolerated and justified by States. Restrictive abortion laws and criminalisation of abortion that lead women to seek illegal abortions coupled with poor access to reproductive health services have been recognised as causes of preventable maternal mortality. The NGOs also noted the problem of killings of women based on sexual orientation and gender identity; this constituted an instance of multiple discrimination, fuelled by homophobic statements and positions of both State and non-State actors, including their analysis on tradition, culture and religion.

Interactive Dialogue with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

During his opening statement, Mutuma Ruteere, the Special Rapporteur stated that:

“Racist, xenophobic and intolerant acts continue to be perpetrated by individuals or groups linked to extremist political parties, movements or groups, against people of African descent, members of minorities such as the Roma, foreign students, Jews, Muslims, and migrants. In some instances individuals have been also attacked by extremist groups on the basis of their sexual orientation. I would like to draw the attention of States to the dangers and consequences of prejudices that tend to place individuals into single categories. I share the view of my predecessor that the totality of each person is made up of multiple identities including gender, nationality, profession, sexual orientation, political, religious affiliation, and social origin.”

European Union said it had adopted a comprehensive legal framework to address discrimination on the grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, as well as organized major awareness-raising campaigns, and Member States had established ‘Equality Bodies’, functioning as independent organizations. The EU asked if the Special Rapporteur would also address the issue of multiple forms of discrimination, and if there was any intention to further investigate the specific challenges posed for countries undergoing major political, civil and social transformation and transition.

United States welcomed the Special Rapporteur’s call to political leaders to condemn political messages based on racism, racial discrimination and other forms of intolerance and xenophobia – including religious intolerance, anti-Semitism, and the targeting of individuals on account of their sexual orientation or gender identity.

Argentina said that in 2005 it passed a new law on an anti-discriminatory policy which had tried to repair social gaps within the various segments of society that had been historically vulnerable and stigmatized, by fulfilling all of their rights. Efforts made by national institutes were aimed at all of

those persons whose rights had been adversely affected and been discriminated against on various grounds, including on the basis of ethnic origin or nationality, political opinion or religious belief, gender or sexual identity, disability, age or physical appearance.

Panels

Annual discussion on women's human rights:

Panel 1 – remedies and reparations for victims of violence (25 June 2012)

The Human Rights Council started its annual full-day discussion on women's human rights by holding a discussion on remedies and reparations for women who have been subjected to violence, debating challenges and identifying promising practices in providing effective, prompt, just, transformative and culturally-sensitive reparations for women who have been subjected to violence in different contexts.

The panel was introduced by Navi Pillay, the High Commissioner for Human Rights, and moderated by Rashida Manjoo, UN Special Rapporteur on violence against women. The panellists were Farida Shaheed, Special Rapporteur in the field of cultural rights; Carla Ferstman, Director, REDRESS; Chris Dolan, Director, Refugee Law Project; and Patricia Guerrero, La Liga de Mujeres Desplazadas.

During the panel discussions Chris Dolan said that the 2007 Nairobi Declaration on women and girls' rights to remedy and reparations offered important steps in recognizing their interconnection and adopted the basic principle of non-discrimination based on sexual orientation. More time would be needed before transgendered men were able to seek reparation. The patriarchal myth had to be unlearned. Asserting women's strengths and capacities would be more effective if male vulnerabilities were simultaneously evidenced. The recommendation of the Truth and Reconciliation Tribunal of Sierra Leone to include men and boy as victims of violence was noted. Concerning the use of rape as a weapon of war, Mr. Dolan felt strongly that the process of understanding the many perpetrators to also be victims had advanced in some work with child soldiers, but that now needed to be extended to adult soldiers. One had to not just take away the gun but also disarm the mind and to do that, work had to continue on gender and sexuality frames that triggered the use of the body as a weapon of war.

Farida Shaheed agreed that the issue of masculinity should be addressed alongside a discussion of femininity in any systematic dialogue about gender-based violence. She also said it was important to involve men and youth in discussions about violence against women.

Women's International League for Peace and Freedom was concerned that the almost exclusive focus on sexual violence against women reinforced gender stereotypes of women as victims and objects of male protection.

COC Netherlands and ACPD on behalf of the Sexual Rights Initiative in a joint statement emphasised the disparate and differentiated impact that violence has on women, including sexually marginalised women, and the need for specific measures of redress in order to meet their specific needs and priorities. This requires broadening the often narrow understanding of harm to include, for example, forced pregnancy, forced sterilization, abduction, forced unions, forced displacement and domestic enslavement, as well as violations related to systematic forms of discrimination, including based on sex, sexual orientation or gender expression.

Panel 2: Women human rights defenders (26 June 2012)

The second part of the Council's full-day annual discussion on women's human rights focused on women human rights defenders.

The panel was introduced by Laura Lasserre Dupuy, President of the Human Rights Council, and moderated by Mona Rishmawi, Chief of Branch at the Office of the High Commissioner for Human Rights. The panellists were Margaret Sekaggya, Special Rapporteur on human rights defenders; Sunila Abeysekera, International Coalition for Women Human Rights Defenders; Jose de Jesus Orozco, Special Rapporteur on human rights defenders, Inter-American Commission on Human Rights; and Nazar Abdelgadir, Geneva Institute for Human Rights.

During her opening statement Margaret Sekaggya said that there were various violations which both women and men human rights defenders commonly suffered from, including threats, death threats, killings, arrests, detention, criminalization and stigmatization. However, there were differences when it came to women human rights defenders. The violations suffered by them took a gender-specific form ranging from verbal abuse based on sex, to sexual abuse and rape, and this was especially common in conflict areas. It was also necessary to note that women were taken as challenging accepted social norms, culture or traditions, or sometimes taken as challenging religious prescriptions and subsequently stigmatized. Patriarchy gave rise to division of labour and allocation of tasks on the basis of sex and therefore brought in gender discrimination and lack of protection of human rights for women. Gender stereotyping was very important to note. Women human rights defenders fought for a broad range of rights including indigenous, environmental, health, and LGBT rights. All these rights were fragile. The previous Special Rapporteur had said that women human rights defenders advocating for those rights was a matter of survival and entitlement. Patriarchal power, globalization, militarization and religious and cultural extremism, all affected women human rights defenders in a very serious manner.

Sunila Abeysekera said that the Coalition for Women Human Rights Defenders defined women human rights defenders as women who defended human rights and all those who defended human rights and the rights of people on the basis of gender and sexuality. They faced the same risks that were faced by all human rights defenders but in addition were exposed to gender-based violence and gender-specific attacks in both the public and private spheres. Violations were carried out by States and non-State actors, including family members, community and religious leaders, private corporations and mercenaries. Experiences around the world showed that the context in which violations took place was as important as the nature of those violations. There were four key trends of violations of women human rights defenders that were brought to the attention of the Council: brutal violations suffered by those who worked on issues of people's rights to land, water and a clean environment; violations confronted by women human rights defenders who worked on reproductive rights and on rights related to sexuality and violations of the rights of women human rights defenders advocating for equality and non-discrimination for people who espoused or engaged in non-normative behaviour; violations confronted by women human rights defenders who organized and mobilized communities; and women human rights defenders who lived in societies in political transition who demanded their equal right to participate in rebuilding their societies and their structures of governance. The Coalition emphasized that the development of effective and gender-sensitive responses that could support and protect women human rights defenders had to address both the specificity of each case as well as the broader social and political structure that rendered them more vulnerable to violations.

The President of the Human Rights Council, said that having identified some of the threats against women human rights defenders, it was important to address relevant mechanisms available. Ms. Dupuy Lasserre asked Mr. Orozco what international, regional and national mechanisms were relevant to address this situation; and what measures had been taken by the Inter-American Commission on Human Rights to address this situation.

In his reply, José de Jesus Orozco, Special Rapporteur on human rights defenders, Inter-American Commission on Human Rights, said that the Inter-American Commission on Human Rights had acknowledged that women human rights defenders faced a situation of risk which was more serious than that of other human rights defenders, and the problem had not disappeared but worsened in some countries; this situation was closely linked to gender stereotypes and discrimination which were aggravated in specific contexts. Obstacles also arose from problems faced by poor and remote areas concerning access to justice; and, more importantly, the existence of language and legislation that reproduced the discourse of gender stereotypes and the characterization of women which reinforced their subordination in society.

During the discussions, ILGA-Europe and ACPD on behalf of the Sexual Rights Initiative (see annex) in a joint statement called on States to recognize the realities faced by women human rights defenders to adopt appropriate policies to promote and protect them, and to ensure they were free to safely carry out their work. They asked the panel how the Human Rights Council could best respond to those issues and hold States accountable in that regard.

José de Jesus Orozco said in closing remarks that human rights defenders in Latin America carried out their work in a situation of risk aggravated by stigmatization surrounding gender roles in patriarchal societies.

Panel discussion on the promotion and protection of human rights in a multicultural context (29 June 2012)

The panel was introduced by Yuri A. Boychenko, Representative of the Deputy High Commissioner for Human Rights, and moderated by Hisham Badr, Permanent Representative of Egypt to the United Nations Office at Geneva. The panellists were Gurharpal Singh, Dean of the School of Oriental and African Studies of the University of London; Alain Godonou, Director of the Division of Thematic Programmes for Diversity, Development and Dialogue at the United Nations Educational, Scientific and Cultural Organization; Mona Zulficar, Member of the Advisory Committee of the Human Rights Council; Doudou Diène, Independent Expert on the Human Rights situation in Côte d'Ivoire and former Special Rapporteur on contemporary forms of racism; and Mario Marazziti, Journalist and Member of the International Board of the community of Saint Egidio.

During presentations, Doudou Diène noted that it is important to move from multiculturalism to pluralism, which involves the “acceptance of diversity”, and Hisham Badr, Ambassador of Egypt, noted that the Human Rights Council met in a chamber named after the “Dialogue between civilization”, and that such dialogue requires listening to all views, “even those you don’t like”.

During the discussions, Croatia was pleased to say that gay pride in Split and Zagreb had taken place peacefully.

Resolutions

The resolutions on violence against women and on the elimination of discrimination against women both contained references to multiple forms of discrimination. These references were contested by a small group of States during the informal negotiations on the draft texts.

Before the adoption of the VAW resolution by consensus, Saudi Arabia made a statement on behalf of Bahrain, Bangladesh, Brunei-Darussalam, Djibouti, Egypt, Indonesia, Iran, Iraq, Jordan, Kuwait,

Lebanon, Libya, Malaysia, Mali, Malaysia, Mauritania, Morocco, Namibia, Oman, Pakistan, Qatar, Sudan, Syria, Tunisia, Uganda, United Arab Emirates and Yemen.

The statement expressed concern about the report of the Special Rapporteur on gender-related killings, stating that the Rapporteur had “attempted to mainstream the so-called notion of ‘sexual orientation and gender identity’.” The group emphasised that the mandate “has to adhere to the universally-agreed human rights norms and principles as enshrined in the existing provisions of international human rights law”. The statement also voiced reservation on terminology relating to “multiple, aggravated and intersecting” forms of discrimination against women.

Side events

Side event on “Criminal Laws and Women’s Right to Health”

The Sexual Rights Initiative held a successful side event on “Criminal Laws and Women’s Right to Health” on 20 June 2012, with the Special Rapporteur on the right to health.

Side event on “Standing for the Family”

Family Watch International held a panel on 29 June 2012, sponsored by the African Group and the OIC. The initial presentations sought to affirm a positive vision of the family as central to social cohesion, healthy marriages, providing a nurturing environment for raising children etc, and decried the fact that so much of UN language portrays the family in a negative light. It was apparent that their conception of “the family” is a very monolithic conservative one. The inclusion of panellists from the Caribbean Center for Human Rights, the Foundation for African Cultural Heritage and the OIC Independent Permanent Human Rights Commission helped Family Watch International position the event as not exclusively driven by the US religious right. Some diplomats supported their position (eg the Ambassador of Uganda, who expressed the views that women have achieved too much emancipation, that men in the US have to kill their ex-wives to avoid paying alimony, that you need a man in the house because women are too soft to strap the children, and that if you don't have money you get a third-class wife). Several diplomats also challenged their narrow approach, which elicited further anti-LGBT, anti-feminist perspectives in the panellists’ responses. One panelist queried whether same-sex relationship recognition was a “ploy to depopulate Africa”. UNAIDS took the floor to express concern at the promotion of myths and bad science in Family Watch International’s materials, an approach which costs lives.

ANNEX– STATEMENTS

Item 2 General Debate

Statement by Canadian HIV/AIDS Legal Network and ARC International

- delivered by John Fisher, 18 June 2012

Thank you, Madam President,

Madam High Commissioner, we commend you, as always, for your strong and continued leadership, and your work to strengthen human rights protections and highlight violations wherever and against whomever they occur.

We agree that the UPR continues to be a valuable tool, but that there is room for improvement. Many recommendations remain general or vague, and often it was unclear what specific steps had been taken by States under Review to implement accepted recommendations from the first cycle. Perhaps your Office could assist, Madam High Commissioner, by compiling for each review a table of recommendations, together with the information provided by each State on the status of recommendations.

We also share your view, Madam High Commissioner, that the work of Special Procedures continues to be hampered by non-cooperation from States, and it is unacceptable that between half to two-thirds of communications and urgent appeals addressed to States go unanswered. We believe that cases of persistent non-cooperation should be tabulated, highlighted and publicized by your Office, so that they may be taken into account by the Council, including during the UPR, and by the GA in considering candidacies for Council membership.

We welcome your continued leadership, Madam High Commissioner, in upholding the principle of universality, including for LGBT persons. It is unfortunate that some States walked out on you, Madam High Commissioner, and on other panellists, during the recent panel on human rights, sexual orientation and gender identity, rather than even discuss these human rights concerns. This highlights the need for more dialogue, not less, and we trust that future discussions in this area will be characterized by openness and respect. We also appreciate your attention to specific anti-LGBT laws and proposals in States including Ukraine, Moldova, and the Russian Federation. In some cases, these laws and proposals would prohibit even expressions of the right to equality for LGBT persons, and constitute a clear violation of international norms, as well as reinforcing concerns at attempts by some States to promote a “traditional values” agenda at the expense of universality.

Finally, Madam High Commissioner, Madam President, we appreciate your strong and principled stand to prevent reprisals against human rights defenders. The HRC Review Outcome document is unequivocal in urging States to take action to prevent reprisals, and we trust that all Members of this Council will give you their full support.

Thank you.

Item 6 General Debate on UPR

Statement by ACPD and COC Netherlands

- statement delivered by Meghan Doherty

Thank you Madam President,

I make this statement also on behalf of the Sexual Rights Initiative.

We welcome the Council's attention to women's human rights in the UPR process, and trust that this attention will continue throughout the second cycle.

However, we urge States to be more specific in their recommendations about the laws and policies that serve to systematically discriminate against us, marginalise us and place our lives, health and wellbeing at risk.

The UPR process is supposed to be a mechanism that can shine an international spotlight on the human rights violations occurring in every country and for the international community to make constructive and concrete suggestions on how to remedy these situations. General suggestions to "improve the rights of women" are not sufficient to encourage States to make real changes or hold them accountable for their commitments. We need recommendations on specific discriminatory laws and policies, against impunity for violence and States' positive obligations to respect, protect and fulfil women's human rights. We also need recommendations on the wider range of rights affecting women's lives throughout their life cycle including sexual and reproductive rights, land rights, right to do sex work, employment rights and issues such as early and forced marriage, maternal mortality and morbidity, access to education, including comprehensive sexuality education and issues of autonomy, bodily integrity and self determination.

We see the UPR as an innovative and potentially transformative mechanism to address the multiple and intersecting forms of discrimination that women experience on a daily basis, in every country of the world. To live up to this potential, States must make a concerted effort to listen to what women are telling them through stakeholder reports and national level consultations in order to develop recommendations that actually reflect our concerns and national context and can be used to hold our States accountable.

We are counting on States in this second cycle of the UPR to refine their recommendations to make them more relevant and useful for implementation and the country level.

Item 8 General Debate – Follow up to the VDPA

Joint statement by South Africa and Brazil

- *Statement delivered by H.E. Mr. Abdul Samad Minty, Ambassador of South Africa, 2 July 2012*

Mr Vice-President,

I am presenting this statement on behalf of Brazil and South Africa, the main co-sponsors of resolution 17/19 entitled “Human rights, sexual orientation and gender identity”. It will be recalled that this resolution called for the holding of a Panel Discussion on ending violence and discrimination against individuals based on their sexual orientation and gender identity. It was under agenda item 8, that we as co-sponsors of the resolution considered the issue to be both relevant and important.

The objective of the panel discussion which was held on 7 March 2012, was to encourage and promote dialogue on this important issue, fully realising that there are great sensitivities and strong opinions on the subject. We believe that the issue of dialogue is very important and that we should not inadvertently undermine the promotion and protection of human rights by remaining silent. This is the essence of the principles of universality and non-discrimination of the Vienna Declaration and Programme of Action, which informed the initiative to table resolution 17/19, adopted by the Human Rights Council on 17 June 2011.

We condemn all violence against any human being, irrespective of their sexual orientation or gender identity since discrimination based on sexual orientation cannot be justified under any circumstances.

The report produced by the High Commissioner (A/HRC/19/41) entitled “Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity” dated 11 November 2011, provides an overview of the pattern of challenges faced by member states and global society as a whole. It did not target any specific countries. We thank the High Commissioner for the balanced report, which provides a good basis for all discussions. The panel discussion held during the Nineteenth Session of the Human Rights Council provided special insights and experiences which further contribute to useful discussions.

In my concluding remarks, as the moderator, I said that the panel had met its objective by providing a forum where different views could be expressed and listened to with respect, and by increasing understanding of the issue at hand through constructive dialogue. The challenge was how to end the violence and discrimination that existed in all regions – including in South Africa, notwithstanding the existence of appropriate legislation. In the spirit of *ubuntu* in Africa, meaning “I am because you are”, all people share a link with one another through their common humanity, which also carries with it a shared responsibility to care for one another. The same principle underpins the concept of universal human rights.

Equally, the Ambassador of Brazil, H.E. Ambassador Maria Nazareth Farani Azevedo, said that discriminating against people on the basis of sexual orientation or gender identity was no more acceptable than doing so on the basis of race, religion, nationality or other grounds. The Ambassador mentioned that the Human Rights Council should be seen as going about its normal, day-to-day business, which was to ensure that everyone was able to enjoy their human rights. Reconciling universal standards of human rights with local ideas of culture was challenging but necessary work. No person should be above the law, and no person or group of persons should be considered beneath it either. Nobody should be excluded from the protection of international human rights law.

Mr. Vice-President,

We welcome the sharing of opposing views. We also hope that this will generate a genuine dialogue that none need to shy away from, in a place such as the United Nations which we all consider a “World Parliament of Democracy”.

We hope to engage further with all interested parties in pursuing discussions on the challenging issues highlighted in the summary of the Panel proceedings. The summary has now been posted on the website of the Office of the High Commissioner for Human Rights.

We thank all those delegations that supported us during the process, including all those who participated in the panel discussions and invite all to read the report of the High Commissioner and the deliberations of the panel.

Thank you.

Item 8 General Debate – Follow up to the VDPA

Statement by Norway

Norway commends the efforts by South Africa and Brazil to organise the first panel in the UN Human Rights Council on how the UN can help to combat violence and discrimination on grounds of sexual orientation and gender identity. This was a historic moment for the UN. The panel was a good contribution to the important debate on how the international community can promote effective protection of human rights for all.

The report of the High Commissioner for Human Rights displays the serious violations of human rights that are being committed on grounds of sexual orientation and gender identity. In a number of countries, all over the world, lesbian, gay, bisexual, and transgender people are subjected to violence, harassment and discrimination on the basis of their sexual orientation or gender identity. Homosexuality is criminalised in more than 76 countries. It is subject to death penalty in six countries.

Norway supports Secretary General Ban Ki-Moon's call on all states to decriminalise homosexuality. This is not a question of creating new rights, but of following up the fact that human rights apply to all regardless of sexual orientation and gender identity.

Norway further supports the High Commissioner's recommendations to member states to combat impunity for killings and other serious abuses, systematic registration for such crimes, and information and awareness-raising campaigns targeted at the police, the judiciary and the education sector.

This issue is sensitive in many countries. It is therefore important to secure an open and inclusive dialogue, to increase common understanding and recognition of the challenges experienced by LGBTI persons in all parts of the world.

In the panel debate, many countries expressed a wish to share experience of efforts to combat discrimination of lesbian, gay, bisexual, and transpersons. Norway is also pleased to see that other UN agencies are working on this agenda, as UNESCO's campaign against homophobic bullying, and ILO's initiative to combat discrimination in the workplace of LGBTs.

This is a strong departure point for further debate which we welcome, including in the Human Rights Council.

Item 8 General Debate – Follow up to the VDPA

Statement by the Council of Europe

La situation des personnes lesbiennes, gays, bisexuelles et transsexuelles constitue une raison d'inquiétude pour le Conseil de l'Europe, puisqu'elles sont encore confrontées à des manifestations d'intolérance et à des barrières sociales dans la plupart, voire tous les Etats membres.

La discrimination en matière de droits sociaux, particulièrement en ce qui concerne le droit au travail, fait partie des préoccupations de la Cour européenne des droits de l'homme. Par ailleurs, la criminalisation de la « propagande de l'homosexualité » pourrait constituer une violation du droit à la libre expression. Même si les instruments législatifs restrictifs ont été souvent initiés au niveau local ou régional, ils trouvent désormais une résonance croissante au niveau national dans certains Etats.

Le rapport publié en septembre 2011 par le Commissaire aux droits de l'homme du Conseil de l'Europe sur la « Discrimination motivée par l'orientation sexuelle et l'identité de genre en Europe » fait état d'une série de questions supplémentaires, telles que l'accès aux soins et à l'éducation, ainsi que la reconnaissance du genre ou de la vie familiale. En outre, il fait référence aux propos homophobes tenus par des femmes et des hommes politiques.

La Cour européenne des droits de l'homme et toutes les institutions qui composent le Conseil de l'Europe se sont engagées à donner une réponse à ces situations. Le Conseil de l'Europe contribue à la mise en place de programmes de coopération en Albanie, en Italie, en Lettonie, ainsi qu'au Monténégro, en Pologne et en Serbie.

Cependant le Conseil de l'Europe tient à rappeler que les autorités nationales restent les premières responsables de l'accomplissement des engagements internationaux pris en matière de protection contre la discrimination. Ainsi, les leaders politiques doivent réagir aux mesures régressives adoptées par les pouvoirs locaux, et condamner sans délai et avec fermeté tout propos homophobe, et en particulier s'il provient d'un autre politique.

Monsieur le Président, le Conseil de l'Europe met à la disposition de ses Etats membres toute son expertise et son soutien. Enfin il les exhorte à mettre en place les mesures nécessaires afin d'assurer la protection de tous leurs citoyens contre la discrimination et l'intolérance, et cela quelle qu'en soit l'orientation sexuelle ou l'identité de genre, et à tous les niveaux du gouvernement.

Je vous remercie.

Item 8 General Debate – Follow up to the VDPA

Joint statement by ILGA-Europe, COC Nederland and ARC International

- *delivered by Joyce Hamilton*

Thank you Madam President,

The Vienna Declaration and Programme of Action affirms the principles of universality and non-discrimination and calls on States to “eliminate all violations of human rights and their causes, as well as obstacles to the enjoyment of these rights”. It is therefore with concern that we note the continuing human rights violations, reported by the Special Rapporteurs, which individuals face every day in every region of the world because of their sexual orientation and gender identity, including killings, rape, torture, and criminal sanctions.

We welcome the high-level plenary panel that took place at the Council’s March session on *Ending violence and related human rights violations based on sexual orientation and gender identity*. We commend the Council for its leadership in affirming the principles of universality and enjoyment of human rights by all regardless of one’s sexual orientation or gender identity.

Certain common themes emerged from that debate, including the recognition by all concerned that violence and killings on any ground are unacceptable.

We however emphasise the need for a more systematic way of addressing these human rights violations. The Council must be a space for discussion of all human rights issues, where differences can be examined and resolved with a view to protecting all persons from violations on any ground.

We are heartened by the progress we have seen, at the international, regional and national levels in addressing these important human rights concerns. We welcome the resolution “Human Rights, Sexual Orientation and Gender Identity” that was recently adopted by consensus at the General Assembly of the Organisation of American States in Cochabamba. We urge this Council to play its part in ensuring that the universality of human rights applies to all human beings.

Thank you.

Interactive Dialogue with the Special Rapporteur on freedom of expression

Statement by ICJ, ILGA-Europe and the Canadian HIV/AIDS Legal Network

- Statement delivered by Allison Jernow

Distinguished Special Rapporteur,

The Canadian HIV/AIDS Legal Network, the International Commission of Jurists (ICJ) and ILGA-Europe draw your attention to recent laws that threaten the right to freedom of expression of lesbian, gay, bisexual and transgender (LGBT) individuals and others.

While not seeking to be exhaustive, but also wanting to bring concrete examples to your attention, we note the following examples:

1. In Russia, laws criminalizing the “propaganda of homosexuality” have been enacted in five regions. The laws prohibit “propaganda” considered to promote homosexuality. Similar laws have been proposed in other regions and are currently being considered in the State Duma. A number of people have already been arrested.
2. In Ukraine, the Parliament is also considering a law that would criminalize the propaganda of homosexuality. This is defined as the intentional distribution of any positive information about homosexuality. The penalty ranges from a fine to five years’ imprisonment.
3. In Hungary, Bills have been introduced to prohibit the promotion of disorders of sexual behaviour, defined to include same-sex relationships. Public events, speeches, and media relating to same-sex relationships would all be prohibited. The penalties would range from a fine to eight years’ imprisonment.
4. In Latvia and Moldova, Bills have been introduced or adopted prohibiting the propaganda of non-traditional sexual orientations.

These laws are all impermissible restrictions on the right to freedom of expression. First, they are so vague that no one can be certain what kind of expression is prohibited. Ordinary individuals fear that their conduct would run afoul of the law. Lesbian mothers might be fined for telling their children that their family is just as good as any other family. Journalists don’t know whether reporting on LGBT stories would lead to their arrest and punishment. Concerts, plays, and poetry readings could be banned. Public health messages might be censored. Services ranging from counselling organizations to medical centres to dating sites might not know whether they could advertise to LGBT clientele. These bans fail the requirement of a restriction under Article 19 of the International Covenant on Civil and Political Rights (ICCPR), namely that they be “provided for by law” by being formulated with sufficient precision so that the citizen can regulate her or his conduct.

Second, these restrictions fail the test of necessity. There is no evidence that public statements about sexual orientation or information about same-sex relationships is harmful to society, morality, or children.

Finally, the bans on “homosexual propaganda” discriminate against LGBT individuals, which is prohibited under international law. Restrictions on rights must not be applied for a discriminatory purpose or in a discriminatory manner, as the Human Rights Committee recalled in its most recent General Comment on freedom of expression.

Mr Rapporteur, what can be done to ensure that national laws that limit the right to freedom of expression do so in a manner consistent with the boundaries of permissible limitations? What actions would you consider taking regarding these bans on “homosexual propaganda”?

Interactive Dialogue with Special Rapporteur on Peaceful Assembly and Association
Statement by COC Netherlands

- delivered by Kasha Jacqueline

Thank you Madam President,

We appreciate the work of the Special Rapporteur on the rights of peaceful assembly and association, highlighting State obligations and best practices, including for marginalised groups. As the Special Rapporteur points out, it is particularly important that States vigorously protect the rights of those who face discrimination because of their sexual orientation or gender identity, since the peaceful activities of the most marginalised in society are particularly likely to be oppressed by State or non-State actors.

For example, only three days ago a skills-building workshop organized in my country Uganda for lesbian, gay, bisexual and transgender human rights defenders was raided by police and shut down. This incident occurred barely four months after another LGBTI workshop was arbitrarily shut down by the minister of State for Ethics and Integrity. In March Cameroon authorities shut down a workshop in Yaoundé that had been organized by LGBT groups.

This has become a regrettable pattern around the world, as we have seen pride parades, peaceful demonstrations and pro-human rights gatherings organized by LGBT organizations dispersed and organizers arbitrarily arrested.

Recent developments include specific anti-LGBT laws and proposals in States including Ukraine, Moldova, and the Russian Federation. In some cases, these laws and proposals would prohibit even expressions of the right to equality for LGBT persons, and constitute a clear violation of international norms.

Numerous human rights defenders have been arrested pursuant to these laws for displaying LGBT-related signs or slogans, and peaceful gatherings have been banned.

We encourage the Special Rapporteur to pay particular attention to this negative trend, which is on the increase, we urge all States to fulfil their human rights obligations, and we call upon the Council not to remain silent in the face of these repeated human rights violations.

Thank you.

Interactive Dialogue with Special Rapporteur on Extreme Poverty

Statement by ILGA Europe and ARC International

- delivered by John Fisher, 21 June 2012

Thank you Madam President,

We welcome the attention paid by the Special Rapporteur to the question of follow-up, which is necessary to ensure maximum benefit from the country visits and other work of Special Procedures, and to give appropriate attention to State engagement with the recommendations of mandate-holders.

In particular, we support the call for an institutionalized follow-up procedure, and believe that there is significant potential to strengthen the work of both Special Procedures and the Human Rights Council as a whole through a more systematic approach to compiling, publicizing and following up on recommendations and State responses.

We note the concerns about the challenges faced by mandate-holders when States fail to respond, and would be interested in the Special Rapporteur's views on what may be done to strengthen State cooperation with the system of Special Procedures?

We appreciate the attention paid by the Special Rapporteur to persons and groups particularly vulnerable to extreme poverty including, for example in her country visit to Paraguay, those who face extreme poverty because of their sexual orientation or gender identity. This is consistent with findings of other mandate-holders on the impact of discrimination on the ability of marginalized groups to access economic, social and cultural rights. As noted by a number of Special Procedures, in many societies, lesbians, gays, bisexuals and transgender people are at increased risk of homelessness, face discrimination in educational institutions, may be denied equality in the workplace, and frequently receive inadequate medical treatment. We would welcome the Special Rapporteur's views on how these factors may contribute to vulnerability to extreme poverty for those affected, and what actions States may take to address these concerns?

We also welcome the Special Rapporteur's views on strengthening coordination amongst Special Procedures, and see the joint communications report as an important step in this direction. We feel this could be further strengthened by reorganizing the material to facilitate access to this information by country.

Finally, we thank the Special Rapporteur for bringing attention to these important human rights issues, for her attention to the needs of those particularly marginalised and for her work to strengthen the institutional framework to facilitate realization of these rights by all.

Thank you.

Interactive Dialogue with Special Rapporteur on violence against women

Statement by ILGA Europe and ACPD

- delivered by Karolina Wickiewicz

Madam President,

This is also the statement on behalf of the Sexual Rights Initiative.

The Sexual Rights Initiative is a coalition of organisations comprising of Action Canada for Population and Development (ACPD), Akahata, Coalition of African Lesbians (CAL), Creating Resources for Empowerment in Action (CREA), Egyptian Initiative for Personal Rights (EIPR) and Federation for Women and Family Planning (Federa).

The SRI welcomes the report of the Special Rapporteur on violence against women and appreciates Ms. Rashida Manjoo's attention to gender motivated killings as the ultimate act of violence which is experienced in a continuum of violence. We share the Special Rapporteur's analysis that gender-motivated killings are manifestations of patriarchy, multiple and intersecting forms of discrimination against women and gender-based violence that are accepted, tolerated and justified by states.

The Special Rapporteur highlights that the killings can be direct with defined perpetrators in the home, community or by the State and, critically, gender-motivated killings can also be indirect where the perpetrator is not so easily defined such as in the case of deaths from clandestine abortions, maternal mortality, deaths from harmful traditional practices and deaths from neglect through starvation or ill-treatment. Restrictive abortion laws and criminalisation of abortion that lead women to seek illegal abortions coupled with poor access to reproductive health services have been recognised as causes of preventable maternal mortality. In addition, harmful practices that seek to control women's and girls' sexuality through violence and stigma are reinforced by the State's failure to protect women's and girls' rights from a holistic perspective which takes into account the political, economic and social context in which this violence occurs.

We also share the consideration of a problem of killings of women based on sexual orientation and gender identity. This constitutes multiple discrimination and is fuelled by homophobic statements and positions by states and non-state actors, including their analysis on tradition, culture and religion.

We therefore urge States to take all possible measures to recognise and address the multiple and intersecting forms of discrimination and violence experienced by women and girls; recognise that control over women's and girls' sexuality is often a motivating factor in these killings; adopt relevant effective remedies for women subject to gender-based violence and end impunity for these gross violations of human rights.

Thank you Madam President.

Panel discussion on women human rights defenders

Statement by ACPD and ILGA-Europe

- delivered by Fikile Vilakazi (CAL), 26 June 2012

Madam President,

The Sexual Rights Initiative congratulates the panel on women human rights defenders and appreciates the analysis of the panellists on the situation of women human rights defenders across the globe. We thank the Special Rapporteur on Human Rights Defenders for her work to foreground the contexts of our work and of both the consequences and impacts on women human rights defenders.

We further draw attention to the continued silencing, intimidation and oppression of these defenders of women's human rights. We call on states to:

1. Recognise the realities faced by women who defend, promote and protect women's rights, particularly those who defend sexual rights and reproductive rights;
2. Develop national action plans and budgets to promote and protect women human rights defenders;
3. Develop national action plans and budgets to ensure that women human rights defenders exercise our right and responsibility to promote and protect human rights and fundamental freedoms in keeping with the United Nations Human Rights Declaration of 1998;
4. Take effective measures to strengthen the access of women human rights defenders to safety and security in their homes and places of residence, their workplaces and in the full range of public spaces where we do this work;
5. Ensure freedom of movement for women human rights defenders both within national borders and between borders as women human rights defenders organise on and promote and protect women's rights;
6. Pay special attention to women human rights defenders who work on and defend the rights of those women who are forced to the margins of society and are subjected to multiple discrimination and oppressions, including sexually active young women, women living with HIV, single women, sex workers, refugee women, lesbian women and women who have sex with women;
7. End impunity for acts of violence and attacks on women human rights defenders whether perpetrated by state or non-state actors.

We would like to ask the panellists the following questions:

1. How does the panel think the HRC can best respond to these issues mentioned above and hold states to account in this regard?
2. What actions does the panel recommend to the Council and member states where the safety and ability to continue the work of women human rights defenders is threatened because they are working on issues that are not supported by the State?

Thank you Madam President.