



**For further information:**

John Fisher  
Co-Director  
+41-79-508-3968  
[john@arc-international.net](mailto:john@arc-international.net)

Sheherezade Kara  
Advocacy & Communications  
+41-78-834-9916  
[sheherezade@arc-international.net](mailto:sheherezade@arc-international.net)

**ADDRESSING HUMAN RIGHTS VIOLATIONS BASED ON  
SEXUAL ORIENTATION & GENDER IDENTITY AT THE  
24<sup>th</sup> SESSION OF THE HUMAN RIGHTS COUNCIL**

September 2013

**Human rights violations based on sexual orientation and gender identity** continue to be a matter of **ongoing and urgent concern**. Since the June session of the Council, violations have been reported in all regions, including murder, rape, torture, violence and arrests.

While it is **not yet known whether a resolution will be presented** at this session seeking continued reporting on these issues by the High Commissioner, there are a number of opportunities to raise awareness of human rights violations based on sexual orientation and gender identity at the upcoming 24<sup>th</sup> session of the Human Rights Council. These include **general debate following the update by the High Commissioner, the UPR, interactive dialogues, and general debate under items 3, 4 or 8**.

**Side-events** of interest include events on **LGBT issues on 13 September (hosted by Brazil and co-sponsoring States)** and **19 September (hosted by ILGA)**, as well as one on **human rights in the Russian Federation on 19 September**.

While there will be no resolution this session on **"traditional values"**, the High Commissioner's report prepared pursuant to the last Russian resolution will be presented to this session of the Council, and include critiques of the potential for a "traditional values" approach to undermine human rights.

This document provides a summary of the opportunities to address these issues. In addition:

- **Annex I** excerpts the references to sexual orientation and gender identity in the reports of the **Special Procedures** and other reports to the Council;
- **Annex II** highlights **UPR recommendations** relating to sexual orientation and gender identity in the reports of the 14 States under review.

**Summary and Overview:**

Opportunities to raise awareness of human rights violations based on sexual orientation and gender identity at the 24<sup>th</sup> session of the Human Rights Council include:

➤ **General Debate following the High Commissioner's update:**

The High Commissioner has played an active role in calling for an end to violence, discrimination and criminalisation based on sexual orientation and gender identity over recent years. As part of an anti-discrimination campaign, the OHCHR has committed to working with States, national human rights institutions and civil society to achieve progress towards the worldwide decriminalization of homosexuality and further measures to protect people from violence and discrimination on grounds of their sexual orientation or gender identity. Recently,

the OHCHR launched a new global public education campaign for LGBT equality ([www.unfe.org](http://www.unfe.org)). More information on the High Commissioner's work on SOGI issues can be found at: <http://www.ohchr.org/EN/Issues/Discrimination/Pages/LGBT.aspx>.

In addition, the High Commissioner's Annual Report brings specific attention to the work of her Office in addressing human rights violations based on sexual orientation and gender identity.

In her update to the 24<sup>th</sup> session of the Human Rights Council, the High Commissioner notes:

"I would also like to highlight another important aspect of discrimination, which is the alarming pattern of brutality and widespread intolerance against lesbian, gay, bisexual, and transgender (LGBT) people in all regions. In July, in Cape Town, together with Archbishop Desmond Tutu and South African Constitutional Court Justice Edwin Cameron, I helped launch *Free & Equal*, an unprecedented global public education campaign, to promote greater respect for the rights of LGBT people everywhere."

### **Relevant State interventions might:**

- commend the High Commissioner for the work of her office in affirming that no human being may be denied their rights, solely because of their sexual orientation or gender identity, and in particular the Born Free and Equal campaign, which seeks to promote public awareness of the inalienable human rights of LGBT persons;
- commend the High Commissioner for her support of the issues at the HRC, including her report (A/HRC/19/41) on *Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity* and her contribution to the panel at the 19th session of the HRC, and encourage the OHCHR to explore opportunities for follow-up activities to raise awareness of the issues;
- welcome the attention in the High Commissioner's Annual Report to fighting discrimination against marginalised groups, including on grounds of sexual orientation and gender identity, and encourage the High Commissioner to continue to integrate the issues throughout the work of her Office, including at the field level;
- encourage the High Commissioner to also highlight in her updates to the Council specific violations taking place at the country level, so that governments may assume their responsibility to address these violations.

### **➤ Reports to the Council**

Several reports to this session of the Council address human rights violations based on sexual orientation or gender identity. Full details are provided in **Annex I**. In particular:

- The report of the Secretary General on the **question of the death penalty** states that "the use of the death penalty for [...] offences relating to consensual same-sex relationships is a violation of article 6, paragraph 2 [of the ICCPR]" and expresses concern that "the mere existence of [laws providing the imposition of the death penalty against those found guilty of offences relating to consensual, adult, same-sex relationships] has a terrorizing effect on an entire community and, as in other places where homosexual relationships are criminalized, also reinforces stigma, and fuels discrimination and violence against anyone perceived to be gay or lesbian."
- The report of the High Commissioner for Human Rights on **traditional values** concludes that "traditional values were at times misused to justify human rights violations especially with regard to freedom of belief, women's rights, sexual orientation and gender identity."
- The report of the High Commissioner on the **human rights of older persons** notes that "many older lesbian, gay, bisexual, transgender and intersex persons had endured lifelong discrimination and stigma, with a damaging impact on their physical and mental health and social well-being."

- The report of the Special Rapporteur on the **water and sanitation** on her **mission to Thailand**, noted that “migrant sex workers in irregular situations are doubly vulnerable to a denial of human rights”.
- The **communications report of Special Procedures** lists allegations of arbitrary detention, threats, and physical attacks against human rights defenders working on the rights of LGBTI persons, as well as violations of the right to freedom of peaceful assembly and association for individuals and groups working on issues relating to sexual orientation and gender identity in a range of countries.

#### **Relevant State interventions might:**

- commend the Secretary General, High Commissioner, and Special Procedures for their work in this area;
- highlight the serious human rights violations identified on grounds of sexual orientation and gender identity, including violence, killings, arbitrary detention, and a lack of access to services;
- invite them to elaborate on what States can do to promote tolerance, respect for diversity and address the root causes of such violations;
- bring particular attention to gender-based violence, and targeting of transgender persons;
- ask how the Council and its mechanisms can best promote and protect the human rights of the most marginalised, including those who are lesbian, gay, bisexual, transgender or intersex;
- ask how the Council and its mechanisms can combat human rights violations justified by cultural, religious or traditional values.

#### ➤ **General statements – item 3, 4 & 8:**

There will be opportunity for statements during general debate, particularly under **item 3** (*promotion and protection of all human rights*), **item 4** (*Human rights situations that require the Council’s attention*) or **item 8** (*Follow-up and implementation of the Vienna Declaration and Programme of Action*, which affirms the principles of universality and non-discrimination).

Statements by regional or cross-regional groupings might express concern about continuing violence and related human rights violations based on sexual orientation and gender identity, reference the SOGI regional meetings which took place earlier this year, and call for constructive outreach, dialogue and follow-up by the HRC with a view to enhancing the Council’s capacity to fulfil its mandate by promoting and protecting human rights for all people without distinction.

#### ➤ **“Traditional Values”:**

Although there will (thankfully) be no resolution this session on traditional values, the High Commissioner was tasked to prepare a report on “traditional values and best practices”, which will be presented to the current Council session. This report (A/HRC/24/22) summarises some traditional values that are in accordance with universal human rights, but also notes the view of some respondents that:

**“traditional values could be invoked to justify the status quo and undermine the rights of the most marginalized and disadvantaged groups.** They noted that traditional values were at times **misused to justify human rights violations** especially with regard to freedom of belief, women’s rights, sexual orientation and gender identity. It was underlined by many that **traditional values could never be used to justify violations of universal human rights or as a basis for discrimination** in any form.”

These concerns are consistent with those raised during the OHCHR expert meeting and by the Advisory Committee in its recent report. It is clear that “traditional values” are misused by Russia at the national level to target marginalised groups. It is time to say “*enough is enough*” and urge the Council to return its focus to promoting and protecting universal human rights for all.

## ➤ Panels

The Council will hold the annual discussion on **integration of a gender perspective** on 12 September 2013. The panel's focus will be on "*Civil society's contribution to the integration of a gender perspective in the work of the Human Rights Council and its mechanisms*".

### Relevant State interventions might:

- Note the valuable role of civil society in the work of the HRC and its mechanisms;
- Express concern about attempts to restrict civil society space in the work of the HRC;
- Affirm the importance to the work of the Council of hearing and acting upon the views of the marginalised, including in the area of sexual and reproductive rights.

## ➤ Item 6: UPR report adoptions (see Annex):

The UPR report adoption process affords an opportunity to **commend those States which have responded favourably** to relevant recommendations, and to **encourage States who have not to address these issues more positively in future**. Many relevant recommendations relating to sexual orientation and gender identity issues were raised during the UPR of those States whose reports are due to be adopted. A full list of UPR recommendations for the States under review is attached as **Annex II**. In particular:

- **Cameroon** is expected to respond to recommendations to investigate police violence that took place on persons because of their actual or perceived sexual orientation, and to ensure adequate protection of defenders of human rights that help LGBT persons. This is of particular concern in light of the recent murder of a leading LGBT human rights defender, his body showing signs of torture;
- **Cuba** is expected to respond to recommendations to strengthen publicity and awareness campaigns aimed at increasing knowledge among the population about the rights of LGBT people.
- **Germany** is expected to respond to recommendations on addressing hate crimes based on sexual orientation and gender identity.
- **Russia** is expected to respond to recommendations to ensure protection against discrimination and violence against persons based on sexual orientation and gender identity, and to adopt legislation ensuring that LGBT people can freely exercise their rights to freedom of expression and peaceful assembly. Organised hate groups have targeted gay persons for torture with impunity, and laws prohibiting so-called "propaganda of homosexuality" or "propaganda of non-traditional relations" have been used to persecute members of the LGBT communities, as part of a broader crack-down on civil society.
- **Turkmenistan, Tuvalu** and **Uzbekistan** all rejected recommendations to repeal provisions that criminalize consensual same sex relations between adults.

## ➤ Side events

Relevant side-events include:

- **Combating violence against LGBT individuals: human rights and good practices**, on **September 13<sup>th</sup>** at **13:00**, hosted by the Permanent Mission of Brazil, and other co-sponsoring States.
- **Challenges of Human Rights Defenders**, on **September 19<sup>th</sup>** at **13:00**, organised by the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), featuring a cross regional panel of defenders working on issues of sexual orientation and gender identity. The event will also provide the first full length public première of ARC's video documentary "The Time Has Come", filmed at the recent SOGI regional seminars and in countries around the world to gather testimonies and perspectives of human rights defenders based on their experiences and their expectations for next steps related to human rights, sexual orientation and gender identity at the UN.
- **Human Rights in the Russian Federation**, on **September 19<sup>th</sup>** at **14:00**, organised by Freedom House, will look at the wider context of crackdowns on civil society including new legislation on "foreign agents", "propaganda of homosexuality" and "mass disorder", as well as Russia's attempts to undermine the universality of human rights at the international level.

**ANNEX I:  
REFERENCES TO SEXUAL ORIENTATION & GENDER IDENTITY IN  
REPORTS TO THE HRC**

A/HRC/24/18

**Question of the death penalty**  
Report of the Secretary-General

**V. Application of safeguards guaranteeing protection of the rights of those facing the death penalty**

**A. Restriction of use of the death penalty to “most serious crimes”**

24. Article 6, paragraph 2, of the International Covenant on Civil and Political Rights prescribes that in States that have not abolished it, the death penalty may only be imposed for the “most serious crimes”. This term has been interpreted to mean that the death penalty should only be applied to the crime of murder or intentional killing. The application of this safeguard in recent years has focused on the use of the death penalty for acts that do not meet the threshold of “most serious crimes”. In particular, the use of the death penalty for drug-related offences, economic crimes, political crimes, adultery, **and offences relating to consensual same-sex relationships**, is a violation of article 6, paragraph 2, and of the safeguards guaranteeing protection of the rights of those facing the death penalty.

**VI. Use of the death penalty against children, persons with mental or intellectual disabilities and other vulnerable groups**

**C. Discrimination in the imposition of the death penalty**

71. In practice, the decision whether to sentence the convict to death or life imprisonment is often arbitrary and devoid of predictable rational criteria. The application of the death penalty is frequently discriminatory. It is often used disproportionately against the poor and members of racial, ethnic, religious **and sexual minority groups**.

72. The new EU Guidelines on the death penalty emphasize that the death penalty must not be applied or used in a discriminatory manner on any ground, including political affiliation, **sex**, racial or ethnic origin, religion or belief, disability, age or **sexual orientation**.

73. **During the reference period, Islamic Republic of Iran, Mauritania, Saudi Arabia, Sudan and Yemen continued to retain laws providing the imposition of the death penalty against those found guilty of offences relating to consensual, adult, same-sex relationships that do not meet threshold of “most serious crimes”. In addition, local and regional courts in some parts of Somalia and Nigeria continued to have power to impose the death penalty for such offences on the basis of the Sharia law. While no execution in cases involving consensual same-sex conduct was confirmed in the past year, the mere existence of these laws has a terrorizing effect on an entire community and, as in other places where homosexual relationships are criminalized, also reinforces stigma, and fuels discrimination and violence against anyone perceived to be gay or lesbian. In Uganda, a bill remains before Parliament, which, if passed in its present form, would allow for the imposition of the death penalty in cases of so-called “aggravated homosexuality” – including against repeat offenders and those who are HIV-positive.**

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A/HRC/24/21

**Communications report of Special Procedures**

Communications sent, 1 March 2013 to 31 May 2013;

Replies received, 1 May to 31 July 2013

<i>Date</i> <i>Type</i>	<i>Case No</i> <i>Country</i>	<i>Mandate(s)</i>	<i>Summary of the allegation transmitted</i>	<i>Reply</i>
03/04/2013 Joint letter of allegation	<a href="#">SRB 1/2013</a> Serbia	<b>Freedom of peaceful assembly and of association; Human rights defenders;</b>	Alleged threats and attack against a human rights defender working on combating discrimination and for the rights of lesbian, gay, bisexual and transgender people. According to the information received, Mr. Darko Kenig received threats and was physically assaulted in connection to his human rights work. It is also reported that the investigation into these incidents has been excessively protracted.	

14/05/2013 Joint letter of allegation	<a href="#">ZMB 1/2013</a> Zambia	<b>Freedom of expression; Health; Human rights defenders;</b>	Alleged criminal charges against human rights defenders and alleged Government campaign against defenders working on Lesbian, Gay, Bisexual, Transgender and Intersex rights. According to the information received, Mr. Paul Kasonkomona was arrested on 7 April 2013, following his appearance on a television show where he emphasized the need for improved access to health care for sex workers, prisoners and sexual minorities. After five days in detention, he was charged with inciting activities for immoral purposes and subsequently released. It is reported that a campaign has been initiated by the Government against defenders working on the rights of LGBTI individuals, in response to the failed attempt of four same-sex couples to register their marriages between 29 and 30 March 2013 and the fact that consensual same-sex relationships are criminalized under the Zambian Penal Code.	
17/05/2013 Joint letter of allegation	<a href="#">MDA 2/2013</a> Republic of Moldova	<b>Freedom of expression; Freedom of peaceful assembly and of association; Human rights defenders;</b>	Allegations relating to a re-routing of the 2013 Chisinau Pride Parade. According to the information received, on or around 8 May 2013, a request was made by GenderDoc-M, a rights organization promoting non-discrimination on the basis of sexual orientation and gender identity, pertaining to the holding of a Pride Parade in the centre of Chisinau. On 15 May 2013, GenderDoc-M reportedly received notification from the Chisinau municipality that the march would need to be re-routed and held in a marginal location in the Valea Morilor rather than in the centre of Chisinau.	<a href="#">28/06/2013</a>
17/05/2013 Joint urgent appeal	<a href="#">MKD 1/2013</a> The former Yugoslav Republic of Macedonia	<b>Freedom of peaceful assembly and of association; Human rights defenders;</b>	Alleged attack on LGBT rights defenders. According to the information received, on 20 April 2013, a group of LGBT rights defenders was attacked by four unknown persons, later joined by three more, in front of the Diamond Hostel on Sirok Sokak in Bitola. The LGBT rights defenders in question were members of the Association of Lesbian, Gay, Bisexual and Transgender People 'LGBT United', which promotes respect for the human rights of lesbian, gay, bisexual, transgender and intersex people through advocacy and awareness raising activities, and the Coalition for Sexual and Health Rights of Marginalized Communities, which promotes equal access to social, legal and health services for marginalised communities as well as social inclusivity.	<a href="#">21/06/2013</a>
28/03/2013 Joint urgent appeal	<a href="#">NPL 2/2013</a> Nepal	<b>Freedom of expression; Freedom of peaceful assembly and of association; Health; Human rights defenders; Violence against women;</b>	Alleged undue delays in registration proceedings of a non-governmental organisation, and alleged instances of harassment and arbitrary arrest on the part of the authorities against LGBT individuals. According to the information received, repeated requests from the Blue Diamond Society (BDS) to renew its registration have so far not been honoured by the authorities for unclear reasons. It is reported that as a result of these alleged delays, the organisation has now been forced to start shutting down its operations. It is furthermore reported that LGBT persons, including Ms. Shirju Thapa and Ms. Kopila Khadka, have frequently suffered from arrests and harassment by police forces, and that LGBT persons are systematically obliged to pay substantially higher bail sums than other individuals detained on similar charges. It is further alleged that transgender persons, including Ms. Anjali Thapa Magar, are being intimidated or physically threatened when they speak out in public in support of the BDS or its staff.	

## Summary of information from States Members of the UN and other relevant stakeholders on best practices in the application of traditional values while promoting and protecting human rights and upholding human dignity

Report of the United Nations High Commissioner for Human Rights

### II. Contributions received

#### A. Groups of States and States Members of the United Nations

3. The European Union stated that it was not in a position to provide examples of best practices. It stressed the need for caution, pointing to the possible danger of introducing the concept of traditional values in the human rights realm as there was no clear-cut, universally agreed definition. Whereas human rights were formalized in international law through consensus and agreed upon as universal and inalienable, traditional values were inherently subjective and specific to time and place. Thus, although traditions might sometimes be in line with human rights, the two notions were not necessarily analogous and **traditional values could also have a negative impact on the implementation of human rights, especially those concerning violence against women, sexual orientation, gender identity, age and disability**. The European Union highlighted that the vagueness of the relationship to human rights and the subjectivity of the notion of traditional values could undermine human rights and their universality and justify human rights violations. It emphasized that where traditional values conflicted with and undermined human rights, States had a positive obligation to eradicate these harmful traditions, values and practices.

#### E. Civil society organizations

43. Arc International drew attention to its concerns about **traditional values which could perpetuate widespread practices, traditions and patriarchal attitudes involving violence or coercion against women**, such as family violence and abuse, forced marriage, dowry deaths, acid attacks and female circumcision as stated in general recommendation No. 19 (1992) on violence against women of the Committee on the Elimination of Discrimination against Women. The Special Rapporteur on violence against women, its causes and consequences, had suggested guidelines to address the issue of culture and violence against women, including addressing factors that underlay and reinforced harmful cultural paradigms that subordinated women and recognizing that the protection of rights needed the transformation of cultural norms and attitudes.

49. Catholics for Choice, United States, to shape and advance sexual and reproductive ethics based on justice, reflected a commitment to women's well-being, and affirmed the capacity of women and men to make moral decisions. For many Catholics, the teachings of the Church served as moral and spiritual guides. Owing to their ancient roots, these could be considered as traditional values of humankind. Policymakers must not only respect freedom of religion and religious pluralism, but also ensure that religion was not used to discriminate. **As opposing views were common in issues of sexuality and reproductive health, for example with regard to the use of contraceptives and the discord between certain traditional beliefs and the recognition of the rights of lesbian, gay, bisexual and transgender persons (LGBT), Catholic teachings instructed not to allow religion to be used to discriminate**.

50. Concerned Women for America, United States, emphasized the role of marriage, family and civil society in preserving human rights. Unwarranted changes in family structures, which were profoundly reshaping our postmodern society especially in Europe, were threatening the human rights and dignity of citizens. Cohabitation, which was increasingly displacing marriage and not promoting healthy, stable and lasting relationships, was an example. Promiscuity, infidelity and diminishing trust between couples, further incentivized by divorce law and **same-sex marriage, endangered the foundation of traditional family values**. The consequences of the decline in marriage and breakdown of the family had not only negatively affected generations of individuals on a personal level but also undermined social institutions, shaken the stability of nations and basic human dignity and rights.

67. Nazra for Feminist Studies, Egypt, pointed to the history of the use of traditional values to undermine the rights of women human rights defenders in Egypt, as the violations were based largely on traditional, patriarchal values regarding what it meant to be a respectable woman. The contribution provided examples of traditional and religious values creating a particularly precarious situation for women in several instances. Reference was made to **violations against women's rights defenders and the use of traditional, religious values as a pretext to justify grave violations including sexual harassment**.

71. The Russian LGBT Network, Russian Federation, noted that the traditional values discussion in the Russian Federation sought to impose an ideological monopoly. **Liberal approaches and beliefs were regarded by conservatives as opposing traditional values, justifying severe restrictions of rights and freedoms, especially for the LGBT community**. In that context, traditional values were synonymous with biblical values such as family values and served as a platform to bring together Orthodox Christian conservatives, Protestant fundamentalists and conservative Catholics.

72. Enumerating several practices based on traditional values, the Russian LGBT Network referred to the introduction of religious education in public schools through the subject named “Basics of Religious Cultures and Secular Ethics” in 1991; the division of religions into the traditional religions of the Russian Federation – Christianity: Orthodox Christianity, Catholicism, Lutheranism; Islam; Judaism; and Buddhism and “sects” or “totalitarian sects”, i.e. all religious associations not fitting into the concept of traditional religions; efforts to obstruct liberal priests and opinions within the Moscow Patriarchate; the introduction of a military chaplain system; and the **ban on sex education in Russian schools**.

75. Sexual Rights Initiative, Canada, asserted that **some traditional values led to stigmatization, discrimination and violence against people on the basis of their racial or ethnic origin, religion or other beliefs, disability status, age, sex, gender identity or sexual orientation**. Many practices and norms that discriminated against women and other groups were justified by reference to tradition and were legally punished with lighter sentences, for example domestic violence, honour killings, dowry-related violence and homophobic discrimination and violence. Many countries did not specifically designate marital rape as a crime and only some included dowry-related violence in their law. Following the good example already set by some countries, the Sexual Rights Initiative proposed capacity- building and that States should enact and implement laws, policies and programmes that prevented and penalized harmful traditional practices. It suggested media campaigns as a means of raising awareness and educating communities about the harmful effect of traditional values and practices and the benefits of promoting the rights of those affected by such practices. Proposed practices also included increased support for national and community-based monitoring mechanisms and the exchange of good practices.

76. Referring to “traditional values” as a basis for promoting human rights could jeopardize progress in ensuring the enjoyment of rights by all. Values reflected in traditions may or may not promote and protect the globally shared values adopted by States through human rights conventions.

78. Vida y Familia Chihuahua A.C., Mexico stated that traditional values common to all humankind such as the role of the family, community and education had a positive role in the protection and promotion of rights and freedoms. Traditional, moral values were thus inseparable from human rights based on dignity and inherent values of the human being.

79. **Marriage should be understood as the union between man and woman**. For its crucial role in addressing issues such as violence, underdevelopment or unemployment, it was noted that the recognition of family law which also encompassed the protection of marriage and family life was of fundamental importance for education on and the promotion of dignity and human rights in the whole legal system. The family should not only be protected by the State but also by society, necessitating a strong commitment from each individual.

81. Voz Pública A.C., Mexico, stressed the importance of respect for fundamental human rights shared by all human beings, from conception until death without exceptions such as individual autonomy. Regarding best practices, this contribution underlined the **need to protect and promote the institution of the natural family between man and woman as a universal right in all countries and to oppose social reinventions of the concept**.

### III. Analysis and conclusions

84. Some respondents were of the view that traditional values could be invoked to justify the status quo and undermine the rights of the most marginalized and disadvantaged groups. They noted that **traditional values were at times misused to justify human rights violations especially with regard to freedom of belief, women’s rights, sexual orientation and gender identity**. It was underlined by many that traditional values could never be used to justify violations of universal human rights or as a basis for discrimination in any form.

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A/HRC/24/24

## **Views of States, national human rights institutions and other relevant stakeholders on the target sectors, focus areas or thematic human rights issues for the third phase of the World Programme for Human Rights Education**

Report of the Office of the United Nations High Commissioner for Human Rights

### III. Responses from national human rights institutions

40. The New Zealand Human Rights Commission referred to its previous report (May 2012) on implementation of the World Programme and highlighted the lack of a systematic nationwide strategy for human rights education. In this regard, the Commission suggested that, during the third phase, opportunities for dialogue between civil society and duty bearers identified in the previous phases should be pursued, with the purpose of embedding and expanding the progress made to date. In terms of focus areas, the Commission proposed economic, social and cultural rights, in particular health and education, to expand duty bearers’ understanding of the responsibility to progressively realize these rights.



Alternatively, the Commission proposed focusing on emerging international human rights standards such as those related to persons with disabilities, indigenous peoples and sexual orientation and gender identity; with regard to the school systems, the third phase could address how to deal with violence, abuse and bullying through a human rights approach. Finally, the Commission highlighted the importance of developing and using effective methodologies for human rights education, as an ongoing focus of the World Programme.

42. The Republic of Albania People's Advocate deemed that a priority focus for the third phase could be the **protection and the empowerment of vulnerable categories such as minorities, women victims of violence, victims of human trafficking, persons with special needs, the poor, the LGBT (lesbian, gay, bisexual and transgender) community, the Roma community and people affected by "blood feuds"**. Following the Albanian experience, target audiences for related educational programmes could be, among others, central and local institutions, civil society, religious communities and the media, as well as individuals belonging to those groups.

43. The South African Human Rights Commission proposed promoting the rights of women and girls among the general public, with a focus on **gender- and sexual-based violence**. The Commission stated that this issue is a priority for the region, which has the highest proportions of violence against women and girls (i.e. **rape, forced marriage, domestic violence and murder**), in addition to a high prevalence of HIV.

## VI. Conclusions

77. Fifteen respondents mentioned, as future priority target audiences, specific groups of rights holders including, in decreasing order, persons with disabilities (8); minorities and indigenous peoples (5); women victims of violence (4); migrants and migrant workers (3); people with limited access to their rights, in particular the poor (3); elderly persons (2); **LGBT persons** (2); refugees and asylum seekers (1); vulnerable people in emergencies (1); victims of human trafficking (1); and victims of armed conflict (1).

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A/HRC/24/25

## Summary report of the consultation on the promotion and protection of the human rights of older persons

Report of the Office of the United Nations High Commissioner for Human Rights

### II. Written submissions

7. In their submissions, contributors also underscored the feminization of ageing and the need to pay attention to intersections of older age with other factors, such as **sexual orientation**, linguistic or ethnic minority origin, migration, disability, living in rural areas, internal displacement, and incarceration. Issues were also raised about lack of accommodation of the needs of older persons to ensure access to justice and to information (including difficulties arising from mandatory digitalization), and the lack of measures to promote political participation.

29. Age discrimination could be aggravated by other factors. One in five older Australians came from a culturally and linguistically diverse background, often facing barriers in their access to appropriate health and aged-care services. Overcoming these barriers required accessible and culturally appropriate services. In addition, **many older lesbian, gay, bisexual, transgender and intersex persons had endured lifelong discrimination and stigma, with a damaging impact on their physical and mental health and social well-being**.

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A/HRC/24/29

## Cooperation with the United Nations, its representatives and mechanisms in the field of human rights

Report of the Secretary-General

### II. Information received on cases of reprisal for cooperation with the United Nations, its representatives and mechanisms in the field of human rights

#### 8. Russian Federation

29. Several United Nations human rights experts have raised concerns about the law on non-governmental organizations adopted in November 2012, under which all foreign-funded non-commercial organizations may be branded as "foreign agents" if they are considered to have engaged in "political activities". They also referred to the use of the term "foreign agents", which can lead to increased stigmatization and vulnerability to acts of violence against those targeted. No government response had been received as at the end of the period under review. Similar concerns were raised by a number of States during the recent universal periodic review of the Russian Federation.

30. Similarly, in November 2012, the Committee against Torture expressed its concern about individuals, groups, human rights defenders and journalists subjected to intimidation, harassment and all types of violence related to their activities, including for communicating with or giving information to the Committee or other United Nations human rights bodies. The Committee recommended that the State party should amend the law in question, that no individual or group should be subjected to prosecution for communicating with or for providing information to United Nations human rights mechanisms, and that all allegations of intimidation, threat, attack and killing of human rights defenders be investigated promptly, thoroughly and impartially.

31. The Committee against Torture addressed two allegations letters and made a public statement, referring to allegations that two non-governmental organizations – the Anti-Discrimination Centre Memorial in Saint Petersburg and the Public Verdict Foundation in Moscow – that provided information to the Committee in December 2012 during consideration of the fifth periodic report of the Russian Federation to the Committee had since faced reprisals. The organizations were charged by the public prosecutor with violating legislation under which non-profit organizations involved in political activity must register as “foreign agents” if they receive money from abroad. The Committee recalled that reprisals contravene article 13 of the Convention.

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A/HRC/24/44/Add.3

## **Report of the Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque**

Addendum: Mission to Thailand (1-8 February 2013)

### **III. The human rights to water and sanitation in Thailand**

20. Thailand has achieved 96 per cent coverage of improved drinking water sources and 93 per cent coverage of improved sanitation in 2011, according to global monitoring of the situation of access to water and sanitation.<sup>4</sup> While access to drinking water in the central provinces was above 98 per cent, in the southern provinces it was almost 20 per cent lower. These figures, however, do not portray an accurate picture of the real situation that the Special Rapporteur observed in the country, because current global monitoring does not measure quality, quantity or affordability of access to water and sanitation. **The Special Rapporteur also learned that national monitoring excludes stateless people, refugees, undocumented migrants or migrants in an irregular situation – including sex workers – and those in informal settlements.** Several million people are thus left out of the statistics.

#### **A. Invisibility of people caught in a protection gap**

##### **1. Migrant workers**

26. Migrant sex workers also experience difficulty accessing water and sanitation. Since prostitution is illegal in Thailand under the Prevention and Suppression of Prostitution Act (1996), **migrant sex workers in irregular situations are doubly vulnerable to a denial of human rights** as they have to hide themselves from society: they are in an irregular situation and practising an illegal profession. **These circumstances put sex workers at a high risk of abuse from their employers.** A civil society representative told the Special Rapporteur that sex workers were often charged by their employer for use of a bathroom after they performed their services, while their clients were provided with clean bathrooms. Such a condition might lead to situations where sex workers refrain from washing themselves after serving a client so as to save money. This creates potential hygiene concerns, and affects sex workers’ right to sanitation, including hygiene. The right to sanitation has to be accessible in all spheres of a person’s life, including in the workplace. The Committee on Economic, Social and Cultural Rights specified that, with regard to the right to healthy natural and workplace environments, “[t]he improvement of all aspects of environmental and industrial hygiene’ (art. 12.2 (b)) comprises, inter alia ... the requirement to ensure an adequate supply of safe and potable water and basic sanitation ... [and it embraces] safe and hygienic working conditions”. Furthermore International Labour Organization (ILO) Convention No. 120 (1964) concerning Hygiene in Commerce and Offices provides that “[s]ufficient and suitable washing facilities and sanitary conveniences shall be provided and properly maintained”.

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A/HRC/24/52/Add.1

## **Report of the Working Group of Experts on People of African Descent on its twelfth session**

Addendum: Mission to the United Kingdom of Great Britain and Northern Ireland

### **III. Legal framework, mechanisms, policies and practices**

#### **B. National level**

16. According to the Government, the Equality Act (2010) simplifies and harmonizes legislation by replacing previous anti-discrimination laws on race, **sex, sexual orientation**, religion or belief, age and disability. It covers direct and indirect discrimination, harassment, victimization and failure to make reasonable adjustments for persons with

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disabilities. The Act provides for equal opportunities in the workplace and in the wider society, prohibiting unfair treatment in the workplace, in the provision of goods, facilities and services, when exercising public functions, in the disposal and management of premises, in education and in associations.

## VI. Conclusions and recommendations

84. Diversity is valued in the British model of society. The United Kingdom has an impressive legislative framework and has invested considerable resources in anti-discrimination initiatives, including the positive obligations on public authorities to promote equality of opportunity on grounds of age, disability, **gender reassignment**, pregnancy and maternity, race, religion or belief, **sex and sexual orientation**; the Equality Act 2010 and the establishment of the Equality and Human Rights Commission (EHRC), an independent body with powers to take legal proceedings or other enforcement action. Despite all these achievements, people of African descent consulted believe that the Government has not adequately implemented the impressive legislative and policy framework that exists, and has failed in several aspects to respond adequately to their problems or to devise meaningful and enforceable solutions, leaving them and their communities in a neglected situation.

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## ANNEX II: UPR RECOMMENDATIONS RELATING TO SEXUAL ORIENTATION & GENDER IDENTITY

### Azerbaijan

**Discussions:** There were no references to sexual orientation or gender identity.

**Documents:** The compilation of UN information noted concern expressed by the Human Rights Committee about harassment of individuals by police and prison officials on the basis of sexual orientation. The summary of stakeholders' information further expressed concern about family violence and hate crimes against LGBT people, police blackmailing, and registration of NGOs working on LGBT issues.

### Bangladesh

**Recommendations:** Consider repealing article 377 of the Criminal Code.

**Response:** Rejected.

### Burkina Faso

**Discussions:** There were no references to sexual orientation or gender identity.

**Documents:** There were no references to SOGI issues in the input documents during this cycle. However, the summary of stakeholders' information in the previous cycle stated that homosexuality is punishable with imprisonment of up to three years and that homophobia and discrimination against persons on the basis of sexual orientation was widespread in Burkina Faso.

### Cameroon

**Recommendations:** Decriminalize consensual sexual relations between adults of the same sex; protect LGBTI from violence; Undertake public actions aimed at eliminating discrimination based on sexual orientation; Take all necessary measures, including legislative and administrative, to prohibit and eliminate all discriminatory treatment based on sexual orientation; Respect article 12 of the Constitution, which protects privacy, and eliminate abuses of this article that lead to arbitrary arrests and prosecutions on charges related to consensual same sex relations; Investigate police violence that took place on persons because of their actual or perceived sexual orientation; Ensure adequate protection of defenders of human rights that help LGBT persons.

**Response:** Pending to September 2013.

### Canada

**Discussions:** There were no references to sexual orientation or gender identity.

**Documents:** The National report stated that legislation existed protecting against discrimination based on sexual orientation. The summary of stakeholders' information noted unequal age of consent for same-sex couples compared to opposite sex couples, and discrimination and violence against two-spirited and LGBT persons.

### Cape Verde

**Discussions:** Spain congratulated Cape Verde on its ongoing commitment to the promotion and protection of human rights and commended in particular the adoption of legislation to eliminate discrimination on grounds of gender or sexual orientation. There were no recommendations on SOGI issues.

**Documents:** There were no references to sexual orientation or gender identity in any of the input reports. However, Cape Verde accepted a recommendation in the previous cycle to consider appropriate policy measures in order to promote tolerance and non-discrimination for lesbian, gay, bisexual and transgender persons.

### Colombia

**Recommendations:** Consider the possibility of enhancing the necessary measures for the protection and integration of the LGBT population.

**Response:** Accepted.

**Recommendations:** Further recognize the rights of same-sex couples by legalizing same-sex marriage and adoption.

**Response:** Noted for further consideration of national authorities.

### Cuba

**Recommendations:** Continue to promote the social inclusion and rights of its LGBT community and that the country's experience in this regard is actively shared with countries in the region and globally; Strengthen publicity and awareness campaigns aimed at increasing knowledge among the population about the rights of LGBT people; Further expand the opportunities for dialogue on sexual orientation and gender identity.

**Response:** Pending to September 2013.

### Djibouti

**Discussions & documents:** There were no references to sexual orientation or gender identity during the Working Group review or in the input reports.

**Previous cycle:** During its review in the previous cycle, Djibouti noted that the rights of vulnerable groups, including lesbian, gay, bisexual and transsexual people, were guaranteed by the Constitution.

### Germany

**Recommendations:** Continue its efforts and continue to take initiatives against hate crimes based on sexual orientation or gender identity. Such advances can be achieved by implementing anti-discrimination laws and strengthening financial resources of investigation authorities and the autonomy of the Federal Agency against discrimination; Continue its important efforts to combat hate crime based on sexual orientation.

**Response:** Pending to September 2013.

### Russian Federation

**Recommendations:** Repeal regional legislation that tolerates discrimination based on sexual orientation, and take concrete measures preventing from using regulations in force with discriminatory purposes against the rights of LGBT persons; Bring existing regional and draft federal-level legislation related to homosexuality into conformity with its commitment to the principles of non-discrimination and take steps to ensure that the rights of all minorities, including gays and lesbians, are protected and respected; Introduce legislation prohibiting

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discrimination on grounds of sexual orientation and take measures to ensure that it is fully and effectively implemented; Take specific measures to ensure effective investigation of acts of violence against LGBT persons and hold the perpetrators to account; Adopt the necessary measures to eradicate the tendency and/or diffusion, through the media, and by public officials, of stereotypes that may promote discrimination against persons, based on their sexual orientation; Adopt legislation assuring that LGBT people can freely exercise their rights to freedom of expression and peaceful assembly.

**Response:** Pending to September 2013.

#### **Turkmenistan**

**Recommendations:** Decriminalize sexual relations between consenting adults of the same sex, as recommended by the Human Rights Committee.

**Response:** Rejected.

#### **Tuvalu**

**Recommendations:** Repeal all provisions that criminalise consensual same-sex conduct and ensure that anti-discrimination laws cover sexual orientation.

**Response:** Rejected.

#### **Uzbekistan**

**Recommendations:** Adopt measures with a view to combating discrimination and intolerance of which the LGBT population suffers; Decriminalise consensual homosexual activity in compliance with its obligations under the International Covenant on Civil and Political Rights.

**Response:** Rejected.

*Download the SOGI report for the 16<sup>th</sup> session of the UPR at*  
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