



Report of the 24th session of the Human Rights Council

Overview of the session

The 24th session of the Human Rights Council ran from 9-27 September 2013. Although there were no specific initiatives at the formal session on sexual orientation and gender identity, many relevant issues were on the table including dialogue with the High Commissioner for Human Rights, the annual discussion on gender integration, general debates providing chances to raise human rights situations of concern, and to comment on the new “traditional values” report. See Annex II for relevant excerpts in the Special Procedures and other reports to the session.

Working group reports from the 16th session of the Universal Periodic Review were formally adopted by the Council at the end of the second week, which provided NGOs opportunity to comment the process. Many States and NGOs took the floor to express concern about recent developments in Cameroon and Russia. Annex I provides more in depth details to the UPR adoptions, including recommendations accepted and rejected, and NGO statements.

Furthermore, the Council adopted 39 resolutions during the session, including on the rights to peaceful assembly and association, the right to health, combating FGM, arbitrary detention, reprisals against human rights defenders, maintaining civil society space, promoting human rights through sport, and child, early and forced marriage.

Finally, several relevant side events were run by States and NGOs including on sexual orientation and gender identity, human rights defenders, traditional values, reprisals, human rights in the Russian Federation, and decriminalising abortion.

Update from the High Commissioner followed by General Debate

The High Commissioner for Human Rights has played an active role in calling for an end to violence, and discriminatory laws and practices 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 protecting 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). 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>

NAVI PILLAY, United Nations High Commissioner for Human Rights, highlighted 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, she helped launch Free & Equal, an unprecedented global public education campaign, to promote greater respect for the rights of LGBT people everywhere.

Pakistan, speaking on behalf of the Organization of Islamic Cooperation, said that the Organization of Islamic Cooperation had consistently raised its reservations about “controversial” notions that had not been universally agreed, such as lesbian, gay, bisexual and transgender rights, and therefore could not support any initiative by the High Commissioner in this respect.

Iran said it had strong reservations about any education campaign on lesbian, gay, bisexual and transgender people supported by the High Commissioner on the basis that it would contradict established human rights principles.

Lithuania, speaking on behalf of the European Union, the former Yugoslav Republic of Macedonia, Montenegro, Iceland and Albania, commended the evolving work of the Office on a wide range of thematic issues and welcomed the successful launch of the “Free and Equal” campaign for LGBTI equality and non-discrimination.

Saudi Arabia said that the rights of lesbian, gay, bisexual and transgender people were against Islamic Shariah, which was applied in the country.

ARC International and Canadian HIV/AIDS Legal Network expressed concern about human rights violations based on sexual orientation and gender orientation, a matter of ongoing and urgent concern. The High Commissioner was encouraged to continue to integrate these issues throughout the work of the Office, including at the field level, and to highlight in her updates to the Council specific violations taking place at the country level, so that governments might better fulfil their responsibility to address these violations. The time had also come for the Council to more consistently address human rights violations based on sexual orientation and gender identity.

Annual discussion on gender integration

*The Council held the annual discussion on **integration of a gender perspective** on 12 September 2013. The panel's focus was on “Civil society's contribution to the integration of a gender perspective in the work of the Human Rights Council and its mechanisms”.*

NAVI PILLAY, United Nations High Commissioner for Human Rights, said that too often, women human rights defenders were targeted, often even physically attacked, when perceived as challenging socio-cultural norms and traditions related to their status as women. Some civil society organizations were also male-dominated, reflecting the same gender inequalities in their representation and decision-making that they found in many other structures of society. They also saw far too much occupational segregation in human rights jobs in civil society organizations, with many more women working in traditional fields. They should widen still further the diversity and participation of newly accredited civil society organizations in gender work, bearing in mind that there were still too few that were specialized in political participation or gender integration. Also encouraged was the promotion of gender equality within the civil society movement itself, with increased participation and leadership of women in non-governmental organization management and

leadership, and further involvement of women-oriented non-governmental organizations in the field of civil and political rights.

NEHA SOOD, Advocacy and Policy Officer for Action Canada for Population and Development, said that it was regrettable that not all Governments consulted civil society during the preparation of their Universal Periodic Review report. Challenges facing the Universal Periodic Review process included general or timid recommendations and lack of attention to issues such as comprehensive sexuality education, women's sexuality, women's reproductive rights, and forced sterilization.

General Debate on Human Rights Situations that Require the Attention of the Council

Item 4 of the HRC agenda typically focuses attention on country situations of concern. This session saw several States expressing concern about the deteriorating human rights situation in the Russian Federation, including with reference to the rights of LGBTI persons.

Lithuania, on behalf of the European Union, encouraged the Russian Federation to ensure an enabling environment for the work of civil society organizations and human rights defenders and to take concrete steps to guarantee the freedoms of expression, assembly and association. It had serious concerns about the effect of the federal law against propaganda of non-traditional sexual relations to minors, reinforcing discrimination against LGBTI people. The EU called on the Russian Federation to uphold its commitments to protect the enjoyment of these rights by all, and to actively strive towards a more conducive attitude concerning the inclusion and tolerance of minorities in the Russian society.

Switzerland was very concerned about violence committed against women throughout the world, particularly in Afghanistan, Pakistan and India. It was also alarmed by the legal stigmatisation of sexual minorities in Russia and Cameroon.

International Lesbian, Gay, Bisexual, Trans and Intersex Association said that one human rights situation that required the Council's attention was the human rights situation of lesbian, gay, bisexual and transgender persons. Each one was a human being born free and equal in dignity and human rights. The Council had to therefore remain committed to protecting and promoting their human rights.

Russia, speaking in a right of reply, said the European Union was misinformed regarding their statements on Russian laws, and said it supposed that the States received their information from bloggers. There was no legal discrimination against sexual minorities in Russia: rather the law in question was a legitimate child protection measure. Before putting forward "fabricated allegations" about what was happening in Russia, the Czech Republic and Switzerland should look at the human rights situation in their own countries. Russia expressed concern, for example, about discrimination against Roma in the Czech Republic, overcrowding in Swiss prisons, and the effective prohibition on asylum seekers from appearing in some public places in Switzerland.

Consideration of UPR reports

This session, the Human Rights Council adopted the UPR reports of Turkmenistan, Burkina Faso, Cape Verde, Tuvalu, Colombia, Uzbekistan, Germany, Djibouti, Canada, Bangladesh, Azerbaijan, Russian Federation, Cameroon and Cuba. The UPR report adoption process affords an opportunity to commend those States that responded favourably to relevant recommendations, and to encourage States which have not to address these issues more positively in future. A summary is below, with more details provided in Annex I.

Bangladesh rejected recommendations to repeal article 377 of the Criminal Code. Statements expressing concern about the rights of LGBT persons in Bangladesh were made by ILGA and Boys of Bangladesh, and ACPD and the SRI.

Cameroon accepted a recommendation to investigate police violence that took place on persons because of their actual or perceived sexual orientation. However it rejected several recommendations including to decriminalise consensual same sex relations between adults; to protect LGBTI people from violence; to take measures to eliminate discrimination based on SOGI, including through public awareness actions; to respect the right to privacy, and; to protect LGBT human rights defenders. During the report adoption five NGOs made statements on SOGI-related issues, and expressed concern at the murder of Eric Ohena Lembembe. The delegation stated that homosexuality was a sensitive issue in Cameroon and denied that Eric Ohena Lembembe was killed because of his sexual orientation.

ILGA and Egale Canada made a statement during the adoption of the UPR report on **Canada**, drawing attention to the shortcomings of Canada's asylum policy.

Colombia accepted a recommendation to consider the possibility of enhancing the necessary measures for the protection and integration of the LGBT population, and took note of a recommendation to legalise same-sex marriage and adoption. ACPD and the SRI made a statement drawing attention to legal restrictions on abortion and cases of sexual violence and murder against women, especially lesbians and trans women.

Cuba accepted recommendations to promote LGBT rights and to share experiences with other countries, and to strengthen publicity and awareness campaigns on the rights of LGBT people. It took note of a recommendation to expand opportunities for dialogue on SOGI.

Germany accepted recommendations to combat hate crimes based on SOGI including through implementing anti-discrimination laws and strengthening financial resources of investigation authorities and the autonomy of the Federal Agency against discrimination. In its response Germany noted that this included online hate crimes.

Russia rejected recommendations to repeal legislation that can be used to discriminate against LGBT persons, or to restrict the rights of LGBT persons. Russia noted in its response that "the law does not discriminate against LGBT persons", but that the rights in question may be subject to restrictions "including for the protection of health and morals".

Russia partially accepted recommendations to step up measures of protection against violence and discrimination on the grounds of sexual orientation by enacting laws that prohibit such discrimination, and take measures to ensure the effective exercise of the rights to peaceful association and assembly of the LGBT community. Russia noted in its response

that “discrimination against LGBT persons is already prohibited under the law” and accordingly no further legislation is required.

Russia accepted recommendations to 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 diffusion, through the media, and by public officials, of stereotypes that may promote discrimination against persons based on their sexual orientation; and to adopt legislation assuring that LGBT people can freely exercise their rights to freedom of expression and peaceful assembly. Russia noted in its response that “the law does not discriminate against LGBT persons”, that “all acts of violence, regardless of whether perpetrated on members of the LGBT community ... are duly acted upon by the law enforcement agencies”, that “an offence committed on the grounds of hatred or enmity towards any social group is regarded as an aggravating circumstance” under the Criminal Code, and that the “dissemination of information that encourages any form of discrimination, including on the grounds of sexual orientation, is already prohibited”, although “freedom of the press is guaranteed and censorship is prohibited”.

Human Rights Watch, ACPD, ASTRA and the SRI, ILGA and the Russian LGBT Network, FIDH, Amnesty International, the ICJ, and Freedom House made statements on human rights in Russia around SOGI and related issues.

Turkmenistan rejected a recommendation to implement the Human Rights Committee recommendation to decriminalize sexual relations between consenting adults of the same sex

Tuvalu rejected a recommendation to repeal all provisions that criminalise consensual same-sex conduct and ensure that anti-discrimination laws cover sexual orientation.

Uzbekistan rejected recommendations to combat discrimination against LGBT persons, and to decriminalise consensual homosexual activity in compliance with obligations under the ICCPR. During the report adoption ILGA urged the government to take measures to address violence and discrimination against LGBT persons.

General debate on follow-up to and implementation of the Vienna Declaration and Programme of Action

A number of States and NGOs highlighted that 2013 is the 20th Anniversary of the adoption of the Vienna Declaration and Programme of Action, which reaffirms the universality, indivisibility, interdependence and interrelatedness of rights, and underscores that it is the duty of all States, regardless of their historical, cultural and religious backgrounds to promote and protect all human rights and fundamental freedoms. In addition, the High Commissioner for Human Rights had been tasked to prepare a report on “traditional values and best practices”, which was presented under agenda item 8. The report (A/HRC/24/22) summarizes 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”.

Netherlands said that the Vienna Declaration provided the obligation for all States to promote and protect all human rights, regardless of their political or economic systems, their national particularities, and their historical and cultural backgrounds. Therefore, traditional values had to be tested against universal human rights before they could be embraced. No human

being should be denied his or her rights solely because of his or her sexual orientation. Human rights defenders needed support in their relentless efforts to promote human rights.

International Lesbian, Gay, Bisexual, Trans and Intersex Association said the Council had heard many times about the increased human rights violations of lesbian, gay, bisexual and transgender people. The increase in people being brave enough to “come out” meant that their human rights needs were ever more prominent. States and human rights mechanisms must work together with civil society to ensure lesbian, gay, bisexual and transgender rights. ILGA also expressed its commitment to engaging around the processes being advanced by South Africa, including the African Regional Workshop, High-Level Seminar in Geneva, and then bringing the matter back to the Council in a timely manner.

ARC International and the Canadian HIV/AIDS Legal Network said it was disturbing to hear, even at the opening of this session, some States critiquing the High Commissioner’s attention to the rights of LGBT persons on the basis that these were “controversial issues which had no legal basis in international human rights law instruments”. The fact that the core principles of universality and non-discrimination remained contested, even after the 2011 resolution, the High Commissioner’s report, and the subsequent plenary panel, highlighted the need for more discussion by the Council, not less. ARC and the Network indicated that they looked forward to working with the lead sponsor and with States from all regions to ensure that the Council fulfills its responsibility to properly integrate these issues within its work. ARC and the Network further stated that the concerns highlighted in the traditional values report were consistent with those raised during the OHCHR expert meeting and by the Advisory Committee in its recent report. Developments in Russia made clear that a “traditional values” approach undermines the human rights of marginalised groups. They called on the Council to return its focus to promoting and protecting universal human rights for all.

Action Canada for Population and Development said traditional values, which had no agreed definition, had been and continued to be used to justify violations of human rights by States and other actors on the basis of sex, gender, sexuality, ability and disability, among others. The Council was urged to acknowledge the risks that the rhetoric of traditional values posed to the universality of human rights.

Resolutions

The Human Rights Council adopted 39 resolutions during the session, including on the rights to peaceful assembly and association, the right to health, combating FGM, arbitrary detention, reprisals against human rights defenders, maintaining civil society space, promoting human rights through sport, and child, early and forced marriage.

The Russian Federation, Cuba and Pakistan submitted numerous written amendments to the resolutions on reprisals, civil society space, and freedom of association and assembly in an attempt to weaken the texts. Thankfully all amendments were either voted down or withdrawn before they were voted on. India called for a vote to delete a key operative paragraph of the reprisals resolution, which was also voted down. The paragraph requests the Secretary-General to designate a UN-wide senior focal point on reprisals. The resolution was eventually adopted by a vote. The only State to vote against the reprisals resolution was Gabon, which is widely expected to hold the Presidency of the Human Rights Council in 2014, although the delegation of Gabon subsequently sought to explain that it had voted against the resolution in error.

Although Russia rejected proposals to include reference to non-discrimination on the basis of grounds including sexual orientation and gender identity in the resolution on “sport and the Olympic ideal”, the resolution included a reference to “sport as a universal language that contributes to educating people on the values of respect, diversity, tolerance and fairness and as a means to combat all forms of discrimination and promote social inclusion for all.” Speaking in explanation of vote, the USA noted that the phrase “for all” must be understood to encompass “members of the many groups that benefit from sport, including those of differing sexual orientations and gender identities”.

The resolutions on combating FGM and strengthening efforts to prevent and eliminate child, early and forced marriage were adopted without a vote. Other resolutions related to non-discrimination resulted in the creation of a new Independent Expert on the enjoyment of all human rights by older persons, and a request to the HRC Advisory Committee to prepare a study on the situation of persons living with albinism.

Side events

Side event by Brazil – positive developments and good practices

Brazil hosted a high-level side event on "Combating violence against LGBT individuals: human rights and good practices", which was cosponsored by Argentina, Brazil, Costa Rica, France, Netherlands, Norway, United States and Uruguay. The event provided an opportunity to identify challenges faced on the basis of sexual orientation and gender identity, and measures that can be taken to address these challenges. Excerpts from the documentary, *The Time Has Come*, were shown before the chair took brief comments from the floor from the Netherlands, Montenegro, the EU and ILGA.

Side event by ILGA and FIDH – challenges of human rights defenders

This panel event provided opportunity to hear some of the challenges facing SOGI human rights defenders, featuring defenders from Bangladesh, Cameroon, Kenya, Mexico, and Venezuela, and the first full screening at the UN of ARC International’s video documentary, “*The Time Has Come*” (<http://vimeo.com/arcinternational/videos>). The event was also live-streamed.

Traditional values

Another side event, organized by Article 19, Human Rights House Foundation, and the Cairo Institute for Human Rights Studies focused on “traditional values”, including the harmful impact of this approach on LGBT human rights defenders in Eastern Europe. Panellists from Kenya, Ukraine, Russia, Egypt, Brazil and the UK spoke about the particular challenges in their countries, as well as the legal issues around a traditional values approach to human rights.

As always, there were numerous other side events of interest, including a panel discussion hosted by ISHR on ***Human Rights and Reprisals***, an event sponsored by Freedom House on ***Human Rights in the Russian Federation: State “Sovereignty” trumps Universal Human Rights*** and a discussion jointly sponsored by States and the Sexual Rights Initiative on ***Decriminalisation of Abortion: A human rights imperative***.

ANNEX I
**SUMMARY OF SEXUAL ORIENTATION & GENDER IDENTITY
IN UPR16 INCLUDING REPORT ADOPTIONS**

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.

Report adoption: Action Canada for Population and Development, the Sexual Rights Initiative, and Boys of Bangladesh said that law enforcement agencies harassed and incited violence towards minorities and lesbian, gay, bisexual and transgender communities. Gross human rights violations by law enforcement agencies had been reported in the forms of abduction, arbitrary arrests, detention, beatings and rape.

International Lesbian, Gay, Bisexual, Trans and Intersex Association and Boys of Bangladesh asked the Government to proactively stop intolerant groups from making inflammatory homophobic remarks, which had often resulted in violence towards the lesbian, gay, bisexual and transgender community, and to take concrete steps to implement recommendations to protect all people regardless of their sexual orientation or gender identity.

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; Ensure adequate protection of defenders of human rights that help LGBT persons.

Response: Rejected.

Recommendation: Investigate police violence that took place on persons because of their actual or perceived sexual orientation;

Response: Accepted.

Report adoption: ANATOLE FABIEN MARIE NKOU, Permanent Representative of Cameroon to the United Nations Office at Geneva, underscored that on homosexuality, its criminalization was not, according to Cameroon's legal system, at odds with the Universal Declaration of Human Rights and the International Covenant

on Civil and Political Rights. Attention was drawn to the risks of radicalization that these recurrent pressures would have on the society, giving rise to identity reactions, including that this practice was felt to be imposed from the outside, and provided a threat to social equilibrium.

Commonwealth Human Rights Initiative noted that journalists, human rights defenders and political parties that criticised Government policies faced harassment. Arbitrary arrests and detention based on sexual orientation and gender identity were common, often accompanied with abuse of due process safeguards.

Human Rights Watch said that it was disappointed that Cameroon had rejected virtually all recommendations related to sexual orientation and gender identity. It was pleased, nevertheless, that Cameroon had accepted Belgium's recommendations to investigate incidents of police violence against individuals on the basis of sexual orientation.

International Lesbian, Gay, Bisexual, Trans and Intersex Association said that the security situation for lesbian, gay, bisexual and transgender persons was becoming increasingly worse, and human rights defenders were often subjected to intimidation and threats. Cameroon should recognize members of the lesbian, gay, bisexual and transgender community.

International Federation for Human Rights Leagues regretted that Cameroon had rejected all recommendations about lesbian, gay, bisexual and transgender persons, who were regularly subjected to acts of intimidation, harassment, threats and torture. Lawyers and human rights defenders were also being harassed but no investigations had been conducted or security measures taken by Cameroon.

Amnesty International said it had received reports of the harassment, arrest and un-investigated killing of human rights defenders and advocates for lesbian, gay, bisexual and transgender people such as Eric Ohena Lembembe in Cameroon. Both the discriminatory legislative framework for sexual and gender minorities and the culture of impunity attached to violence against them must be reformed.

ANATOLE FABIEN MARIE NKOU, Permanent Representative of Cameroon to the United Nations Office at Geneva, in concluding remarks, said that Cameroon was neither heaven nor paradise but was committed to doing everything possible to strengthen human rights. The overall tone of comments about recommendations on homosexuality showed that certain countries had failed to understand that homosexuality was a very sensitive issue in certain societies and that the situation could not change overnight. Responding to the killing of Eric Ohena Lembembe, Cameroon stated that there was "no proof" that he was killed because of his sexual orientation, and that he "might have committed crimes and he was the victim of a settlement of scores which was all too quickly attributed to the Cameroon Government". The delegation called on the Council to "look at the details of this person's life and you will understand why he died."

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.

Report adoption: International Lesbian, Gay, Bisexual, Trans and Intersex Association and Egale Canada drew attention to the shortcomings of Canada's asylum policy. Refugees from so-called "safe countries of origin", who claimed persecution based on their sexual orientation or gender identity, faced dangerously fast-tracked refugee hearings and did not have the right to appeal the decision of the Canadian authorities.

Action Canada for Population and Development, the Sexual Rights Initiative and Canadians for Choice recalled that the government had an obligation to meaningfully involve sex workers in the development, implementation and monitoring of policies and programmes that affect their rights or interests. They stressed that the government also had an obligation to respect, protect and fulfill the human rights of sex workers, including in the context of anti-trafficking initiatives.

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: Colombia “took note” of the recommendation.

Report adoption: Action Canada for Population and Development and the Sexual Rights Initiative welcomed Colombia’s attention to sexual rights. However, it drew attention to legal restrictions on abortion and cases of sexual violence and murder against women, especially lesbians and trans women. These crimes should be thoroughly investigated, the perpetrators brought to justice, and reparations made.

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.

Response: Accepted.

Recommendations: Further expand the opportunities for dialogue on sexual orientation and gender identity.

Response: Took note.

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: Accepted. An attack on human dignity through insult, malicious denigration or slander of a national, racial, religious or ethnic group, section of the population or individual due to their belonging to such a group or section of the population, as well as incitement to hatred, calls for violence or arbitrary action against them, is already subject to criminal prosecution as a hate crime. This also applies to the dissemination of such remarks on the Internet.

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; Rescind regional laws and regulations which favour and tolerate discrimination based on sexual orientation, and refrain from adopting similar laws at the federal level, as well as take measures to prevent the arbitrary use of existing regulations against LGBT rights, including their rights to freedom of expression and peaceful assembly; Reconsider the approval of the new provisions that can affect the rights of LGBT, delinking homosexuality from pederasty, and in any case, avoid that the provisions be applied in a discriminatory form; Rescind legislation that curbs the civil rights of Russia's LGBTI community.

Response: Rejected. Russia noted in its response that "the law does not discriminate against LGBT persons", and "contains no measures whatsoever aimed at prohibiting or officially censuring homosexuality, or any indications of a discriminatory nature". It also recalled that the rights in question may be subject to restrictions "including for the protection of health and morals".

Recommendation: Step up measures of protection against violence and discrimination on the grounds of sexual orientation, particularly by enacting laws that prohibit such discrimination, and take measures to ensure the effective exercise of the rights to peaceful association and assembly of the LGBT community.

Response: Partially accepted. Russia noted in its response that "discrimination against LGBT persons is already prohibited under the law" and accordingly no further legislation is required.

Recommendations: 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: Accepted. Russia noted in its response that "the law does not discriminate against LGBT persons", that "all acts of violence, regardless of whether perpetrated on members of the LGBT community ... are duly acted upon by the law enforcement agencies", that "an offence committed on the grounds of hatred or enmity towards any social group is regarded as an aggravating circumstance" under the Criminal Code, and that the "dissemination of information that encourages any form of discrimination, including on the grounds of sexual orientation, is already prohibited", although "freedom of the press is guaranteed and censorship is prohibited".

Report adoption: Human Rights Watch regretted that Russia rejected the recommendations to repeal laws banning "homosexual propaganda", and noted that a federal bill banning exposing children to "propaganda of non-traditional sexual relationships" was signed into law in June. HRW noted that the law degrades LGBT persons and puts them at heightened risk of violence, and was a concern for the upcoming Winter Olympic Games taking place in the Russian Federation.

Action Canada for Population and Development, the ASTRA Central and Eastern European Women's Network for Sexual and Reproductive Rights and Health, and the Sexual Rights Initiative said women's reproductive rights were restricted, especially with regard to access to modern contraception and family planning services. It called on the Government to include the issue of accessible and affordable contraception, as well as comprehensive family planning services, in national health policies.

International Lesbian, Gay, Bisexual, Trans and Intersex Association and the Russian LGBT Network said that 15 recommendations made during the Working Group review related to the rights of lesbian and gays. Most of these recommendations mentioned the recent law prohibiting propaganda of homosexuality. Two new draft laws were currently under consideration and they could further the discrimination against lesbian, gay, bisexual and transgender people.

International Federation for Human Rights League regretted that Russia rejected key Universal Periodic Review recommendations based on its international obligations, in particular in relation to non-discrimination, lesbian, gay, bisexual and transgender people, and freedom of peaceful assembly. Russia was urged to ensure that non-governmental organizations and civil society could operate freely and without fear.

Amnesty International was disappointed that recommendations on the rights to freedom of expression, assembly and association were rejected by the Russian Federation. It noted that some recommendations addressed recently introduced legislation restricting these freedoms, including the law outlawing blasphemy, and the law imposing fines and sanctions for “propaganda of non-traditional sexual relations amongst minors”. AI noted that those who took to the streets to peacefully protest against the adoption of these laws were assaulted by counter-protesters and then dispersed and detained by police with the use of force.

The International Commission of Jurists noted that the Russian Federation rejected many recommendations on LGBT people. However, ICJ suggested that Russia did accept several that should require repeal of the federal law prohibiting “propaganda of non-traditional sexual relationships” and laws in many regions prohibiting the promotion of homosexuality, which violate the freedom of expression of advocates for the human rights of LGBT people.

Freedom House said that the Russian Federation unfortunately had rejected the majority of recommendations to relax the harsh legislative restrictions on the exercise of fundamental human rights such as the freedoms of association, peaceful assembly and expression. Such restrictions outlaw independent activity in defence of human rights and public interest, and discredit the work of human rights defenders and civil society groups by labelling them as agents of foreign influence and enemies of the traditional foundations of society.

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.

Report adoption: International Lesbian, Gay, Bisexual, Trans and Intersex Association urged the Government of Uzbekistan to take measures to address discrimination against lesbian, gay, bisexual and transgender people, and to take measures to investigate violence against them, punish those responsible and prevent further violence by publicly condemning it.

ANNEX II
**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.

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 Type</i>	<i>Case No Country</i>	<i>Mandate(s)</i>	<i>Summary of the allegation transmitted</i>	<i>Reply</i>
----------------------	----------------------------	-------------------	--	--------------

03/04/2013 Joint letter of allegation	SRB 1/2013 Serbia	Freedom of peaceful assembly and of association; Human rights defenders;	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	ZMB 1/2013 Zambia	Freedom of expression; Health; Human rights defenders;	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	MDA 2/2013 Republic of Moldova	Freedom of expression; Freedom of peaceful assembly and of association; Human rights defenders;	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.	28/06/2013
17/05/2013 Joint urgent appeal	MKD 1/2013 The former Yugoslav Republic of Macedonia	Freedom of peaceful assembly and of association; Human rights defenders;	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.	21/06/2013

28/03/2013
Joint urgent
appeal

[NPL 2/2013](#)
Nepal

**Freedom of
expression;
Freedom of
peaceful
assembly and
of association;
Health;
Human rights
defenders;
Violence
against
women;**

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.

A/HRC/24/22

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.

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).

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.**

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.

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.⁴ 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".

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 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.