

**Sexual orientation, gender identity
and expression and intersex related
developments at the 26th session of the
UN Human Rights Council**
June 10 - 27, 2014



HIGH COMMISSIONER NAVI PILLAY
UN Photo / Jean-Marc Ferré

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OVERVIEW OF THE SESSION

The 26th session of the Human Rights Council ran from 10-27 June 2014. Although there was no specific initiative on sexual orientation, gender identity or intersex (SOGII) issues on the Council agenda, SOGII issues were frequently addressed by States, NGOs, experts and Special Rapporteurs, advocating for the recognition of the rights of LGBTI persons and deploring discrimination and human rights violations committed against them. However, a number of States continued to argue that sexual orientation and gender identity are not universally agreed upon concepts and that they threaten the integrity of the family unit.

Working group reports from the 18th session of the Universal Periodic Review (UPR) were formally adopted by the Council at the end of the second week and provided NGOs opportunity to comment on the process. Many States and NGOs took the floor to express concern about human rights violations of LGBTI people.

Civil society was extremely active in raising SOGI issue throughout the Council agenda, during general debates, interactive dialogues with special procedures, UPR report adoptions, and in parallel meetings. Especially noteworthy is the joint statement on SOGII made during the general debate under Item 8 on the follow-up to and implementation of the Vienna Declaration and Programme of Action, on behalf of over 500 NGOs from more than 100 countries. Full text is annexed.

Despite the efforts of civil society and supportive States, the Council adopted a harmful resolution on “protection of the family”. Led by Egypt, the resolution failed to acknowledge violations that occur within family structures, and to include agreed language on the diverse family forms. During the voting stage the Council shamefully voted to censor a discussion on whether to include this language. The resolution calls for a panel discussion to be held at the next HRC session in September. More discussion on this is given in the ‘Resolutions’ section and the text of the resolution is provided in Annex 8.1.

Finally, several relevant side events were held including on the “Current state of human rights of LGBTI persons around the world”, “Criminalization of sexuality and reproduction”, “Perspectives of LGBTI women”, and “Human rights and progressive Islam”.

ITEM 2: GENERAL DEBATE WITH THE HIGH COMMISSIONER FOR HUMAN RIGHTS

As her term is coming to an end, this was Ms. Navi Pillay's last Human Rights Council session as High Commissioner. During her six-year term, Ms. Pillay has played an active role in calling for an end to violence and discriminatory laws and practices based on sexual orientation, gender identity and intersex status. 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>

HIGH COMMISSIONER NAVI PILLAY: OPENING STATEMENT

MS. NAVI PILLAY, United Nations High Commissioner for Human Rights, welcomed the call made last month by the African Commission on Human and Peoples Rights for States to take steps to protect persons from human rights violations on the basis of sexual orientation and gender identity. She also noted that the efforts of her Office, especially towards LGBTI issues, have “frequently been greeted with stone-walling and denial”. The High Commissioner stated that it is the responsibility of human rights advocacy and thus the Council to “open a Pandora’s box of hidden abuses [to] let in light and air”. She further asserted that “all human rights violations are illegitimate,” no matter their grounds. *For the relevant excerpt of her speech please see Annex 1.1.*

STATE RESPONSES

Nearly every State commended the High Commissioner for her excellent work on human rights for all. Many also addressed the issues of politicization of the position and the need for the Human Rights Council to be free from financial constraints and bias.

Brazil, France, United States, Argentina, Uruguay, and Spain recognized sexual orientation and gender identity as grounds for protection against discrimination in their interventions. Spain stated that discrimination of LGBTI people is a violation of Article 2 of the Universal Declaration of Human Rights and that the Council must take action to address the situation.

Unexpectedly, Botswana had the strongest voice in support of SOGI issues during this discussion, stating:

“We join the High Commissioner in welcoming the call last month by the African Commission on Human and Peoples Rights, at its 55th Session, for States to take steps to protect persons from human rights violations on the basis of sexual orientation and gender identity. While it is understandable division of opinion over sexual orientation and gender identity, violence cannot, be justified.”

Numerous States attempted to undermine the universality of rights, calling on the Council to account for domestic culture and values and to “not advance ideals for which there is no consensus”. These included the Association of Southeast Asian Nations (ASEAN), Indonesia, China, and Iran, which explicitly referenced sexual orientation as an idea with no consensus.

Uganda used the opportunity to present its position on the family stating that:

The promotion and protection of human rights remains the sole responsibility of the State. This responsibility together with the centrality of the role of the family as the nucleus of society is pivotal in Uganda's Constitution and its Foreign Policy. We believe in the continuity of the human race and any attempts aimed at self-destruction of the human race should and must be stopped by the Human Rights Council.

NGO STATEMENTS TO THE HIGH COMMISSIONER

In a joint statement, ARC International, the Canadian HIV/AIDS Legal Network, International Lesbian, Gay, Trans and Intersex Association (ILGA), and Organisation Intersex International (OII) Australia thanked the High Commissioner for her work and called on her Office to continue its commitment to ended human rights violations against all persons, including those who face violence, discrimination, stigma and abuse because of their sexual orientation, gender identity and expression, or intersex status. *Please see Annex 1.2 for full text.*

International Service for Human Rights (ISHR) called on Council to follow up on its resolution 17/19 (on human rights, sexual orientation and gender identity) by establishing a process to systematically monitor and report on violations against LGBT persons.

INTERACTIVE DIALOGUES WITH SPECIAL PROCEDURES

Interactive dialogues (IDs) give States the opportunity to interact with and respond to Special Rapporteurs (SR) on their reports. They also provide the opportunity for NGOs to comment on the relevant topics. Fourteen Special Rapporteurs presented their reports at the 26th session of the HRC. IDs in which SOGII-related issues were mentioned are listed below. Those which did not contain references to SOGII-related issues include: the clustered ID on extrajudicial executions and internally displaces persons, the clustered ID on the right to health and human rights and business, the clustered ID on discrimination against women in law and practice and on the right to education, and the clustered ID on international solidarity and human trafficking.

FREEDOM OF EXPRESSION & FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

OPENING REMARKS BY THE SPECIAL RAPPORTEURS

Frank La Rue, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, raised the disturbing reports of the emergence of hate speech he received during his visit to the former Yugoslav Republic of Macedonia. He further stated:

"In particular I am alarmed to report episodes of attacks against the lesbian, gay, bisexual and transsexual community and allegations that public authorities openly reinforced discriminatory stereotypes. I urge that the State must maintain

proactive leadership in the fight against all forms of discrimination, that all episodes of violence and intimidation against minority communities must be carefully investigated, and that political authorities formally reject all forms of incitement of hatred.”

Maina Kiai, Special Rapporteur on the rights to freedom of peaceful assembly and of association, recognized the frequent violation of the right to peaceful assembly for LGBTI individuals and groups and brought specific attention to LGBTI people as one of the marginalised groups subject to particular discrimination as highlighted in his report. Mr. Kiai also commended the African Commission on Human and Peoples’ Rights for its Resolution 275 on LGBTI people, which was adopted in May 2014. He further expressed his hope that the ACHPR resolution “will inspire this Council to adopt an even more positive resolution as a follow-up to resolution 17/19”.

STATE RESPONSES

In its statement, the European Union recognized LGBTI persons as an at-risk group. This sentiment was echoed by the Czech Republic, Australia, Norway, the United States, Ecuador, and Slovenia. Numerous States also condemned violence and legislation against LGBTI persons and human rights defenders. Slovenia’s statement in particular highlighted the discrimination, unequal treatment, harassment, and restrictions to peaceful assembly faced by LGBTI people worldwide:

“LGBTIs experience discrimination on multiple levels. We are very concerned about the adoption of the discriminatory laws and regulations in some parts of the world designed to silence, limit and restrict the freedom of expression as well as freedom of association of LGBTIs. Banning or obstructing peaceful assemblies such as pride parade are only one example of that. Legislation or policy that finger point and explicitly excludes individuals or group from forming association on the bases of prohibited grounds is not permitted under the International Convention on Civil and Political Rights and is a clear violation of international human rights law and its universally recognized norms.”

Slovenia continued to address LGBTI issues by asking the Special Rapporteurs “what else can be done to preserve the rights of certain groups?” *The full text can be found in Annex 2.1.*

The African Group stated that the Human Rights Council and its Special Rapporteurs must safeguard “the cultural or traditional and moral values of a society”.

The Organisation of Islamic States (OIC), declared that there is “no such specific classification of rights [for LGBTI persons] in international human rights law or in the UN Charter and [the Human Rights Council] should not create a new category of rights”. Furthermore, it claimed that “some notions, which are neither universal nor belong to universally accepted human rights values, are now being pushed to promote specific interests”. This position was echoed by Iran.

Russia attempted to justify its legislation, stating:

“Mr. Kiai falsely depicts the situation in Russia in relation to persons who identify with sexual minorities. The Russian Federation does not allow for discrimination on any grounds, including sexual orientation, and this is guaranteed by our

constitution and relevant legislation, in distinction to many parts of the world where homosexual relations are criminally punishable. We believe that sexual orientation is an individual choice. At the same time, we believe that LGBTI persons should enjoy all the human rights on an equal footing with other citizens, but they are not a separate, vulnerable group. Russia has already made several comments in relation to the new law on the regulation of NGO activity and also on the ban of propaganda of non-traditional sexual relations directed at minors. Clearly, the expert has not been apprised of these comments and he chose to relay foreign concerns.”

NGO COMMENTS

In a joint statement, ARC International, ILGA, ILGA-Europe and the International Commission of Jurists recalled the discriminatory legislation in Nigeria, Uganda, Ukraine, and Russia cited by the Special Rapporteur on the rights to freedom of peaceful assembly and of association and called upon the Special Rapporteurs to continue to integrate issues of sexual orientation, gender identity and intersex status in the activities of their mandates. The organizations further stated:

“Whether at the national level or in this Council, states must not be allowed to masquerade behind vague appeals to ‘public morality’ or ‘traditional values’ to justify practices that violate international human rights law by discriminating on the basis of sexual orientation or gender identity.”

Please see Annex 2.2 for the full text.

The East and Horn of African Human Rights Defenders’ Project expressed its deep concern regarding the Anti-Homosexuality Act of 2014 in Uganda, which “purports to criminalize LGBTI associations and other human rights defenders organizations”.

The International Centre for Not-for-Profit Law asserted that the Human Rights Council must insist on the repeal of homophobic laws in Russia, Uganda, Nigeria, and elsewhere.

CLOSING STATEMENTS BY SPECIAL RAPPORTEURS

Frank La Rue, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, stated that the Council and States must keep up their work combating homophobic speech as it incites violence and that “hate speech that generates discrimination or violence...should be a concern of all States”.

Maina Kiai, Special Rapporteur on the rights to freedom of peaceful assembly and of association, addressed States’ issues regarding the cultural relativism of LGBTI issues in great detail: “Let’s be very clear: we’re not talking about creating new rights on this issue. We are talking about the bottom line, which is about discrimination, it’s about marginalization, it is about violence.”

He continued to cite excerpts of HRC Res 17/19 and Resolution 275 of the African Commission, both of which underscore the need for protection against discrimination based on sexual orientation and gender identity. He concluded by stating:

“I think what we are basically saying is that this is an important thing to protect everybody in society, but especially so when they are seen as a minority, when they are seen as being different and I think that that’s where we are. This is about unequal treatment and stigmatization. I think this is an issue that is important and I think that the fact that there is a particular tendency in many parts of the world: north, east, west and south to attack LGBTI is important for us to then in fact give extra protection because people are being attacked on the basis of their orientation.”

Please see Annex 2.3 for a more detailed text of his statement.

VIOLENCE AGAINST WOMEN & EXTREME POVERTY

OPENING REMARKS BY THE SPECIAL RAPPORTEURS

Rashida Manjoo, the Special Rapporteur on violence against women, its causes and consequences, presented her report on 20 years of thematic mandate on VAW. She stated that the reports published by the mandate over the years “focus on different manifestations of violence, its causes and consequences, including violence in the family; in the community; perpetrated or condoned by the State, including in times of armed conflict; and violence in the transnational sphere. The thematic reports have adopted an intersectionality and continuum of violence approach, and have included a focus on factors that increase vulnerability to violence, including race, ethnicity, culture, religion, sexual orientation and gender identity, migration, trafficking and socio-economic realities, among others.” Ms. Manjoo further stated that:

“Domestic abuse, sexual violence and harassment are widespread, and perpetuated in the family, in public spaces, and in the workplace. Many women live in family settings with deeply entrenched norms of patriarchy and cultural practices linked to notions of male superiority and female inferiority.”

There was no mention of sexual orientation or gender identity issues in the opening remarks by Philip Alston, Special Rapporteur on extreme poverty and human rights. Mr. Alston was addressing the HRC for the first time in this capacity, and was presenting the report prepared by his predecessor, Ms. Magdalena Sepulveda Carmona.

STATE RESPONSES

Unfortunately only negative SOGI-related statements were presented by State speakers under this interactive dialogue.

Mozambique refused the Special Rapporteur on extreme poverty’s suggestion to include sexual orientation as a ground for discrimination in the Mozambican Constitution as “the Government believes that the definition, as it stands in the Constitution is all encompassing and comprehensive”.

Iran reiterated its disagreement with the “controversial concept” of LGBT and its belief that Special Rapporteurs “should work on universally-agreed concepts and definitions rather than bringing up controversial concepts”. It also underscored its belief that:

“The family institution represents the basic core of society which epitomizes a solid foundation that every member of the community can depend upon...the role of family in the prevention of violence against women and girls with strengthening of moral and spiritual values and respect for human dignity and cultural diversity.”

The OIC Independent Human Rights Commission referred to the “deteriorating status of the institution of family, which...has led to increase in the discrimination and violence against women” and pointed out the need to promote a “healthy family environment”.

NGO COMMENTS

ARC International, Canadian HIV/AIDS Legal Network and MicroRainbow International, in a joint statement, expressed their support of the SR on extreme poverty’s recommendation to the government of Mozambique to revise its Constitution and the Penal Code in order to prohibit all forms of discrimination, including on the basis of sexual orientation and gender identity, and develop effective mechanisms to provide access to justice and remedies in cases of violation of the rights of LGBTI people. They pointed out that LGBTI people are often especially vulnerable to poverty due to discrimination. *Please see Annex 3 for the full text.*

The Righting Finance Initiative referred to gay, lesbian, and trans people as an example of discrimination resulting in poverty.

INDEPENDENCE OF JUDGES AND LAWYERS & RIGHTS OF MIGRANTS

OPENING REMARKS BY THE SPECIAL RAPPORTEURS

Ms. Gabriela Knaul, the Special Rapporteur on the independence of judges and lawyers expressed concern about the obstacles faced by NGOs in the Russian Federation, especially under the “foreign agents” law:

“I am particularly concerned to have learned that since my visit one of the NGOs I met with, and which provided me with valuable information and insight, was forced to close its doors. The Russian authorities should recognize and support the contribution of NGOs in providing legal aid and ensure that they can carry out their work freely and without improper interference of any sort.”

Mr. François Crépeau, the Sepcial Rapporteur on the rights of migrants discussed worst practices faced by migrants in different regions of the world, including “discrimination by their employers on many grounds, such as nationality, race and gender, with regard to, inter alia, remuneration, excessive overtime, opportunities for promotion, access to health care and unfair dismissals.”

NGO COMMENTS

In a joint statement, COC Netherlands, ILGA and Micro Rainbow International drew attention to the fact that LGBTI persons often migrate due to persecution and then face discrimination even after leaving home. They are frequently stigmatized, ostracized from labor markets, and exploited sexually, which reinforces their marginalization and humiliation. The NGOs called on the Special Rapporteur on the human rights of migrants to include LGBTI persons as particularly vulnerable migrants.

CÔTE D'IVOIRE

There was no mention of SOGI or intersex-related issues by either the Independent Expert on Côte d'Ivoire or by NGOs.

STATE COMMENTS

Ireland expressed its concern at attempts to constrain freedom of expression and association in Côte d'Ivoire, in particular for civil society organizations advocating for the human rights of LGBTI persons and those living with HIV/AIDS.

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE

OPENING REMARKS BY THE SPECIAL RAPPOREUR

Mutuma Ruteere, SR on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, presented his GA mandated report on the glorification of Nazism, as well as his annual thematic report which focused on online hate speech. In his opening remarks, Mr. Ruteere called upon States to “tackle the multiple and often interlinked forms of discrimination that ... individuals face on the basis of their race, colour, descent, national or ethnic origin and sexual orientation”.

STATE COMMENTS

Brazil and Spain called on States and to protect LGBT/LGBTI persons, respectively, against homophobia and discrimination. Brazil noted that the Special Rapporteur's report:

“recognizes that LGBT individuals, among other vulnerable groups, are particularly susceptible to violence committed by extremist groups, which now can take advantage of the Internet and social media networks to propagate their views in a larger scale. It is the responsibility of States to protect LGBT persons

against all forms of violence based on sexual orientation or gender identity. We are all human beings entitled to the same human rights.”

Spain asked the Special Rapporteur for his assessment of the increasing persecution based on sexual orientation.

Iran found “references made to sexual orientation and LGTP [*sic*] rights in the report totally unacceptable” and “incompatible with humankind heritage and values”. Iran further stated:

“We strongly believe that those artificial categories of rights do not belong to the universal human rights as it had not been agreed upon by all States. Hence, we call upon the Special Rapporteur to pursue the agenda on the basis of universally agreed human rights.”

NGO STATEMENTS

ILGA congratulated the Special Rapporteur for his report on Nazism and for highlighting cases of violence against gay, lesbian and trans persons perpetrated by extremist groups. ILGA furthermore urged States to respect the fundamental nature of the principles of universality and non-discrimination, and to investigate and prosecute those responsible for violence and discrimination against LGBTI persons.

GENERAL DEBATES – ITEMS 3, 4, 8

General debates, particularly under **item 3** (*promotion and protection of all human rights*), **item 4** (*Human rights situations that require the Council’s attention*) – which might be used to address country situations of particular concern, and **item 8** (*follow-up to and implementation of the VDPA*), provide opportunity for all States and stakeholders to make statements on SOGI-related issues.

ITEM 3: PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS

Russia raised the discussion on the protection of the family, expressing surprise that the Council had not engaged on the issue before. Russia hoped the resolution would be accepted by consensus.

The Netherlands made a statement supporting the LGBTI focus in the report of the Special Rapporteur on freedom of assembly and association:

“Being a strong supporter of equal rights for everyone, we believe that all people should be free to express their sexual orientation and gender identity.”

Finally, ILGA-Europe, COC Netherlands, ILGA and ARC International presented a statement expressing concern that women continued to suffer from discrimination in a systemic way. Lesbian and transsexual women were particularly affected in that regard, often being targets of murder and violence. They stressed that States had the duty, regardless of their political and social systems, to respect the principles of universality of human rights and non-discrimination.

ITEM 4: HUMAN RIGHTS SITUATIONS THAT REQUIRE THE COUNCIL'S ATTENTION

Item 4 of the HRC agenda typically focuses attention on the country situations of concern. This session saw many States expressing concern about the deteriorating human rights situations in the Syrian Arab Republic, Eritrea, Belarus, the Democratic Peoples' Republic of Korea, South Sudan, the Central African Republic, and Côte d'Ivoire.

NGO STATEMENTS

COC Netherlands brought the attention of the Human Rights Council to human rights violations against persons on the basis of their sexual orientation, gender identity and expression, and intersex status in Venezuela, Chile, Namibia and Australia. COC called on the Council to adopt a resolution to ensure regular reporting, constructive dialogue and sustained systematic attention to the breadth of human rights violations committed in all countries and regions on these grounds.

ITEM 8: FOLLOW-UP TO AND IMPLEMENTATION OF THE VIENNA DECLARATION AND PROGRAMME OF ACTION

The Vienna Declaration and Programme of Action 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.

STATE COMMENTS

In a joint statement, Argentina, Brazil, Chile, Colombia, Mexico, and Uruguay recalled the adoption of HRC resolution 17/19 on human rights, sexual orientation and gender identity, which convened a panel to discuss discriminatory laws and practices, as well as acts of violence committed on the basis of sexual orientation and gender identity. The States reaffirmed the principle of the Universal Declaration on Human Rights that all individuals are free and equal and thus that lesbian, gay, bisexual, transgender and intersex persons had the same rights and dignity as others. They stated that it is vital that the Council deals with this issue and that any hesitance in doing so would imply that the Council was not capable of providing protection to all vulnerable groups. *Please see Annex 4.1 for the full statement.*

The Netherlands called upon Governments to prevent violence and discrimination against all people, no matter their sexual orientation or gender identity.

The Holy See delivered a statement stressing the importance of the family as the fundamental unit of human society, and stating that "a strong and health family is founded upon marriage between

a man and a woman”. It called upon States and the whole of society to defend and promote the family and marriage.

NGO STATEMENTS

In a joint statement by 500+ organizations from over 100 countries, NGOs recalled HRC resolution 17/19 on human rights, sexual orientation and gender identity, highlighted severe human rights violations against LGBTI persons, and applauded the African Commission’s historic resolution on SOGI. They called upon the Human Rights Council to fulfill its mandate:

“The Human Rights Council must also play its part. These violations are systemic, and require systemic responses. The Council must adopt a resolution to ensure regular reporting, constructive dialogue and sustained, systematic attention to the breadth of human rights violations on these grounds.”

For the full text of the joint NGO statement, please see Annex 4.2, or to view the text as delivered with the full list of signatories, please visit <http://arc-international.net/hrc26-joint-statement>.

Amnesty International expressed concern about the draft resolution on ‘protection of the family’ as it “would be inconsistent with human rights principles to suggest that the human rights of some persons should not be protected because they belong to particular family configurations”. AI stated that:

“Any eventual resolution must recognize the existence of diverse forms of family, including reaffirming that ‘in different cultural, social and political systems, various forms of family exist’ as the Council unanimously asserted in its resolution on the rights of the child. Failure to address the importance of promoting and protecting the human rights of individual family members could result in a resolution that lends itself to undermining the Council’s work on a number of relevant issues such as the prevention of child, early and forced marriage, female genital mutilation, domestic violence, and sexual abuse of children.”

In the only NGO statement to speak *against* LGBTI rights and *for* a restrictive definition of the family, the Global Helping to Advance Women and Children applauded the ongoing dialogue surrounding the “protection of the family” draft resolution. It expressed concern at the “worldwide disintegration of the family itself” and by attempts to change the focus to individual rights rather than focus on the unique role the family plays in fulfilling the human rights of its members. *Please see Annex 4.3 for full text.*

ANNUAL DAY OF DISCUSSION ON WOMEN’S RIGHTS

This year’s annual day of discussion on women’s human rights took place on June 17, 2014. The discussions were divided into two panels. The first panel discussion addressed the impact of gender stereotypes and gender stereotyping on the recognition, exercise and enjoyment of women’s human rights. The afternoon panel discussion focused on the intersections between realizing women’s rights and achieving sustainable development, building on the 2013 Commission on the Status of

PANEL DISCUSSION ON THE IMPACT OF GENDER STEREOTYPES AND GENDER STEREOTYPING

OPENING STATEMENT BY THE HIGH COMMISSIONER

Ms. NAVI PILLAY, United Nations High Commissioner for Human Rights, introduced the subject and set the tone for the panel discussion. While she did not address LGBTI issues directly, she did address gender roles:

“Another obstacle stems from deep-seated gender stereotypes about women’s supposedly proper attributes, characteristics or place in the family and society. Such beliefs can be apparently benign... But these long-held notions can block a community’s ability to even conceptualize women’s free and full enjoyment of human rights, and this is an important human rights concern. Thus the CEDAW Committee has stated that States Parties are required to modify or transform ‘harmful gender stereotypes’ and ‘eliminate *wrongful* gender stereotyping.”

STATEMENTS BY THE PANELISTS

Each panelist was invited to speak on their realm of expertise as it related to gender stereotypes and stereotyping. The discussion was moderated by Mr. Todd Minerson, Executive Director of the White Ribbon Campaign.

Ms. DUBRAVKA SIMONOVIC, Member of Committee on the Elimination of Discrimination against Women (CEDAW), stated that “Concluding Observations on school textbooks and teaching material [should] put in place, without delay, a comprehensive strategy to modify or eliminate stereotypes attitudes and stereotypes that discriminate against women, including those based on sexual orientation and gender identity, in conformity with the provisions of the Convention”.

Ms. SIMONE CUSACK, an Australian lawyer, outlined how: “stereotyping is often in play, for instance, in decisions that fail to recognize rape in cases involving unmarried women or sex workers and in attitudes about domestic violence in same-sex relationships.”

Ms. VERONICA UNDURRAGA, Professor of Law at Universidad Adolfo Ibáñez, said that there were many harmful stereotypes affecting women and girls. There was a belief that girls should not manifest an interest about sexuality and should be chaste and modest while, on the other hand, boys were expected to display their masculinity and be well aware of sexuality and even aggressive. She stated that “there are stereotypes as regards to women always being heterosexual or that women with disabilities cannot have sexual relations and this is something, which prevents the health services from really catering for these kinds of women, who are perhaps living with disabilities or are not heterosexual.”

Ms. YETNEBERSH NIGUSSIE, Executive Director of the Ethiopian Center for Disability and Development, noted the need for action regarding a human rights approach to end the stereotyping of women to “include a diverse range of women, accounting for age, disability and sexual orientation”.

TODD MINERSON said that lesbian, gay, bisexual, transgender and intersex women, indigenous women and women with disabilities were more vulnerable to gender stereotypes. The White Ribbon Campaign operated on two assumptions, first that violence against women was a gender equality struggle and second, there was a need to transform the harmful understanding of masculinity that permeated that violence. The White Ribbon was interested in the narrative surrounding the masculinity and the way men dealt with violence.

STATE COMMENTS

Ireland described the “insidious nature of gender stereotypes”, which can arise across a whole range of areas including our appearance, behavior, interests, sexual orientation or professional lives, and can have a negative effect on the subconscious, limiting us from within. Ireland stated that too often “homophobic bullying is the cowardly response to a person who does not appear to conform to outdated gender stereotypes.”

The United States considered gender equality and the empowerment of women and girls to be inextricably linked to promoting and protecting the rights of all women and girls, including their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence.

Italy noted that gender stereotypes “allow for gender discrimination to find justifications, and in such way contribute to reinforcing and perpetuating historical and structural patterns of discrimination, as well as violence against women in all its forms. Gender pay-gap, occupational segregation, but also violence and abuse, child, early and forced marriage, ‘honor’ killings, FGM, often find their origins in traditional stereotypes according to which women’s role mainly belongs to the private sphere while the public one is the domain of men.”

NGO STATEMENTS

In a joint statement, ARC International, ILGA-Europe and COC Netherlands reported that: “many differences in treatment based on sexual orientation, gender identity, or intersex status...have their root in stereotypes about gender roles” and gave examples of each. Additionally, they stated that intersecting discrimination may express itself in the form of discriminatory stereotyping of subgroups of women. They further pointed out that the stereotype of non-heteronormative people being incapable of raising a well-balanced, healthy, and happy child is one constantly contradicted by studies, which show that “child welfare is closely correlated with parental support and love, not with the parents’ sexual orientation, gender expression, or intersex status”. *Please see Annex 5 for the full text.*

Action Canada for Population Development and the Sexual Rights Initiative noted that “gender stereotypes are deeply rooted preconceptions about roles in society and consequent behavior based on an assumed biological gender, which may or may not be the self-identified gender of the person. Stereotypes, which exist in all societies, rooted in the norms and values of that particular society, perpetuate many forms of violence and discrimination against women and gender non-conforming persons by State and society. Laws and policies are drafted within a within a restricted framework and understanding of these stereotypes, reinforcing the existing gender-based power imbalances, inequalities and forms of discrimination.”

PANEL DISCUSSION ON WOMEN’S RIGHTS AND THE SUSTAINABLE DEVELOPMENT AGENDA

OPENING STATEMENT BY THE DEPUTY HIGH COMMISSIONER

Ms. FAVIA PANSIERI, Deputy High Commissioner for Human Rights, criticized the fact that although there was a goal on gender inequality in the MDGs, “the narrowly defined targets and indicators undermined a more holistic understanding of how gender inequality and sexism manifests and perpetuates itself in our societies, as well as how this intersects with other forms of discrimination and exclusion.” The Deputy High Commissioner stated that the future framework “should recognize the centrality of ensuring all individual’s sexual and reproductive health rights, including such intimate issues as whether, when, how and with who they choose to have sex; whether, when and who they choose to marry; whether, when, how and with whom they choose to have children; and how they choose to express their gender and sexuality.”

STATEMENTS BY THE PANELISTS

Each panelist was invited to give an introductory statement on the theme. The discussion was moderated by Ms. Sarah Cook, Director of the UN Research Institute for Social Development.

SARASWATHI MENON, Director, Policy Division, UN WOMEN, said that sustainable development had to be grounded on human rights principles of equality and non-discrimination. Inequalities were not just problems for the people whose lives were most affected, but had broader consequences for society and harmed us all. There should be a set of sustainable development goals based on human rights, equality and sustainability, as well as a fuller recognition of the means of implementation to achieve targets, covering not just official development assistance, but also resources and technology among others.

FRANCES RADAY, Chairperson-Rapporteur of the Working Group on discrimination against women in law and practice, responding to a question concerning how the Group was working to promote women’s right to non-discrimination and equality in economic and social life in the context of the post-2015 agenda, said that the Working Group was proposing a stand-alone goal of gender equality and mainstreaming of all post-2015 development goals.

GITA SEN, Professor of the Centre for Public Policy at the Indian Institute of Management Bangalore and Adjunct Professor of Global Health and Population at the Harvard School of Public Health, stated that MDG 3 had been too narrow and was responsible for unsatisfactory results. The work of UN Women and current discussions on the post-2015 goals were expanding to include areas which had not been originally included, such as the consideration of access to resources and landownership; the role of the informal economy and unpaid domestic work; human development; the effects of violence against women; and political participation, among others.

LUISA CABAL, Lecturer-in-Law, Columbia University School of Law, said that at the core of sexual and reproductive health and rights were most intimate decisions, such as who to marry, who to have intercourse with and who to have a child with. Respect, protection and fulfillment of rights around sexuality and reproduction were priorities in their own right and essential for women's health and well-being. Sexual and reproductive health and rights were essential for gender equality and women's empowerment and enabled their participation in education, employment and political life. They were essential for economic and sustainable development and there was evidence that women who were able to control their fertility were able to stay in education longer, accumulate more skills and increase their earning power. The recognition of sexual and reproductive health and rights in the new development framework was an opportunity to address those challenges.

STATE COMMENTS

Switzerland said that the new development agenda should contain a stand-alone goal on gender equality and empowerment, as well as gender indicators for all other goals. Switzerland was particularly concerned by violence against women and girls and said that sexual and reproductive health rights should be included in the new agenda.

Netherlands, speaking on behalf of Belgium, Chile, Colombia, Croatia, Czech Republic, Denmark, Estonia, Germany, Greece, Slovenia, Spain, Iceland, Italy, Finland, France, Norway, Sweden, Switzerland, United Kingdom and Uruguay, said that gender equality and the empowerment of women, including access to sexual and reproductive health, were recognized as cornerstones of population and development 20 years ago. However, full enjoyment of reproductive health remained an aspiration for millions of women and girls, who suffered from child marriages, who lacked access to comprehensive sexuality education and health care services, or who suffered from discrimination.

NGO STATEMENTS

ILGA said that States were failing in their human rights commitments by failing to meet targets on gender and sex equality, and to recognize the importance of comprehensively addressing the sexual and bodily autonomy of all people. It stated that violence and discrimination have a direct impact on critical development issues such as health, education, justice and poverty. Where people are persecuted on the basis of their identities or physical sex characteristics, experiences of development are compromised. *Please see Annex 6 for full text.*

ITEM 6: UNIVERSAL PERIODIC REVIEW REPORT ADOPTIONS

The Council adopted the working group reports from the 18th session of the Universal Periodic Review (UPR). The UPR report adoption process affords an opportunity to commend those States that responded favorably to relevant recommendations and to encourage States that have yet to address these issues to do so in the future. The Human Rights Council adopted the UPR reports for 14 countries: New Zealand, Afghanistan, Chile, Cambodia, Uruguay, Yemen, Vanuatu, the former Yugoslav Republic of Macedonia, Comoros, Slovakia, Eritrea, Cyprus, Dominican Republic, and Viet Nam. A summary is provided below, with more details to be found in Annex 7.1.

NEW ZEALAND

Recommendation 128.134: Provide, in accordance with its obligations under international human rights law instruments, effective protection for the family as the fundamental and natural unit of society.

Status: Accepted: “New Zealand continues to support families/whānau in New Zealand through legislation, and various initiatives”.

DISCUSSIONS DURING PLENARY

In a video statement by LSVD, New Zealand’s Sexual Orientation, Gender Identity and Intersex Coalition expressed its disappointment that countries did not make recommendations about any of the human rights issues raised in the Coalition’s comprehensive UPR submission. It recommended that government agencies start collecting sexual orientation and gender identity data, as LGBTI communities remain largely invisible. Furthermore, a WHO statement against forced or coerced sterilization reinforced two of the Coalition’s recommendations:

“Firstly, the Coalition called for legal prohibition of surgeries aimed solely at correcting genital ambiguity, on intersex children who are not able to consent for themselves. Secondly, the Coalition recommended removing any medical requirements for legal gender recognition (including those resulting in sterilisation).”

The NGO ended its statement by asking New Zealand to give a timeframe for consultation on intersex issues and for it to identify which agencies would lead such work.

The Ambassador of New Zealand, in closing remarks, stated that:

“The New Zealand Government is aware that some issues raised by the Human Rights Commission and NGOs in their UPR submissions were not reflected in the interactive dialogue and Working Group recommendations, for example issues around legal abortion and the rights relating to sexual orientation, gender identity and intersex people. We intend to follow up on these issues separately as part of

our commitment to ongoing engagement with civil society on the UPR, and across the full range of human rights issues in New Zealand.”

AFGHANISTAN

Recommendations: Implement the Law on the Elimination of Violence against Women; Continue with actions aimed at eliminating all forms of violence against women and girls; Take effective measures to prevent child and forced marriages; Put forward its utmost efforts to abolish practices such as honor killing, early forced marriage and domestic violence both at the legal and policy levels; Strengthen efforts in eliminating discrimination and violence against women, also by raising the awareness of the public and training officials in judiciary and law enforcement at all levels that will include human rights of women.

Status: Accepted

Recommendations 137.13, 137.14: Repeal article 398 of the Afghan Penal Code with a view to ensuring full accountability for the perpetrators of so called honor killings.

Status: Afghanistan declared that it will study these recommendations once again till the analyses of barriers, implementation opportunities, extensive consultation with sectorial institutions are carried out and will provide answers to them in proper time.

Recommendations: Abolish the practice of prosecuting women for “moral crimes”; Ensure non-discrimination on the basis of sexual orientation and gender identity and repeal the provisions of the penal code, which criminalize sexual relation between consenting adults of the same sex.

Status: Rejected.

DISCUSSIONS DURING PLENARY

In its opening statement, Afghanistan addressed the topic of women’s rights extensively. Most States applauded the progress made by Afghanistan in realm of human rights, pointing out progress still needed in gender-related issues and violence against women. SOGI-related statements are mentioned below:

Sudan expressed its support of Afghanistan’s reservations regarding ‘certain concepts’:

We understand their position, they have expressed reservations as regards to some recommendations particularly when it comes to issues regarding the death penalty and the promotion of certain concepts which do not take into account the culture of Afghanistan.

Action Canada for Population and Development, International Planned Parenthood Federation, Sexual Rights Initiative, and Afghan Family Guidance Association expressed their disappointment “that the Government of Afghanistan has not chosen to accept recommendations on ensuring non-discrimination on the basis of sexual orientation, and on abolishing the practice of prosecuting women for ‘moral crimes’” in a joint statement. They further urged the Government review these recommendations.

CHILE

Recommendations: Review its Penal Code, namely article 373, and other laws in order to prevent discrimination against LGBTI persons; Support new laws and measures to counter discriminatory attitudes in society and to prevent discrimination on the basis of sexual orientation and gender identity by providing public education and supporting equality initiatives; Keep working on awareness measures, including in schools, to combat discriminatory attitudes based on sexual orientation; Make sure that sexual and reproductive rights are respected and protected;

Status: Accepted. However, regarding 121.134 (“*make sure that sexual and reproductive rights are respected and protected*”) Chile stated that abortion is not a part of the rights of sexual and reproductive health for women and that the acceptance of this recommendation is not a first step towards the legalization of abortion.

Recommendations: Preserve and promote the identity of the family, recognizing its foundation in the union of man and woman, based on free consent; Protect the right to the family, being the natural and fundamental group of society based upon the stable relationship between a woman and a man.

Status: rejected: “the legal framework of Chile gives protection to a diversity type of families, comprising single parents, two parents, and parents composed by one woman and one man.”

DISCUSSIONS DURING PLENARY

ILGA applauded Chile for accepting the recommendations on LGBTI issues, but pointed out that it is not enough to accept the recommendations, Chile must also effectively implement them. A first UPR cycle recommendation to repeal Article 373 of the Penal Code has not been implemented. ILGA pointed out there are still many discriminatory laws in place: a law that defines sexual consent on differently depending on sexual orientation; the lack of civil union laws and same-sex marriage; the lack of a gender identity act that does not oblige trans people to go through complex and long procedures to change their name and sex; and the lack of a comprehensive policy to combine sexual education and human rights.

Amnesty International welcomed Chile’s recent decision to decriminalize abortion in cases of rape, incest, risk to the woman’s life or health, or when the fetus is not viable.

Centro Regional de Derechos Humanos y Justicia de Género welcomed Chile’s acceptance of the majority of the recommendations, in particular those concerning LGBTI people and women’s human rights, especially pertaining to the decriminalization of abortion at least in some circumstances.

CAMBODIA

Recommendations: Implement all measures, including national awareness-raising campaigns, and efforts aimed at amending or eliminating patriarchal attitudes and stereotypes discriminating against women, including those based on the Chbab Srey.

Status: Accepted.

DISCUSSIONS DURING PLENARY

COC Netherlands, on behalf of a coalition of Cambodian NGOs working on SOGI, emphasised that lesbian, gay, bisexual, transgender and intersex people in Cambodia continued to struggle for equality and respect and were subject to discrimination, abuse and violence. The organizations were concerned that the Government would not particularly address violations on the grounds of sexual orientation and gender identity, recommending a number of measures to this end.

Action Canada for Population and Development commended the acceptance of recommendations to eliminate patriarchal attitudes and stereotypes, provide free treatment to people living with HIV, further develop the health sector and provide sexual and reproductive health information, but noted that the health care sector remained underfunded and understaffed. Action Canada was concerned about the lack of attention paid during the review to discrimination based on sexual orientation and gender identity.

URUGUAY

Recommendations: Adopt necessary legislative and administrative measures to guarantee the security of LGBT persons and facilitate their access to justice and legal assistance; Take all necessary policies and other measures to prevent and provide protection against all forms of discrimination, violence and harassment related to sexual and gender identity, and, to ensure that perpetration of such violence is vigorously investigated and that perpetrators are held accountable.

Status: Accepted.

Recommendations: Ensure the protection of and right to family life on the premise that family is the natural and fundamental group of society based upon the stable relationship between a man and a woman.

Status: Rejected.

DISCUSSIONS DURING PLENARY

World Organization against Torture recognized that Uruguay has made progress on the new agenda of human rights, including same sex marriage and the voluntary interruption of pregnancy.

Amnesty International welcomed Uruguay's rejection of the recommendation to protect a very narrow concept of "family", which would have been incompatible with both national law and

international human rights standards. It also urged the government to take all necessary measures to prevent and provide protection against all forms of discrimination, violence and harassment related to sexual orientation and gender identity, and to investigate these killings as hate crimes driven by transphobia. Amnesty International finally expressed its concern about the lack of justice in recent killings of trans women in Uruguay.

Action Canada for Population and Development welcomed Uruguay's acceptance of several recommendations aimed at the prevention, investigation, accountability, and remedy for the victims of homophobia and transphobia, as well as the state's rejection of recommendation 124.1, in line with the recognition of LGBT families among the various forms of families. ACPD stressed the large amount of work left to be done regarding SOGI issues: First, Uruguay must incorporate the SOGI perspective in police procedures and investigation. Additionally, ACPD stated:

"Widespread transphobia and unresolved murders against transgender people must be addressed. An administrative process must be adopted for name and sex change in ID's instead of the current judicial process. Sex reassignment treatments must be made available and accessible in public and private healthcare institutions. The Commission against Discrimination must be legally enabled to impose penalties on perpetrators or call for conciliation with the victims...Finally, discrimination based on SOGI in the media must be legally guaranteed through penalties and remedial measures."

YEMEN

Documents: The UN Compilation noted that the Human Rights Committee urged Yemen to repeal or amend all legislation that provided for or could result in prosecution and punishment of people because of their sexual orientation. The National report

Discussions: During the Working Group process, Lithuania noted efforts to eliminate discrimination against women but remained concerned about honour killings and forced marriages. There were no further references during the adoption of the report at HRC26.

VANUATU

Recommendations: Put in place a broad strategy, which includes legislation, to change or eliminate practices and cultural stereotypes which discriminate against women, in compliance with the CEDAW Convention; Continue to enhance measures combating the social and cultural causes of gender-based violence, by promoting awareness-raising campaigns, especially, in the education sector.

Status: Accepted

DISCUSSIONS DURING PLENARY

In its opening statement, Vanuatu stated that it will adopt recommendation 99.34 and that the 4th and 5th CEDAW state reports have now been finalized. It then cited some recent legislative

reforms and programs that are being enacted to advance CEDAW. Vanuatu further stated that it fully supports recommendation 99.47. Since the enactment of the Family Protection Act in 2008, the State has done much to protect women's and family rights through taskforces, courts, and NGOs.

MACEDONIA

Recommendations: Combat discrimination based on sexual orientation and gender identity; Fight impunity for violence against marginalized persons motivated by their ethnicity, religion, or sexual orientation, particularly through an improved awareness of the public opinion, and police and judicial authorities; Conduct public awareness campaigns to promote tolerance and the principles of equality and non-discrimination including on the basis of sexual orientation and gender identity.

Status: Accepted

Recommendations: Include a specific prohibition of discrimination based on sexual orientation and gender identity in line with international standards in the anti-discrimination legislation and take appropriate measures to end impunity for violence and intimidation of the LGBT community; Adopt measures to prevent incidents of violence on the grounds of sexual orientation; open prompt, impartial and effective investigations into attacks on LGBTI individuals or organizations.

Status: Partially accepted.

Recommendations: Ensure that discrimination based on sexual orientation and gender identity are specifically included in the Anti-Discrimination Act and related programs; Align the national anti-discrimination legislation with the European Union standards, in particular in relation to the rights of LGBTI persons; Introduce legislation that explicitly protects LGBT persons from discrimination.

Status: Rejected.

“Regarding the recommendations (101.42 to 101.46) to explicitly include a specific prohibition of discrimination based on sexual orientation and gender identity in the anti-discrimination legislation, the Republic of Macedonia does not foresee amending the existing legislation in that regard, having in mind that the Law on the Prevention of and Protection against Discrimination contains an open-ended (non-exhaustive) list of discriminatory grounds. Therefore, the recommendations 101.44, 101.45 and 101.46 are only accepted and are being implemented in regard to the undertaking of appropriate measures to end impunity for violence and intimidation of the LGBT community; to prevent/combat incidents of violence on the grounds of sexual orientation; opening of prompt, impartial and effective investigations into attacks on LGBTI individuals or organizations.”

(A/HRC/26/10/add1, para.6)

DISCUSSIONS DURING PLENARY

In its opening statement, Macedonia stated that on 8 April 2010, the Macedonia Parliament adopted the Law on the Prevention of and Protection against Discrimination, which explicitly prohibits direct and indirect discrimination and also contains an open-ended list of

discriminatory grounds. The Commission for the Prevention of and Protection against Discrimination acts upon complaints on ground of sexual orientation and has confirmed discrimination on such ground. Therefore the recommendations 42 and 43 to explicitly include a specific prohibition of discrimination based on sexual orientation and gender identity in the anti-discrimination legislation is considered unnecessary. Macedonia further pledged that:

“The Ministry of Interior undertakes activities in order to clarify incidents related to LGBT activists, as well as to identify and bring the perpetrators before justice.”

ILGA-Europe and Subversive Front Macedonia made a statement welcoming the recommendations pertaining to the rights, protection against discrimination, and safety and security of LGBT persons. They expressed deep concern at the lack of efforts taken at the national level regarding LGBT people and the prevalence of discrimination that continues to exist in the country. They concluded by urging the government to extend protection and access to services to LGBT people, combat hate speech in legislation and practice, revise school curricula to remove notions of homosexuality as disease, and to utilize the potential of NGOs. *Please see Annex 7.2 for the full text of this statement.*

International Planned Parenthood Federation welcomed the many positive recommendations of the Council to Macedonia, particularly that calling for the end of all discrimination on the basis of sexual orientation or gender identity. IPPF stated: “It is an imperative that the State take effective measures to combat discrimination against LGBTI people by open, prompt, impartial, and effective investigation into attacks on LGBTI individuals or organizations.”

COMOROS

Recommendations: Initiate a debate on the decriminalization of homosexuality; Review the report of the High Commissioner on sexual orientation and gender identity and give consideration to implementing its recommendations; Repeal all provisions giving rise to discrimination based on sexual orientation or gender identity and ensure respect for fundamental freedoms for all citizens; Take steps to avoid discrimination and violation of the human rights of the LGBT population.

Status: Rejected.

DISCUSSIONS DURING PLENARY

In its opening statement, Comoros justified its rejection of certain recommendations by stating that they do not take into account the cultural context of Comoros:

L'Union des Comores, consciente de la nécessité d'assurer un mieux vivre de tous les citoyens, dans la liberté, la dignité et le respect mutuel, doit tenir compte de toutes les spécificités du contexte culturel national qui assure, en grande partie, la cohésion sociale. C'est la principale raison à l'origine des réserves formulées dans l'acceptation et le rejet de certaines des recommandations.

SLOVAKIA

Recommendations: Develop and implement a national action plan for the protection of the human rights of LGBTI persons; Step up efforts towards advancing the specific courses of action taken in the struggle against discrimination such as the endorsement of the Committee for the Rights of LGBTI persons, and launch campaigns to promote tolerance and respect for diversity aimed at all segments of society; Continue to support the rights of the LGBTI community through its human rights framework; Sustain and promote the family, based on the stable relationship between a man and a woman, as the natural and fundamental unit of society.

Status: Accepted

DISCUSSIONS DURING PLENARY

In its opening statement, Slovakia made no reference to SOGI, but referenced vulnerable groups.

The Centre for Reproductive Rights thanked Slovakia for accepting the recommendations on reproductive health and rights by Belgium and Netherlands, as well as a recommendation on sexuality education by Mexico and stated that such education should be mandatory, comprehensive and based on human rights. It then expressed concern about the legislative ban to cover contraceptives through health insurance. Finally, the NGO asked the government to address certain issues that remain of concern: access to legal abortion and the lack of data and surveys on reproductive health services.

ERITREA

Recommendation: Launch a national dialogue, as well as a campaign through media and in the school, to tackle all forms of discriminations against LGBT persons.

Status: Rejected.

DISCUSSIONS DURING PLENARY

Action Canada for Population and Development expressed its concern at Eritrea's refusal to respect, protect and fulfill the rights of individuals with diverse sexual orientations, gender identities and expressions by rejecting the recommendation to launch a national dialogue and campaign to tackle all forms of discriminations against LGBT persons. It noted that the government has the obligation to ensure that no individual faces discrimination or stigma, including on the grounds of sexual orientation, gender identity or expression.

CYPRUS

Recommendations: Enact legislation to recognize civil partnership and amend the Criminal Code to explicitly prohibit incitement to hatred, violence or discrimination against persons on the basis

of sexual orientation or gender identity; Include a prohibition of discrimination of any kind, including discrimination based on sexual orientation and gender identity, in areas outside employment in line with international standards; Extend its interdepartmental approach on domestic violence also towards forms of violence outside the family, for example gender-related violence and violence against LGBT people.

Status: Accepted.

DISCUSSIONS DURING PLENARY

UN Watch recognized the Cypriot Government's action regarding "measures to curb discrimination against LGBT persons and other vulnerable groups, including victims of human trafficking". It expressed hope that "these could be followed up with practical professional training of law enforcement officers and a stricter legal framework".

DOMINICAN REPUBLIC

Recommendations: Adopt legislation to protect LGBT persons against gender-based violence and discrimination; strengthen efforts and establish and implement policies and measures to address discrimination based on sexual orientation and gender identity.

Status: Accepted

DISCUSSIONS DURING PLENARY

ILGA emphasized that although homosexuality is not criminalized, there are no laws protecting LGBTI persons from discrimination and violence either. The government of Dominican Republic has systematically ignored any proposals to include sexual orientation and gender identity in various laws and instead has taken measures to actively exclude LGBTI persons in exercising their civil rights. This has led a situation where rights of LGBTI persons are violated daily by the State and its representatives. ILGA pointed to Article 55 of the new Constitution (2010), which excludes LGBTI persons from being able to get married and form a family. Furthermore, Article 39 on antidiscrimination does not mention discrimination on the grounds of sexual orientation or gender identity. The statement also drew attention to hate crimes and sexual violence against LGBTI people, which are largely ignored by the police. The authorities are homophobic in their attitude, not taking any action against human rights violations experienced by LGBTI persons.

VIET NAM

Recommendation: Enact a law to fight against discrimination which guarantees the equality of all citizens, regardless of their sexual orientation and gender identity.

Status: Accepted

DISCUSSIONS DURING PLENARY

ILGA and the Institute for Studies of Society, Economy and Environment welcomed the positive steps taken by the Vietnamese Government in recent years and its acceptance of SOGI-related recommendations. The organizations urged Viet Nam to do more to implement its principle of non-discrimination, to amend its Penal and Civil Codes, to support same-sex marriage, and to be more active in the sphere of LGBT rights in the Human Rights Council. *Please see Annex 7.3 for full text.*

SIDE EVENTS

Side events give an indispensable opportunity for States and NGOs to convene experts about certain topics and discuss specific issues more deeply. During the 26th session of the HRC there were three side events that focused on sexual orientation and gender identity, on the human rights of LBGTI persons, the criminalization of sexuality and reproduction, and perspectives of LBGTI women.

HUMAN RIGHTS OF LBGTI PERSONS

This side event was organized by ARC International. Panelists discussed progress and room for improvement in human rights for LBGTI persons in their region. Yahia Zaidi from MantiQitna and Pan Africa ILGA moderated the discussion.

Clement Voule from ISHR discussed the recent resolution passed by the African Commission, condemning all forms of violence or discrimination against LBGTI persons. The passage of the resolution marks the first time SOGI was mentioned in a report on a resolution – pointing to the contention still surrounding the issue.

Richie Maitland from CariFlags addressed progress being made in the area of LGBT rights in the Caribbean. He pointed to the Inter-American Human Rights Commission as the main driver of progress, especially since the creation of an LGBT unit in 2011 and subsequent creation of an LBGTI Rapporteur and resolution condemning all forms of discrimination on the basis of sexual orientation or gender identity/expression. Additionally helpful in the Caribbean, is the fact that the President and Vice President are both Caribbean.

Nori Spauwen from COC Netherlands spoke of progress being made on the European regional level, both in the Council of Europe and in the European Union. The Council of Europe has been addressing LGBT issues since 1981 and recently published a blog on intersex issues and has also included the topic in children's right to physical integrity. The EU has been less coordinated in its actions. A recent survey reveal that ¼ of LGBT people in Europe have been attacked or threatened and only 6% of harassment cases reported, pointing to much progress left to be made.

Morgan Carpenter from Organisation Intersex International Australia shared some human rights violations faced by intersex persons. He described the groundbreaking progress made in Australia in 2013 when the first parliament report in the world to address intersex health and well-being

was produced, and when anti-discrimination legislation was adopted that protected LGBT and intersex persons, and removed sex and gender terms from descriptions of healthcare procedures.

CRIMINALISATION OF SEXUALITY AND REPRODUCTION

This side event was organized by the Sexual Rights Initiative, in partnership with Amnesty International, Ipas and UNAIDS. A video of the discussion can be found at <http://tinyurl.com/lexw8w7>.

The panel discussion addressed issues over consent, autonomy, gender, culture, religion and tradition in human rights law, with reference to sexuality and reproduction. It was moderated by Anand Grover, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

Grace Wilentz, Executive Coordinator of UACT, addressed age of consent, noting the discrimination of age of consent laws on the basis of gender, sexual orientation, and disability. Furthermore, she pointed out the limits they place on access to sexual education for those under the age and the barriers they create for States to ensure rights to life, health, etc.

Karolina Wieckiewicz, a Polish lawyer, spoke about abortion and contraceptive use. If the right to decide about abortion is limited to a very small number of circumstances, it is illegal. Restrictive abortion laws do not stop abortions, they only make them extremely unsafe. Karolina concluded by stating that laws must be re-evaluated to see if they are in the best interest of women's health and life.

Irina Maslova, leader of the Association of Sex Workers, spoke about the criminalization of sex work in Eastern Europe and Central Asia and the dangers that criminalization poses not only to sex workers, but also to the general population. Ms. Maslova concluded by citing the need to empower the sex worker community and increase their ability to influence policy, as well as the need to increase documentation of violence and human rights abuses so that governments can no longer deny them.

Sunita Kujur from CREA addressed the criminalization of sexual activity, sexual orientations and trans identities. After describing examples and consequences of each, she concluded that decriminalization is not enough – it must be paired with education and a changing of social attitudes.

Patrick Eba from UNAIDS spoke on the criminalization of HIV/AIDS, and his three key concerns on the topic. Firstly, most of the legislation ignores basic facts about how HIV/AIDS can be transmitted. Secondly, most of the legislation fails to recognize basic principles of criminal law. Finally, that such legislation targets specific groups, such as sex workers, gay men, and migrants.

PERSPECTIVES OF LGBTI WOMEN

This side event was organized by ILGA, and moderated by Tamara Adrian, a lawyer from Venezuela, and chair of the Trans World Secretariat of ILGA. It was an interactive discussion with

panelists Linda Baumann, Belissa Andia, Tony Briffa and Anna Brown. A video of the panel is available at: <http://goo.gl/nviUjh>

RESOLUTIONS

The Human Rights Council passed 32 resolutions during the session, including resolutions on violence against women, discrimination against women, human rights on the internet, business and human rights, and the civilian use of firearms. It passed a controversial resolution to elaborate an international legally binding instrument on transnational corporations and human rights. After much heated debate, the Council also adopted a resolution on “protection of the family”. For full list of resolutions passed during this session, please see Annex 8.3.

PROTECTION OF THE FAMILY

During its 26th session, the Human Rights Council adopted a controversial resolution, entitled Protection of the Family (*please see Annex 8.1 for the text of the resolution*). It was submitted by Egypt, Russia, Qatar, Namibia, El Salvador, China, Tunisia, Côte d’Ivoire, Mauritania, Bangladesh, and Sierra Leone. The main operative paragraph of the resolution calls for the Council to convene, during its 27th session, “a panel discussion on the protection of the family and its members to address the implementation of States’ obligations under relevant provisions of international human rights law and to discuss challenges and best practices in this regard.” The resolution was passed by a vote, with 26 for, 14 against, 14 abstentions.

Two amendments to this resolution were proposed – discussion of the first was blocked, the second was withdrawn. The first amendment, submitted by Ireland, Chile, Uruguay, and France, proposed the insertion of agreed language: “bearing in mind that, in different cultural, political and social systems, various forms of the family exist”. However, to the shock of many in the Council, Russia (on behalf of the co-sponsors) called for a ‘no action motion’, a mechanism that has only been used twice before at the Council to censor discussion of an issue. In calling for the no action motion, Russia stated that the amendments “prescribed curtailed parameters and frameworks for the panel discussion that would prefer to leave to the discretion of each participating state.” The no action motion passed by a vote of 22 for, 20 against, 4 abstentions.

The second draft amendment, submitted by Saudi Arabia, and Pakistan, would add a fifth preambular paragraph recognizing that men and women, “without any limitation to race, nationality or religion, have the rights to marry and to found a family, bearing in mind that marriage is a union between a man and a woman”. The amendment was withdrawn following the no action motion on the previous proposal.

The United Kingdom, the United States, Germany, France, Brazil, Chile, Ireland, Austria (on behalf of the European Union) and Argentina stated that they would be voting *against* the resolution because it does not recognize diverse family forms or adequately address human rights violations that take place within the family, and thus fails to uphold individual human rights. The delegate from the United Kingdom stated: “I do not see how anyone who has voted for the resolution can

look in the eye of a child and say that because he or she comes from a different type of family he or she is not valid”.

India stated that it had voted *for* the no action motion and would vote *for* the resolution. India voiced its belief that the family is entitled to receive protection and support and that the resolution was short and procedural, rightly leaving the interpretation of ‘family’ to States.

Vietnam expressed its belief that there would be room for all parties to work together to narrow down the conditions of the resolution and that it looks forward to joining the productive and constructive discussion that will ensue.

Algeria and Saudi Arabia voiced their support for the resolution in keeping with their governments’ policies and in order to protect the family unit and thus the child.

Vote on the resolution

Yes – 26

No – 14

Abstentions – 14

For a detailed breakdown of the vote, please see Annex 8.1.c.

VIOLENCE AGAINST WOMEN

Canada submitted a draft resolution entitled “Accelerating efforts to eliminate all forms of violence against women: violence against women as a barrier to women’s political and economic empowerment”. The resolution was adopted by consensus in the Human Rights Council. It condemns all acts of violence against women and girls and urges all States to take meaningful steps, including developing or strengthening women-centered support-services to victims and survivors of VAW, to address the “the harmful attitudes, customs, practices, stereotypes and unequal power relations that underlie and perpetuate violence against women and girls”. It further urges States to: ensure full gender equality and women’s empowerment, political participation, legal protection, access to the labour market, sexual and reproductive rights, access to literacy, education, health services and leadership training.

However, several NGOs working on SOGII-related issues were disappointed at the lack of political will displayed by many States, and in particular the lead sponsor, Canada, to address violence against LGBTI women. Despite assuring NGOs three years ago when they removed a reference to women who face “sexuality-related violence” that LGBTI women would be included in future VAW resolutions, Canada failed to use inclusive language even in the zero draft text. The resolution acknowledged that four groups of women experience “multiple forms of discrimination, which may increase their vulnerability to all forms of violence and limit their ability to participate in, contribute to and enjoy economic, social, cultural and political autonomy”, namely indigenous women and girls, women and girls with disabilities, older women, and women migrants.

The full text of the resolution can be found in Annex 8.2.

ANNEX I - STATEMENTS

1. Item 2 General Debate: Annual report of the UN High Commissioner for Human Rights

1.1. Extract from High Commissioner Navi Pillay's Opening Statement

[...] Discriminatory rhetoric has also targeted people because of their sexual orientation and gender identity. I welcome the African Commission on Human and Peoples Rights' call last month for States to take steps to protect persons from human rights violations on the basis of sexual orientation and gender identity.

[...] Yet the very careful reporting and analysis that is done by my Office, and our calls for investigations into allegations of abuse, have frequently been greeted with stone-walling and denial.

Is this because we have criticized Governments? Surely that is the nature of human rights advocacy – to speak truth to power; to confront privilege and entrenched hierarchy with an unshakeable belief in human dignity, equality and freedom. Is it because we address issues that some States prefer not to discuss?

[...] Certain States may feel that lesbians, gays, bisexual, transgender and intersex people – or women; or persons with albinism; or people of certain castes, religion, race – somehow have less right than others to live a life of dignity.

Effective human rights advocacy must necessarily open a Pandora's box of hidden abuses. It does so to let in light and air, so that work may begin to ensure better governance and justice.

All human rights violations are illegitimate, whether directed against dissenters and critics; migrants; minorities; indigenous peoples; or people of specific gender, religion, class, caste or race.

Dalit or Brahmin, Peul or Pole, gay or heterosexual, tycoon or pauper, woman, child or man – regardless of our ethnicity; our age; our form of disability; our beliefs; or our economic might, *all human beings are equal in dignity. And all, without discrimination, are entitled to the same rights.* I urge this Council to continue to maintain the universality, indivisibility and interdependence of all human rights, including the right to development.”

1.2. Joint Statement by Canadian HIV/AIDS Legal Network, ILGA, ARC International and OII Australia

We commend the High Commissioner for her leadership in solidifying the Office's commitment in calling for an end to human rights violations against all persons, including those who face violence, discrimination, stigma and abuse because of their sexual orientation, gender identity and expression, or intersex status.

These are urgent and crucial human rights concerns. In all regions, Lesbian, Gay, Bi, Trans and Intersex people face sexual violence, killings, arbitrary detention, criminalisation, forced surgery, involuntary sterilization, genetic de-selection, and denial of basic economic and social rights. This

is compounded by multiple and intersecting forms of discrimination, including on the basis of sex, gender, race, class, ability, and religion.

At the same time, we welcome the positive developments on these issues around the world, including the recent adoption by the African Commission on Human and Peoples' Rights of a historic resolution on the '*Protection Against Violence and other Human Rights Violations Against Persons on the Basis of their Real or Imputed Sexual Orientation or Gender Identity*', as well as the adoption just last week by the 44th General Assembly of the OAS of its seventh resolution on "*Human Rights, Sexual Orientation, and Gender Identity and Expression*".

The Human Rights Council must also play its part. While regional human rights mechanisms move ahead in addressing these issues, the Council risks falling behind. We endorse the High Commissioner's comments, in receiving last month an award from the international LGBTI NGO ILGA, when she noted: "the Human Rights Council can maintain its attention on this human rights issue by instituting regular reporting at the inter-governmental level."

We call on the Council to address all forms of violence and discrimination based on sexual orientation, gender identity and expression and intersex status, and to ensure sustained, systematic attention to, and documentation, of both violations and protection gaps. We further call on all States to take such legislative and other steps as are necessary to prevent, investigate and remedy such forms of discrimination and violence.

Finally, we thank the High Commissioner for being a champion of human rights for all, and wish her success in her work and future endeavors. We look forward to working with her successor to continue to address these important human rights issues.

2. Clustered ID with Special Rapporteurs on right to freedom of expression & on peaceful assembly and association

2.1. Slovenia

Civil society and in particularly groups at risk such as women, older people, LGBTIs, migrations, people with disabilities, minorities etc. play an important role in the promotion and protection of human rights. These are voices that need to be heard should there be improvements in different areas of life, yet they are often subject of discrimination, unequal treatment and harassment. Restrictions to peaceful assemblies should be punished for exercising their freedom of assembly.

In my intervention I will focus on one particular group. LGBTIs experience discrimination on multiple levels. We are very concerned about the adoption of the discriminatory laws and regulations in some parts of the world designed to silence, limit and restrict the freedom of expression as well as freedom of association of LGBTIs. Banning or obstructing peaceful assemblies such as pride parade are only one example of that. Legislation or policy that finger point and explicitly excludes individuals or group from forming association on the bases of prohibited grounds is not permitted under the International Convention on Civil and Political Rights and is a clear violation of international human rights law and its universally recognized norms.

Mr. Kai, I would also like to put forward the following question:

If the government impose restrictions on the rights of individuals belonging to any of the group at risk, for instance the LGBTIs and these restrictions are in contradiction with the international

legal obligations and commitments, what else can be done to preserve the rights of certain groups to exercise their rights under the international human right law that are equal for as well as to ensure unimpeded work of civil society organizations and in particular those defending and promoting the LGBTI rights?"

2.2. ARC International, International Commission of Jurists, ILGA, ILGA-Europe

As examples of explicitly discriminatory legislation, you cite the Nigerian Same Sex Marriage (Prohibition) Act (which in face criminalizes a much broader range of human rights-protected activities than its title would necessarily suggest), Uganda's Anti-Homosexuality Act, and Ukraine's draft law on "propaganda of homosexual relations". All of these laws impede freedom of peaceful assembly of LGBTI persons. The Nigerian law also interferes with freedom of association, as it bans registration, funding and activities to "gay" organizations.

As to general provisions disproportionately detrimental to specific groups, you cite Russia's ban on 'propaganda of non-traditional sexual relations' among minors as an example of the application of supposedly neutral public morality laws against those who promote LGBTI human rights. Whether at the national level or in this Council, states must not be allowed to masquerade behind vague appeals to 'public morality' or 'traditional values' to justify practices that violate international human rights law by discriminating on the basis of sexual orientation or gender identity.

Under international law, any interference with the rights to freedom of peaceful assembly and association must be: provided by law, based on legitimate aims set out in relevant international instruments; proportionate to those aims; and necessary in a democratic society. Restrictions cannot be imposed for discriminatory purposes or in a discriminatory manner.

Besides the negative effect on the rights to freedom of peaceful assembly and association, the laws at hand have a detrimental impact on the work of LGBTI human rights defenders and the activities of health care providers.

Fundamentally, laws directly targeting the freedom of peaceful assembly or association of LGBTI individuals solely because of their sexual orientation or gender identity are inconsistent with international human rights law.

We welcome the attention paid to the human rights violations LGBTI persons face and call on you to continue to integration issues of sexual orientation, gender identity and intersex status in the activities of the mandate. In this regard, we note that in October 2013 Nigeria issued a standing invitation to all thematic special procedures. We would be interested to know whether progress has been made on request to visit Nigeria, as well as your outstanding requests for invitations to visit the Russian Federation and Uganda. We would suggest you also consider arranging a visit to Ukraine, which issued a standing invitation in 2006.

2.3. Maina Kiai, closing statement

[...] I think the most important one, some of the most important ones around the issue of LGBTI people. Let's be very clear: we're not talking about creating new rights on this issue. We are talking about the bottom line, which is about discrimination, it's about marginalization, it's about violence. I would like to quote a few things on that issue, especially the Human Rights Council 17/19, which expressed 'grave concern at acts of violence and discrimination in all regions of the world committed against individuals because of their sexual orientation and gender identity'. That is the framework in which we are using.

I would also like to read to you the parts of Resolution 275 from the African Commission for Human and Peoples' Rights says that they condemn the 'increasing incidence of violence and of the human rights violations, including murder, rape, assault, arbitrary imprisonment and other forms of persecution of persons on the basis of their imputed or real sexual orientation or gender identity'.

I think what we are basically saying is that this is an important thing to protect everybody in society, but especially so when they are seen as a minority, when they are seen as being different and I think that that's where we are. This is about unequal treatment and stigmatization. I think this is an issue that is important and I think that the fact that there is a particular tendency in many parts of the world: north, east, west and south to attack LGBTI is important for us to then in fact give extra protection because people are being attacked on the basis of their orientation.

3. ID with Special Rapporteurs on violence against women and extreme poverty

Joint Statement by ARC International,
Canadian HIV/AIDS Legal Network and MicroRainbow International

We strongly support her recommendation to the government of Mozambique to revise its Constitution and the Penal Code in order to prohibit all forms of discrimination, including on the basis of sexual orientation and gender identity, and develop effective mechanisms to provide access to justice and remedies in cases of violation of the rights of LGBTI people.

We would like to emphasize that LGBTI people are vulnerable to poverty situations in many parts of the world because of the multiple forms of discrimination they face, including on the basis of sexual orientation, gender identity or expression, or intersex status.

Such forms of discrimination take place in the access to education, health, work, public services and social programmes, among others, and such populations are deeply affected by disproportionate income distribution and socioeconomic inequalities.

Moreover LGBTI people have fewer opportunities for employment and are obstructed from overcoming poverty and improving their enjoyment of rights.

We call on States to take immediate steps to ensure that LGBTI people are included in their poverty reduction strategies. States should also increase their access to formal education, quality health services, equal employment opportunities, decent treatment at work, full social benefits and guarantee other means for LGBTI people to step out of poverty.

Finally, we call on the new Special Rapporteur on extreme poverty and human rights, Mr. Philip Alston, to ensure that LGBTI people are systematically included in its future reports and country missions.

Mr. President,

We would like to thank the Special Rapporteur on Violence against Women for asserting in her report that violence against women intersects with other factors, such as sexual orientation and gender identity.

We echo her concern that in India, women in same-sex relationships and transgender women face violence and exclusion. We thank her for her recommendations to the government of India to

amend the criminal law in order to expand the scope of protection to include lesbian, transgender and intersex women, and to repeal section 377 of the penal code, which criminalizes consensual same-sex behavior

4. Item 8 General debate on follow up and implementation of the VDPA

4.1. Argentina, Brazil, Chile, Colombia, Mexico, and Uruguay (delivered by Argentina)

Three years ago, during the 17th session of this council, resolution 17/19 on human rights, sexual orientation and gender identity was approved. Through the effect of this resolution, a panel was convened to hold informal, constructive, and transparent dialogue on law and policies that may be discriminatory and also acts of violence committed against people because of their sexual orientation and gender identity. This resolution, the report of the High Commissioner on the topic, and the panel carried out in March 2012 have all marked a mile-stone in the effective protection and promotion of human rights of lesbian, gay, bisexual, transvestite, and transsexual persons, which have unfortunately been subjected to violence which is a violation of their rights and a huge example of discrimination.

It has been reaffirmed that all human rights thus are universal, indivisible, interdependent, and interrelated, as is enshrined in the main international human rights instruments and reaffirmed in the Vienna Declaration and Programme of Action. This has also made it possible to make progress in combatting discrimination in all of its manifestations and in protecting the inherent dignity intrinsic to all human beings.

We would reaffirm, therefore, the principle of law contained in the Universal Declaration of Human Rights that all human beings are born free and equal in freedom and rights. LGBT individuals have the same rights and dignity as any other individual.

We highlight the significant progress in global, regional, and sub-regional fora on this front, which we welcome. We find that the progress that has taken place in the Americas is particularly positive. The Organisation of American States, for examples, adopted a pledge against all forms of discrimination and intolerance, including LGBT people. Moreover, the Organisation of American States, in its agenda, has this subject on a permanent basis. It has specific mechanisms for it and annual resolutions adopted on the topic. Moreover, in MERCOSUR human rights activities, a working group established on sexual diversity.

We are convinced that it is vital for the Human Rights Council to continue working on the subject, in as much as it promotes human rights and full implementation of the mandate of the Council

Reluctance to again resume work on this topic would be a negative message to those who advocate the protection and promotion of human rights. You would be giving the wrong message that Human Rights Council is not able to provide all vulnerable groups with the protection and attention that they require and deserve.

For all of the above reasons, we believe that this subject must be kept in the purview of the Council with a view to maintaining an open and constructive dialogue that will help us work together on the promotion and protection of human rights of all.

We would urge the Council to continue working on this subject to achieve the objective of the United Nations, that is a world that is free of fear and of need, a reality for all.

Thank you very much.

4.2. Joint Statement by 500+ NGOs

Three years ago, this Council adopted its first resolution on sexual orientation, gender identity and human rights. Around the world however, members of our communities still face violence and discrimination because of our sexual orientation, gender identity and expression, or intersex status.

For many, these issues are inextricably linked to broader issues of gender equality, autonomy over our bodies and lives, sexual and reproductive health and rights, as well as multiple and intersecting forms of discrimination on the basis of factors such as class, poverty, occupation as sex workers, religion, race, HIV status and disability.

In too many countries, we face severe human right violations - we are criminalized including under colonial-era laws, we face the death penalty, we are murdered, lesbians are subject to rape and forced marriage; intersex people face genetic de-selection, infanticide, coerced sterilization and genital mutilation; transgender persons are demeaned and beaten, subjected to pathologisation and sterilization, their identities often unrecognized by States.

We are denied health care or needed treatment; we routinely face discrimination in work, housing and education. In many countries, our work as human rights defenders is opposed, obstructed or banned. Our rights to peacefully gather are often denied, while attempts are made to silence our voices.

There are also positive developments in all regions of the world. We welcome, for example, the recent adoption by the African Commission on Human and Peoples' Rights of a historic resolution on the "*Protection Against Violence and other Human Rights Violations Against Persons on the Basis of their Real or Imputed Sexual Orientation or Gender Identity*" and the adoption by the Organization of American States just this month of its resolution on "*Human Rights, Sexual Orientation, and Gender Identity and Expression*".

The Human Rights Council must also play its part. These violations are systemic, and require systemic responses. The Council must adopt a resolution to ensure regular reporting, constructive dialogue and sustained, systematic attention to the breadth of human rights violations on these grounds.

As UN Secretary-General Ban Ki-moon stated to the Council at its March 2012 panel: "The Time has Come".

(Full statement, list of signatories and different language versions available at arc-international.net/hrc26-joint-statement)

4.3. Global Helping to Advance Women and Children

[...] Our NGOs are concerned that until now the protection of the family has largely been ignored by this Council. UN consensus documents specify that the family needs to be protected against poverty, disease, substance abuse, [...] and the worldwide disintegration of the family itself.

We applaud the ongoing dialogue concerning the ‘protection of the family’ resolution. However, we are concerned by attempts to change the focus of this historic resolution to individual rights, which numerous other resolutions amply address, rather than focus on the unique role the family plays in fulfilling the rights of its members. We encourage this council to explore the evidence showing how the rights of individual family members can better be fulfilled when the family is protected.

The UN Secretary General has stated that the stability and cohesiveness of communities and society largely rests on the family. We call on States to fulfill their obligations to protect the family.

5. Panel on gender stereotypes and stereotyping

ILGA-Europe and COC Netherlands

Many differences in treatment based on sexual orientation, gender identity, or intersex status—in particular with regard to family relations—have their root in stereotypes about gender roles, such as for example that women are better parents than men, that families must consist of a man and a woman with assigned (and stereotyped) gender roles, and that pregnancy predisposes a person to be a better parent.

The reality is that millions of individuals of diverse sexualities, gender identities, and of intersex status already bear primary responsibility for raising children. The belief that they are not as capable as heterosexual women of raising well- balanced, healthy and happy children is a common, and damaging, stereotype— one that is constantly contradicted by studies on the wellbeing of children in same-sex families. In fact, study after study shows that child welfare is closely correlated with parental support and love, not with the parents’ sexual orientation, gender expression, or intersex status

Several treaty monitoring bodies, including the Committee on the Elimination of Discrimination against Women and the Committee on Economic Social and Cultural Rights, have noted the prevalence and damaging nature of intersecting discrimination. Intersecting discrimination may express itself in the form of discriminatory stereotyping of subgroups of women. For example, the stereotype that “LBTI persons are sexually aggressive and more likely to commit sexual violence than others, or that “lesbians look masculine” is a gender- and sexuality- based stereotype.

Stereotypes often have the result of further marginalising the group they ascribe specific traits or behavioral patterns to. For example, the stereotype that trans women or sex workers are vectors of disease, in particular HIV, results in stigma attached to accessing HIV testing and treatment services, which affect everyone.

Stereotypes about women’s appearance, sexual function and sexual orientation also has significant impacts on intersex women. As a result of these stereotypes, many are subjected to surgeries as children to make their genitals appear what doctors believe look feminine and can

function for heterosexual sex. These surgeries are conducted without the consent of the girls involved and often include the removal of healthy gonads.

6. Panel on women's rights and sustainable development

ILGA, COC Netherlands & ARC International

Unfortunately, even as States have been engaging in the post-2015 discussions, many continue to fail to meet their human rights obligations towards all human beings. They fail to acknowledge the devastating impact of violence, discrimination, and marginalization on all women and girls. They have failed in their promotion of the right to development of lesbian, bisexual, transgender, and intersex women. And they have failed to recognize the importance of comprehensively addressing the sexual and bodily autonomy of all people.

The High Commission for Human Rights has said that the human rights are vitally relevant to every element on the development agenda. By failing in their human rights commitments, States are failing in their development commitments too.

The third MDG, promoting gender equality and empowering women, has in many cases not been implemented in a way that accounts for sexual and gender diversity. The MDGs overall do not fully appreciate our diversities as human beings, nor do they take into account our multiple and intersecting identities that we each have.

We continue to see inequalities and violence against many marginalized people especially women and girls, LGBTI people, indigenous people, sex workers, and many others. Violence and discrimination have a direct impact on critical development issues such as health, education, justice and poverty. Where people are persecuted on the basis of their identities or physical sex characteristics, experiences of development are compromised.

As they forge a new development agenda, States are discussing issues of equality, social equity, gender equality, and women's empowerment that will have a long way to reduce inequalities, both within and between countries. As they do they must address the needs of all people and take into account all aspects of our lives, our sexual orientations, our gender identities, and our intersex variations. These are human rights issues and are therefore also development issues.

Could the panel please advise on how States could work better with civil society to ensure that the rights of LGBTI women are fully integrated in the post-2015 framework?

7. Universal Periodic Review report adoptions

7.1 Statement on Macedonia

ILGA-Europe and Subversive Front

This statement is supported by Subversive Front, Macedonian association for critical approach to gender and sexuality.

We welcome the Report of the UPR Working Group and we welcome the readiness of the Government to consider these recommendations. We thank the governments of Argentina, Australia, Austria, Belgium, Brazil, Canada, France, Ireland, Italy, Netherlands, Slovenia, Switzerland, and Uruguay, for their detailed recommendations pertaining to the Human Rights of lesbian, gay, bisexual, and transgender persons, and especially the recommendations on the protection against discrimination on grounds of sexual orientation and gender identity, and enhancement of their security, safety and access to services.

It is however with deep regret that we note that the efforts undertaken at the national level regarding LGBT people have not been satisfactory. We want to remind the government of:

- The lack of legal protection on grounds of sexual orientation and gender identity to protect against discrimination and hate crime and hate speech.
- The worrisome degree of endangerment of the safety and low access to services, including health services, and protection against domestic violence for LGBT people.
- The overwhelming presence of hate speech, homophobic and transphobic speech in the public discourse, and lack of counter-actions.
- The highly damaging depicting in the official national curricula and in state approved text books of LGBT people as deviants, sick, etc.

We, therefore, strongly urge the Government to:

- Amend the comprehensive Anti-discrimination Law to explicitly include sexual orientation and gender identity and extend the protection against discrimination to LGBT people. We urge that this amendment is also appropriately reflected in other relevant laws.
- Include hate crimes and hate speech related to sexual orientation and gender identity in the Criminal Code.
- Establish permanent programs for capacity building of the law enforcement agencies, especially of police officers, and of the institutions providing health and other social services, including those with competences in domestic violence.
- Use all legal means and influence to free the public discourse from homophobic and transphobic statements, and end impunity for hate crimes and hate speech directed towards LGBT people.
- Revise textbooks and curriculum to remove notions of homosexuality or bisexuality as disease, deviation, etc, and conduct training and awareness raising activities on LGBT issues for the teaching staff and for the students.
- Use the potential and the resourcefulness of NGOs in undertaking the activities proposed above.

7.2. Statement on Viet Nam

ILGA & Institute for Studies of Society, Economy and Environment

This statement is read also on behalf of the Institute for Studies of Society, Economy and Environment, a Vietnamese non-governmental organization working for human rights of lesbian, gay, bisexual and transgender (“LGBT”) persons in Viet Nam.

We welcome the positive steps taken by the Vietnamese Government in recent years to protect the rights of LGBT. We appreciate the speech of Viet Nam in the 25th session of the Human Rights Council, affirming that LGBT persons deserve “participation in social life without discrimination.” [46th Meeting, March 24, 2014]

We welcome the response of the Vietnamese government to accept the recommendation of Chile requesting to “enact a law to fight against discrimination which guarantees the equality of all citizens, regardless of their sexual orientation and gender identity.” [A/HRC/26/6, paragraph 143.88]

We urge Viet Nam to continue upholding the principle of non-discrimination embedded in the new Constitution with relevant laws and more concrete implementation strategies. Particularly, we would like to call the Government of Viet Nam to amend the Penal Code to protect men and transgender women in the crime of rape, and to amend the Civil Code to allow people changing their names, sexes and legal identification.

New law on marriage and family does not have legal recognition of same-sex union. We ask Vietnamese Government to protect the rights of same-sex couples in implementation decree and related laws, and to allow Vietnamese citizens to have certification of single status when they attempt to get same-sex marriage abroad.

We also urge Viet Nam to support or develop initiatives in Human Rights Council regarding rights of LGBT and sexual minority.

ANNEX II - RESOLUTIONS

Protection of the family

8.1. Resolution as presented

COSPONSORS: Angola,* Bahrain,* Bangladesh,* Benin, Bosnia and Herzegovina,* Botswana, Burkina Faso, China, Côte d'Ivoire, Egypt, El Salvador,* Ethiopia (on behalf of the Group of African States), Indonesia, Jordan,* Lebanon,* Mauritania,* Morocco, Namibia, Nigeria,* , Philippines, Qatar,* Russian Federation, Sierra Leone, Sri Lanka,* Sudan,* Tunisia,* Uganda,* Zimbabwe:* draft resolution

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations,

Guided by the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and other relevant human rights instruments,

Recalling General Assembly resolutions 44/82 of 8 December 1989, 47/237 of 20 September 1993, 50/142 of 21 December 1995, 52/81 of 12 December 1997, 54/124 of 17 December 1999, 56/113 of 19 December 2001, 57/164 of 18 December 2002, 58/15 of 3 December 2003, 59/111 of 6 December 2004, 59/147 of 20 December 2004, 60/133 of 16 December 2005, 62/129 of 18 December 2007, 64/133 of 18 December 2009, 66/126 of 19 December 2011, 67/142 of 20 December 2012 and 68/136 of 18 December 2013, concerning the proclamation of, preparations for and observance of the International Year of the Family and its tenth and twentieth anniversaries,

Recognizing that the preparations for and observance of the twentieth anniversary of the International Year of the Family provide a useful opportunity to draw further attention to the objectives of the International Year for increasing cooperation at all levels on family issues and for undertaking concerted actions to strengthen family-centred policies and programmes as part of an integrated comprehensive approach to human rights and development,

Reaffirming that States have the primary responsibility to promote and protect the human rights and fundamental freedoms of all human beings, including women, children and older persons,

Recognizing that the family has the primary responsibility for the nurturing and protection of children and that children, for the full and harmonious development of their personality, should grow up in a family environment and in an atmosphere of happiness, love and understanding,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Reaffirming that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State,

1. *Decides* to convene, at its twenty-seventh session, a panel discussion on the protection of the family and its members to address the implementation of States' obligations under relevant provisions of international human rights law and to discuss challenges and best practices in this regard;
2. *Requests* the United Nations High Commissioner for Human Rights to liaise with States and all stakeholders, including the relevant United Nations bodies, agencies, and programmes, the treaty bodies, the special procedures of the Human Rights Council, national human rights institutions and civil society, with a view to ensuring their participation in the panel discussion;

3. *Also requests* the High Commissioner to prepare a report on the panel discussion in the form of a summary, and to submit it to the Human Rights Council at its twenty-eighth session;
4. *Decides* to remain seized of the matter.

a. Amendment L.37 – blocked by no action motion

COSPONSORS: Argentina, Austria, Chile, Colombia,* Croatia,* Czech Republic, Denmark,* Estonia, Finland,* France, Germany, Greece,* Guatemala,* Hungary,* Ireland, Italy, Lithuania,* Malta,* Netherlands,* New Zealand,* Norway,* Poland,* Portugal,* Romania, Slovakia,* Slovenia,* Spain,* Sweden,* Switzerland,* United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay:*

Paragraph 1 *should read*

1. *Decides* to convene, at its twenty-seventh session, a panel discussion on the protection of the family and its members, to address the implementation of States’ obligations under relevant provisions of international human rights law and to discuss challenges and best practices in this regard, bearing in mind that, in different cultural, political and social systems, various forms of the family exist;

b. Amendment 2 (L.38) - Withdrawn

COSPONSORS: Pakistan, Saudi Arabia, United Arab Emirates

Below the fifth preambular paragraph, insert a new paragraph *reading*

Recognizing that men and women of full age, without any limitation due to race, nationality or religion, have the rights to marry and to found a family, bearing in mind that marriage is a union between a man and a woman,

c. Voting

<u>HRC member</u>	<u>Vote on resolution</u>	<u>Vote on no action motion on L.37</u>
Algeria	Yes	Yes
Argentina	Abstain	No
Austria	No	No
Benin	Yes	Yes
Botswana	Yes	Yes
Brazil	Abstain	No
Burkina Faso	Yes	Yes
Chile	No	No
China	Yes	Yes
Congo	Yes	Yes
Costa Rica	Abstain	No
Côte d’Ivoire	Yes	Yes
Cuba	No Vote	No Vote
Czech Republic	No	No

* Non-member State of the Human Rights Council.

Estonia	No	No
Ethiopia	Yes	Yes
F.Y.R. Macedonia	Abstain	No
France	No	No
Gabon	Yes	Abstain
Germany	No	No
India	Yes	Yes
Indonesia	Yes	Yes
Ireland	No	No
Italy	No	No
Japan	No	No
Kazakhstan	Yes	Yes
Kenya	Yes	Yes
Kuwait	Yes	Yes
Maldives	Yes	Abstain
Mexico	Abstain	No
Montenegro	No	No
Morocco	Yes	Yes
Namibia	Yes	Yes
Pakistan	Yes	Yes
Peru	Abstain	No
Philippines	Yes	Abstain
Republic of Korea	No	No
Romania	No	No
Russia	Yes	Yes
Saudi Arabia	Yes	Yes
Sierra Leone	Yes	Yes
South Africa	Yes	Yes
UK	No	No
United Arab Emirates	Yes	Yes
USA	No	No
Venezuela	Yes	Yes
Vietnam	Yes	Abstain
TOTALS	Yes 26	22
	No 16	20
	Abstain 6	4

8.2 Violence against women

COSPONSORS: Albania,* Andorra,* Angola,* Argentina, Australia,* Barbados,* Bosnia and Herzegovina,* Burkina Faso, Cambodia,* Canada,* Chad,* Chile, Colombia,* Comoros,* Congo, Costa Rica, Côte d'Ivoire, Cyprus,* Djibouti,* Fiji,* Georgia,* Haiti,* Hungary,* Israel,* Italy, Japan, Kyrgyzstan,* Mali,* Malta,* Myanmar,* Namibia, New Zealand,* Nicaragua,* Nigeria,* Paraguay,* Philippines, Poland,* Portugal,* Republic of Moldova,* Rwanda,* Senegal,* Serbia,* Sierra Leone, Somalia,* South Sudan,* Spain,* Swaziland,* the former Yugoslav Republic of Macedonia, Timor-Leste,* Togo,* Uganda,* Ukraine,* Vanuatu,* Viet Nam

Accelerating efforts to eliminate all forms of violence against women: violence against women as a barrier to women's political and economic empowerment (resolution as presented to the Council)

The Human Rights Council,

Guided by the purposes and principles of the Universal Declaration of Human Rights and the Charter of the United Nations,

Guided also by the Convention on the Elimination of All Forms of Discrimination against Women,

Reaffirming the Vienna Declaration and Programme of Action, the Declaration on the Elimination of Violence against Women, the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development,

Recalling all relevant resolutions of the Human Rights Council, as well as those of the Commission on Human Rights, on the elimination of all forms of violence against women, and recalling also relevant resolutions of the General Assembly and relevant resolutions and agreed conclusions of the Commission on the Status of Women,

Taking note of the important role that can be played by the regional instruments to combat violence against women,

Outraged about the continued persistence and pervasiveness of all forms of violence against women and girls worldwide, and emphasizing that such violence is a violation, abuse or impairment of human rights and as such is unacceptable,

Reiterating the need to intensify efforts at all levels to prevent and eliminate all forms of violence against women and girls throughout the world,

Recognizing that violence against women and girls is rooted in historical and structural inequality in power relations between women and men, and that all forms of violence against women and girls seriously violate and impair or nullify their enjoyment of all human rights and fundamental freedoms and constitute a major impediment to the ability of women and girls to make use of their capabilities,

Recalling that the threat of violence, including all forms of harassment, is a permanent constraint on the mobility of women and girls, limits their access to resources, services and basic activities, and impedes their economic and political empowerment,

Emphasizing the need for States, and all segments of society, including civil society organizations, the private sector and media, as well as community leaders, including tribal leaders, and religious leaders to take meaningful steps to promote the empowerment of women and girls in order to achieve gender equality and to strongly condemn and address attitudes and behaviours that perpetuate violence against women and girls,

Stressing that any custom, tradition or religious consideration should not be invoked by States to avoid their obligations with respect to the elimination of all forms of violence against women and girls, as set out in the Declaration on the Elimination of Violence against Women,

Acknowledging the important role that men and boys can play in preventing and eliminating violence against women and girls, and further encouraging men and boys to take an active part and become strategic partners and allies in the prevention and elimination of all forms of violence and discrimination against women

* Non-member State of the Human Rights Council.

and girls, and the importance of effectively responding to violence against boys as well, in order to break the intergenerational cycles of violence,

Recognizing that poverty and lack of empowerment of women, as well as their marginalization resulting from their exclusion from social policies and from the benefits of education, health and sustainable development, can place them at increased risk of violence, and that all forms of violence against women and girls, including sexual violence, are impediments to the development of their full potential as equal partners in all aspects of life, as well as obstacles to the achievement of internationally agreed development goals, including the Millennium Development Goals,

Recognizing also the continuing need to increase women's full and effective participation in all actions and activities related to the prevention and resolution of armed conflict, the maintenance of peace and security and post-conflict peacebuilding in line with the relevant Security Council resolutions, including its resolution 1325 (2000) of 31 October 2000 and related resolutions,

Recognizing further that child, early and forced marriage continues to be an impediment to not only the economic, legal, health and social status of women and girls but also to the development of the community as a whole, and that the empowerment of and investment in women and girls, as well as their meaningful participation in decisions that affect them, is a key factor in breaking the cycle of gender inequality and discrimination, violence and poverty and is critical for sustainable development and economic growth,

Expressing concern about institutional and structural discrimination against women and girls, such as laws, policies, regulations, programmes, administrative procedures or structures and services that directly or indirectly regulate access to institutions, property and land ownership, health, education, employment and access to credit, which negatively affect women's empowerment and increase their vulnerability to violence,

Recognizing that indigenous women and girls, women and girls with disabilities, older women, women migrants and minorities often experience multiple forms of discrimination, which may increase their vulnerability to all forms of violence and limit their ability to participate in, contribute to and enjoy economic, social, cultural and political autonomy,

Expressing concern that social norms and legal constraints that restrict women's agency in the public and private sphere and their economic independence can constrain a woman's ability to leave an abusive or violent situation and reduce her ability to access protection and secure an adequate standard of living,

Recognizing that violence against women has both short- and long-term adverse consequences for women's health, including their sexual and reproductive health, and for the enjoyment of their human rights, and that respecting and promoting sexual and reproductive health, and protecting and fulfilling reproductive rights in accordance with the Programme of Action of the International Conference on Population and Development, the Beijing Platform for Action and the outcome documents of their review conferences is a necessary condition to achieve gender equality and the empowerment of women to enable them to enjoy all their human rights and fundamental freedoms, and to prevent and mitigate violence against women,

Recognizing also the important role of the United Nations system, in particular of the United Nations Entity for Gender Equality and the Empowerment of Women, in addressing discrimination and violence against women and girls at the global, regional and national levels and in assisting States, upon their request, in their efforts to eliminate and prevent all forms of violence against women and girls, and highlighting the relevance of such efforts to the attainment of the Millennium Development Goals,

Taking note of the work of the Statistical Commission of the United Nations and the Special Rapporteur on violence against women, its causes and consequences, towards developing a set of indicators on violence against women,

Underscoring the positive role that intergovernmental organizations, international financial institutions, regional development banks, civil society, including non-governmental organizations, the private sector, employer organizations, trade unions, media and other relevant organizations can play in supporting State action to promote women's economic empowerment and political participation, which can help reduce violence against women and girls,

Taking particular note of the report of the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda,¹ and noting other relevant contributions by United Nations agencies, programmes and funds on the post-2015 development agenda, which highlight the impact of violence against women and girls on development outcomes and consider elimination of violence against women and women's empowerment as a key factor for achieving gender equality,

1. *Strongly condemns* all acts of violence against women and girls, whether these acts are perpetrated by the State, private persons or non-State actors, and calls for the prevention and elimination of all forms of gender-based violence in the family, within the general community and where perpetrated or condoned by the State;

2. *Urges* States and all segments of society, including all levels of government, civil society organizations, the private sector and the media, as well as community and religious leaders, to take meaningful steps to address the harmful attitudes, customs, practices, stereotypes and unequal power relations that underlie and perpetuate violence against women and girls, including by designing, implementing and evaluating national policies, programmes and strategies aimed at transforming social norms that condone violence against women and girls, and counteract attitudes by which women and girls are regarded as subordinate to men and boys or as having stereotyped roles that perpetuate practices involving violence or coercion;

3. *Calls upon* States to develop or strengthen comprehensive national women-centred multisectoral responses involving relevant authorities in sectors such as justice, health, social services, education and child protection services, as well as relevant non-State actors, that focus on the prevention of violence, the provision of support services for victims and survivors of violence and the punishment of perpetrators to enable accountability and to promote the empowerment of women and girls by changing harmful attitudes, practices and stereotypes;

4. *Underlines* the detrimental impact of sexual violence in armed conflict on women's participation in the resolution of conflict, post-conflict transition, reconstruction, and peacebuilding processes, takes note of international and regional initiatives to combat sexual violence in armed conflict, and acknowledges with appreciation in this context the Global Summit to End Sexual Violence in Conflict, which launched the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict as a tool to promote accountability and victim support;

5. *Expresses grave concern* that violence against women and girls severely limits their capacity to participate fully and effectively in society and in the development of their communities, which undermines the achievement of internationally agreed development goals, such as the Millennium Development Goals, including goals on education, health, gender equality and the empowerment of women and girls;

6. *Urges* States to demonstrate their commitment to preventing and eliminating all forms of violence against women and girls, thereby reducing barriers to women's social, economic and political empowerment, including by:

(a) Taking effective steps to ensure the full and equal participation of women and men in all spheres of political life, including at the grass-roots level, in political reform and at all levels of decision-making, in all situations, and to contribute to the prevention and the elimination of discrimination and violence against women and girls;

(b) Taking measures to ensure women's full, equal and effective participation in all fields and leadership at all levels of decision-making in the public and private sectors through policies and actions such as temporary special measures, and by setting and working to achieve concrete goals, targets and benchmarks and implementing policies and strategies that aim to increase women's representation in parliaments and their full, equal and effective participation in policymaking in all areas, including finance, trade, defense, and foreign affairs portfolios;

(c) Condemning acts of violence against women involved in political processes and public debate, including women parliamentarians, political candidates and human rights defenders, by, inter alia, adopting legal and practical measures to prevent and punish such acts;

(d) Encouraging political parties to adopt policies, as appropriate, to promote the ability of women to participate fully at all levels of decision-making within those political parties and to combat discrimination and harassment based on sex through the implementation of anti-discrimination and anti-harassment policies;

¹ *A New Global Partnership: Eradicate Poverty and Transform Economies Through Sustainable Development* (United Nations, New York, 2013).

(e) Ensuring that legal provisions accord women an equal status in law and in practice, including in relation to the head-of-household provisions in family law and custody law, and guaranteeing women's and girls' inheritance rights and their full and equal access to and control over assets and natural and other productive resources, including full and equal rights to own and lease land and other property, and by undertaking administrative reforms and all necessary measures to give women the same rights as men to credit, capital, finance, financial assets, science and technology, vocational training, information and communications technologies and markets, and to ensure equal access to justice and legal assistance;

(f) Promoting women's full participation in the formal economy, in particular in economic decision-making, and their equal access to full and productive employment, decent work and social protection, ensuring that women and men enjoy equal treatment in the workplace, as well as equal pay for equal work or work of equal value, and equal access to power and decision-making, and promoting the equal distribution of paid and unpaid work, including valuing unpaid care work;

(g) Empowering women in the informal economy, with particular attention to women domestic workers, who are entitled to the same basic rights as other workers, including protection from violence and abuse, fair terms of employment and a safe and healthy working environment;

(h) Promoting equal and full access to and control over agricultural assets and productive resources, as well as membership in professional or trade associations and access to information networks;

(i) Encouraging private sector investment in programmes, campaigns and strategies to respond to, prevent and eliminate all forms of discrimination and violence against women and girls and to empower victims and survivors of violence, including survivors of conflict-related sexual violence;

(j) Promoting equal access to literacy, education, health services, food security, vocational, professional and leadership skills training, mentorship and employment opportunities, which ensure that women have access to the skills that are necessary to ensure their full political and economic empowerment;

(k) Promoting and protecting sexual and reproductive health and reproductive rights, in accordance with the Programme of Action of the International Conference on Population and Development, the Beijing Platform for Action and the outcome documents of their review conferences;

(l) Improving the safety of girls at, and on the way to and from, school, including by establishing a safe and violence-free environment by improving infrastructure, such as transportation, and providing separate and adequate sanitation facilities, improved lighting, playgrounds and safe environments; and adopting national policies to prohibit, prevent and address violence against children, especially girls, including sexual harassment and bullying and other forms of violence, through measures such as conducting violence prevention activities in schools and communities and establishing and enforcing penalties for violence against girls;

(m) Adopting measures to enhance the awareness of women, and in particular women at known risk of gender-based violence, of their rights, the law and the protection and legal remedies it offers, including by disseminating information on the assistance available to women and families who have experienced violence, and ensuring that timely and appropriate information is available to all women who have been subjected to violence at all stages of the justice system, and to address social stigma and legal discrimination faced by victims of violence;

(n) Incorporating a gender perspective into social and economic policies, including development and poverty eradication strategies, with a view to ensuring that the formulation and implementation of relevant strategies contribute to women's economic empowerment, thereby reducing their risk of violence;

7. *Affirms* the need for States to collect thorough and accurate data and statistics on violence against women and girls, disaggregated on the basis of sex, age, disability and other relevant variables, to measure its impact on socioeconomic development and to strengthen the effectiveness of legislative and policy measures aimed at reducing barriers to women's political and economic empowerment;

8. *Welcomes* the panel discussions on gender stereotyping and on women's human rights in the context of the sustainable development agenda, held during the annual full-day discussion on women's human rights at the twenty-sixth session of the Human Rights Council, and requests the Office of the United Nations High Commissioner for Human Rights to present a report summarizing the panel recommendations to the Human Rights Council at its twenty-seventh session, and subsequently to transmit the report to the General Assembly at its sixty-ninth session;

9. *Recalls* the invitation extended to the Office of the High Commissioner by the Human Rights Council in its resolution 23/25 to include, during the annual full-day discussion on women’s human rights to be held at the twenty-ninth session of the Council, a discussion on the issue of gender-related killings;

10. *Encourages* Member States to include a target for ending all forms of violence and discrimination against women and girls in the elaboration of a stand-alone goal on gender equality and the empowerment of women and girls in the emerging post-2015 United Nations development agenda, and to mainstream gender equality and women’s empowerment into all sustainable development goals;

11. *Welcomes* the work of the Special Rapporteur on violence against women, its causes and consequences, and takes note of her thematic report on developments in the United Nations regarding violence against women, its causes and consequences over the last 20 years;²

12. *Takes particular note* of the report of the Working Group on the issue of discrimination against women in law and in practice,³ addressing discrimination against women in economic and social life, in which the aspect of violence against women is explicitly underlined, and encourages synergies between different relevant United Nations agencies and other actors in efforts to effectively eliminate all forms of violence against women and girls;

13. *Decides* to continue its consideration of the issue of the prevention and elimination of all forms of violence against women and girls, its causes and consequences, as a matter of high priority and in conformity with its annual programme of work.

8.3 Full list of texts adopted at HRC26

Agenda Item	Resolution	Sponsors	Adoption
3	Human rights and transnational corporations and other business enterprises	Norway, Russian Federation, Ghana, Argentina	Consensus
3	International albinism awareness day	Somalia	Consensus
3	The question of the death penalty	Belgium, France, Mexico, Mongolia, Switzerland, Benin, Costa Rica, Moldova	Vote (29-10-8)
3	Special Rapporteur on the rights of persons with disabilities	Mexico, New Zealand	Consensus
3	Extreme poverty and human rights	France, Romania, Albania, Senegal, Peru, Morocco, Belgium, Chile, Philippines	Consensus
3	Protection of Roma	Russian Federation	Consensus
3	Elimination of Discrimination Against Women	Colombia, Mexico	Consensus
3	Mandate of the independent expert on human rights and international solidarity	Cuba	Vote (33-14-0)
3	Mandate of the Special Rapporteur on the independence of judges and lawyers	Hungary, Thailand, Maldives, Mexico, Botswana, Australia	Consensus
3	Mandate of the Special Rapporteur on trafficking in persons, especially women and children	Germany, Philippines	Consensus
3	Protection of the family	Egypt, Russian Federation, Qatar,	Vote (26-14-6)

² A/HRC/26/38.

³ A/HRC/26/39.

		Namibia, El Salvador, China, Tunisia, Côte d'Ivoire, Mauritania, Bangladesh, Sierra Leone	
3	Elaboration of an international legally-binding instrument on Transnational Corporations and Other Business Enterprises with respect to human rights	Ecuador, South Africa	Vote (20-14-13)
3	Mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions	Sweden	Consensus
3	The promotion, protection, and enjoyment of human rights on the Internet	Sweden, Nigeria, USA, Turkey, Brazil, Tunisia	Consensus
3	Human rights and arbitrary deprivation of nationality	Russian Federation	Consensus
3	Accelerating efforts to eliminate all forms of violence against women: Violence against women as a barrier to women's political and economic empowerment	Canada	Consensus
3	Human rights and the regulation of civilian acquisition, possession and use of firearms	Ecuador, Peru	Vote (44-0-3)
3	The right to education: Follow-up to Human Rights Council resolution 8/4	Portugal	Consensus
3	The right of everyone to the enjoyment of the highest attainable standard of physical and mental health: sport and healthy lifestyles as contributing factors	Paraguay, Romania, Brazil, South Africa	Consensus
3	Promotion of the right of migrants to the highest attainable standard of physical and mental health	Mexico	Consensus
3	Human rights of migrants: mandate of the Special Rapporteur on the human rights of migrants	Mexico	Consensus
3	Human rights and climate change	Philippines, Bangladesh	Consensus
4	The continuing grave deterioration in the human rights and humanitarian situation in the Syrian Arab Republic	UK, Turkey, Saudi Arabia, Germany, USA, Jordan, Qatar, France, Kuwait, Italy	Vote (32-5-9)
4	Situation of human rights in Eritrea	Somalia	Consensus
4	Situation of human rights in Belarus	Greece (EU)	Vote (24-7-16)
5	Promotion and protection of the human rights of peasants and other people working in rural areas	Bolivia, Cuba, Ecuador, South Africa	Vote (29-5-13)
5	The Social Forum	Cuba	Consensus
6	The contribution of parliaments to the work of the Human Rights Council and its Universal Periodic Review	Morocco, Spain, Ecuador, Maldives, Italy, Romania	Consensus
9	Implementation of the International Decade for People of African Descent: Draft Programme of Activities	Ethiopia (African Group)	Consensus
10	Cooperation and assistance to Ukraine in the field of human rights	Ukraine	Vote (23-4-19)
10	Technical and capacity-building assistance for South Sudan in the field of human rights	South Sudan	Consensus
10	Technical cooperation and capacity-building for Côte D'Ivoire in the field of human rights	Ethiopia (African Group)	Consensus

Agenda Item	Decision/President's Statement	Sponsors	Adoption
3	The negative impact of corruption on the enjoyment of human rights	Morocco, Austria, Indonesia, Poland	Consensus
5	Promotion and protection of human rights in post-disaster and post-conflict situations	Uruguay	Consensus

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<http://arc-international.net/global-advocacy/human-rights-council/hrc26>

<http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session26/Pages/26RegularSession.aspx>