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**UN HUMAN RIGHTS COUNCIL  
Universal Periodic Review – Twentieth Session**

**RECOMMENDATIONS RELATING TO  
SEXUAL ORIENTATION & GENDER IDENTITY**

**All documents referred to can be found on the respective country pages at:**  
<http://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx>.

**Details of recommendations and references to sexual orientation and gender identity during the first cycle can be found at:** <http://arc-international.net/global-advocacy/universal-periodic-review>

**Summary**

(Detailed excerpts from working group reports can be found from page 5)

***Italy***

**Pending recommendations:** Adopt a national strategy for the advancement of women, and end prevailing cultural stereotypes of the role of women in all fields; Allocate the necessary resources to the fight against discrimination on the basis of gender and sexual orientation, so as to accelerate progress on this matter; Accelerate and strengthen legislative and educational actions to combat discrimination in all its forms, particularly discrimination on the basis of sex and sexual orientation; Include sexual orientation as grounds for protection against hate speech; Take concrete steps to adopt the legislation necessary to follow-up to Prime Minister Renzi's announcement to work on the recognition of same-sex relationships in Italy, as part of Italy's efforts to further strengthen measures to combat discrimination and violence based on sexual orientation and gender identity; Ensure the equal rights of LGBT people by legally recognizing same-sex marriage and civil partnerships; Provide, in accordance with its obligations under international human rights law, effective protection for the family as the fundamental and natural unit of society.

***El Salvador***

**Accepted recommendation:** Adopt measures guaranteeing the protection of women, who are victims of discrimination and violence on the grounds of their sexual orientation or gender condition.

**Pending recommendations:** Maintain the current legislation, which respects the human person at all stages of his or her life; Draft, in consultation with civil society, and adopt a law on gender identity for transgender persons in which their right to identity is recognized among other civil and political rights; Bring its legislation into conformity with its commitment to equality and non-discrimination, by prohibiting discrimination based on sexual orientation; Take concrete measures to strengthen its

policies of promotion and protection of LGBT people, through public policies which combat hatred crimes against those individuals; Continue the effective implementation of preventive programs to guarantee the full enjoyment of rights and the protection of LGBTI people against acts of violence and discrimination affecting them; Guarantee the right of all people to live and develop in accordance with the self-perceived gender identity.

### ***Gambia***

**Pending recommendations:** eliminate all existing legislation penalizing sexual orientation or gender identity; reject provisions in the proposed Criminal Code on aggravated homosexuality and absconding state officials; Repeal all provisions of law criminalizing same sex relations between consenting adults and ensure the rights of these persons are protected; Refrain from introducing and/or repeal any legislation that criminalizes sexual activities between consenting adults and take all necessary measures to prevent discrimination on the basis of sexual orientation and/or gender identity or expression; Withdraw the criminal laws sanctioning homosexuality and take action to combat violence based on sexual orientation and gender identity; Take on board policies to promote human rights regardless of the sexual orientation of persons; Ensure that the human rights of all Gambian citizens are respected, regardless of sexual orientation or gender identity, by repealing discriminatory laws that are inconsistent with international human rights principles; Guarantee to LGBTI persons the full and equal enjoyment of their human rights, and protection from criminalization and stigmatization.

### ***Bolivia***

**Accepted recommendations:** Introduce gender equality issues, as well as non-discrimination and non-violence due to gender identity and sexual orientation in education programmes, in the school regulations and in the training of teachers; Expediently and fully investigate and prosecute acts of violence and discrimination targeting women, indigenous, and LGBTI persons and guarantees an effective remedy to victims and their families

**Recommendation not accepted:** Repeal or modify legal norms that deny or limit the rights of people based on their sexual orientation or gender identity.

### ***Fiji***

**Accepted recommendation:** Take concrete measures to end discrimination and counter stigmatization of marginalized groups, including minorities and LGBTI persons.

### ***San Marino***

**Accepted recommendations:** Protect the rights of all individuals, regardless of sexual orientation, on an equal basis; Ensure respect for minorities, especially sexual minorities; Continue to defend the institution of the family, based on the union of a man and a woman, and to keep providing assistance to those most vulnerable to human rights violations, particularly women, children, and the elderly.

**Noted recommendation:** Ensure equal rights of lesbian, gay, bisexual and transgender people by legally recognising same-sex marriage and civil partnerships.

**Pending recommendation:** Introduce appropriate administrative or legislative reforms to ensure equal protections for same-sex couples, including on matters of residency and inheritance.

### ***Kazakhstan***

**Accepted recommendations:** Enact specific legislation that prohibits discrimination against women and on the basis of sexual orientation, and develop a system through which all individuals can safely report cases of discrimination and access avenues of redress; Provide, in accordance with its

obligations under international human rights law, effective protection for the family as the fundamental and natural unit of society.

**Rejected recommendation:** Strengthen the legal framework for the protection and non-discrimination of LGBTI people.

### *Angola*

**Accepted recommendation:** Deepen actions to ensure effective implementation of the legislation on the protection of women, especially against all harmful practice or negative stereotyping.

### *Iran*

**Pending recommendations:** Amend national legislation that discriminates on the basis of gender, religion, political thought or sexual orientation; Consider strengthening existing arrangements in order to promote equality of religious communities not belonging to Islam, and of LGBT persons through the repeal or amendment of laws that allow for prosecution or punishment; Outlaw forced or coerced sterilisation, sex reassignment surgeries and reparative therapies imposed without, free and informed consent; Engage in order to address any form of discrimination against LGBTI people and in particular to prevent any practice which can harm their dignity, such as unnecessary sex reassignment surgery, especially when carried out without duly informed consent; Repeal the provisions from its Penal Code which criminalize consensual same-sex activities between adults; Revise legislative provisions that legalise abuse, persecution, sexual violence and arrest of LGBTI persons; Abolish all legislation resulting in discrimination, prosecution and punishment of people based on their sexual orientation or gender identity; Pay attention to cases of violence and discrimination based; Eliminate stoning as a form of punishment; Ensure, in accordance with ICCPR articles 5 and 7, freedom from torture while in detention for all, regardless also of sexual orientation; Ensure that religious, ethnic and sexual minorities are able to exercise their rights and freedoms, as guaranteed by the Iranian Constitution.

### *Madagascar*

**Accepted recommendation:** Take steps to eliminate traditional cultural practices that discriminate against women.

### *Iraq*

**Pending recommendations:** Amend the discriminatory provisions against women in the legislation and take steps to fight violence against women and harmful practices, such as child marriage and crimes committed in the name of “honour”; Improve the situation for and empower women and girls, by creating a more non-discriminatory environment, ensuring equal representation and the right to education, as well as addressing issues such as gender-based violence, including honour crimes, FGM and child marriage; Guarantee equality of civil and political rights. Avoid all forms of discrimination based on ethnicity, religion, gender or sexual orientation; Abolish temporary marriage, child, early and forced marriage and prosecute “honour” crimes; Adopt measures to fight violence against women, in particular “honour crimes”, by ensuring that perpetrators are brought to justice, and provide redress measures to victims.

### *Slovenia*

**Pending recommendations:** Adopt policies to ensure equality of rights for all persons, without discrimination of gender, religion, race or sexual orientation, in line with international standards; Harmonize the rights of homosexual couples with those of heterosexual couples; Heed the Committee of the Rights of the Child’s call to regularise the status of children of same-sex couples, and to ensure their protection against discrimination; Adopt the same sex partnership act in order to further

improve the rights of the LGBTI persons; Provide protection to the family as the basic and fundamental unity of the society.

### ***Egypt***

**Pending recommendations:** Implement a national plan of action that would abolish traditional practices and stereotypes that consequently widen the gender gap; Ensure that all cases of sexual violence and harassment faced by women protesters and human rights defenders must be promptly investigated and the perpetrators brought to justice; Take steps to put in place legislative and enforcement measures designed to eliminate all forms of violence against women, including sexual violence against women participating in protests and demonstrations; Continue to pursue social policies upholding the institution of family unit in line with the traditional family values and socio-economic aspirations of its people; Continue, in line with the international obligations, to provide support to the family as the natural and fundamental unit of society, including by adopting, when necessary, relevant legal measures at the national level; Release those detained solely for exercising rights to freedom of expression or for membership in a political group, and ensure remaining detainees full fair trial guarantees on an individual level; Immediately release all imprisoned journalists, prisoners of conscience and human rights defenders.

### ***Bosnia & Herzegovina***

**Pending recommendations:** Implement transparent and inclusive mechanisms of public consultations with civil society organizations on discrimination of LGBT-persons; Draft and adopt a country-wide anti-discrimination strategy, in close cooperation with all relevant stakeholders, including with regard to sexual orientation and gender identity, and the Roma community; Implement measures that ensure equality of rights and non-discrimination, especially on the grounds of gender, sexual orientation or gender identity; Build upon developments in Sarajevo Canton Police regarding training, coordination and awareness raising in tackling discrimination of LGBT-persons and implement these practices throughout the judiciary and the police; Develop a communication strategy to raise awareness of society to difficulties faced by groups of LGBTI persons and to foster an environment of tolerance; Publicly and unequivocally condemn any attack, verbal or physical, against LGBT groups and bring those responsible to justice; Provide in accordance with its obligations under international human rights law the effective protection for the family as the fundamental and natural unit of society; Ensure access to joint and inclusive quality education, with special attention towards the Roma minority, persons with disabilities and LGBT issues.

## ITALY

Date of review: Monday, 27 October 2014, AM

### *Previous cycle*

**Accepted recommendations:** to strengthen measures to prohibit discrimination based on sexual orientation and gender identity and combat hate crimes on these grounds; to undertake further campaigns against homophobia; to ensure adequate protection of LGBT people, not only through police forces on the streets, but legally via anti-discrimination law; to give special attention to cases of possible discrimination for reason of sexual identity or orientation, and ensure that cases of violence against such persons are appropriately investigated and prosecuted.

### **Summary of the proceedings of the review process**

#### **A. Presentation by the State under review**

21. The Italian Government was also committed to gender equality and prevention and removal of discrimination for reasons directly or indirectly grounded on sex, racial or ethnic origin, religion or belief, age or gender identity.

23. Concerning the promotion of LGBT peoples' rights, the adoption of the LGBT National Strategy for 2013-2015 was recalled. Four main areas of intervention were identified: education and training; employment; security and prisons; media and communication. For each area goals were specified to promote equality and combat discrimination against LGBT persons.

#### **B. Interactive dialogue and responses by the State under review**

134. Canada requested an update on improved protection against all forms of discrimination. Canada was concerned about the social inclusion of women and LGBTI persons and urged continued action to prevent violent acts against women and girls.

### **Conclusions and/or recommendations**

145. The following recommendations will be examined by Italy which will provide responses in due time, but no later than the 28th session of the Human Rights Council in March 2015.

145.58. Adopt a national strategy for the advancement of women, and end prevailing cultural stereotypes of the role of women in all fields (Bahrain);

145.94. Allocate the necessary resources to the fight against discrimination on the basis of gender and sexual orientation, so as to accelerate progress on this matter (Spain);

145.95. Accelerate and strengthen legislative and educational actions to combat discrimination in all its forms, particularly discrimination on the basis of sex and sexual orientation (Canada);

145.96. Include sexual orientation as grounds for protection against hate speech (Canada);

145.97. Take concrete steps to adopt the legislation necessary to follow-up to Prime Minister Renzi's announcement to work on the recognition of same-sex relationships in Italy, as part of Italy's efforts to further strengthen measures to combat discrimination and violence based on sexual orientation and gender identity (Netherlands);

145.98. Ensure the equal rights of Lesbian, Gay, Bisexual and Transgender (LGBT) people by legally recognizing same-sex marriage and civil partnerships (United Kingdom of Great Britain and Northern Ireland);

145.132. Provide, in accordance with its obligations under international human rights law, effective protection for the family as the fundamental and natural unit of society (Egypt).

## EL SALVADOR

Date of review: Monday, 27 October 2014, PM

### *Previous cycle*

**Accepted recommendations:** to continue to include in its social policies anti-discrimination measures and programmes in favour of indigenous peoples, ethnic minorities, persons with disabilities, persons with HIV/AIDS and persons facing discrimination based on their sexual orientation; to identify concrete measures to combat social and cultural attitudes leading to discrimination and to specifically promote the sexual and reproductive rights of women and girls; to work towards equality of pay and conditions for women in the workplace; to reduce discrimination against people with HIV/AIDS; and to increase the inclusion of lesbian, gay, bisexual and transgender people in the public and private sectors.

### **Summary of the proceedings of the review process**

#### **Interactive dialogue and responses by the State under review**

41. Brazil noted the ratification of international human rights instruments, and adoption of a national child protection policy. Noting ongoing challenges, it commended progress to protect women's rights, including providing assistance to victims of violence, and reproductive and sexual advice. Further measures should be taken to protect LGBTI persons.

52. Estonia commended the ratification of ICCPR-OP2 and standing invitation to Special Procedures, and urged compliance with Treaty Bodies' requests. Recognizing commitments to free speech, Estonia encouraged further protection for media workers. It called for action to prevent violence against women and LGBTI persons, and amendment of abortion legislation.

61. Ireland commended legislation to combat gender-based violence, yet noted a lack of resources for its implementation. It noted high levels of gender-based violence, including on the basis of sexual orientation or gender identity. Impunity for human rights violations remained a concern.

73. Spain noted ratification of ICCPR-OP2. It expressed concern regarding gender inequality and discrimination against women and children. It welcomed the adoption of the law against gender-based violence, which defined femicide; and the child protection law. It commended initiatives to improve the situation of LGBTI persons.

99. El Salvador was committed to the rights of LGBTI people. Executive Decree 56 prohibited discrimination based on sexual orientation or gender identity. Several measures had been implemented to ensure access to work without discrimination, education on non-discrimination, and the safety of LGBTI people.

### **Conclusions and/or recommendations**

103. The recommendations formulated during the interactive dialogue/listed below have been examined by El Salvador and enjoy the support of El Salvador:

103.9. Adopt measures guaranteeing the protection of women, who are victims of discrimination and violence on the grounds of their sexual orientation or gender condition (Argentina).

105. The following recommendations will be examined by El Salvador which will provide responses in due time, but no later than the 28th session of the Human Rights Council in March 2015.

105.25. Maintain the current legislation, which respects the human person at all stages of his or her life (the Holy See);

105.32. Draft, in consultation with civil society, and adopt a law on gender identity for transgender persons in which their right to identity is recognized among other civil and political rights (Spain);

105.33. Bring its legislation into conformity with its commitment to equality and non-discrimination, by prohibiting discrimination based on sexual orientation (Canada);

105.34. Take concrete measures to strengthen its policies of promotion and protection of LGBT people, through public policies which combat hatred crimes against those individuals (Brazil);

105.35. Continue the effective implementation of preventive programs to guarantee the full enjoyment of rights and the protection of LGBTI people against acts of violence and discrimination affecting them (Chile);

105.36. Guarantee the right of all people to live and develop in accordance with the self-perceived gender identity (Colombia).

## GAMBIA

Date of review: Tuesday, 28 October 2014, AM

### *Previous cycle*

**Rejected recommendations:** to modify the current legislation to eliminate discrimination based on sexual orientation; to ensure non-discrimination in access to adequate housing, and prevent forced evictions, as well as the threat of forced evictions, on the basis of sexual orientation or gender identity; to ensure remedies for forced evictions on the basis of sexual orientation; to repeal all provisions criminalizing sexual activity between consenting adults; to take action to combat violence based on sexual orientation and gender identity, including prosecution of those responsible; to ensure that all LGBT persons fully and equally enjoy their human rights, in conformity with Gambia's international obligations; with regard to the criminalisation of relations between adults of the same sex, to consider harmonising domestic standards with international ones so as to ensure the full exercise of all human rights.

### **Summary of the proceedings of the review process**

#### **Interactive dialogue and responses by the State under review**

33. Italy noted minor progress in the areas concerning women's rights, legislation on sexual orientation and respect for freedom of expression, since the first review. It also expressed concern about reports of threats against and arrests of journalists. It regretted the resumption of executions in 2012.

43. The Netherlands remained concerned with the human rights situation and lack of progress and noted that persecution and intimidation of human rights defenders and journalists continued to be widespread. It urged guaranteeing their safety and freedom to carry out their work. Amended section 144a of the Criminal Code severely restricted the rights and freedoms of LGBT persons is of concern.

56. Spain recognized efforts to improve human rights, especially ratification of CRPD. It expressed concern over regressive action regarding the death penalty moratorium, the criminalization of consensual same-sex relations, torture allegations and national legislation restricting freedom of expression. It welcomed national legislation to protect women's rights.



62. The United Kingdom of Great Britain and Northern Ireland recognized progress regarding women's and children's rights, education, and the National Human Rights Institution, which should comply with the Paris Principles. It encouraged action on FGM and expressed concern regarding freedom of expression and discrimination against LGBTI persons.

63. The United States of America expressed dismay about the human rights situation. It was concerned with interference with electoral processes and the treatment of critics, including restrictions on freedom of speech, and reports of torture, arrest, detention and enforced disappearances. It expressed concern about discrimination against LGBTI persons, human trafficking, forced child marriage, child prostitution and child labour.

69. Australia welcomed national legislation to combat gender-based violence and looked forward to the rigorous enforcement of this legislation. It expressed concern over widespread discrimination and violence based on sexual orientation and gender identity; restrictions on media freedom, and reports of torture and arbitrary detention.

75. Canada asked how its recommendation to allow independent organizations access to detention centres, and diplomatic access to arrested foreigners had been implemented. It urged the Gambian President not to make discriminatory remarks about LGBTI, welcomed action on gender-based violence and expressed concern about the independence of the judiciary.

75. Canada asked how its recommendation to allow independent organizations access to detention centres, and diplomatic access to arrested foreigners had been implemented. It urged the Gambian President not to make discriminatory remarks about LGBTI, welcomed action on gender-based violence and expressed concern about the independence of the judiciary.

## **Conclusions and/or recommendations**

109. The following recommendations will be examined by The Gambia which will provide responses in due time, but no later than the 28th session of the Human Rights Council in March 2015.

109.49. That the President of The Gambia will use his executive power by refraining from signing the Bill amending section 144a of the Criminal Code into law and that the Government of The Gambia eliminates all existing legislation penalizing sexual orientation or gender identity (Netherlands);

109.50. That the President of The Gambia rejects provisions in the proposed Criminal Code on aggravated homosexuality and absconding state officials (Sweden);

109.51. That the President of The Gambia repeal provisions in the Criminal Code which criminalize consensual same-sex sexual conduct (Sweden);

109.52. Repeal all provisions of law criminalizing same sex relations between consenting adults and ensure the rights of these persons are protected (Australia);

109.53. Repeal laws that provide for the criminalization of LGBT people, in accordance of the principle of non-discrimination (France);

109.54. Ensure that the Criminal Code is applied in a non-discriminatory manner, in full compliance with Articles 2, 17 and 26 of the International Covenant on Civil and Political Rights as interpreted by the Human Rights Committee (United Kingdom of Great Britain and Northern Ireland);

109.55. Immediately decriminalize homosexuality, amending legislation to promote and protect human rights for all individuals, regardless of race, ethnic origin, religion, personal beliefs and opinions, disability, age, gender, and sexual orientation in accordance with The Gambia's obligations including as signatories to the African Charter on Human and Peoples' rights (Canada);



109.56. Refrain from introducing and/or repeal any legislation that criminalizes sexual activities between consenting adults and take all necessary measures to prevent discrimination on the basis of sexual orientation and/or gender identity or expression (Germany);

109.97. Withdraw the criminal laws sanctioning homosexuality and take action to combat violence based on sexual orientation and gender identity (Italy);

109.98. Take on board policies to promote human rights regardless of the sexual orientation of persons (Spain);

109.99. Ensure that the human rights of all Gambian citizens are respected, regardless of sexual orientation or gender identity, by repealing discriminatory laws that are inconsistent with international human rights principles (United States of America);

109.100. Guarantee to LGBTI persons the full and equal enjoyment of their human rights, and protection from criminalization and stigmatization (Argentina).

## BOLIVIA

Date of review: Tuesday, 28 October 2014, PM

### *Previous cycle*

**Accepted recommendations:** to include sexual orientation and gender identity in all laws and initiatives combating discrimination and promoting equality, and to develop public education and sensitivity programmes and make them available, including to police, military, judicial, prison and other authorities.

### **Summary of the proceedings of the review process**

#### **Presentation by the State under review**

19. Femicide is now also criminalized. Bolivia has adopted legislation to guarantee women a life free of violence, with clear institutional responsibilities that allow for timely intervention. The political activities of women are now also protected through the Law against harassment and political violence toward women adopted and which prohibits all forms of discrimination against women in the society.

#### **Conclusions and/or recommendations**

114. The following enjoy the support of Bolivia (Plurinational State of) which considers that they are already implemented or in the process of implementation.

114.9. Introduce gender equality issues, as well as non-discrimination and non-violence due to gender identity and sexual orientation in education programmes, in the school regulations and in the training of teachers (Colombia);

114.67. Expediently and fully investigate and prosecute acts of violence and discrimination targeting women, indigenous, and LGBTI persons and guarantees an effective remedy to victims and their families (Ireland).

115. The recommendations below did not enjoy the support of Bolivia (Plurinational State of) and would thus be noted.

115.4. Repeal or modify legal norms that deny or limit the rights of people based on their sexual orientation or gender identity (Israel).

## FIJI

Date of review: Wednesday, 29 October 2014, AM

### *Previous cycle*

**Documents** – The summary of stakeholder information noted that while Fiji includes sexual orientation as a prohibited ground of discrimination in its Constitution, there are concerns that constitutional protections for minority groups may be undermined. Stakeholders recommended that the provisions of the Constitution be rigorously upheld, including the prohibition of discrimination on grounds such as sexual orientation.

**Discussions** – There were no references to human rights issues relating to sexual orientation or gender identity during the working group review, nor during the formal report adoption at the HRC plenary session. No relevant recommendations were made to Fiji on these issues.

### **Summary of the proceedings of the review process**

#### **A. Presentation by the State under review**

11. Women's rights in Fiji were consistent with the Convention on the Elimination of Discrimination against Women (CEDAW) which Fiji ratified in 1995. In response to questions from 10 countries on steps taken to end discrimination and violence against women, Fiji acknowledged the challenges posed by these issues. New initiatives include updated provisions in the Crimes Decree for the offences of rape and sexual assault, the passing and application of the Domestic Violence Decree (DVD), judicial training, a new National Gender Policy, and gender training of the civil service. Fiji corrected the Netherlands' claim that the Constitution did not protect women by listing the newly protected grounds in addition to sex and gender, which were gender identity and expression, pregnancy and marital status, which constituted a broad protection of discrimination against women and allowed for the legal articulation of intersectional discrimination. It was also clarified that higher levels of reported cases of domestic violence raised as a concern in fact reflected higher reporting by victims as a result of the confidence in the above initiatives.

#### **B. Interactive dialogue and responses by the State under review**

69. [Fiji shared concerns that] repressive laws could have the effect of severely restricting press freedom. Fiji had taken significant steps in securing greater rights and freedoms. However, Fiji stated that no country guaranteed unfettered freedom without responsibility. While guaranteeing freedom of speech, expression, thought, opinion and publication, Fiji's Constitution explicitly prohibited any speech, opinions or expressions *inter alia*, that was tantamount to propaganda of war; incitement of violence or insurrection against the Constitution; or advocated hatred based on any prohibited grounds of discrimination such as race, culture, ethnic or social origin, sex, gender, sexual orientation and gender identity, language, economic, social or health status, disability, age, and/or religion. Those limitations were also in consonance with General Recommendation No.35 (CERD/C/GC/35) of the International Convention on the Elimination of All Forms of Racial Discrimination on Combating Racist Hate Speech.

### **Conclusions and/or recommendations**

99. The recommendations formulated during the interactive dialogue/listed below have been examined by Fiji and enjoy the support of Fiji:

99.51. Take concrete measures to end discrimination and counter stigmatization of marginalized groups, including minorities and LGBTI persons (Germany).

## SAN MARINO

Date of review: Wednesday, 29 October 2014, PM

## *Previous cycle*

**Rejected recommendations:** to ensure that all members of society, including members of sexual minority groups, have access to equal rights and are afforded the same level of protection, through adequate legislation and awareness-raising and training programmes, especially with regard to integration; to introduce educational or training programmes that promote the integration of sexual minorities with a view to preventing discrimination on the basis of sexuality; to take further steps to ensure the equal protection of the rights of persons in non-traditional family models, such as unmarried partners, cohabitants and same-sex civil partners; to explicitly include sexual orientation and gender identity as protected grounds under the principle of non-discrimination in relevant legislation and programmes, and to apply the Yogyakarta principles with regard to human rights and sexual orientation and gender identity.

## **Summary of the proceedings of the review process**

### **Interactive dialogue**

26. Malaysia noted the adoption of important laws and provisions relating to violence against women and enforcement of measures for their protection and expressed appreciation for San Marino's strong belief in the value of the family for human development and its efforts to protect the family institution and encouraged them to continue in this regard.

46. Australia, commending San Marino's exemplary human rights record, noted that its human rights framework valued the integrity of the person, afforded a high degree of political participation and enforced civil liberties. Despite the fact that the Declaration on the Citizens' Rights and Fundamental Principles of San Marino Constitutional Order prohibited discrimination on all grounds, it was concerned that same-sex couples still encountered discrimination in some basic rights, including residency and inheritance. It commended efforts to protect the rights of persons with disabilities in many areas, particularly employment, education, health care and other state services.

56. The Holy See welcomed steps taken since the first cycle of the UPR to promote and protect human rights and to strengthen legislation and the administration of justice in line with international instruments. It commended the continued protection of the institution of the family as a union based on a stable relationship of a man and a woman, and the related legislation which extended the right of a parent to be absent from the workplace when the child was ill or to assist family members requiring special assistance, including due to disability or serious age-related disease.

### **Response by the State under review**

63. With respect to questions related to discrimination, including based on sexual orientation and gender-identity, and on the need to protect single-parent and non-conventional families, all people were equal before the law and all forms of discrimination were rejected under the Declaration of Citizens' Rights. All sectors of the public administration were also abiding by this principle. Such prohibition was reinforced by Law no. 66/2008, which punished anyone inciting or committing any act of discrimination based on sexual orientation. The Law considered it an aggravating circumstance.

68. A national debate encouraged by the civil society is going on about same-sex unions. The Parliament had recently addressed the issue and decided not to consider same-sex unions on an equal footing to traditional households. Cohabitation between persons of the same sex is recognised if they are entitled to live in the territory, but their rights and duties are regulated by private law.

## **Conclusions and/or recommendations**

78. The recommendations formulated during the interactive dialogue and listed below have been examined by San Marino and enjoy the support of San Marino:

78.29. Protect the rights of all individuals, regardless of sexual orientation, on an equal basis (Canada);

78.30. Ensure respect for minorities, especially sexual minorities (France);

78.37. Continue to defend the institution of the family, based on the union of a man and a woman, and to keep providing assistance to those most vulnerable to human rights violations, particularly women, children, and the elderly (Holy See).

79. The following recommendations will be examined by San Marino which will provide responses in due time but no later than the 28th session of the Human Rights Council in March 2015:

79.11. Introduce appropriate administrative or legislative reforms to ensure equal protections for same-sex couples, including on matters of residency and inheritance (Australia).

80. The recommendations listed below have been noted by San Marino:

80.11. Ensure equal rights of lesbian, gay, bisexual and transgender people by legally recognising same-sex marriage and civil partnerships (United Kingdom of Great Britain and Northern Ireland).

## KAZAKHSTAN

Date of review: Thursday, 30 October 2014, AM

### *Previous cycle*

**Rejected recommendation:** to join the declaration on sexual orientation and gender identity.

### **Summary of the proceedings of the review process**

#### **Interactive dialogue and responses by the State under review**

52. Montenegro noted that women were underrepresented in political life and asked about measures to eliminate stereotypes regarding women and men roles. It enquired about plans to complete the ratification of the CRPD.

### **Conclusions and/or recommendations**

124. The following recommendations enjoy the support of Kazakhstan, which considers that they are already implemented.

124.6. Enact specific legislation that prohibits discrimination against women and on the basis of sexual orientation, and develop a system through which all individuals can safely report cases of discrimination and access avenues of redress (Canada);

124.38. Provide, in accordance with its obligations under international human rights law, effective protection for the family as the fundamental and natural unit of society (Egypt);

126. The recommendations below did not enjoy the support of Kazakhstan and would thus be noted:

126.24. Strengthen the legal framework for the protection and non-discrimination of LGBTI people (Spain);

## ANGOLA

Date of review: Thursday, 30 October 2014, PM

## *Previous cycle*

**Rejected recommendation:** to ensure that articles 70 and 71 of the Penal Code are not construed and applied so as to criminalize homosexuality; to decriminalize consensual same-sex activity between adults.

## **Conclusions and/or recommendations**

134. The recommendations formulated during the interactive dialogue, which appear below, have been examined by Angola and enjoy the support of Angola:

134.98. Deepen actions to ensure effective implementation of the legislation on the protection of women, especially against all harmful practice or negative stereotyping (Argentina).

## **IRAN**

Date of review: Friday, 31 October 2014, AM

## *Previous cycle*

**Rejected recommendations:** to eliminate, in law and practice, all forms of discrimination against persons belonging to religious, ethnic, linguistic and other minorities, as well as against lesbian, gay, bisexual and transgender persons; to revise legislative provisions that are discriminatory on the basis of sex, religion, political opinion or sexual orientation; to decriminalize consensual same-sex activity between adults and eliminate legal provisions discriminatory to women and religious, national and other minorities.

## **Summary of the proceedings of the review process**

### **A. Presentation by the State under review**

5. The head of the delegation stated that the Islamic Republic of Iran highly appreciated the UPR as a cooperative mechanism that considered human rights situations in all United Nations Member States on an equal footing, avoiding selectivity. It was essential to respect different values, traditions and cultures and to refrain from imposing specific lifestyles on others. He reiterated his country's solid commitment to the principles of multicultural universality in the domain of human rights.

### **B. Interactive dialogue and responses by the State under review**

125. The Russian Federation noted the new laws to protect children and measures to protect the family.

135. With regard to homosexuality, [Iran] pointed out that homosexuality had been subject to prosecution in most Western countries in the not too distant past.

137. The head of delegation reiterated his objection to the imposition of specific lifestyles under the banner of human rights. The UPR should be based on impartiality and respect for multiculturalism.

## **Conclusions and/or recommendations**

138. The following recommendations will be examined by the Islamic Republic of Iran which will provide responses in due time, but no later than the 28th session of the Human Rights Council in March 2015:

138.96. Amend national legislation that discriminates on the basis of gender, religion, political thought or sexual orientation (Uruguay);

- 138.116. Consider strengthening existing arrangements in order to promote equality of religious communities not belonging to Islam, and of LGBT persons through the repeal or amendment of laws that allow for prosecution or punishment (Argentina);
- 138.135. Outlaw forced or coerced sterilisation, sex reassignment surgeries and reparative therapies imposed without, free and informed consent (Iceland);
- 138.136. End discrimination on the basis of sexual orientation (Canada);
- 138.137. Engage in order to address any form of discrimination against LGBTI people and in particular to prevent any practice which can harm their dignity, such as unnecessary sex reassignment surgery, especially when carried out without duly informed consent (Italy);
- 138.138. Repeal the provisions from its Penal Code which criminalize consensual same-sex activities between adults (Spain);
- 138.139. Repeal laws criminalising consensual sexual conduct between same-sex adults (Iceland);
- 138.140. Revise legislative provisions that legalise abuse, persecution, sexual violence and arrest of LGBTI persons (Iceland);
- 138.141. Abolish all legislation resulting in discrimination, prosecution and punishment of people based on their sexual orientation or gender identity (Israel);
- 138.142. Repeal all legislative provisions which lead to discriminations based on sexual orientation and declared or perceived gender identity of persons (Luxembourg);
- 138.143. Pay attention to cases of violence and discrimination based upon sexual orientation, in particular against LGBT persons, both in law and in practice (Chile);
- 138.177. Eliminate stoning as a form of punishment (Paraguay);
- 138.183. Ensure, in accordance with ICCPR articles 5 and 7, freedom from torture while in detention for all, regardless also of sexual orientation (Denmark);
- 138.282. Ensure that religious, ethnic and sexual minorities are able to exercise their rights and freedoms, as guaranteed by the Iranian Constitution (Netherlands).

## MADAGASCAR

Date of review: Monday, 3 November 2014, AM

### *Previous cycle*

There were no references or recommendations on human rights issues relating to sexual orientation or gender identity throughout the UPR of Madagascar. A key question identified by NGOs, which was not reflected in the summary of stakeholder information, was whether the principles of equality and non-discrimination are also extended to the grounds of sexual orientation and gender identity, and what measures might be taken to promote tolerance and respect on these grounds.

### **Conclusions and/or recommendations**

108. The recommendations formulated during the interactive dialogue/listed below have been examined by Madagascar and enjoy its support:



108.58. Take steps to eliminate traditional cultural practices that discriminate against women (Ghana).

## IRAQ

Date of review: Monday, 3 November 2014, PM

### *Previous cycle*

**Accepted recommendations:** to implement measures to address extrajudicial killings of persons on the basis of their actual or presumed sexual orientation; to take action in order to end extrajudicial killings of persons on the basis of their sexual orientation; to re-establish the moratorium on death penalty in all cases. If not, extend that moratorium to the cases that are contrary to international law, including the death penalty for sexual orientation.

**Rejected recommendations:** to ensure all reports of human rights violations, including those against religious minorities and homosexuals, are investigated and prosecuted; to decriminalize homosexuality and ensure that the authors of violence against homosexuals are brought to justice.

### **Conclusions and/or recommendations**

127. The following recommendations will be examined by Iraq which will provide responses in due time, but no later than the 28th session of the Human Rights Council in March 2015:

127.84. Amend the discriminatory provisions against women in the legislation and take steps to fight violence against women and harmful practices, such as child marriage and crimes committed in the name of “honour” (Estonia);

127.94. Improve the situation for and empower women and girls, by creating a more non-discriminatory environment, ensuring equal representation and the right to education, as well as addressing issues such as gender-based violence, including honour crimes, FGM and child marriage (Sweden);

127.98. Guarantee equality of civil and political rights. Avoid all forms of discrimination based on ethnicity, religion, gender or sexual orientation (France);

127.133. Abolish temporary marriage, child, early and forced marriage and prosecute “honour” crimes (Sierra Leone);

127.134. Adopt measures to fight violence against women, in particular “honour crimes”, by ensuring that perpetrators are brought to justice, and provide redress measures to victims (Chile).

## SLOVENIA

Date of review: Tuesday, 4 November 2014, AM

### *Previous cycle*

**Accepted recommendations:** to take the measures necessary to ensure that same-sex partners are treated equally with opposite-sex partners throughout Slovenian law; to adopt the latest draft amendments to the Marriage and Family Relations Act that equalize same-sex unions and other family unions and ban the corporal punishment of children; to further strengthen measures against discrimination with regard to women, national minorities, persons of minority sexual orientation or gender identity and persons with disabilities.

## Summary of the proceedings of the review process

### A. Presentation by the State under review

5. The delegation of Slovenia reiterated that human rights were among the key principles upon which the Republic of Slovenia was built. It reported that since the submission of its national report, the participation of women in the national assembly and in the government had increased. Since mid-October an important new draft of Law on same-sex civil partnerships was in public discussion.

13. In answering Belgium on discrimination against children of same-sex couples in schools, based on their family's sexual orientation, the delegation, in presenting relevant awareness raising activities, highlighted a book 'My name is Damjan' on LGBTIs that all secondary school students were receiving during the current school year. It explained, based on the question by Spain, that Slovenian Ministry of Health and blood transfusion service were currently considering the existing practice with a view to adapting it to both medical requirements for ensuring a high protection for blood receivers and non-discrimination principle.

### B. Interactive dialogue and responses by the State under review

46. Sweden welcomed Slovenia's commitment to combat violence and discrimination on all grounds, including sexual orientation and gender identity. However, it noted the concern expressed by the CRC about discrimination against children of same-sex couples.

68. [Slovenia stated that a] new draft law regarding same-sex civil partnerships was under public discussion. Previous efforts in that regard had failed; the coalition agreement had reviewed the issue and the new law would hopefully be adopted in 2015.

## Conclusions and/or recommendations

115. The recommendations listed below will be examined by Slovenia which will provide responses in due time, but no later than the 28th session of the Human Rights Council in March 2015:

115.50. Adopt policies to ensure equality of rights for all persons, without discrimination of gender, religion, race or sexual orientation, in line with international standards (Uruguay);

115.92. Harmonize the rights of homosexual couples with those of heterosexual couples (Spain);

115.93. Heed the Committee of the Rights of the Child's call to regularise the status of children of same-sex couples, and to ensure their protection against discrimination (Sweden);

115.98. Adopt the same sex partnership act in order to further improve the rights of the LGBTI persons (Croatia);

115.131. Provide protection to the family as the basic and fundamental unity of the society (Egypt).

## EGYPT

Date of review: Wednesday, 5 November 2014, AM

### *Previous cycle*

**Rejected recommendations:** to apply national legislation to individuals without discrimination based on their belonging to a religious minority or on sexual orientation; to review national legal provisions, as e.g. those criminalising "habitual debauchery", which are open to abuse for persecution and intimidation of persons of minority sexual orientation or gender identity or of persons with HIV/AIDS; to fully implement Article 2 of the Universal Declaration of Human Rights, which provides that

“Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,” and to recognize that “sex” also includes sexual orientation.

## **Summary of the proceedings of the review process**

### **Interactive dialogue and responses by the State under review**

117. The Egyptian delegation stated, regarding arrest of protesters, that the right to protest is enshrined in Article 73 of the constitution. A protest law was adopted in November 2013 in compliance with Art 19 of the ICCPR. Decisions to arrest, detain and further convict protesters are handed over by ordinary courts in line with national legislations and after thorough investigations. Those arrested have either not notified relevant authorities of their intended demonstration or used violence. The protest law is being reviewed by the Constitutional court. Defenders were sentenced for committing offenses punishable under the penal code and are entitled to appeal. No one is detained for his/her opinion or freedom of expression. The General Prosecutor is currently investigating the events of July and August 2013. Findings will be released as soon as the investigations are over.

## **Conclusions and/or recommendations**

166. The following recommendations will be examined by Egypt which will provide responses in due time, but no later than the 28th session of the Human Rights Council in March 2015:

166.73. Implement a national plan of action that would abolish traditional practices and stereotypes that consequently widen the gender gap (Serbia);

166.76. In compliance with international human rights law, amend, adopt and effectively implement legislation to eliminate all forms of discrimination and criminalize all forms of violence against women and girls; ensure that all cases of sexual violence and harassment faced by women protesters and human rights defenders must be promptly investigated and the perpetrators brought to justice (Finland);

166.166. Take steps to put in place legislative and enforcement measures designed to eliminate all forms of violence against women, including sexual violence against women participating in protests and demonstrations (Montenegro);

166.194. Continue the policy on the protection and support of the family institution as a fundamental basis of society (Russian Federation);

166.195. Continue to pursue social policies upholding the institution of family unit in line with the traditional family values and socio-economic aspirations of its people (Bangladesh);

166.196. Continue, in line with the international obligations, to provide support to the family as the natural and fundamental unit of society, including by adopting, when necessary, relevant legal measures at the national level (Belarus);

166.215. Release those detained solely for exercising rights to freedom of expression or for membership in a political group, and ensure remaining detainees full fair trial guarantees on an individual level (United States of America);

166.216. Release and drop charges against all journalists and media workers arrested in the context of performing their duties (Austria);

166.217. Immediately release all imprisoned journalists, prisoners of conscience and human rights defenders (Norway).

### *Previous cycle*

**Partially accepted recommendations:** to guarantee for everyone effective protection against all discrimination based on sexual orientation or gender identity, and to publicly condemn all acts of violence connected with such discrimination and prosecute those responsible; to express a strong commitment to protecting and advocating the fundamental human rights of members of the lesbian, gay, bisexual and transgender communities as equal citizens, in keeping with the country's commitments to international conventions; to take all the measures necessary to ensure full respect for existing legislation for lesbians, gays, transsexuals and bisexuals.

**Rejected recommendation:** to amend laws that still contain provisions that discriminate against lesbians, gays, transsexuals and bisexuals.

### **Summary of the proceedings of the review process**

#### **Interactive dialogue and responses by the State under review**

68. [The delegation of BiH noted that a] draft Action Plan for Human Rights and related directives in the field of human rights had been prepared and the Assistant Minister also noted that there was legislation in place to protect persons of various sexual orientations. The Ministry was seeking to improve practices in this area. Both the BiH Council for Children and the BiH Council for Persons with Disabilities had continued their work.

88. Norway encouraged implementation of the Gender Equality Law. It noted that access to justice, particularly regarding war crimes, was difficult. Norway highlighted the importance of an integrated education system for reconciliation and peaceful coexistence; participation of civil society and the rights to freedom of assembly and non-discrimination for LGBT communities.

103. Sweden noted ongoing incidences of discrimination, threats and attacks against LGBT persons and activists, despite previously accepted recommendations.

### **Conclusions and/or recommendations**

107. The following recommendations will be examined Bosnia and Herzegovina which will provide responses in due time, but no later than the 28th session of the Human Rights Council in March 2015.

107.22. Implement transparent and inclusive mechanisms of public consultations with civil society organizations in all issues mentioned above (ie. gender equality, minority rights, redressing wartime crimes, inclusive quality education for minorities and discrimination of LGBT-persons) (Norway);

107.27. Draft and adopt a country-wide anti-discrimination strategy, in close cooperation with all relevant stakeholders, including with regard to sexual orientation and gender identity, and the Roma community (Germany);

107.37. Implement measures that ensure equality of rights and non-discrimination, especially on the grounds of gender, sexual orientation or gender identity (Uruguay);

107.50. Take measures to effectively combat against discrimination based on sexual orientation or gender identity (France);

107.51. Build upon developments in Sarajevo Canton Police regarding training, coordination and awareness raising in tackling discrimination of LGBT-persons and implement these practices throughout the judiciary and the police (Norway);

107.52. Develop a communication strategy to raise awareness of society to difficulties faced by groups of LGBTI persons and to foster an environment of tolerance (Spain);

107.53. Publicly and unequivocally condemn any attack, verbal or physical, against LGBT groups and bring those responsible to justice (Sweden);

107.105. Provide in accordance with its obligations under international human rights law the effective protection for the family as the fundamental and natural unit of society (Egypt);

107.143. Ensure access to joint and inclusive quality education, with special attention towards the Roma minority, persons with disabilities and LGBT issues (Norway).