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**UN HUMAN RIGHTS COUNCIL
Universal Periodic Review – Twenty-first session**

**HUMAN RIGHTS ISSUES RELATED TO
SEXUAL ORIENTATION AND 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>

KEY RECOMMENDATIONS

(See detailed information including excerpts from input reports below, from page 5)

Kyrgyzstan

- Put in place, without delay, a comprehensive strategy to modify or eliminate gender stereotypes and patriarchal attitudes and cultural practices;
- Undertake investigations into and ensure accountability for acts of police harassment and torture of LGBT persons and sex workers;
- Undertake programmes of training and awareness-raising to educate police and other law enforcement personnel regarding the arbitrariness of arrest and detention based on a person's sexual orientation or gender identity;
- Ensure that notions of public order, public morality, public health and public security are not employed to restrict, in a discriminatory manner, any exercise of freedom of opinion and expression that affirms diverse sexual orientations or gender identities;
- Include sexual orientation and gender identity as grounds for protection in anti-discrimination legislation;
- Take all necessary legislative, administrative and other measures to ensure enjoyment of the right to the highest attainable standard of health, without discrimination on the basis of sexual orientation or gender identity;
- Cease all attempts to criminalize sex work, and guarantee the safety of sex workers who seek to file police reports.

Kiribati

- Introduce legislation to outlaw discrimination on the basis of sex and gender, guarantee equal benefits for men and women, and ensure that customary law does not apply to the extent that it is discriminatory towards women;

- Promote a constructive dialogue on sexual orientation and gender identity with all relevant stakeholders, including government ministries, civil society and religious leaders; work towards repealing sections of 153-155 of the Penal Code which criminalize homosexuality;
- Introduce policies aimed at ending discrimination based on sexual orientation and gender identity;
- Take all necessary legislative, administrative and other measures to eliminate and prohibit discrimination on the basis gender in public and private employment.

Guinea

- Repeal all provisions that may be used to criminalise sexual relations between consenting adults of the same sex;
- Adopt appropriate legislative and other measures to prohibit and eliminate discrimination in the public and private spheres on the basis of gender.

Lao People's Democratic Republic

- Use international practices in developing the definition of what constitutes violence against women and children, and ensure that the new law on anti-violence against women and children covers all forms of violence in all settings, including a definition of what constitutes rape during marriage;
- Ratify the Optional Protocol to CEDAW and Optional Protocol 3 to the CRC;
- Enact an anti-discrimination law that will ensure equality of all people regardless of sexual orientation and gender identity;
- Take all necessary legislative, administrative and other measures to ensure enjoyment of the right to the highest attainable standard of health, without discrimination on the basis of sexual orientation or gender identity;
- Develop and implement programmes to address discrimination, prejudice and other social factors which undermine the health of persons because of their sexual orientation or gender identity.

Spain

- Amend the legislation on the civil registry to reflect the equal status of heterosexual and same-sex marriages regarding the establishment of maternity;
- Take steps to enable individuals to freely change their sex in the civil registry;
- Ensure the rights of transgender persons to recognition before the law, without infringement on other rights;
- Reinststate the right of lesbians and single women to access assisted reproduction techniques offered by the national health system;
- Include medical treatment related to transsexuality in the basic portfolio of services of the social security system.

Lesotho

- Enact positive laws and legislation that explicitly address discrimination against LGBTI persons and sex workers;
- Increase LGBTI individual access to basic social services, including health, education, HIV Aids care, and employment, through the engagement of civil society and the creation of organizations exclusively focused on the protection of LGBTI persons;
- Promote and facilitate a constructive dialogue on sexual orientation and gender identity with all relevant stakeholders, including government ministries, civil society and religious leaders;
- Introduce targeted policies to eradicate discrimination based on sexual orientation and gender identity and provide appropriate training to law enforcement officials in accordance with the Yogyakarta Principles.

Kenya

- Publicly denounce the violence and abuse of LGBT and other minority groups by police and other security agents;
- Review existing laws that penalize same-sex conduct and provide adequate protection to LGBT persons;

- Support appropriate and quality healthcare programs, including HIV prevention, for LGBT persons and sex workers using evidence-based and human rights-based approaches.

Armenia

- Implement the Human Rights Committee recommendation to prohibit discrimination based on sexual orientation and gender identity and to provide effective protection to lesbian, gay, bisexual and transgender (LGBT) persons as well as sex workers, including in access to healthcare;
- Thoroughly and effectively investigate all attacks and threats against individuals on the grounds of sexual orientation and gender identity;
- Review and amend hate crime legislation, including sexual orientation and gender identity as motives for hate crimes;
- Take effective measures to combat violence against women in police institutions and by police officers;
- Overcome gender imbalance among police officers/investigators;
- Eliminate police violence and discrimination against arrested women and sex workers;
- Establish legal safeguards and mechanisms for those working on the rights of women and LGBT persons.

Guinea-Bissau

- Review the OHCHR report on sexual orientation and gender identity and give consideration to implementing the recommendations contained therein.

Sweden

- Include disability, gender identity and gender expression as motives for hate crime in hate crime legislation;
- Because the Sex Purchase Act does not differentiate between voluntary and involuntary sex work, Sweden should objectively evaluate all existing legislation affecting sex workers;
- Ensure a change of legal gender has full effect in all areas of life, including as a parental marker; and ensure access to free gender affirming health care for all transgender people needing it;
- Undertake sensitisation and awareness raising on issues relating to sexual orientation and gender identity for health care providers;
- Review the Communicable Diseases Act to accord with UNAIDS recommendations on decriminalization of HIV.

Grenada

- Implement CEDAW recommendations to review Grenada's laws and regulations in order to amend gender-based discriminatory provisions, and to adopt a comprehensive strategy to eliminate the negative stereotypes and adverse traditional beliefs and practices that discriminated against women and to conduct awareness-raising and public educational campaigns;
- Align national legislation with international standards, and include sexual orientation and gender identity and expression as grounds for discrimination in anti-discrimination legislation;
- Establish and implement policies and initiatives to address discrimination based on sexual orientation or gender identity;
- Conduct awareness raising on sexual orientation and gender identity for police officers and workers and take every necessary measure, such as legislation, training, policies among others, to eliminate such discrimination both in the public and private sphere;
- Promote and facilitate constructive dialogue on sexual orientation and gender identity with stakeholders, including government ministries, civil society and religious leaders;
- Review the OHCHR report on sexual orientation and gender identity and give consideration to implementing the recommendations contained therein.

Turkey

- Implement the CEDAW recommendation to adopt a comprehensive anti-discrimination legislation, including a clear definition of discrimination against women;
- Implement the Human Rights Committee recommendation to investigate, prosecute and punish acts of discrimination or violence against LGBT persons;

- Include sexual orientation and gender identity as grounds for protection in all relevant anti-discrimination and hate crimes legislation;
- Undertake sensitisation and awareness-raising on issues relating to sexual orientation and gender identity for police, the judiciary and all law enforcement officials;
- Take all necessary legislative, administrative and other measures to ensure security of tenure and access to affordable, habitable, accessible, culturally appropriate and safe housing, including shelters and other emergency accommodation, without discrimination on the basis of sexual orientation, gender identity, ethnicity or migrant, IDP or refugee status.

Guyana

- Implement the CEDAW recommendation to put in place a comprehensive strategy to modify or eliminate patriarchal attitudes and stereotypes that discriminate against women and to target the media to strengthen understanding of the equality of women and men;
- Carry out more awareness-building and dissemination of the provisions of CEDAW to women in rural and remote areas and to incorporate CEDAW into domestic law;
- Take all necessary legislative, administrative and other measures to ensure the full enjoyment of the right to express identity or personhood, including through speech, deportment, dress, bodily characteristics, choice of name or any other means;
- Fully and thoroughly investigate all incidents and acts of violence suspected of being motivated by homophobic or transphobic reasons;
- Investigate and ensure accountability for discriminatory and abusive behaviour by the uniformed forces;
- Amend section 4 of the Prevention of Discrimination Act to include sexual orientation and gender identity as prohibited grounds for discrimination;
- Promote and facilitate a constructive dialogue on sexual orientation and gender identity with stakeholders and introduce policies and educational programmes aimed at ending discrimination and harassment based on sexual orientation and gender identity.

Kuwait

- Implement the CEDAW recommendations to adopt specific legislation to criminalize acts of domestic and sexual violence, including marital rape; to amend the Penal Code to provide more stringent penalties for men who commit so-called “honour crimes”, and; ensure equal sanctions for both men and women in relation to killings motivated by adultery;
- Read the OHCHR report on sexual orientation and gender identity and give consideration to implementing the recommendations contained therein.

KYRGYZSTAN

Date of review: Monday, 19 January 2015, AM

Suggested recommendations

- Put in place, without delay, a comprehensive strategy to modify or eliminate gender stereotypes and patriarchal attitudes and cultural practices;
- Undertake investigations into and ensure accountability for acts of police harassment and torture of LGBT persons and sex workers;
- Undertake programmes of training and awareness-raising to educate police and other law enforcement personnel regarding the arbitrariness of arrest and detention based on a person's sexual orientation or gender identity;
- Ensure that notions of public order, public morality, public health and public security are not employed to restrict, in a discriminatory manner, any exercise of freedom of opinion and expression that affirms diverse sexual orientations or gender identities;
- Include sexual orientation and gender identity as grounds for protection in anti-discrimination legislation;
- Take all necessary legislative, administrative and other measures to ensure enjoyment of the right to the highest attainable standard of health, without discrimination on the basis of sexual orientation or gender identity;
- Cease all attempts to criminalize sex work, and guarantee the safety of sex workers who seek to file police reports.

Previous cycle

Accepted recommendations: Intensify in practice sanctions in cases of domestic violence, bride kidnapping, forced marriage, polygamy and discrimination against women due to sexual orientation, as well as promote mechanisms of protection that guarantee the rights of victims of domestic violence; Review the compliance of its national legislation with provisions of the International Covenant on Civil and Political Rights on non-discrimination, in particular with regard to women and persons of minority ethnicity, sexual orientation or gender identity.

National report

Not yet available in English

Compilation of UN information

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination

13. The Special Rapporteur on violence against women stated that gender stereotypes promoting subordinate roles of women and discriminatory traditions appeared to be gaining increasing support among the population. UNCT stated that, notwithstanding the improved legislative framework to eliminate gender-based discrimination and the attempts to implement the UPR recommendations on women's rights, the gap in the implementation of the national and international law remained wide.

14. The Special Rapporteur on violence against women noted a high level of homophobia, discrimination and violence against LGBT persons. The HR Committee and UNCT made a similar observation. CAT was concerned at reports of police harassment, arbitrary arrest and torture perpetrated against LGBT persons.

Summary of stakeholders' information

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

10. JS1 stated that religious and ethnic minorities, and lesbian, gay, bisexual, transgender (LGBT) persons, continued to face discrimination in the exercise of their right to freedom of expression and that their issues rarely received media coverage. Criminal provisions were abused to suppress critical discourse on the position of minorities in society.

11. JS6 noted the absence of anti-discrimination legislation, prohibiting discrimination on grounds of sexual orientation and gender identity. The Human Rights Watch (HRW) stated that LGBT persons experienced abuse and discrimination from state and non-state actors. JS6 referred to the documented cases of violence against and forced marriages of LGBT persons. It stated that LGBT persons were subject to torture, blackmailing, humiliation, illegal detention and rape by the police. HRW made a similar observation. JS5 documented cases of police violence and abuse towards transgender persons. HRW explained that fear of disclosure of personal information or of retaliation by the police prevented LGBT victims of police abuse from reporting.

12. JS5 stated that LGBT persons in general faced obstacles in accessing health services due to stigma and discrimination. In case of transgender persons, if the gender expression of a patient did not correspond to passport data, doctors might refuse to treat those patients. JS5 stated that legislation was not adjusted to address issues faced by transgender people.

13. HRW stated that in May 2014 members of Parliament registered a homophobic and discriminatory draft law, imposing criminal and administrative sanctions on mass media and others that are found "creating a positive attitude toward non-traditional sexual relations". JS1 stated that the draft law, if passed, would target any public discourse around diverse sexual orientations and gender identities and would lead to the media avoiding any positive coverage of issues, affecting LGBT persons. JS6 observed that the legislative initiative was inconsistent with a number of UPR recommendations on freedom of expression as well as to the Constitution and international human rights law.

14. HRW concluded that the Government did not implement the UPR recommendation no. 76.62 to "intensify in practice sanctions in cases of [...] discrimination against women due to sexual orientation [...]" and the UPR recommendation no. 77.13 to "review the compliance of its national legislation with provisions of the ICCPR on non-discrimination, in particular with regard to [...] sexual orientation or gender identity". JS5 and JS6 made similar conclusions.

15. HRW recommended that Kyrgyzstan publicly reaffirm that all people have the right to live free from discrimination and violence based on their sexual identity. JS6 recommended that Kyrgyzstan implement programs to prevent discrimination, violence, hate crimes against and forced marriages of LGBT persons and adopt and implement a comprehensive anti-discrimination law, which bans direct and indirect discrimination based on sexual orientation and gender identity. HRW recommended withdrawing the draft law on "dissemination of information about non-traditional sexual relations" and refraining from introducing bills that would discriminate against LGBT persons.

17. JS8 stated that sex workers faced stigma and discrimination. It noted the rise of public intolerance caused by media coverage of public officials' claims that sex workers spread HIV and by hate speech against sex workers.

2. Right to life, liberty and security of the person

25. JS8 stated that illegal prosecution of sex workers by law enforcement agencies was systematic. It reported on illegal detention of sex workers during raids. Sex workers were often subject to sexual, physical and psychological violence by law enforcement officials. JS8 noted with concern attempts to criminalise sex work.

KIRIBATI

Date of review: Monday, 19 January 2015, PM

Suggested recommendations

- Introduce legislation to outlaw discrimination on the basis of sex and gender, guarantee equal benefits for men and women, and ensure that customary law does not apply to the extent that it is discriminatory towards women;
- Promote a constructive dialogue on sexual orientation and gender identity with all relevant stakeholders, including government ministries, civil society and religious leaders; work towards repealing sections of 153-155 of the Penal Code which criminalize homosexuality;
- Introduce policies aimed at ending discrimination based on sexual orientation and gender identity;
- Take all necessary legislative, administrative and other measures to eliminate and prohibit discrimination on the basis gender in public and private employment.

Previous cycle

Recommendations considered: Decriminalize homosexuality by abrogating the legal provision that currently penalizes sexual relations with persons of the same sex, and sign the joint statement made in the General Assembly in December 2008 on human rights, sexual orientation and gender identity; Amend its Constitution so as to expand the prohibited grounds of discrimination to include not only gender, but also sexual orientation, disability, health status and economic status.

National report

IV. Action taken regarding recommendations arising from the first UPR round

B. Legislative and policy reform

Recommendation 23

58. There has not been any prosecution of same sex offenders although 'buggery' is an offence prohibited by the Penal Code Cap 67.

Compilation of UN information

No references.

Summary of stakeholders' information

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

13. The International Centre of Advocates Against Discrimination (ICAAD) recommended that legislation be introduced to outlaw discrimination on the basis of sex and gender, guarantee equal benefits or outcomes between men and women, and specify that customary law does not apply to the extent that it is discriminatory towards women.

16. CHRI indicated that despite Kiribati's commitment to consider the five UPR recommendations it received at the first UPR WG session related to decriminalisation of consensual adult same-sex sexual conduct and "to expand the prohibited grounds of discrimination to sexual orientation", those recommendations remain pending, and homosexuality remains a criminal offence in Kiribati. CHRI recommended that Kiribati promote a constructive dialogue on sexual orientation and gender identity with stakeholders, including government ministries, civil society and religious leaders; work towards repealing sections of 153-155 of the Penal Code which criminalize homosexuality; and introduce policies aimed at ending discrimination based on sexual orientation and gender identity.

5. Right to work and to just and favourable conditions of work

31. In connection with recommendation 66.43 on abolishing laws and regulations which do not provide equal rights to women, recommendation 66.44 on amending laws and changing policies that discriminate and marginalize women, and recommendation 66.47 on approving laws and implementing programmes to ensure the elimination of gender inequality, JS2 was concerned that the Government rejected a bill to amend the Constitution to include sex, gender and sexual orientation as grounds for discrimination in April 2014; and that the Employment (Amendment) Act 2008 prohibits discrimination against sex, but it also prohibits women from manual labour jobs and restricts the hours of work for women. Inconsistencies remain between the Employment Act and the National Conditions of Service (NCS) on the provision of maternity leave, in addition to restrictions on the recruitment of women as police officers.

GUINEA

Date of review: Tuesday, 20 January 2015, AM

Suggested recommendations

- Repeal all provisions that may be used to criminalise sexual relations between consenting adults of the same sex;
- Adopt appropriate legislative and other measures to prohibit and eliminate discrimination in the public and private spheres on the basis of gender.

Previous cycle

Documents: Stakeholders noted that Guinea maintains criminal sanctions against sexual activity between consenting adults, and recommended that these provisions be repealed.

Discussions: There were no references to sexual orientation or gender identity during the Working Group review of Guinea, or during the formal adoption of the report at the Human Rights Council plenary session.

National report

No SOGI references.

Compilation of UN information

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination

18. The country team recommended that, in revising its criminal legislation, Guinea repeal provisions that were discriminatory against homosexual persons, in particular article 325.

Summary of stakeholders' information

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

21. PHR noted that existing legal codes entrenched inequality between the sexes. It mentioned the Civil Code which contains several articles codifying female subordination, such as a husband is the head of a family and is therefore entitled to choose the family's place of residence; women, but not men, must observe a one hundred-day waiting period before being able to remarry after divorce, and a woman is only able to exercise the profession of her choice if her husband does not oppose it. PHR added that apart from legally subordinating women, these laws provided tacit government consent for the denigration, abuse, mistreatment and discrimination against women taking place on a daily basis.

LAO PEOPLE'S DEMOCRATIC REPUBLIC

Date of review: Tuesday, 20 January 2015, PM

Suggested recommendations

- Use international practices in developing the definition of what constitutes violence against women and children, and ensure that the new law on anti-violence against women and children covers all forms of violence in all settings, including a definition of what constitutes rape during marriage;
- Ratify the Optional Protocol to CEDAW and Optional Protocol 3 to the CRC;
- Enact an anti-discrimination law that will ensure equality of all people regardless of sexual orientation and gender identity;
- Take all necessary legislative, administrative and other measures to ensure enjoyment of the right to the highest attainable standard of health, without discrimination on the basis of sexual orientation or gender identity;
- Develop and implement programmes to address discrimination, prejudice and other social factors which undermine the health of persons because of their sexual orientation or gender identity.

Previous cycle

There were no references or recommendations on human rights issues relating to sexual orientation or gender identity throughout the UPR of Lao People's Democratic Republic. Key recommendations identified by NGOs, not contained in the summary of stakeholder information, were to promote equality for all people, including on grounds of sexual orientation and gender identity, and to ensure that the needs of marginalised groups are addressed in HIV education, prevention and treatment.

National report

No references.

Compilation of UN information

III. Implementation of international human rights obligations

B. Right to life, liberty and security of the person

38. UNCT noted that a new Law on Handling Administrative Violations passed in June 2012 included a number of important reforms, including the abolition of administrative detention for sex workers.

41. According to UNCT, national data confirmed that high rates of physical, sexual and emotional violence against women persisted. Statistics showed that 32 per cent of ever-married women reported having experienced physical violence in their life and 54 per cent of women reported lifetime emotional abuse.

D. Right to privacy, marriage and family life

52. UNCT stated that efforts to strengthen lesbian, gay, bisexual and transgender rights within the revision of the Law on Family and Marriage were an opportunity for Viet Nam to emerge as a regional leader in the fight against homophobia.

Summary of stakeholders' information

A. Background and framework

2. Constitutional and legislative framework

8. Institute for Studies of Society, Economy and Environment (iSEE) recommended that Viet Nam enact an anti-discrimination law that will ensure equality of all people regardless of sexual orientation and gender identity.

4. Right to privacy, marriage and family life

39. JS6 and iSEE further recommended that Viet Nam ensure the equal right to marriage for all persons, regardless of their sexual orientation.

9. Right to health

70. iSEE noted that in many cases, doctors denied medical care to patients who are gay or transgender because of their sexual orientation and gender identity.

SPAIN

Date of review: Wednesday, 21 January 2015, AM

Suggested recommendations

- Amend the legislation on the civil registry to reflect the equal status of heterosexual and same-sex marriages regarding the establishment of maternity;
- Take steps to enable individuals to freely change their sex in the civil registry;
- Ensure the rights of transgender persons to recognition before the law, without infringement on other rights;
- Reinstate the right of lesbians and single women to access assisted reproduction techniques offered by the national health system;
- Include medical treatment related to transsexuality in the basic portfolio of services of the social security system.

Previous cycle

Accepted recommendations: Adopt further measures to provide members of the police, prison and judicial staff with human rights training with specifically focused on protection of human rights of women, children, ethnic or national minorities, and also of persons of minority sexual orientation or gender identity.

National report

C. Discrimination, racism and xenophobia (recommendations 84/R.7, 84/R.14, 84/R.18, 84/R.20 and 86/R.16)

Strengthening the legislative and institutional framework (recommendations 84/R.15, 84/R.16, 84/R.18, 84/R.17 and 86/R.22)

29. One of the objectives of policies in this area in recent years has been to strengthen domestic law to ensure better protection for groups who are discriminated against on grounds of ethnicity, national origin, gender, sexual orientation or identity, disability, religion or beliefs and political or ideological views. To this end, acts of incitement to hatred and violence against groups or minorities are being reviewed as part of the aforementioned ongoing Criminal Code reform.

Compilation of UN information

No references.

Summary of stakeholders' information

3. Right to privacy, marriage and family life

41. Fundación Triángulo (FT) considered that the Civil Registry Act contained provisions that were detrimental to the rights of members of the LGBTI community. In particular, FT referred to: the discrimination experienced by female partners of lesbian mothers in cases involving the establishment of maternity; the requirements governing sex changes in the civil registry; and the fact that persons born with an intersex condition continued to be classified as either "male" or "female" in the civil registry. FT recommended that the legislation on the civil registry be amended to reflect the equal

status of heterosexual and same-sex marriages regarding the establishment of maternity; steps be taken to enable individuals to freely change their sex in the civil registry; and individuals not necessarily self-identifying as either male or female be allowed to register while in the process of developing their gender identity.

7. Right to health

62. FT stated that, as of July 2013, the Ministry of Health had denied persons unable to conceive owing to the lack of a male partner access to assisted reproductive techniques included in the basic portfolio of services. In the view of FT, that regulation constituted discrimination on the basis of sexual orientation and civil status. FT recommended that the State reinstate the right of lesbians and single women to access assisted reproduction techniques offered by the national health system.

63. Furthermore, FT reported that medical treatment related to transsexuality was not specifically covered in the basic portfolio of services of the social security system and recommended that it be included, given that complete coverage was offered only in a few Autonomous Communities.

8. Right to education

71. FT pointed out that transsexual minors were frequently prevented from openly displaying their gender identity in the education system, leading to a high rate of school dropout, suicide attempts and instances of minors running away from home and living on the fringe of society.

LESOTHO

Date of review: Wednesday, 21 January 2015, PM

Suggested recommendations:

- Enact positive laws and legislation that explicitly address discrimination against LGBTI persons and sex workers;
- Increase LGBTI individual access to basic social services, including health, education, HIV Aids care, and employment, through the engagement of civil society and the creation of organizations exclusively focused on the protection of LGBTI persons;
- Promote and facilitate a constructive dialogue on sexual orientation and gender identity with all relevant stakeholders, including government ministries, civil society and religious leaders;
- Introduce targeted policies to eradicate discrimination based on sexual orientation and gender identity and provide appropriate training to law enforcement officials in accordance with the Yogyakarta Principles.

Previous cycle

Rejected recommendations: repeal legislation criminalizing male homosexuality, and introduce policies aimed at ending discrimination against homosexuals.

National report

III. Follow-up to the previous review: Implementation of accepted recommendations

C. Socio-economic development (Recommendations 96: 1, 2, 3, 4, 5, 6, 7, 9, 11, 12, 16, 17, 18, 19, 22, 23, 24, 25. 97: 26, 45, 49, 50)

45. The prevalence of HIV and AIDS is still on the increase. The Demographic Health Survey (DHS) that is undertaken every 3 years shows that there is a slow pace in the increase of HIV new infections. The fact that sexual behavior is rooted in powerfully held traditional attitudes and beliefs which are difficult to change remains a challenge. There are ongoing campaigns aimed at educating the public on HIV and AIDS. The revised 3 years HIV and AIDS strategic plan 2014 is in place and is being implemented.

Compilation of UN information

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination

18. The Office of the United Nations High Commissioner for Refugees (UNHCR) stated that lesbian, gay, bisexual, transgender and intersexed (LGBTI) individuals often faced daily discrimination by private individuals, lack of access to basic health services and to religious activities, as well as exclusion from the labour market.

19. UNCT stated that sex workers and LGBTI persons were continually discriminated against as they were considered to be immoral and engaging in illegal activity.

D. Right to privacy, marriage and family life

32. UNHCR stated that the ambiguity surrounding the legality and illegality of homosexual relations negatively affected the economic, social and cultural rights of LGBTI persons. Although sodomy was prohibited as a common law offence, same-sex relations between women were not overtly proscribed under the current legislation. The Criminal Procedure and Evidence Act prohibited male homosexuality and sodomy was listed as one of the offences for which arrests could be made without a warrant. Although the 2010 Penal Code Act brought about the implied legalization of same sex relations, the offence of sodomy had not been explicitly repealed. UNHCR recommended that Lesotho repeal legislation criminalizing male homosexuality.

33. UNHCR stated that the marriage institution in Lesotho was an exclusive domain of heterosexuals. Moreover, although no mention of homosexuals was made anywhere in the Adoption Proclamation, homosexuals were not able to adopt a child as a couple because they were not allowed to enter into the institution of marriage and because of the criminalization of male homosexuality.

Summary of stakeholders' information

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

15. Matrix Support Group Association (MSGGA) stated that lesbian, gay, bisexual, transgender and intersex (LGBTI) persons face discrimination from health care providers when accessing medical care for HIV and AIDS and other sexual health services. They also face discrimination when accessing services from public offices, such as the Chief's Office.

4. Right to privacy, marriage and family life

27. CHRI noted that the Government of Lesotho rejected all the recommendations in relation to same-sex sexual conduct, received during the 2010 review. It stated that in 2012, a new penal code was introduced which does not address sexual orientation, but over-rides the previous common law provisions which criminalised same-sex sexual conduct. Also, national legislation does not specifically address discrimination based on sexual orientation and gender identity. CHRI recommended that the Government of Lesotho hold a constructive dialogue on sexual orientation and gender identity with all relevant stakeholders, including government ministries, civil society and religious leaders; introduce targeted policies to eradicate discrimination based on sexual orientation and gender identity; and provide appropriate training to law enforcement officials in accordance with the Yogyakarta Principles.

28. MSGGA stated that diverse sexual orientation, gender identity and gender expression are negatively viewed by society. The practice of same-sex relationships is regarded as being against Sesotho culture and principles of morality. This attitude is strongly woven into the fabric of society and people are exposed to marginalization, exclusion and gender-based violence.

29. MSGGA stated that the role of Christianity and traditions in Lesotho remain key elements in the Basotho Society and the position of Christianity and traditions is that same sex relationships are evil

and foreign. For this reason, some churches do not accommodate members who are perceived as non-conforming in terms of their sexual orientation, gender identity and expression.

30. MSGA stated that both the customary law as well as the civil rights law perceives marriage to be a union between people of the opposite sexes, which is male and female. Marriage between persons of the same sex is regarded as wrongful and therefore cannot be entered into. MSGA stated that this is unconstitutional as it violates the right to choice, the right to privacy and family life as well as the freedom of association.

KENYA

Date of review: Thursday, 22 January 2015, AM

Suggested recommendations

- Publicly denounce the violence and abuse of LGBT and other minority groups by police and other security agents;
- Review existing laws that penalize same-sex conduct and provide adequate protection to LGBT persons;
- Support appropriate and quality healthcare programs, including HIV prevention, for LGBT persons and sex workers using evidence-based and human rights-based approaches.

Previous cycle

Rejected recommendations: Take concrete steps to provide for the protection and equal treatment of lesbian, gay, bisexual and transgender persons; decriminalize same-sex activity between consenting adults; repeal all legislative provisions which criminalize sexual activity between consenting adults; decriminalize homosexuality by abrogating the legal provisions currently punishing sexual relations between consenting individuals of the same sex, and subscribe to the December 2008 General Assembly Declaration on sexual orientation and human rights.

National report

No references.

Compilation of UN information

D. Right to privacy, marriage and family life

34. The HR Committee recommended that Kenya decriminalize sexual relations between consenting adults of the same sex and put an end to the social stigmatization of homosexuality

Summary of stakeholders' information

Implementation of international human rights obligations, taking into account applicable international humanitarian law

4. Right to privacy, marriage and family life

29. CHRI, ERT, HRW, international Service for Human Rights (ISHR) and Joint Submission 9 (JS9) referred to recommendations rejected by Kenya during its first UPR on lesbian, gay, bisexual, transgender and intersex (LGBTI) and indicated that homosexuality remained a criminal offence in Kenya. They recommended that Kenya inter alia decriminalize same-sex relations between consenting adults. JS4 and JS6 made similar recommendations. ERT and HRW also recommended that Kenya provide protection to LGBTI persons, while ISHR, JS4 and JS9 recommended taking action against violence, hate speech or hateful sentiments against LGBTI persons or associations.

ARMENIA

Date of review: Thursday, 22 January 2015, PM

Suggested recommendations:

- Implement the Human Rights Committee recommendation to prohibit discrimination based on sexual orientation and gender identity and to provide effective protection to lesbian, gay, bisexual and transgender (LGBT) persons as well as sex workers, including in access to healthcare;
- Thoroughly and effectively investigate all attacks and threats against individuals on the grounds of sexual orientation and gender identity;
- Review and amend hate crime legislation, including sexual orientation and gender identity as motives for hate crimes;
- Take effective measures to combat violence against women in police institutions and by police officers;
- Overcome gender imbalance among police officers/investigators;
- Eliminate police violence and discrimination against arrested women and sex workers;
- Establish legal safeguards and mechanisms for those working on the rights of women and LGBT persons.

Previous cycle

Stakeholder submissions expressed concern about human rights relating to sexual orientation in the areas of equality and non-discrimination, the administration of justice, impunity and the rule of law, and the right to social security and to an adequate standard of living.

National report

No references.

Compilation of UN information

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination

22. The HR Committee urged Armenia to prohibit discrimination based on sexual orientation and gender identity and to provide effective protection to lesbian, gay, bisexual and transgender (LGBT) persons.

Summary of stakeholders' information

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

35. Joint submission 3 (JS3) stated that discrimination based on sexual orientation and gender identity was widespread in all spheres of the society and the Government had not adopted adequate legislation in this field. JS3 and Human Rights Watch (HRW) noted hate speech by private and public actors, including statements by parliamentarians, justifying violence against lesbian, gay, bisexual and transgender (LGBT) people. JS1 reported that the authorities failed to carry out credible investigations into cases involving violence against LGBT persons. JS3 and HRW had similar observations. Both mentioned the submission in 2013 of draft amendments to the Criminal Code on Administrative Infringements by the police which would introduce fines for the promotion of "non-traditional" relationships.

36. JS1 noted that, because of inaccurate perceptions of the risk of transmission, persons living with HIV, drug users and sex workers were discriminated against in the provision of healthcare and in the legal protection they received.

2. Right to life, liberty and security of the person

46. JS3 stated that female sex workers were subject to violence and degrading treatment by law enforcement officials and that laws relating to infectious diseases were being applied in a discriminatory manner.

54. JS1 stated that access to justice was problematic for drug users, people with psychosocial disabilities, and members of the LGBT community. They were generally given public defenders at the last minute and judges did not take into account the specificities of their situation.

4. Freedoms of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

68. JS6 stated that the authorities had not only failed to ensure the effective engagement of human rights defenders in human rights protection, but had also extensively used the police to limit their work. There was government propaganda against those involved in the protection of the rights of women, LGBT persons, religious and national minorities, soldiers, election observers and advocates of Armenia's European integration as well as against NGOs which received foreign funding. Complaints against reprisals and intimidation submitted by human rights organizations and activists were, in general, not properly registered; attacks and violence against human rights defenders had been perpetrated and encouraged by the police. JS3 recommended that the Government express support for the work of human rights defenders and establish legal safeguards and mechanisms for those working on the rights of women and LGBT persons.

GUINEA-BISSAU

Date of review: Friday, 23 January 2015, AM

Suggested recommendations

- Review the OHCHR report on sexual orientation and gender identity and give consideration to implementing the recommendations contained therein.

Previous cycle

There were no references or recommendations on human rights issues relating to sexual orientation or gender identity throughout the first cycle review of Guinea-Bissau. A key recommendation identified by NGOs, not contained in the summary of stakeholder information, was to commend Guinea-Bissau for its support of the GA joint statement on human rights, sexual orientation and gender identity, and inquire into measures to promote equality and respect on these grounds.

National report

Not yet available.

Compilation of UN information

No references.

Summary of stakeholders' information

No references.

SWEDEN

Date of review: Monday, 26 January 2015, AM

Suggested recommendations:

- Include disability, gender identity and gender expression as motives for hate crime in hate crime legislation;
- Because the Sex Purchase Act does not differentiate between voluntary and involuntary sex work, Sweden should objectively evaluate all existing legislation affecting sex workers;
- Ensure a change of legal gender has full effect in all areas of life, including as a parental marker; and ensure access to free gender affirming health care for all transgender people needing it;
- Undertake sensitisation and awareness raising on issues relating to sexual orientation and gender identity for health care providers;
- Review the Communicable Diseases Act to accord with UNAIDS recommendations on decriminalization of HIV.

Previous cycle

Accepted recommendations: Continue to increase the active promotion of equality of rights and opportunities, independently of sexual orientation or gender identity, and continue to play its active role at the international level in favour of legal protection against discrimination on the grounds of sexual orientation and gender identity; Continue the full implementation of its plan of action to combat violence perpetrated by men against women, violence and oppression in the name of honour, and violence in relations between people of the same sex; Share national best practice and policies on ensuring non-discrimination, including proposals such as to include sexual orientation in the Constitution, with States and relevant international organizations; Adopt into law the proposed changes to its constitutional framework to provide protection to all persons resident in Sweden against discrimination based on sexual orientation.

Rejected recommendation: Adopt a policy to strengthen the institution of the family, and develop traditional family values in society.

National report

II. Protection for human rights in Sweden

B. National action plan and cooperation with civil society

2. Cooperation with civil society

10. Sweden regularly consults representatives of organisations in civil society on human rights and other issues. Consultation with civil society has been a natural part of work on the UPR process. Besides special consultations on the Swedish UPR report, the Ministry for Foreign Affairs holds meetings on human rights issues with civil society organisations four times a year. Moreover, consultations are implemented with organisations that work specifically for equal rights for certain groups, such as children; persons with disabilities; lesbian, gay, bisexual and transgender (LGBT) persons; and the national minorities.

Compilation of UN information

5. LGBT persons' rights

25. Through an amendment to the Swedish Instrument of Government that came into force on 1 January 2011, protection against discrimination based on sexual orientation was introduced into the Swedish Constitution. Under the new constitutional provision, laws and other regulations may not entail disadvantages to any individuals due to their sexual orientation. In 2013 the Government adopted the first comprehensive strategy for equal rights and opportunities irrespective of sexual orientation, gender identity or gender expression, the purpose being to strengthen work for LGBT persons' situation in Sweden. This strategy paves the way for long-term, performance-oriented work.

26. At international level, Sweden is continuing to play an active part in promoting legal protection against discrimination. Sweden has, for example, arranged a number of events in cooperation with civil society in various UN contexts for the purpose of emphasising practical problems and possible ways forward. Enjoyment of human rights and basic freedoms for LGBT persons is one of Sweden's foreign-policy priorities, pursued in areas including programmes for development cooperation and political dialogues.

3. Violence against women

Support for women subjected to violence

56. During 2012–2013, the Government also supported organisations engaged in developing work for crime victims, addressing LGBT persons who are subjected to violence in intimate relationships.

D. Hate crimes

1. Measures, including legislation, to tackle hate crimes

63. Sweden has extensive legislation that can be used to punish various expressions of racism, xenophobia and religious intolerance. There are two penal provisions directly aimed at threats, contempt or discrimination on the basis of race, colour, national or ethnic origin, religious belief or sexual orientation. However, in other categories of crime too, hate motives such as these must be taken into consideration as aggravating circumstances.

64. Sweden takes crimes motivated by racial, religious or homophobic hatred seriously. Sweden closely monitors national trends of this type of crime, and also the judiciary's work to combat hate crime, in order to assess the need for further preventive and law-enforcing measures. In March 2014, the Government assigned the Swedish National Police Board to develop the police's work against hate crimes.

E. Asylum seekers' and undocumented migrants' right to healthcare and various measures against discrimination etc.

1. General

71. The Government has taken a number of decisions to further enhance the quality and legal security of the asylum process. One result has been development of methods for systematic quality monitoring of asylum casework. A special set of rules has been adopted for asylum cases in which sexual orientation and gender identity are invoked, and the rules mean that specialists in the area must take part in the casework.

Summary of stakeholders' information

A. Background and framework

2. Constitutional and legislative framework

7. UNA-Sweden/JS3 suggested that Sweden, in its legislation, include disability, gender identity and gender expression as motives for hate crime.

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

17. Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe (OSCE/ODIHR), in its hate crimes report covering 2012, stated that 5,518 hate crimes were recorded by police and 344 cases prosecuted. These included: 2678 racist and xenophobic crimes; 111 hate crimes against Roma and Sinti; 132 anti-Semitic hate crimes; 192 hate crimes motivated by bias against Muslims; 240 anti-religious hate crimes, and 537 crimes motivated by bias on the basis of sexual orientation and an additional 41 hate crimes targeting trans-gender persons. According to UNA-Sweden/JS3, statistics for 2012 showed that 64 percent of reported hate crimes were committed directly against the victims. The most common perpetrator of hate crimes with a xenophobic or racist motive allegedly belonged to the majority group.

2. Right to life, liberty and security of the person

30. According to SWL, since the law against sex purchase was introduced in Sweden, demand had drastically diminished. However, investigations showed that 80 per cent of sex purchases by Swedish citizens occurred abroad. SWL recommended that the Government ensure that persons travelling abroad and purchasing sexual services should be prosecuted in Sweden; and actively spread information on the Swedish model law to limit demand of purchasing sexual services within the EU and internationally. Expressing concern that the Sex Purchase Act did not differentiate between voluntary and involuntary sex work, Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights (RFSL) recommended that Sweden objectively evaluate all existing legislation affecting sex workers.

8. Right to health

54. While noting positively the removal in 2013 of forced sterilisation for people who wanted to change their legal gender, RFSL recommended that the Government ensure a change of legal gender has full effect in all areas of life, including as a parental marker; and ensure access to free gender affirming health care for all transgender people needing it.

55. JS2 referred to the lack of knowledge of indigenous issues and cultural awareness among health care providers. RFSL recommended, inter alia, that health care services be accessible and appropriate for all young people, including young LGBT people.

56. RFSL recommended that the Government review the Communicable Diseases Act to accord with UNAIDS recommendations on decriminalization of HIV.

GRENADA

Date of review: Monday, 26 January 2015, PM

Suggested recommendations

- Implement CEDAW recommendations to review Grenada's laws and regulations in order to amend gender-based discriminatory provisions, and to adopt a comprehensive strategy to eliminate the negative stereotypes and adverse traditional beliefs and practices that discriminated against women and to conduct awareness-raising and public educational campaigns;
- Align national legislation with international standards, and include sexual orientation and gender identity and expression as grounds for discrimination in anti-discrimination legislation;
- Establish and implement policies and initiatives to address discrimination based on sexual orientation or gender identity;
- Conduct awareness raising on sexual orientation and gender identity for police officers and workers and take every necessary measure, such as legislation, training, policies among others, to eliminate such discrimination both in the public and private sphere;
- Promote and facilitate constructive dialogue on sexual orientation and gender identity with stakeholders, including government ministries, civil society and religious leaders;
- Review the OHCHR report on sexual orientation and gender identity and give consideration to implementing the recommendations contained therein.

Previous cycle

Rejected recommendations: Adopt legislation to eliminate discrimination based on sexual orientation; repeal provisions that may be used to discrimination against a person based on their sexual orientation or gender identity; decriminalize sexual relations between consenting adults of the same sex; join the GA joint statement on human rights, sexual orientation and gender identity.

National report

Not yet available

Compilation of UN information

17. Concerned that certain legal provisions and procedures discriminated against women or reflected negative gender stereotypes, CEDAW called on Grenada to review its laws and regulations in order to amend gender-based discriminatory provisions. It also called on Grenada to adopt a comprehensive strategy to eliminate the negative stereotypes and adverse traditional beliefs and practices that discriminated against women and to conduct awareness-raising and public educational campaigns.

Summary of stakeholders' information

A. Background and framework

2. Constitutional and legislative framework

6. Joint Submission 1 (JS1) indicated that Grenada started a constitutional reform process in 2013. It recommended that the country extend constitutional protections against discrimination based on sexual orientation, gender identity and expression; and that it harmonize national legislation with international conventions and give these precedence over national legislation.

7. AI also called on Grenada to include in national legislation, and particularly as part of the on-going review of the Constitution, sexual orientation and gender identity as basis for protection from discrimination and to establish and implement policies and initiatives to address discrimination based on sexual orientation or gender identity.

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

11. JS1 indicated that in Grenada, there is still much stigma and discrimination against LGBT people, together with strong public sentiments against equality movements. Considerable stigma continues to exist, partly fuelled by public expressions against homosexuality by religious leaders. JS1 recommended that Grenada conduct training of health-care to police officers and workers and take every necessary measure, such as legislation, training, policies among others, to eliminate such discrimination both in the public and private sphere.

12. CHRI indicated that there is no explicit legislation against discrimination based on sexual orientation and gender identity in Grenada. CHRI recommended that Grenada promote and facilitate constructive dialogue on sexual orientation and gender identity with stakeholders, including government ministries, civil society and religious leaders. It further recommended that Grenada introduce policies aimed at ending discrimination based on sexual orientation and gender identity.

13. AI called on Grenada to implement human rights education and anti-discrimination awareness-raising programs in collaboration with local human rights organizations working on behalf of lesbian, gay, bisexual, transgender and intersex persons.

3. Right to privacy

21. CHRI noted that during the last UPR, Grenada affirmed its commitment to raise awareness of the rights of the LGBT community and to encourage tolerance. CHRI noted that consensual adult male same-sex conduct remains a criminal offence. It noted however, that the law makes no provision for same-sex sexual activities between women. CHRI and also JS1 recommended that Grenada work towards repealing the relevant Section of the Criminal Code.

22. AI noted that while during its first UPR, Grenada committed to continue to raise awareness of the issue and to encourage tolerance, according to local groups working on behalf of LGBTI persons, no public awareness campaigns have been undertaken since the last review. AI also called on Grenada to repeal all laws prohibiting and punishing consensual same-sex relations, including in the Criminal Code.

TURKEY

Date of review: Tuesday, 27 January 2015, AM

Suggested recommendations

- Implement the CEDAW recommendation to adopt a comprehensive anti-discrimination legislation, including a clear definition of discrimination against women;
- Implement the Human Rights Committee recommendation to investigate, prosecute and punish acts of discrimination or violence against LGBT persons;
- Include sexual orientation and gender identity as grounds for protection in all relevant anti-discrimination and hate crimes legislation;
- Undertake sensitisation and awareness-raising on issues relating to sexual orientation and gender identity for police, the judiciary and all law enforcement officials;
- Take all necessary legislative, administrative and other measures to ensure security of tenure and access to affordable, habitable, accessible, culturally appropriate and safe housing, including shelters and other emergency accommodation, without discrimination on the basis of sexual orientation, gender identity, ethnicity or migrant, IDP or refugee status.

Previous cycle

Accepted recommendation: ensure non-discrimination on the basis of sexual orientation and gender identity.

Rejected recommendations: review compliance of its national legislation with the principle of non-discrimination, in particular with regard to women and persons of minority ethnicity, sexual orientation and gender identity, to adopt a comprehensive antidiscrimination legal framework specifically protecting against discrimination on these grounds, and lead long-term awareness-raising campaign on these issues among the public; Take steps to eliminate any discrimination in the enjoyment of all human rights by lesbian, gay, bisexual and transgendered (LGBT) individuals, including by ensuring that their right to freedom of association is fully respected; Develop human rights education and training to members of the police, military, prison and detention staff and judiciary in order to include specific focus on the protection of the rights of women, children and persons of minority ethnicity or sexual orientation and gender identity.

National report

No references.

Compilation of UN information

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
HR Committee	2013	Discrimination and violence against LGBTs; "honour killings"; and non-recognition of conscientious objection to military service.	Reminder sent in 2014.

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination

24. UNESCO noted that the measures to address discrimination on the basis of gender, religion or sexual orientation were inadequate. CEDAW invited Turkey to adopt a comprehensive anti-discrimination legislation, including a clear definition of discrimination against women, in line with the 2010 UPR recommendations.

29. The special rapporteur on executions recommended that, in order to reduce the vulnerable situation of lesbian, gay, bisexual and transgender (LGBT) individuals, Turkish legislation be reviewed to include language that is sensitive to gender identity and sexual orientation. UNCT recommended including sexual orientation and gender identity within the scope of discrimination. The HR Committee recommended investigations, prosecutions and punishment of acts of discrimination or violence against LGBT.

H. Right to health

73. UNCT noted that vulnerable population groups, such as seasonal migrant agricultural workers, the Roma population, sex workers and LGBTs, had very limited access to reproductive health information and services.

Summary of stakeholders' information

A. Background and framework

2. Constitutional and legislative framework

11. HRW and JS7 urged adopting legal arrangements regulating hate crimes and violence against LGBT individuals and to enact comprehensive anti-discrimination legislation.

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

23. The CoE noted the discrimination against various groups including non-Muslim minority groups, Alevis, Roman, Kurds, refugees and asylum seekers in various fields including education, housing and health.

24. AI stated that the government has failed to bring forward Constitutional amendments or new domestic legislation to prohibit discrimination on grounds of sexual orientation or gender identity. AI, ERT and JS2 noted that despite agreeing to guarantee non-discrimination on the basis of sexual orientation and gender identity the government has failed to table Constitutional amendments or domestic legislation to prohibit discrimination on such grounds. They recommended incorporating the non-discrimination provisions in the Constitution and domestic law and take administrative measures to prohibit and prevent discrimination on the basis of sexual orientation and gender identity. JS2 stated that the lack of explicit legal protection has amounted to a tacit legal endorsement of acts of violence and discrimination. JS2 observed that LGBT faces discrimination in employment, freedom of assembly and association, in addition to the discriminatory Treatment of Inmates and army's prejudicial policies toward them. ERT recommended the enactment of comprehensive anti-discrimination legislation, sexual orientation and gender identity as protected characteristics.

25. JS11 noted that since 2010, a number of civil society groups in Turkey have been actively targeted by the authorities to prevent them from promoting rights of minorities and LGBTI. They urged Turkey to create an enabling environment for civil society.

2. Right to life, liberty and security of the person

29. JS2 and JS7 revealed that between 2010 and June 2014, 41 individuals believed to have been killed due to their real or imputed sexual orientation or gender identity. Judges have routinely used Article 29 of the Turkish Criminal Code to reduce the sentences of those who have killed LGBT individuals.

7. Right to social security and to an adequate standard of living

57. JS10 noted constitution recognizes (Articles 56, 57) the right to decent housing. JS10 reported on the regressive laws impeding the realization of housing rights and outright violations of the right to adequate housing. Amended laws concerning renewal and rehabilitation, between 2003–06, have had

retrogressive effects on this right. JS10 reported that in Istanbul Sulukule, the well-known Roma neighbourhood since Byzantine times, was demolished and evicted via Law 5366 followed by demolition of Tarlaşaşı, another historical low-income neighbourhood inhabited mostly by vulnerable groups such as Roma, IDP Kurdish population, migrants, LGBT and refugees. JS10 observed that the Roma community is the most-affected by the current “urban transformation” policy, displacing about 10,000 Roma over the past seven years.

GUYANA

Date of review: Wednesday, 28 January 2015, AM

Suggested recommendations

- Implement the CEDAW recommendation to put in place a comprehensive strategy to modify or eliminate patriarchal attitudes and stereotypes that discriminate against women and to target the media to strengthen understanding of the equality of women and men;
- Carry out more awareness-building and dissemination of the provisions of CEDAW to women in rural and remote areas and to incorporate CEDAW into domestic law;
- Take all necessary legislative, administrative and other measures to ensure the full enjoyment of the right to express identity or personhood, including through speech, deportment, dress, bodily characteristics, choice of name or any other means;
- Fully and thoroughly investigate all incidents and acts of violence suspected of being motivated by homophobic or transphobic reasons;
- Investigate and ensure accountability for discriminatory and abusive behaviour by the uniformed forces;
- Amend section 4 of the Prevention of Discrimination Act to include sexual orientation and gender identity as prohibited grounds for discrimination;
- Promote and facilitate a constructive dialogue on sexual orientation and gender identity with stakeholders and introduce policies and educational programmes aimed at ending discrimination and harassment based on sexual orientation and gender identity.

Previous cycle

Recommendations made: Repeal legislation discriminating against individuals on the basis of their sexual orientation or gender identity; Combat discrimination on the basis of sexual orientation, and further promote dialogue in society so that no discrimination is justified on grounds of culture, religion or tradition; Repeal the laws which criminalize sexual activity between consenting adults of the same sex.

Status of recommendations: Guyana gave general responses to these recommendations, but committed to hold consultations on this issue over the next 2 years, the outcomes of which will be reflected in Guyana’s laws.

National report

Not yet available.

Compilation of UN information

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination

18. CEDAW expressed its serious concern about the persistence of harmful norms, practices and traditions, patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men in all spheres of life. It was also concerned about women’s disadvantageous and unequal status in education, public life and decision-making. It urged Guyana to

put in place a comprehensive strategy to modify or eliminate patriarchal attitudes and stereotypes that discriminate against women and to target the media to strengthen understanding of the equality of women and men. UNCT recommended that Guyana, inter alia, carry out more awareness-building and dissemination of the provisions of CEDAW to women in rural and remote areas and to incorporate CEDAW into domestic law.

19. CRC remained concerned about the prevalence of discrimination against Amerindian children and children with disabilities, as well as against other children because of their sexual orientation and/or gender identity. UNCT stated that, in line with recommendation 70.22 of the first UPR cycle on efforts to eliminate all forms of discrimination through the implementation of a national action plan, especially in the work environment, some policy measures had been implemented, such as the workplace campaign “No tolerance for discrimination”, and the “TELL” campaign, which encouraged children to disclose offences. UNCT considered the parliamentary motion on the elimination of discrimination based on sexual orientation to be a positive change that was in line with UPR recommendations 70.47–70.53 on combating discrimination against individuals on the basis of their sexual orientation or gender identity and decriminalizing consensual sexual activity between adults of the same sex.

20. UNCT stated that enforcement of the policy of equal work for equal pay had yet to be fully realized. It underscored that the Sexual Offences Act of 2010 did not specifically protect males from sexual abuse and that transgender persons were discriminated against, since the Summary Jurisdiction (Offences) Act (sect. 153) made it an offence for a male to appear in female attire, even though the Constitution guaranteed freedom of expression. UNCT also expressed its view that the Constitutional and Administrative Court had recently missed the opportunity to declare that freedom of expression encompassed the right to cross-dress.

21. UNCT recommended that Guyana, inter alia, step up its efforts regarding the removal of all forms of discrimination and enact legislation that would criminalize discrimination against persons who have a different sexual orientation or gender, prohibit all forms of discrimination and decriminalize consensual adult same-sex relations.

B. Right to life, liberty and security of the person

24. CEDAW was concerned at the high prevalence of violence against women and at the acts of violence against lesbian and bisexual women and transgender persons in Guyana, with only one centre providing services to victims of violence. CEDAW noted and CRC welcomed the enactment of the Sexual Offences Act of 2010. CEDAW urged Guyana, inter alia, to accord high priority to the full implementation of the Sexual Offences Act. UNCT recommended that Guyana implement the National Task Force for the Prevention of Sexual Violence and implement fully the Sexual Offences Act. It affirmed that both the Domestic Violence Act and the Sexual Offences Act could be improved upon in terms of the quantum of the fines for breach of protection orders and for infringements. CAT reiterated its recommendation to provide support to victims of domestic violence, including the expansion of legal aid services.

Summary of stakeholders' information

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

6. JS1-SASOD-SRI (JS1) stated that much of the violence against LGBT persons was fuelled by socio-cultural norms, and that discriminatory laws reinforced these homophobic and transphobic prejudices.

7. AI reported that at least three individuals were murdered in 2013 in what appears to have been killings motivated by their perceived sexual orientation and/or gender identity and expressed concern at reports of the police refusing to take complaints from the LGBTI community and often verbally abusing them. CHRI recommended inter alia, ensuring that all allegations of hate crimes based on sexual orientation and gender identity were properly investigated and perpetrators held accountable.

AI recommended fully and thoroughly investigating all incidents and acts of violence suspected of being motivated by homophobic or transphobic reasons.

8. JS1 affirmed that discriminatory responses from the police, manifested in lack of or inadequate investigations and mostly unsolved cases often lead to injustice and fostered impunity for anti-LGBT hate crimes. JS1 recommended the Government of Guyana inter alia, to investigate, and punish where necessary, discriminatory and abusive behaviour by the uniformed forces.

9. Equal Rights Trust (ERT) asserted it found evidence of discrimination on the basis of sexual orientation and gender identity in employment, education and healthcare, all legitimised by continued criminalisation. JS1 affirmed that LGBT persons suffered discrimination in many sectors. JS1 also affirmed that discriminatory laws contributed to a repressive socio-cultural environment and to a limitation in LGBT people's access to public, semi-public and private spaces. CHRI stated there is no explicit legislation against discrimination on sexual orientation and gender identity grounds and JS1 recommended the Government of Guyana to amend Article 149 of the Constitution in order to include sexual orientation and gender identity as grounds for discrimination. Justice Institute-Guyana (JIG) also recommended amending section 4 of the Prevention of Discrimination Act to include sexual orientation and gender identity as prohibited grounds for discrimination.

10. JS1 stated that LGBT persons oftentimes chose not to express their orientations and identities because they were threatened, discriminated against and victimised, and that transgender persons were expressly forbidden from expressing their gender identity because of Section 153 (1) (xlvii) of the Summary Jurisdiction (Offences) Act which made cross-gender dressing an offence. JS1 stated this norm facilitated arbitrary arrests, police harassment and abuse. CHRI reported that, in September 2013, the Supreme Court partially repealed the controversial section 153 of the 1893 Guyanese Summary Jurisdiction Act on cross-dressing. CHRI reported that the Court ruled that cross-dressing can only be considered a criminal offence if it is done for an "improper purpose". CHRI also expressed that the failure to define what exactly is meant by "improper purpose", may be sufficient for arbitrary police arrests of cross-dressers and transgender citizens.

11. JIG recommended Guyana to repeal the norm which criminalises cross-dressing, and ERT urged states involved in Guyana's UPR to make recommendations to repeal legislative provisions criminalising cross-dressing and other forms of expressing gender identity and to amend the Prevention of Discrimination Act 1997 to include sexual orientation and gender identity as protected characteristics.

12. CHRI recommended inter alia, that the government promote and facilitate a constructive dialogue on sexual orientation and gender identity with stakeholders and introduce policies and educational programmes aimed at ending discrimination and harassment based on sexual orientation and gender identity. AI recommended, inter alia, to establish and implement policies to address discrimination based on sexual orientation or gender identity.

KUWAIT

Date of review: Wednesday, 28 January 2015, PM

Suggested recommendations:

- Implement the CEDAW recommendations to adopt specific legislation to criminalize acts of domestic and sexual violence, including marital rape; to amend the Penal Code to provide more stringent penalties for men who commit so-called "honour crimes", and; ensure equal sanctions for both men and women in relation to killings motivated by adultery;
- Read the OHCHR report on sexual orientation and gender identity and give consideration to implementing the recommendations contained therein.

Previous cycle

Rejected recommendations: consider decriminalizing same-sex relations between consenting adults, with a view to ensuring the rights to privacy and non-discrimination.

National report

Not yet available.

Compilation of UN information

III. Implementation of international human rights obligations

B. Right to life, liberty and security of the person

36. CEDAW urged Kuwait to adopt specific legislation to criminalize acts of domestic and sexual violence, including marital rape and amend the Penal Code to provide more stringent penalties for men who commit so-called “honour crimes” and equal sanctions for both men and women in relation to killings motivated by adultery.

D. Right to privacy, marriage and family life

51. The HR Committee was concerned about the criminalization of sexual relations between consenting adults of the same sex, the new criminal offence of “imitating members of the opposite sex” and reported acts of violence against lesbian, gay, bisexual and transgender (LGBT) persons.

Summary of stakeholders’ information

C. Implementation of international human rights obligations

4. Right to privacy

37. HRW stated that the Penal Code punished consensual intercourse between men. Moreover, an amendment to article 198 of the Penal Code criminalized “imitating the appearance of the opposite sex,” imposing arbitrary restrictions upon individuals’ rights to privacy and free expression. According to HRW, in 2012, the police had arrested hundreds of young people on spurious grounds which included “imitating the appearance of the opposite sex,” engaging in “lewd behaviour” and “immoral activities,” prostitution, and homosexuality.