



31st Session of the Human Rights Council: LGBTI Rights And Intersectionality

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INTRODUCTION

The 31st Session of the Human Rights Council provided us an opportunity to think of the issue of discrimination and violence faced by LGBTI people from an intersectional lens. SOGI issues in this session became a part of many important conversations during the Council.

Perhaps the sharpest light on SOGI being a part of a mainstream human rights issue came up in the interactive dialogue with the Special Rapporteur on Torture who made the analysis of torture on the basis of SOGI a key part of his Report.

What the Report on torture throws up sharply was the self evident truth that SOGI rights are linked to other human rights issues as some LGBTI people are human rights defenders, others are women, others have their right to expression violated and yet others become victims of targeted violence.

Other dimensions of LGBTI existence be it homelessness, attacks on human rights defenders, violation of the right to freedom of association, the right to freedom of religion and the violation of cultural rights were explored in key reports by Special Rapporteurs in the 31st session.

The 31st session also saw progress on the question of the conflict in Syria with the tentative ceasefire holding (between the State and other rebel fractions not between the state and Daesh where the conflict continues) and states and other stakeholders beginning to articulate the question of accountability for crimes committed. In this context, based on the documentation of the Commission of Inquiry on Syria, clearly Syrian people have been persecuted and even killed on the basis of their real or perceived sexual orientation and gender identity, and in the conversation on accountability going forward, persecution on grounds of sexual orientation and gender identity will have to be factored in.

The camps which are vocally supportive and opposed to SOGI seemed to be quite stable. Thus while Europe and the Americas (north and south) continued to be vocal supporters, countries in the Middle East, Africa and Asia such as Pakistan, Saudi Arabia, Russia and Egypt continued to be vocal detractors. However, there seems to be some churning in the middle group of states with their being positive responses to SOGI issues made in different forums by the governments of Thailand, Ghana, Fiji, Botswana, Mongolia and Korea.

The battle around SOGI reached a particular intensity both in the debate on the report on torture, as well as the debate on the report on protection of the family. With respect to the debate on the report on the family, support for the formulation that 'families are diverse' was seen as an implicit support for LGBTI rights and conversely opposition to 'diverse forms of family' was shorthand for opposition to LGBTI rights.

The connection between different human rights issues is made not only by SOGI supporters but also by some SOGI detractors. Some of the vociferous opponents of

SOGI rights are also vociferous opponents of a range of civil and political rights including the right to freedom of association, the role of human rights defenders and the right to freedom of speech and expression. The sharpest attack on the human rights framework came in the form of over 30 hostile amendments proposed by Egypt, Pakistan and Russia (SOGI detractors) as well as China and Cuba (more ambiguous on SOGI issues), with a view to eviscerate a key resolution on the protection of human rights defenders.

However, this easy congruence between the rights-upholding western nations and the rights-denying Russia, Middle East, Islamic and Asian states does not always hold. In the case of Palestine, the strongest human rights positions come from those who are otherwise opposed to SOGI rights, and those who are vocal on SOGI rights, are more silent when it comes to the question of the occupied territories.

This report will document and analyze these trends and signpost important emerging issues at the global level.

HIGH LEVEL SEGMENT

The high level segment is normally a space where senior representatives of states share their human rights priorities. As such it does provide a reasonable bell weather of the human rights priorities of different states. It's important to note that, apart from the now established LGBTI rights supporters in Latin America and Europe, for the first time, Mongolia, Botswana and Fiji came on board in their support for LGBT rights and do this in the high level segment, signals the importance these states attach to the issue. Considering that Mongolia is from the Asian region and will be a member of the Council until 2018, and Botswana will be a member of the Council until 2017, these are potentially significant statements of intent. The following were the summary of statements on LGBTI concerns by states in the High Level Segment.

H.E. Ms. Susana Mabel Malcorra, Minister for Foreign Affairs of Argentina observed that it was precisely the purpose of collaborating on inclusion and combating discrimination and violence, which has led to Argentina to participate in international initiatives that seek that in a joint effort we respect our differences, we can move towards a world where it doesn't matter the race, religion, gender or sexual orientation, a world where there is freedom and equality for all as postulated by the Universal Declaration of Human Rights"

H.E. Mr. Jean-Marc Ayrault, Minister for Foreign Affairs of France, observed that France would continue to fight for human rights: mobilizing for gender equality, which must incite us to fight against other forms of discrimination as well, including those which date back to a long-gone age which are too often applied against LGBTI people.

H.E. Ms. Lenita Toivakka, Minister for Foreign Trade and Development, Finland, observed that this council has contributed greatly to the promotion of human rights.

H.E. Ms. Nilma Lino Gomes, Minister for Women, Racial Equality and Human Rights,

Brazil observed that, Brazil has achieved important progress to guarantee the rights of the child, persons with disabilities, the elderly, as well as LGBTI persons.

H.E. Mr. Bert Koenders, Minister for Foreign Affairs, Netherlands, on behalf of The European Union observed that, attention to these country situations goes hand in hand with our commitment to advancing the rights, dignity, freedom and safety of each and every human being. We engage worldwide to advance the principles of non discrimination and equality, and condemn discrimination and violence based on any ground or status, including creed, race, sexual orientation and gender identity.

H.E. Mr. Jean Asselborn, Minister for Foreign Affairs of Luxembourg, observed that, he was particularly concerned about the tendency to criminalize sexual orientation in some countries. Anti-LGBT legislation is shocking and should be eliminated.

Ecuador observed that there was a need for decentralizing, expanding and strengthening functions and institutions with a view to ensuring access to participation of all citizens to the mechanisms of promotion and protection of their rights, with particular emphasis on promoting equality and social rights of those groups that have been historically discriminated such as women, children, the elderly (...) sexual minorities.

The Commonwealth observed that, this year's Commonwealth theme is 'An Inclusive Commonwealth'. The Commonwealth decried and rejected discrimination on the grounds of race, colour, gender, religious or political belief, language, and national or social origin. We acknowledge that discrimination against persons on the basis of their sexual orientation or gender identity remains widespread, most notably in the form of laws criminalizing homosexuality. Discrimination on any grounds has no place in the modern Commonwealth. Furthermore, the Commonwealth cannot be truly inclusive if criminalization of homosexuality and discrimination on the grounds of sexual orientation or gender identity are not addressed. This remains one of our most pressing human rights challenges and we will continue to work with our member states towards inclusiveness.

Ms. Alice Bah Kuhnke, Minister for Culture and Democracy, Sweden observed that the Swedish Government is especially concerned by three tendencies that I will address today: firstly, shrinking democratic space for journalists and civil society; secondly, gender inequalities, as well as continued opposition to sexual and reproductive health and rights; and finally, the human rights of persons in increased risk of vulnerability, such as persons belonging to minorities, LGBTI persons and migrants.

The distinguished representative of Fiji, observed that, we also guarantee freedom from discrimination on the ground of gender, or gender identity and expression, of marital status and pregnancy. Thus Fiji has displayed consciousness of the moving and developing nature of human rights.

Kristian Jensen, Minister for Foreign Affairs of Denmark, noted that many of the Human Rights Council's thematic resolutions improved international standards, such as combatting religious intolerance, violence against women and discrimination against lesbian, gay, bisexual, transgender and intersex persons. For Denmark, gender equality and the fight against torture and ill treatment were among the highest priorities.

Pelonomi Venson-Moitoi, Minister for Foreign Affairs of Botswana, said that culture was often cited as a justification for violence against women and girls, and there was an urgent need for more public education on women's empowerment measures and harmful cultural practices such as female genital mutilation. Sexual orientation and gender identity were still contentious issues in many developing countries, but that was not an excuse to condone violence against anyone.

Heraldo Muñoz, Minister for Foreign Affairs of Chile, said that his country's priorities during its Council membership would be to protect the rights of discriminated persons, such as lesbian, gay, bisexual, transgender and intersex persons, women, children and adolescents, migrants, persons with disabilities, and indigenous peoples.

Lundeg Purevsuren, Minister for Foreign Affairs of Mongolia, stated that his country had made an enduring commitment to human rights when it embarked on the path of democracy 25 years ago and when in 1992 it had adopted its first democratic constitution. Mongolia had abolished the death penalty in law with the adoption of the revised Criminal Code. The revised Criminal Code's definition of torture was brought into conformity with Article 1 of the Convention against Torture. Furthermore, the revised Criminal Code criminalized domestic violence, discrimination against lesbian, gay, bisexual, transgender and intersex persons, forced child labour and corporal punishment of children. It also decriminalized the acts of libel and defamation. During its membership in the Human Rights Council, Mongolia would focus on the following issues: gender equality, protecting the rights of women, children and persons with disabilities, fighting human trafficking, fighting racial and gender discrimination, abolishing the death penalty, promoting freedom of opinion and expression, and promoting freedom of assembly and association.

SPECIAL RAPPORTEUR ON TORTURE

The most significant and sustained attention paid to SOGI issues at the 31th Session was by the Special Rapporteur on torture, Mr. Juan Ernesto Méndez. Mr. Méndez in his report approached the issue of the right of LGBTI people from the angle of his mandate on torture.

Mr. Méndez said his report assessed the applicability of the prohibition of torture and other cruel, inhuman or degrading treatment or punishment in international law to the unique experiences of women and girls as well as lesbian, gay, transgender and intersex persons, who were at particular risk of torture and ill-treatment when

deprived of liberty, both within criminal justice systems and in other contexts such as immigration detention, medical establishments and drug rehabilitation centers.

The Report very powerfully documented the fact that

Lesbian, gay, bisexual, transgender and intersex persons are disproportionately subjected to practices that amount to torture and ill treatment for not conforming to socially constructed gender expectations. Violence motivated by homophobia and transphobia tends to be characterized by particularly brutal acts, often resulting in murder. Private actors typically inflict torture and ill-treatment on such persons in a climate of impunity as many States fail in their due diligence obligations to combat, prevent and remedy abuses. Lesbians and transgender women are at particular risk of mistreatment because of gender inequality and power relations within families and communities. Sexual violence, including the practice of “corrective rape”, uniquely affects lesbian, gay, bisexual, transgender and intersex individuals. Discrimination and violence against lesbian, gay, bisexual, transgender and intersex persons extends into the family sphere and can include placement in psychiatric institutions, forced marriage and honour-based violence.

By approaching the violence and discrimination faced by LGBTI people from the framework of torture, which is a *jus cogens* norm of international law, Mr. Mendez made the case for why this issue needs to be addressed on an urgent basis. It is not an issue of ‘lifestyle’ as opponents of LGBTI issues tend to portray it, rather it is an issue which affects the most fundamental freedom all human beings are entitled to, which is to live a life free of torture or cruel, inhuman and degrading treatment.

The Report documents the widespread nature of torture and draws implicit attention to the commonalities between LGBTI people and other groupings that are also vulnerable to torture. Even as it documents the widespread nature of torture faced by LGBTI people around the world, the Report also brings out the specificity of the forms of torture faced by LGBTI persons. By drawing attention to the specific issues of violence within families, by medical institutions as well as sexual violence targeting non normative gender expressions, the Report makes a compelling case for the specificity of the forms of torture faced by LGBTI persons.

Mr. Méndez has underscored the fact that LGBTI persons are at serious risk of torture thereby bringing the violence and discrimination faced by LGBTI persons firmly within the framework of international law. The Report is another effort at encouraging everyone to think of LGBTI people from the point of the violations they are suffering and their fundamental right not to be subjected to torture.

In the ensuing discussion on torture, many delegations expressed concerns that lesbian, gay, bisexual and transgender persons in detention faced particular risks of torture, and asked what safeguards could be put in place to prevent such practices.

Other countries regretted that the report of the Special Rapporteur on torture set a hierarchy among victims of torture, went beyond the internationally agreed definition of torture, and attempted to advance controversial terms such as sexual orientation and gender identity.

The countries that were supportive of the Report made the following statements

Estonia said that with respect to torture and ill-treatment, sharing expertise would help better address human rights violations and eliminate different forms of abusive practices of women, girls, lesbian, gay, bisexual, transgender and intersex persons.

Denmark attached great importance to the global fight against torture. It expressed concerns that lesbian, gay, bisexual and transgender persons in detention faced particular risks of torture, and asked what safeguards could be put in place to prevent such practices.

Switzerland supported the Special Rapporteur's focus on the gender dimension of torture and ill-treatment. It welcomed the inclusion of the question of the particular vulnerability of lesbian, gay, bisexual, transgender and intersex persons in detention.

Czech Republic agreed that lesbian, gay, bisexual, transgender and intersex persons were at particular risk of torture and ill-treatment when deprived of their liberty. It asked the Special Rapporteur to share some good examples of State activities to systematically and successfully protect their rights in detention.

Costa Rica agreed that women, girls and lesbian, gay, bisexual and transgender persons deprived of liberty were doubly vulnerable.

Dominican Republic (CELAC) said that, it condemns all types of racism and discrimination, including the based on sexual orientation.

Italy said that, it would like to express its appreciation to the Special Rapporteur for having also taken into consideration the unique experience of LGBTI persons while applying a gender perspective throughout his report.

Paraguay said that the approbation of the protocol of intervention for transgender people deprived of liberty, was an example of national progress.

Uruguay said that, it welcomed the Special Rapporteur focusing his report on a sensitive but important issue to its mandate, the applicability of the prohibition of torture and other cruel, inhuman and degrading treatment in international law to the own experiences of women, girls and LGBTI persons.

Albania said that it supports strategies and preventive measures to protect vulnerable groups such as women and LGBTI, groups that as highlighted in the report face grave violations of human rights in forms of ill –treatment and torture. In Albania there already exists a comprehensive legal framework as well and specific

institutions are in place, such as the commissioner against discrimination with responsibility to punish offenders especially for offences committed against the most vulnerable people, including LGBTI persons. Existing stereotypes and discrimination are factors inciting violations committed against persons who transgress sexual and gender norms. Women, girls and especially LGBTI persons, are particular exposed to torture and ill – treatment when in vulnerable situations.

Spain said that, Mr. Méndez has dared to go beyond and referred to the situation of LGBTI as subjects of torture. This is a group that has often been subject of discrimination, and rights violation. Therefore, we believe it is especially important that a radical change must occur in states and governments positions towards this group, by eliminating discriminatory laws, including the ones that criminalize their orientation. This would be a first step to prevent torture.

Luxembourg welcomed the emphasis on the experiences that men and women who are stigmatized by their sexual orientation face in the context of torture.

France welcomed the report and shared the call for more effective implementation of the existing frameworks in the fight against torture and ill – treatment against women and LGBTI people. The fight against violations of human rights based on gender, sexual orientation and gender identity is a human rights priority for France. France deplores that in too many countries, women and LGBTI persons continue to be victims of harassment, torture and ill – treatment, arbitrary detentions and even murder, all of this in a climate of impunity.

Korea commended such a detailed analysis on various types of torture and ill – treatment from gender perspectives. In particular, Korea share the view of Mr. Méndez, that women, girls, and sexual minorities are at particular risk of torture and ill treatment when deprived of liberty, and accordingly, different incarceration and treatment policies and infrastructures are required to address their distinct needs and ensure their protection.

Chile expressed concern that the prohibition of torture and ill-treatment is particularly frequently transgressed when it comes to women and girls as well as people based on their sexual orientation and gender identity. It is an important finding that gender stereotypes, besides preventing the full enjoyment of women’s rights can also be an additional factor in the commission of acts of torture and ill-treatment of men and women, either because of the role the society has assigned to them or because of the sexuality option they have chosen. The criminalization of same-sex relations, the acquiescence of the state agents against violence that affects LGBTI people, as well as homophobic crimes are all factors that affect the practice of torture and ill-treatment against certain group that deserves just as much protection and respect for their life and physical, psychological and emotional integrity as others.

The United Kingdom thanked the SR on torture for his report, which focuses on the prohibition of torture in relation to the experiences of women, girls and LGBTI

persons.

Thailand noted that, on this issue of torture, the Ministry of Justice recognizes the importance of protecting LGBTI persons from violation and discrimination on the basis of sexual orientation and gender identity. Recently, internal discussions began on measures to protect LGBTI rights in the justice system, especially for inmates.

Costa Rica noted that it had read with interest the report of Mr. Juan Méndez, which this year addresses the issue of torture and ill-treatment of women and lesbians, gays, bisexual and transgender people deprived from their liberty. Costa Rica agreed with the Special Rapporteur when he highlights the importance of these issues, because these persons are in a situation of double vulnerability.

Fiji recognizes that much work is required domestically to review police procedures at police stations and during informal arrests and detentions. Work is also required to train police officers, lawyers, prosecutors and judges on the rights of persons in custody, including those with disabilities, of various sexual orientations, children and women and girls.

The countries which expressed a concern about the report made the following statements:

Iran noted that it was concerned over the misuse of the noble aim of eradicating torture as a subterfuge to push further a non-internationally-agreed controversial argument on LGBTIs in the report. Hence, this suspicious enclosure of a matter which does not appropriately fit into a report focusing on torture, is cerebrally off-beam, and does not deserve the considerations of this august body.

Russia noted that, Mr. Méndez violated his mandate, because the mandate says to take into account the gender aspects of the victims of torture, and to repeat take into account the gender aspects and not to study the problem of discrimination and violence against women. The approach of the Special Rapporteur highlighting different groups of persons that allegedly suffer more from torture is wrong. Under the logic of Mr. Méndez they require legal protection, this means the Special Rapporteur is attempting to create a hierarchy of victims. (...) We are also quite surprised how lightly and irresponsibly Mr. Méndez, qualifies such phenomenon as overcrowding, detention in isolation cells, the banning of abortion and sex change of operations as a means of torture. Does the Special Rapporteur know that he is distorting the definition of torture? Russia believes that this approach is harmful.

Egypt noted that, the present report is associated with problematic challenges. The report can open the door for setting a hierarchy among victims of torture and thus compromising the objective of universal and absolute prohibition. The report also uses concepts such as torture, ill – treatment, violence including sexual and gender – based violence and harmful practices interchangeably which can negatively reflect on the cohesive global consensus around the definition of torture under article 1 of the Convention against Torture. (...) As on previous occasions, the Special

Rapporteur voluntarily expands the scope of the mandate. Equating or creating of an open - ended correlation between issues such as (...) sex change surgeries is legally invalid and certainly counter – productive to the agreed objectives of the mandate. Finally, we strongly disagree with any attempt to use eradication of torture as a platform to promote for controversial issues and concepts such as sexual orientation and gender identity that lack any basis under international law and associated with significant cultural and social sensitivity.

Bangladesh noted that it did not support any torture against any human being. However, it regretted that on such important issue, the report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has deviated from its focus in various areas. Bangladesh could not endorse some parts of the report.

Nigeria did not approve of the deliberate emphasis on a single controversial subject and allowing it to dominate the entire report. This did not enjoy Nigeria's support as it negates the essence of this dialogue. Nigeria was of the view that introducing controversial issues into important discussions of this nature, insults the sensibility of the majority of the Members of the international community. Nigeria urges mandate holders to endeavor to ensure broad – spectrum assessment and treatment of topics in line with their mandate. The tendency to reduce an entire report to one controversial topic does not help deliberation in this Council.

The following NGO's also made statements:

International Lesbian and Gay Association, in a joint statement with Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit - COC Nederland; and Swedish Federation of Lesbian, Gay, Bisexual and Transgender Rights – RFSL, brought attention to the fact that, in detention facilities, LGBT persons face particular challenges. Recently, 14 Trans women held in an immigration detention facility in the USA were subject to invasive strip searches conducted by male officers. The inappropriate placement of a Māori trans woman within a shared mainstream male cell in New Zealand last year resulted in her rape. Prison officials lack knowledge of LGBT issues and therefore do not have sensitivity in how to deal with LGBT inmates. For example, “V”, a lesbian in a women's prison in Paraguay, was recently denied the right to be visited by her partner, unlike women with opposite sex partners. The groups welcomed the attention given to the specific torture faced by intersex people and urged governments to take concrete action to bring these practices to an end.

World Organization against Torture voiced deep concern over retrogressive developments witnessed worldwide and welcomed the efforts of the Special Rapporteur to underline the cross-cutting dimension of torture and ill-treatment to many human rights violations suffered by lesbian, gay, bisexual, transgender and intersex persons.

Associação Brasileira de Gays, Lesbicas e Transgeneros said that lowering the number of inmates and limiting pre-trial detention was necessary to put an end to torture against lesbian, gay, bisexual and transgender persons in detention, and urged Brazil to truly engage in implementing the recommendations of the Special Rapporteur on torture. Speaking of the strengthening of the “Nelson Mandela Rules,” it would be useful to hold a new debate on how prisoners were treated, specifically lesbian, gay, bisexual, transgender and intersex persons, and female prisoners.

The American Civil Liberties Union welcomed this landmark report, which is so fittingly presented on International Women’s Day and which critically assesses the applicability of the prohibition of torture and other cruel, inhuman or degrading treatment or punishment in international law to the unique experiences of women, girls, and LGBTI persons globally, and seeks to more effectively consider ill treatment of persons who transgress sexual and gender norms as human rights violations through the lens of international human rights law and torture and other cruel, inhuman, or degrading treatment. ACLU called on Member States to heed his thoughtful and comprehensive recommendations, and call on the next mandate-holder to follow-up and press for much-needed implementation of legal and human rights obligations to protect women, girls, and LGBTI persons from torture and ill-treatment in various contexts, including detention.

In his concluding remarks, Mr. Méndez said that

The statements made yesterday refer to the fact that my report addressed controversial matters and that there was no agreement in the international community. I assume you don’t refer to the discrimination against women, but you refer to LGBTI individuals. Thematic reports don’t aim to discuss what is been entirely agreed upon but rather they try to flag areas where there needs to be consensus and there needs to be a possible agreement on the frame work regarding torture and cruel, inhumane and degrading treatment. In this regard I want to say that the principle of non – discrimination and equality is broadly accepted by the international community. The ICCPR refers to discrimination, any type of discrimination not only gender discrimination. Prohibition of torture or any ill – treatment or punishment against any individuals of any category is also an absolute prohibition. On this broad consensus, it is a norm of *jus cogens*. My report links up this two norms, on one hand saying that the states that criminalize same – sex relations generates a cultural situation, and in this situation violence is perpetrated against LGBTI individuals.

INTERSECTIONALITIES OF OPPRESSION: SOGI ISSUES IN THE WORK OF THE SPECIAL PROCEDURES

It should be noted that a range of special procedures apart from the SR on Torture also referenced SOGI issues in their reports. These included the Special Rapporteurs/ Independent Experts in the areas of adequate housing, human rights defenders,

violence against children, freedom of religion and peaceful assembly and association.

SPECIAL RAPPORTEUR ON THE RIGHT TO ADEQUATE HOUSING.

The Special Rapporteur on the right to adequate housing in her report made a connection between marginalization on grounds of SOGI and homelessness. As she observed:

Discrimination is both a cause and a consequence of homelessness. Those who face discrimination on the grounds of race, ethnicity, place of origin, socioeconomic status, family status, gender, mental or physical disability, health condition, sexual orientation and/or gender identity and age are more likely to become homeless and, once homeless, experience additional discrimination.

What was significant in the analysis of the intersection of homelessness with the SOGI issue was that being LGBTI increased your vulnerability among the already vulnerable homeless population.

Lesbian, gay, bisexual, transgender and intersex young people are overrepresented in homeless populations in some countries and face additional stigmatization and social exclusion from their families and communities, and are more vulnerable to violence and more likely to be turned away from shelters.

The Report concluded that

Homelessness disproportionately affects particular groups, including women, young people, children, indigenous peoples, people with disabilities, migrants and refugees, the working poor, and lesbian, gay, bisexual and transgender people, each in different ways, but with common structural causes. These include: (a) the retreat by all levels of government from social protection and social housing and the privatization of services, infrastructure, housing and public space; (b) the abandonment of the social function of land and housing; (c) the failure to address growing inequalities in income, wealth and access to land and property; (d) the adoption of fiscal and development policies that support deregulation and real estate speculation and prevent the development of affordable housing options; and (e), in the face of urbanization, the marginalization and mistreatment of those who are most precariously housed in informal settlements, living in temporary overcrowded structures, without access to water, sanitation or other basic services and living under the constant threat of eviction.

International Lesbian and Gay Association, in a joint statement with Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit - COC Nederland; The Swedish Federation of LGBT Rights, RFSL; and Allied Rainbow Communities International, thanked the Special Rapporteur for having drawn the attention of

states to young lesbian, gay, bisexual, transgender and intersex persons, who were shockingly overrepresented in homeless populations in some countries. LGBTI people, especially LGBTI youth and children, frequently face severe discrimination, physical and mental abuse and shame based on their sexual orientation, gender identity and expression or sex characteristics. These pressures may be strongest within both their families and schools. LGBTI individuals are sometimes excluded from family homes, disinherited, sent to psychiatric institutions, forced to marry, or subjected to attacks on their personal reputation. Intersex youth face specific challenges. States should take all measures necessary to eliminate all forms of discrimination and violence, which undermine LGBTI people's full enjoyment of their human rights, and increase the likelihood of homelessness. States should also ensure the existence of shelters for homeless LGBTI persons, as well as to regulate and monitor youth shelters to protect and support LGBTI minors.

Leilani Farha, Special Rapporteur on adequate housing, concluded by saying that, policies themselves should include mechanisms that would benefit vulnerable groups. As for ensuring that housing policies were non-discriminatory, the economic and social situation should be recognized as a ground for discrimination. Regarding evictions, any eviction had to follow international standards. It was important not to discriminate against lesbian, gay, bisexual, transgender and intersex persons and to recognize them as a group that experienced discrimination.

SPECIAL RAPPORTEUR ON HUMAN RIGHTS DEFENDERS

The Report by Michel Forst, the Special Rapporteur on the situation of human rights defenders, conceptualized principles which would serve to guide policy and legislation aimed at protecting human rights defenders. Based on a recognition that human rights defenders in many parts of the world were at risk, the Report conceptualized protection of human rights defenders as encompassing not only 'physical security alone, but should be understood as encompassing multiple dimensions, including economic security, political security, environmental security, digital security and psychosocial well-being.'

The Report stated that

The threats faced by defenders come in many guises (physical, psychological, economic and social) and may be conditioned by the interaction of multiple factors, including poor governance, absence of the rule of law, an upsurge in religious and political intolerance and fundamentalism, or tensions over development issues. Numerous actors (political, economic, religious, State or non-State) may be involved, by act or omission, in committing violations against defenders. The situation is made more volatile owing to an increase in repressive laws and regulations designed to delegitimize and criminalize human rights activities of defenders, including by restricting their funding or obstructing their activities with burdensome bureaucratic requirements. A number of counter-terrorism and security policies introduced by States have

posed new challenges to defenders, including new restrictions on their individual freedoms and increasing the risks that they face.

In this difficult scenario SOGI defenders faced an even more challenging environment.

Some activists face greater and more specific risks than others. Defenders who challenge social and cultural norms, do not fit stereotypes and prescribed roles, or who challenge power structures in society – such as defenders of sexual orientation and gender identity rights, women defenders, and defenders working on the rights of minorities and indigenous people – are often stigmatized and subjected to threats and attacks from members of society because of who they are or what they do. Defenders in conflict zones and in occupied territories are also more vulnerable to continuous insecurity and threats. Protection practices must therefore be gender-sensitive and suited to the specific needs and situations of such defenders at risk.

One of the best practices documented by the Report includes the ‘formation of formal and informal networks that connect human rights defenders and supporters to each other.’ The Report notes that, ‘strong relationships allow rapid mobilization in times of crisis. Robust networks can mitigate the risks of surveillance, threats and attacks.’

However this strategy may be particularly challenging in the context of SOGI issues, as it may not be possible to form such networks. As the Report notes:

Some defenders work on issues that are political, culturally and socially sensitive – issues that other defenders within the same socio-political milieu might not support instinctively. Women defenders and defenders who work on sexual orientation and gender identity rights, for example, often struggle to have their rights recognized in certain contexts. It is important for defenders within the same context to understand and support one another, even if they focus on different rights.

In order for networks to remain inclusive, all networks should regularly assess the extent to which they connect to and support the work of marginalized, stigmatized and geographically isolated defenders.

The Report concludes by putting forth seven principles of which principle two and three are of particular significance from the SOGI point of view.

Principle 2: They should recognize that defenders are diverse; they come from different backgrounds, cultures and belief systems. From the outset, they may not self-identify or be identified by others as defenders.

Principle 3: They should recognize the significance of gender in the protection of defenders and apply an intersectionality approach to the assessment of risks and to the design of protection initiatives. They should also recognize that some defenders are at greater risk than others because of who they are and what they do.

During the interactive dialogue the following statements were made:

Slovenia said that it was unacceptable that defenders of lesbian, gay, transgender and intersex rights, rights of minorities and women human rights defenders still faced risks of being discriminated against and prosecuted.

Australia said that, human rights defenders play a particularly crucial role protecting vulnerable groups –including women and girls, religious minorities, LGBTI individuals, and people with disabilities. Australia welcomed the Special Rapporteur’s insights on how States can actively promote the work of these defenders.

Iran said that, while recognizing that human rights defenders are diverse, based on their different backgrounds, cultures and belief systems, this should not provide an authentic platform for giving special acknowledgment and legitimacy to specific groups which are not universally recognized, and labeled them as human rights defenders. Consequently, Iran called upon the Special Rapporteur to remain focused on the main idea behinds the mandate and avoid using controversial concepts such as sexual orientation and gender identity in his future reports.

Germany said that, looking at the state of human rights worldwide, the German Government is highly alarmed by the shrinking space for Human Rights Defenders. Germany was appalled by the suppression of and violence against inter alia journalists, online activists, human rights defenders in rural regions, indigenous or ethnic minorities, LGBTI activists and those standing up for the freedom of belief, the rights of women or the safeguard of their inherent economic, social and cultural rights.

Finland said that, as the situation of women human right defenders is often even more difficult, it is necessary to provide particularly active support to their work. In his report, the Special Rapporteur points to the fact that gender influences the risks and threats human right defenders face. Women human rights defenders also face discrimination more often on multiple grounds, for example in addition to their gender on the basis of their ethnicity, religion or sexual orientation.

Denmark said that, it welcomes the focus of the report on conceptualizing good practices in the protection of human rights defenders, including of those that face greater risks than others, such as women defenders, and defenders working on the rights of minorities, indigenous peoples and LGBTI persons.

The International Service for Human Rights observed that, the report mentions the important work of the African Commission to highlight the violations against defenders on the basis of their gender and/or their work in areas such as sexuality,

reproductive health and women's rights.

Action Canada observed that, the diversity of women human rights defenders, in particular, needs to be explored further, as women who do not fit the stereotypical definitions of "woman" are further marginalized by the denial of their existence, by the penalties they endure and for the use of their bodies. Action Canada referred to transgender women, women seeking abortions, sex workers, women living with HIV, lesbian and bisexual women, as examples.

SPECIAL RAPPORTEURS ON PEACEFUL ASSEMBLY AND ASSOCIATION AND ON EXTRA JUDICIAL, SUMMARY OR ARBITRARY EXECUTIONS

Maina Kiai, Special Rapporteur on the rights to freedom of peaceful assembly and of association and Christof Heyns the Special Rapporteur on extrajudicial summary or arbitrary executions produced a joint report of 'practical recommendations on the proper management of assemblies'.

The Report first sets out the question of why assemblies are important, particularly when it comes to the question of challenging dominant societal and state narratives.

Assemblies are also an instrument through which other social, economic, political, civil and cultural rights can be expressed, meaning they play a critical role in protecting and promoting a broad range of human rights. They can be instrumental in amplifying the voices of people who are marginalized or who present an alternative narrative to established political and economic interests. Assemblies present ways to engage not only with the State, but also with others who wield power in society, including corporations, religious, educational and cultural institutions, and with public opinion in general.

Quite clearly when it comes to the question of SOGI, since in many parts of the world, activists are seeking to challenge the dominant social narrative which has no space for LGBTI people, the right to peaceful assembly is crucial. However the groups which need this right the most are the ones who are most impeded from exercising this right.

As the Report notes:

Particular effort should be made to ensure equal and effective protection of the rights of groups or individuals who have historically experienced discrimination. This includes women, children and young people, persons with disabilities, non-nationals (including asylum seekers and refugees), members of ethnic and religious minorities, displaced persons, persons with albinism, indigenous peoples and individuals who have been discriminated against on the basis of their sexual orientation or gender identity. This duty may require that authorities take additional measures to protect and facilitate the exercise of the right to freedom of assembly by such groups.

Maina Kiai, in the interactive dialogue reinforced this point by noting that, ‘On the question of lesbian, bisexual, gay, and transgender rights, the question had been raised that by mentioning that issue, the Rapporteurs were diluting the report. There had to be clarity that the people who needed the right to demonstrate the most were the people who were the most marginalized. The lesbian, bisexual, gay, and transgender community existed and if they could not organize, the international community was asking for trouble. Whether countries agreed with lesbian, bisexual, gay, and transgender rights or not, that community needed to be protected like any other community. “A right is something you have because you are,” he said, adding that if the State had to authorise rights, they turned into privileges.

SPECIAL RAPPORTEUR ON FREEDOM OF RELIGION

Heiner Bielefeldt, Special Rapporteur on freedom of religion or belief, in his country visit to Bangladesh drew attention to the specific problem of the relationship of the right to freedom of religion to sexual minorities. He specifically referenced the transgender community in South Asia, the hijras in his observations

Transgender persons — biological males who identify as female — are also known as “hijras” in South Asia. They are usually accepted in their societies, including Bangladesh. However, by their difference, people reportedly believe that they own a different set of religious practices — quite similar to some Hindu rituals — developed just for their community. Indeed, many hijras actually participate in mainstream religious life, for instance, by attending the Friday prayer or participating in church services.

Mr. Bielefeldt’s report drew attention to this issue and raised the question of its importance

Freedom of religion or belief of persons belonging to sexual minorities is a very much underexplored issue that warrants more international attention. Diverse sexual orientations and gender identities are a reality in every society and not an invention imposed from abroad, as some may be inclined to think.

The only question is whether and how to recognize this reality. An opening-up in this regard helps to overcome prejudices and unsubstantiated anxieties, thus giving more breathing space to human beings who otherwise would be forced to conceal important aspects of their personal identity. The Special Rapporteur would like to stress that the right to freedom of religion or belief is guaranteed for every single human being, so no one should be deprived the right on the basis of sexuality, gender, ethnicity or caste.

SPECIAL RAPPORTEUR ON CULTURAL RIGHTS

Karima Bennoune, Special Rapporteur in the field of cultural rights in her first report, signposted the importance of guaranteeing cultural rights to all regardless of sexual orientation and gender identity.

The Special Rapporteur has been particularly disturbed by recent political discourses of exclusion, sometimes directed at entire religious or other groups. One of her key commitments is to promote the enjoyment of cultural rights without any discrimination, including that based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, sexual orientation, gender identity, age, migrant status, disability or poverty. Committed to integrate both disability and gender perspectives into her work as emphasized by the terms of her mandate, she will also give particular focus to the equal cultural rights of women. Moreover, she plans to pay close attention generally to the cultural rights of those at heightened risk of human rights violations due to group or other status.

In the interactive dialogue, COC Nederland noted that the celebration and enjoyment of cultural rights has the potential to transform hearts and minds in evanescent hatred and prejudice. Through grassroots activities like open youth mics, theatre presentations and music performances, we have witnessed fathers soften their hearts towards accepting their gay son, we have seen faith communities come together to fundraise for Syrian refugees, and we have built bridges for dialogue between contending collectivities. Artistic expressions, through technology, new media and various forms of art and music counter radical narratives, and for this reason, freedom of expression and freedom of conscience must be unequivocally championed. COC Nederland voiced concern about the clampdown on cultural practices, including pride marches, threats towards female cultural performers and the intentional destruction of cultural heritage sites like Palmyra.

THE PROTECTION OF THE FAMILY

At the 31st Session of the Council, the report that was mandated by the protection of family resolution in the 29th Session was tabled. The report was the outcome of a controversial resolution in the 29th Session of the Council which was sponsored by a cross-regional group of states including Egypt, Cote d'Ivoire, El Salvador, Mauritania, Morocco, Russian Federation, Tunisia, Uganda, Qatar, Belarus, China and Bangladesh.

The 'controversy' at the center of the resolution concerned the intent of the resolution itself. Was it to protect the family, or was it to use the language of protecting the family to actually target those who were vulnerable to abuse within families including children, women and LGBTI persons? Many states as well as civil society activists who were concerned about LGBTI rights, child rights and gender rights were concerned that it would be a vehicle to roll back hard won rights.

The Report that was tabled did a fine job of addressing these concerns while at the same time stressing the role of the family in poverty eradication and achieving sustainable development.

The Report noted that

International human rights instruments have long recognized that the family is a fundamental unit of society, which performs valuable functions for its members and for the community as whole. For these reasons, it is widely recognized that States bear the primary obligation to provide protection and assistance to the family so it can fully assume these functions.

After acknowledging the centrality of the family to international human rights law, the Report goes on caveat this recognition in two specific ways. Firstly the Report observed that:

International standards do not prescribe a specific concept of family, which varies depending on the concrete historical, social, cultural and economic make-up of the community and of the life circumstances of family members.

This recognition of diversity of families in turn allows for the Report to document the fact that:

Several States have introduced changes in their legislation allowing for the legal recognition of relationships between persons of the same sex. In Argentina, the Egalitarian Marriage Law (Law No. 26618) expressly allowed for same-sex marriages. In Sweden, the reform of the Marriage Code in 2009 made the definition of marriage gender neutral, thus granting people the right to marry regardless of the sex of the spouses. In other countries, same-sex couples have been recognized by judicial action.

It should be noted that the recognition of diversity of families was what was proposed both in the informal negotiations and by way of amendments in the 29th Session of the Human Rights Council in particular by South Africa and rejected by a vote on the floor of the Council. So in a sense though the 29th Council can be viewed as a defeat for the proposition that protection of families explicitly mean protection of diverse forms of family, the 31st Session brought the language of diversity back into the debate on the role of the family.

The second strong concern in the 29th Session of the Council was around the protection afforded to those within the family who may be subjected to abuse by the more dominant members of the family be it women, children or LGBTI persons. This concern was again addressed by the Report as it unequivocally stated that there is a 'right to equality in the family' and a right not to be subjected to violence or abuse within the family'. Again the report specifically referenced the point that 'The Committee on the Rights of the Child has called for States to protect children from discrimination based on their own or their parents- or legal guardian's sexual orientation or gender identity.'

The Report concluded by noting that:

This consensus regarding the role of families in sustainable development is grounded in a number of common elements. These include the need to recognize the diverse and changing forms of the family institution, in accordance with the different social, cultural and economic characteristics of every society; the promotion of equality between men and women; and the effective protection and promotion of the rights of women, children, persons with disabilities, older persons and any other family member, without distinctions. Moreover, ensuring universal access to sexual and reproductive health services, including family planning, should be an integral part of development efforts.

In the interactive dialogue, the debate which took place in the 29th Session of the Council continued. Some speakers said that multiple United Nations consensus documents made it clear that the term “family” was understood to refer to the union of a man and a woman, others stressed the importance of a wide definition of the concept of “family” which embraced “all forms of families in different contexts.”

The states and NGO’s that expressed some form of reservation were

Russian Federation, speaking on behalf of a group of countries sponsors of resolution 29/22 on the protection of the family, thanked the High Commissioner for producing report A/HRC/31/37 and reaffirmed that the family was the natural and fundamental unit of the society. States were under explicit international legal obligation to provide effective protection and support for the family unit. Russian Federation noted that the report had tackled issues that fell outside the scope of resolution 29/22.

Kyrgyzstan expressed gratitude for the report on the protection of the family, which was the primary means of transmitting values. Kyrgyzstan had adopted a national strategy on reproductive issues as relating to the family among other initiatives and the Government paid particular attention to the elderly. Family, fatherhood, motherhood and children were the concern of the whole society.

Sudan said that the world faced challenges that required joint work. The family remained the main nucleus of society, and Sudan’s definition of a family fell within its value system. The Constitution of Sudan ensures freedom of expression, assembly, and belief, among numerous other rights which were also enumerated.

Global Helping to Advance Women and Children noted the report on the protection of the family. Multiple United Nations consensus documents made it clear that the term “family” was understood to refer to the union of a man and a woman. They were concerned that the report claimed that there was no definition of the family

under international human rights law and opposed all references to “various forms of the family.”

Alliance Defending Freedom said that the family unit required State protection and assistance, including through positive measures. The idea of recognizing the diversity of families however did not support international consensus. Children benefited greatly from an intact family structure comprised of a mother and a father.

The states and NGO’s that welcomed the recognition of ‘diversity of families’ were:

Spain welcomed the report on the family and its inclusion of the need to protect all family members, noting that the report also said there was a need to recognise the ever-changing forms of the family. Spain condemned discrimination against women, children, and lesbian, gay, bisexual, transgender and intersex people.

Chile, referring to the report on the family, said that the concept of a family could vary, and should not be exclusively reduced to marriage or a single form. The principle of equality and non-discrimination had to be respected, along with the principle of the best interest of the child. Chile said that it was vital to have an open view of the application of human rights when it came to the family, so as not to discriminate against vulnerable populations.

Groupe des ONG pour la Convention relative aux droits de l'enfant, in a joint statement with, Save the Children International; SOS Children's Villages International; Defence for Children International; and Plan International Inc., said neither the Convention on the Rights of the Child, nor the report presented today by the Office of the High Commissioner for Human Rights, provided a fixed or limited definition of “family.” It urged the Human Rights Council and States to explicitly acknowledge the broad contextualised nature of “family” and refer to “all forms of families in different contexts” in debates and international documents.

World Union of Catholic Women's Organizations, in a joint statement with, International Association of Charities, said that States had the obligation to provide the widest protection and well-being to families. It reminded of the fundamental role of the family in the achievement of the Sustainable Development Goals, and called on States to implement family-sensitive policies, especially in the area of education and employment.

International Humanist and Ethical Union welcomed the mention in the report on the protection of the family of the right to decide the number and spacing of children, which should be understood to support a woman’s ability to obtain necessary reproductive services, including safe and legal abortion care. It also welcomed the clarification that there was no standard definition of the family.

One can understand that this battle over the definition of the family is not over. At present the groups working to preserve a wider definition of the family may have won a temporary victory as LGBT persons found space both within the specific

language of the Report as well as in the recognition of diversity of families by the Report.

THE HUMAN RIGHTS SITUATION IN SPECIFIC COUNTRIES

The general debate on item 4 which is titled 'human rights situations that require the Council's attention' gives the opportunity to bring up issues relevant to specific country contexts. A number of country specific mandates have been created with the two mandates of immediate relevance to SOGI issues being the mandates on Iran and Syria.

COMMISSION OF INQUIRY ON SYRIA

Paulo Sérgio Pinheiro, Chair of the Independent International Commission of Inquiry on Syria, in his report noted that the Syrian conflict was in its sixth year. Mr Pinheiro's Report outlined how the actions of all parties had wreaked havoc on the Syrian mosaic. Aerial bombardment had resulted in the destruction of 'the structures of civilian life-houses, business, schools, parks, markets, and hospitals among them'. There were attacks on medical care, education, and public spaces, cutting of electricity and water and the wanton destruction of cultural heritage. The very conditions responsible for the 'basic conditions of life' were being destroyed. Hand in hand with this physical destruction was a destruction of the social fabric of Syria with deliberate and targeted attacks on religious groupings including Sunnis by the government and Alawaites, Yazidis, Shias and Kurds by Daesh and Jabhat Al Nusra.

It is in the middle of this war on the social fabric of Syria that the deliberate and targeted killing of sexual minorities needs to be located.

The Report noted that

Civilians have been deliberately killed in attacks where the belligerents have conflated a community's ethnic and/or religious backgrounds and its perceived political loyalties. In some cases, there has been intentional targeting of various ethnic, religious and professional communities, as well as sexual minorities. The backing of external actors, including foreign fighters on all sides, has exacerbated ethno-sectarian tensions on the ground.

ISIS continues to target sexual minorities for execution. In August, the terrorist group released a video showing two men being thrown from a building in Tadmur as punishment for allegedly committing homosexual acts.

In September, fighters from Jabhat al-Nusra and anti-government armed groups executed seven men in Rastan city (Homs) on accusations of homosexuality. An unauthorized

court, functioning on behalf of all armed groups from the area, ordered the executions.

Mr. Pinheiro in the interactive dialogue noted that five long years had passed since the war in Syria started, with the toll of victims going far beyond anything imagined. There were more than five million Syrian refugees, and hundreds of thousands of children who belonged to a “lost generation”. The ongoing political dialogue must encompass a discussion on transitional justice options. The Commission strongly supported credible proceedings to fight impunity.

The relentless efforts of the Special Envoy of the Secretary-General for Syria and the International Syria Support Group had resulted in the most comprehensive cessation of hostilities to date as part of the Munich agreement. This had led to a significant decrease of armed violence, and to a return to normalcy in large parts of the country. The cessation of hostilities had also created the conditions to move forward with the next round of the Geneva talks, paving the way for the implementation of Security Council resolutions 2254 and 2258. The Commission also joined its voice to resolution 2268 stressing the urgency for all parties to work constructively and in good faith towards political transition.

The shift (from the time of the previous report of the Commission) which is visible in the statement of Mr. Pinheiro is that the conversation has shifted to the possibility of the ceasefire holding and there being set in motion a process which would make accountable those responsible for these horrific violations.

Czech Republic reiterated the role of the International Criminal Court in holding accountable those responsible for flagrant violations and abuses of human rights.

Netherlands said that the current cessation of hostilities presented a glimmer of hope, adding that all parties had to provide humanitarian access and release detainees, particularly women and children. The Commission was asked how accountability could be enhanced alongside the Geneva process.

Ireland said the work of the Commission had been the principal instrument for recording the multiple atrocities inflicted on the Syrian population for the five years that the conflict had endured. Ireland reiterated its call for the referral of the situation in Syria to the International Criminal Court, and urged the Security Council to fulfill its duties to uphold international law under the Charter of the United Nations.

Allied Rainbow Communities International, in a joint statement with MantiQitna, said that the report had demonstrated how extremist groups such as Daesh and the Jabhat al-Nusra systematically aimed to eliminate the very existence of many diverse groups, including lesbian, bisexual, gay, transgender, and intersex persons. The atrocities committed by Daesh and al-Nusra or other factions must not divert attention from the multiple discriminations Syrians experience in the countries where they seek refuge or apply for asylum. Many LGBTIQ persons constantly speak

of, but cannot properly report, physical and verbal violence as well as more subtle forms of discrimination, be it at workplaces, hospitals, police stations or other venues. The cooperation of the countries where LGBTIQ populations seek asylum as well as the countries of resettlement is thus key to ensuring that the creation of “protection space for asylum-seekers and refugees” goes beyond the resettlement scheme into ensuring that they have access to full rights as guaranteed by international law. The UNHCR as well as states were urged to understand the specificity of the violations that LGBTIQ Syrians refugees face and to address them in a sensitive and timely manner thereby ensuring that their rights are protected.

Alliance Defending Freedom said that religious minorities had been targeted specifically on the grounds of their actual or perceived religion by “ISIS/Daesh” with intent to destroy the groups in whole or in part. Those atrocities amounted to genocide under Article II of the Convention on the Prevention and Punishment of the Crime of Genocide.

Since the conversation around Syria has shifted towards the question of accountability for crimes committed, it is vital that the targeted killing of LGBTI persons and violence inflicted on grounds of sexual orientation and gender identity be expressly articulated in any mechanism for accountability, which tries the crimes committed by all parties in Syria.

SPECIAL RAPPORTEUR ON HUMAN RIGHTS IN IRAN

Mr. Ahmed Shaheed in his Report noted that there were a number of positive measures in 2015 that addressed some pressing human rights concerns ‘including the recent adoption of amendments to the country’s Islamic Penal Code (IPC) and Criminal Procedure Code (CPC).’ The new provisions provided for a ‘narrow application of anti-terrorism laws, restricting the use of the death penalty to individuals who have carried out armed activities. Amendments also introduced a statute of limitations for the prosecution of various crimes, stipulate that individuals serve no more than the maximum sentence for charges carrying the heaviest penalty wherever individuals are convicted on multiple charges, and allow judges to exercise their discretion in releasing prisoners on good behavior and in issuing alternative sentences instead of prison sentences.’

However these changes in the law did not touch the laws that criminalized different forms of same sex sexual expression.

The Special Rapporteur also notes that vague and broadly defined hudud provisions in the penal code, loosely defined as “crimes against God,”¹ often criminalise acts that are either not recognised as crimes under international laws and standards or not considered serious enough to warrant capital punishment. These include crimes such as insulting or

¹ <https://www.hrw.org/report/2012/08/28/codifying-repression/assessment-irans-new-penal-code>.

cursing the Prophet (*sabb al-nabi*),² consensual heterosexual or same-sex relations between adults,³ corruption on earth (*efsad-e-fel-arz*)⁴ and apostasy.”⁵ Individuals convicted of some of these crimes are not generally allowed to seek a pardon or have their sentences commuted, in contravention of international law.

In his comments during the dialogue, Mr. Ahmed Shaheed, reiterated these observations noting that positive steps had been taken by the Government, including steps to amend some provisions of the penal and criminal procedure codes to comply with international standards, as well as a commitment to re-examine laws that had contributed to a staggering execution rate in the country. These steps should be applauded, and every effort had to be made to ensure that they translated into real change on the ground and an end to continuing serious human rights abuses. Indeed, the Special Rapporteur pointed at the alarming surge in the rate of unlawful executions and ongoing arbitrary arrests, detention and prosecution of individuals for the exercise of their fundamental rights. At least 966 persons had been executed in 2015, and at least 73 juvenile offenders were reportedly executed between 2005 and 2015, including 16 in the past two years. Moreover, at least 47 journalists and social media activists were reportedly being detained, and over 272 internet café businesses had been closed in 2015 for their alleged “threat to societal norms and values”.

Allied Rainbow Communities International noted that the Report of the Special Rapporteur draws attention to the fact that reform in the criminal code has left untouched the penalization of all forms of intimacy between people of the same sex. The Report also notes the serious and systematic violation of the rights of women through a web of legislations, which seek to keep women in a subordinate position. Expression of intimacy between two men as well as between two women are severely punishable with the ultimate punishment being the death penalty. Transgender persons who wish to get identity papers in the gender of their choice have no option but to alter their bodies through hormones and surgery and become permanently and irreversibly infertile. ARC noted that there is a connection between the legislations which keep in place the subordination of women and the legislations which target and control LGBT expression. Both series of legislations seek to keep in place a binary gender system, where what it is to be a man and what it is to be a woman is sought to be controlled by law. LGBT people who do not conform to culturally approved models of femininity and masculinity can be subject to persecution, arbitrary arrest and detention. Similarly within this rigid system any attempt by women to break out their legally enforced subordination and assert their equal rights within marriage is punished. Iran must repeal the slew of laws which

² Islamic Penal Code, article 262-63.

³ Articles 221-41 of the Islamic Penal Code.

⁴ Islamic Penal Code, Article 266.

⁵ Apostasy is not specifically codified as a crime in the Islamic Penal Code but is a *hudud* crime under Shari'a law. Iran's judiciary can issue sentences based on apostasy pursuant to Article 167 of the constitution and 220 of the CPC.

seek to imprison sexual and gender diversity within the iron cage of a man-made artificially imposed binary two-gender system. Accepting the norm of equality of all people regardless of their gender, sexual orientation, gender identity or gender expression would be in conformity with the promise of the Universal Declaration of Human Rights which is a bedrock principle of human rights by which all nations are bound.

OTHER COUNTRY CONTEXTS

International Lesbian and Gay Association drew attention to the catalogue of human rights violations against lesbian, bisexual, gay, transgender and intersex persons all over the world. ILGA highlighted the systematic situation of extreme violence and discrimination faced by trans people in Guatemala, El Salvador, Honduras, Panama and Costa Rica. In Indonesia the situation was deteriorating as a number of government officials were making openly anti-LGBTIQ statements and the Indonesian parliament was currently legislating a ban on public information with LGBTIQ content. In Russia, a man was brutally attacked for looking like a 'fag', in the US a father aimed a gun at his daughter after she came out as lesbian and in India a 15 year old student set himself on fire after suffering harassment and abuse from neighbours who saw him being intimate with another boy. In Malaysia arbitrary arrests of trans women continue to take place under laws criminalizing 'male person posing as a woman' and Ireland, Kenya and France received recommendations from the Committee on Rights of the Child to stop unnecessary medical interventions on intersex infants. It is the government's responsibility to prevent attacks and discrimination against all members of its population.

ANNUAL REPORT OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

Mr. Zeid Ra'ad Al Hussein, the United Nations High Commissioner for Human Rights, urged the Council to continue its work to end discrimination against lesbian, gay, bisexual and transgender persons.

Uruguay, speaking on behalf of Argentina, Brazil, Chile and Colombia, noted that they were focused on combatting discrimination against lesbian, gay, bisexual, transgender and intersex persons. In particular, Uruguay supported the efforts of the Office of the High Commissioner for Human Rights to combat homophobia and transphobia through its public education campaign "Free & Equal". It is fundamental to work on the change of stereotypes that damaged and threatened the dignity of LGBTI individuals. Uruguay also welcomed the organization of the meeting of experts to debate the specific human rights of intersex persons.

Pakistan, speaking on behalf of the Organization of Islamic Cooperation, stressed the need to recognize that cultural and religious diversities were not an intention to deny the universality of rights. It meant that one should not attempt to pursue as universal values things that were not universally acceptable.

Nigeria urged the Council to focus on its mandate and not get distracted by matters

that offend the sensibilities of majority of its members States, particularly those attitudes that contradict their religious and cultural beliefs and were repugnant to natural laws. Nigeria rejected the method of the UN system to use campaign video to showcase LGBT and stamps. Nigeria believed this is not the mandate of the UN; nor is this technique in the interest of its larger membership and the majority who abhors this attitude.

Ecuador recognised the work done by the High Commissioner on fighting discrimination based on race, as well as sexual orientation, disabilities, and other differences.

Chile noted that the fight against discrimination broadly means ensuring that no one is violated or discriminated because they are women or men, national or not nationals, migrants or refugees, persons with disabilities, LGBTI individuals, African descendants (...).

Brazil noted that, it particularly appreciated the efforts to eliminate violence and discrimination against women, LGBTI people, migrants, refugees and children.

Australia noted that it believes that it is critical we all do what we can to protect vulnerable groups, including women and girls, LGBTI individuals, people with disabilities, and people experiencing violence and conflict.

Argentina noted that it appreciated the work of the Office regarding inclusion; under a framework of dialogue and understanding. Argentina believes we can move towards agreement that the race, religion, gender, sexual orientation or gender identity of the persons is not an argument for discrimination. In particular, Argentina would like to emphasize the “Free & Equal” campaign that promotes tolerance and respect for others, and Argentina encourages the Office of the High Commissioner to continue its efforts in favor of inclusion.

Slovenia welcomed the engagement of the Office of the High Commissioner in addressing human rights violations based on sexual orientation and gender identity.

GENERAL DEBATE ON THE IMPLEMENTATION OF THE VIENNA DECLARATION AND PROGRAMME OF ACTION

Netherlands, speaking on behalf of the European Union, reminded the members that the Vienna Declaration had called on States not to create a hierarchy of rights and had urged them not to justify human rights violations with cultural particularities. The European Union was concerned about persistent cases of persecution of human rights defenders and journalists, and it underlined the responsibility to ensure equality, non-discrimination and protection from violence for lesbian, gay, bisexual, transgender and intersex people.

United Kingdom was clear in its belief that human rights were universal and should apply equally to all people everywhere. It was implacably opposed to all forms of discrimination and worked to uphold the rights and freedoms of lesbian, gay,

bisexual and transsexual people in all circumstances. The international community had to, without delay, work to address discrimination on the basis of sexual orientation and gender identity.

Israel said the 1993 Vienna Declaration and Programme of Action recognized and affirmed that all human rights derived from the dignity and worth inherent in the human person, and affirmed that all human rights were universal, indivisible, interdependent and interrelated. It was clear that States had well-established obligations to respect, protect and fulfill the human rights of all persons, including lesbian, gay, bisexual, and transsexual individuals.

Greece focused its intervention on the situation of human rights defenders worldwide and the widespread discrimination on the basis of sexual orientation. Greece believed that human rights defenders faced increasing challenges in many parts of the world and were in need of effective protection.

Spain deplored discrimination against lesbian, gay, bisexual, transgender and intersex persons, as well as persecution based on religious, cultural and regional grounds. The persecution and conversion of religious minorities by terrorist groups was particularly alarming and Spain condemned such persecution regardless of whether it was perpetrated by State or non-State actors.

International Service for Human Rights raised the issue of ongoing human rights violations against lesbian, gay, bisexual, transgender and intersex persons and activists, including in Kyrgyzstan, Ukraine and Honduras.

PANEL DISCUSSIONS

HUMAN RIGHTS AND HIV/AIDS

Ayu Oktariani, Public Campaign Officer, Indonesia AIDS Coalition, pressed for the full recognition of human rights in AIDS programmes and policies. The lesbian, bisexual, gay, and transgender community was still living in fear, and the criminalisation of drug users needed to be eliminated.

Dainius Pūras, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, underlined the role of healthcare settings given their position as spaces where key populations could access the services and information they needed. All over the world people faced various forms of discrimination in relation to health care, linked to race, gender, socio-economic status or sexual orientation, among others.

In the ensuing discussion, speakers underlined the importance of combatting HIV/AIDS through a multi-sectorial and human-rights based approach, tackling discrimination and stigmatization of the most vulnerable communities, including women, girls, lesbian, gay, bisexual and transgender persons, as well as drug users and prison inmates. A number of speakers said the 2011 Political Declaration remained the internationally agreed framework for HIV/AIDS as it reaffirmed the

sovereign rights of Member States and the need for all countries to implement the commitment and pledges consistent with national laws.

Luiz Loures, Deputy Executive Director, Joint United Nations Programme on HIV/AIDS (UNAIDS) said that, the AIDS paradox was more global than ever. Geography was less important now. What defined it was who you were, what were your options, where you lived, your gender, and your sexual orientation. If you were gay, a prisoner, or a sex worker, you were more affected.

Kuwait, speaking on behalf of the Arab Group, said the Political Declaration on HIV and AIDS reaffirmed the obligations of States to fulfill their obligations and rights in this respect, and the important role of the family and cultural and moral aspects of the fight against HIV/AIDS. This Declaration had international consensus.

European Union said adopting a human rights based approach to HIV/AIDS was vital. Such an approach encompassed fulfilling everyone's right without discrimination, ensuring free testing and access to antiretroviral medicines, promoting gender equality and empowerment of children, and access to sexual and reproductive rights.

Portugal hoped that the Human Rights Council would send a key message to the forthcoming meeting of the Secretary-General's High-Level Panel on HIV/AIDS meeting in New York, underlining the key aspect of human rights to the fight against HIV/AIDS. The aim was to eliminate all forms of discrimination, stigma and violence associated with the disease.

Egypt said the 2011 Political Declaration remained the internationally agreed framework on addressing the subject matter. Abusing efforts to eradicate HIV/AIDS to promote "controversial social norms" such as sexual orientation and decriminalisation of drug abuse could weaken the global partnership to accomplish its common objective.

Estonia said that the situation of vulnerable groups, such as lesbian, gay, bisexual and transgender persons, had worsened in Russian-occupied Ukraine, especially in Crimea, leading to restricted access to HIV treatment and sexual and reproductive rights.

Iran said that its national response had reduced stigma and discrimination, and had demonstrated that a community-based approach could attract national and international resources to facilitate the achievement of prevention, treatment, care and support objectives.

Uruguay said the importance of working together to find effective responses was crucial. Discrimination had to be dealt with, and women, children, and lesbian, gay, bisexual and transsexual persons had to be prioritised.

Nana Oye Lithur, Minister for Gender, Children and Social Protection of Ghana, quoting from the African Human Rights Commission, said that most vulnerable

groups were denied the protection they required. Due to the Government of Ghana's consistency in placing human rights at the centre of the HIV/AIDS response, there was a positive response. This was a message for Africa, as it was most affected by HIV. What defined the disease was gender inequality, stigma, discrimination, and sexual orientation. The African region had to address these issues by tackling gender, population and other key issues when there were traditional dimensions. The imperative was saving human lives.

International HIV/AIDS Alliance , on behalf of several NGOs⁶, said that 52 HIV and human rights organizations supported the statement he was making, calling on States to adopt four commitments which included eliminating legislation that criminalised people living with or affected by HIV.

HUMAN RIGHTS MAINSTREAMING

Secretary General Ban Ki Moon said that throughout his time in office, he had spoken up repeatedly for the rights of all people, regardless of their ethnicity, religion, disability, caste or other distinction. In many countries, lesbian, gay, bisexual, transsexual and intersex people were subjected to brutal and sometimes deadly violence. He noted, commending the Council for adopting two historic resolutions on sexual orientation and gender identity, and urging it to maintain its stance on this issue.

THE FIFTIETH ANNIVERSARY OF THE TWO HUMAN RIGHTS COVENANTS

Catarina de Albuquerque, Executive Chair of the Sanitation and Water for All Partnership, referred to challenges to the universality, interrelatedness and interdependence of human rights. The first challenge was a lack of legal protection leading to impunity for the violation of certain rights. The fact that certain rights were not justiciable led to a de facto hierarchy between rights. The second challenge was the unequal wealth distribution, leading to human rights violations affecting primarily the most vulnerable people. The third challenge was existing stigma and taboos regarding discrimination affecting persons from sexual minorities, persons with disabilities, or persons belonging to other minorities. The fourth challenge was that misconception that some rights were more important than others, or took longer to implement than others. The last challenge was procedural. The existence of two Covenants and two treaty bodies led to the fragmentation of rights. One way to strengthen the treaty system was to work on the unification of the Committees.

Finland, also speaking on behalf of Denmark, Iceland, Norway and Sweden, said the Covenants continued to carry the important message and obligations of human

⁶International Lesbian and Gay Association; International Council of AIDS Service Organizations; Canadian HIV/AIDS Legal Network; Global Network of People Living with HIV; International Planned Parenthood Federation; International AIDS Society; Grandmothers Advocacy Network; and Humanist Institute for Cooperation with Developing Countries.

rights for all regardless of origin, gender, religion, sexual orientation and gender identity, and underlined the importance of civil society collaboration with the treaty bodies, without intimidation or reprisal.

GOOD PRACTICES WITH RESPECT TO SOGI RIGHTS

The essence of human rights work is to draw attention to the violations, which have been committed and thereby trigger action from state authorities. However it is also possible to draw attention to good practices and generate positive public opinion around such practices. It is in this sense that item 10 which is for ‘technical assistance and capacity building’ was used to put forward positive practices with respect to SOGI issues by ILGA.

International Lesbian and Gay Association, said that it wished to share just a few of the many good practices and positive changes that we are seeing in all regions. In Cambodia, the Ministry of Information is working with LGBT rights groups to create a regular radio program that discusses LGBT issues, with the aim of making society more welcoming. In Bolivia, the government is backing a new video campaign to increase respect for elderly LGBT people, who are considered to be among Bolivian society’s most discriminated groups. In Costa Rica, a project called Caja de Herramientas has been launched to promote awareness and share good practices about the inclusion of LGBTI persons in the workforce. ILGA also welcomed the landmark ruling in Botswana, where the Court of Appeal upheld the right to freedom of expression and association in the case of the NGO ‘Lesbians, Gays and Bisexuals of Botswana’ (LEGABIBO) instructing the relevant government department to register them. Similarly the court decision in Tunisia in February ruling that a local NGO working on LGBT issues could resume normal activities is welcomed. There has been progress in the Seychelles where the cabinet of ministers recently proposed to the national assembly to repeal the law criminalizing same sex sexual activity and the Norwegian Ministry of Health has published a proposal that would allow individuals to self determine their gender without having to undergo any compulsory requirements like sterilization.

DEEPENING INTERSECTIONALITY: TWO CONTROVERSIAL RESOLUTIONS AT THE 31st COUNCIL

While those committed to a politics of deepening intersectionality of work on LGBTI issues can think through the relationship of LGBTI issues with a range of human rights concerns, this section will highlight two key resolutions, one on human rights defenders and the other on Palestine, which have intersectional implications for advocacy on the rights of LGBTI people.

RESOLUTION ON HUMAN RIGHTS DEFENDERS

As noted above, the strongest push back against the human rights framework, in the 31st Session was with respect to the resolution on human rights defenders. The resolution itself recognized the ‘positive, important and legitimate role of human

rights defenders in promoting and advocating the realization of all economic, social and cultural rights' and stressed that 'everyone individually and in association with others, shall be free to determine themselves which rights to address' through 'the exercise of their rights, including through advocacy, reporting and seeking information on human rights violations and abuses by States and non State actors.'

Throughout the informal negotiations on the text, states such as Russia, China, Egypt, Cuba and Pakistan sought to strip the resolution of all meanings by trying to remove all references to human rights defenders. When it came to the voting stage, these states then moved 30 hostile amendments, which sought to destroy the very concept and hence mandate of the human rights defender.

In response to the overt hostility towards the mandate on human rights defenders, over 180 NGO's which including a number of NGO's working on SOGI issues united to call on Member States of the Council to adopt the resolution and preserve the mandate. The letter noted:

The amendments being advocated by Russia, China, Egypt, Cuba and Pakistan should be seen in the context of the systematic efforts currently underway in several of these States to restrict and criminalise the important and legitimate work of human rights defenders and independent civil society organisations in violation of international human rights law. The proposal to weaken language on reprisals should similarly be understood in the context of several of the proposing States being the subject of allegations of intimidation or reprisals in both the Secretary-General's report and the joint communications report of Special Procedures.

The joint letter called for states to vote to reject the series of 30 hostile amendments proposed by Russia, China, Egypt, Cuba and Pakistan, which were designed to undermine the protection of defenders and to deny their legitimacy and very existence.

In the final vote it was a sweeping victory for the Norwegian-led resolution, developed in close consultation with civil society and sponsored by over 60 States from all regions. It was adopted by a vote of 33 Member States of the Human Rights Council to just 6 against. Eight States in the 47-seat Council abstained. It is interesting to note that the strongest opponents to the resolution, Egypt, Pakistan and Russia were also the most vociferous opponents of any progress on rights of LGBTI people in the Human Rights Council.

The question to ask is whether there is any larger congruence between the interests of human rights defenders and LGBTI rights, which tells us why those working on LGBTI rights should support the mandate on human rights defenders.

The main reason why LGBTI rights advocates should be strong supporters of the mandate of protecting human rights defenders is the reality of the state of LGBTI rights worldwide. It's a fact that in many parts of the world LGBTI rights are not an

established reality. It is at best an issue that is gradually making headway. For the issue of the rights of LGBTI persons to move forward, it is imperative that the state protects and facilitates the work of human rights defenders. As Mr. Forst rightly noted 'Defenders who challenge social and cultural norms, do not fit stereotypes and prescribed roles, or who challenge power structures in society – such as defenders of sexual orientation and gender identity rights,' in particular need protection both from the state and from vigilante elements in society. Hence the defenders mandate is crucial for the emerging civil society activism on LGBTI rights around the world.

The Special Rapporteur on human rights defenders has in his work understood the importance of the defenders mandate for the LGBTI issue. Mr. Forst has integrated the challenging situation faced by LGBTI human rights defenders due to their unique vulnerabilities in his mandate. The work of Mr. Forst illustrates powerfully the connections between protecting human rights defenders and thereby preserving a space for LGBTI activism. (See Section above on Human rights defenders)

The importance of the work of human rights defenders is even more crucial in contexts where LGBTI people are subject to relentless persecution. In countries like Egypt for example it is mainstream human rights organisations which provide the only space for the articulation of LGBTI rights. Thus in situations of extreme persecution, LGBTI activists keep alive their issues under the broader framework of human rights.

RESOLUTIONS ON THE OCCUPIED PALESTINIAN TERRITORIES

The Reports that were the subject of the interactive dialogue outlined the grave situation in the occupied Palestinian territories both in Gaza and the West Bank. The West Bank witnessed 'extensive unwarranted use of firearms by the Israeli Security Forces against youth, women and children. In a blatant disregard for international law and human rights law, Israel continued to inflict collective punishment including punitive demolitions of houses of families of those who were involved in or suspected of perpetrating attacks on Israel. To give an example, Mr. Abu Jamal was killed when he attacked a West Jerusalem synagogue. In retaliation, Israeli authorities evicted his parents and siblings from their family house. 'All entry points to the house were welded shut and concrete was poured inside, virtually up to the ceiling in most rooms, rendering the house inhabitable.' (A/HRC/31/40)

In Gaza the High Commissioner's Report highlighted that the blockade of Gaza was a form of collective punishment that had serious human rights implications. The report also noted that, 'in the reporting period, Israel carried out '31 airstrikes in Gaza'. IDF also conducted '46 incursions up to 300 meters into Gaza, leveling the ground and compromising access of local farmers to their livelihood'

There were three resolutions on human rights in the occupied Palestinian territories. The sponsors of the resolutions on Palestine and those who have been in unwavering support include countries like Pakistan, Saudi Arabia, Egypt and Russia.

The resolution on ‘human rights in the occupied territory including East Jerusalem’ had 42 votes in favour and only 5 abstentions. All the western states voted in favour of the resolution. However when it came to the resolution on ‘ensuring accountability and justice for all violations of international law in the occupied Palestinian territory including East Jerusalem’ the votes in favour were 32 with 15 abstentions. The abstentions included prominent western states such as Germany, United Kingdom and the Netherlands as well as prominent southern states like India.

What is striking about the voting on the Palestine related resolutions is the lack of leadership of the ‘human rights champions’ in the Council. The question that is thrown up in a powerful way is the question of selectivity and bias when it comes to the support of human rights by western states. The states that are supportive of LGBTI rights often have a long way to go to embrace more fully, the principle of universality. Until such time as they embody a less instrumental and more ethical approach to the principle of universality, they will always be vulnerable to the charge of double standards.

As such any positive movement of this group on compelling global human rights concerns is of key importance to the advocacy of LGBTI issues. The issue LGBTI advocates face in their own societies is the wrongful assertion that LGBTI rights serves the interests of the powerful western states. When western states are seen to be hesitant when it comes to human rights issues which are of deep concern in the global south such as Palestine, it undermines their status as those honestly concerned about human rights and this has implications for the advocacy of LGBTI rights.

The right way forward on the key issue of the rights of the Palestinian people, is for western states to more closely align with the majority opinion in the Council which is that the rights of the Palestinian people to enjoyment of all human rights under international law is impeded by the illegal Israeli occupation, which must end. Such a position can only benefit advocacy of SOGI rights internationally.

UNIVERSAL PERIODIC REVIEW: OUTCOME REPORTS

This section will reference the ways SOGI issues were referenced in the UPR reviews of Nauru, Nepal, Lebanon, Georgia, Saint Lucia, Saint Kitts and Nevis, Myanmar, and Australia. The UPR outcomes will be covered in greater depth in the Report by COC Nederland.

NAURU

Filipo Masaurua, Senior Government Lawyer on Human Rights and Gender at the Department of Justice and Border Control of Nauru, noted Nauru supported recommendations relating to women’s rights, the rights of the child, persons with disabilities, and climate change. It also noted those on decriminalizing sexual behavior between consenting adults, and the abolition of the death penalty.

International Lesbian and Gay Association said the existence of criminalising laws was a breach of international human rights law, calling on Nauru to be true to both its Christian values and the Universal Declaration of Human Rights and end the criminalisation of same-sex acts.

LEBANON

Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit - COC Nederland, in a joint statement with, International Lesbian and Gay Association, said that lesbian, gay, bisexual, transgender and intersex persons were arrested and discriminated against. There was a total lack of political will to address the rights of such persons. Lesbian, gay, bisexual, transgender and intersex refugees faced even higher risks.

NEPAL

International Lesbian and Gay Association welcomed Nepal's efforts towards the realization of the human rights of sexual and gender minorities, and its efforts towards achieving marriage equality. Sexual and gender minorities however continued to face marginalization in law, and still faced violence in their daily life, which must be investigated.

SAINT LUCIA

Action Canada for Population and Development welcomed the acceptance by Saint Lucia of recommendations relating to non-discrimination, but regretted that Saint Lucia had noted recommendations calling for the repeal of legal provisions prohibiting and punishing consenting sexual relations between adults of the same sex.

Amnesty International urged Saint Lucia to promptly ratify core international human rights instruments. Amnesty International was concerned about cases of violence against lesbian, gay, bisexual and transgender persons and the lack of prosecution of perpetrators. Saint Lucia should also fully abolish the death penalty in law and in practice.

AUSTRALIA

John Paton Quinn, Permanent Representative of Australia to the United Nations Office at Geneva, said that the recommendations that Australia received focused on immigration and asylum seekers, the rights of indigenous Australians, gender, and the rights of people with disabilities. He outlined Australia's responses to the recommendations and the reasoning that went behind accepting or rejecting them, and reviewed domestic initiatives taken on elder abuse, a new Sex Discrimination Commissioner, family violence, women on government boards, a new Special Envoy for Human Rights, women's rights, disability, indigenous Australians, constitutional recognition, and same-sex marriage.

International Lesbian and Gay Association, in a joint statement with, Human Rights Law Centre, expressed concern over Australia's marriage laws, which remained a key area of inequality, and over the practice of non-therapeutic sterilization without consent. It called on Australia to ensure that change of sex on birth certificates was allowed in all its states and territories.

GEORGIA

Amnesty International welcomed Georgia's acceptance to establish an independent and impartial mechanism to investigate crimes committed by law enforcement agencies and government officials. That aspect remained a problematic area in Georgia's legal system, including lack of presumption of innocence and fair trial standards. The authorities also failed to prosecute crimes against lesbian, gay, bisexual, transgender and intersex persons.

Pan African Union for Science and Technology pointed out that Georgia had made progress in the guarantee of civil and political rights, children's rights, judicial independence and democratic oversight of law enforcement agencies. Progress had also been made in the area of healthcare, the penitentiary system, and the rights of lesbian, gay, bisexual, transgender and intersex persons.

Swedish Association for Sexuality Education urged the Government of Georgia to ensure the effective implementation of sexual and reproductive rights, given current political threats to secularism, women's emancipation and the effective protection of lesbian, gay, bisexual, and transgender persons in Georgia.

MYANMAR

International Lesbian and Gay Association noted that Myanmar had not accepted the recommendation to ensure that the lesbian and gay community was protected. Lesbian, gay, bisexual, transgender and intersex persons in Myanmar were often abused, sexually assaulted, suffered from arbitrary detention and were victims of State-sponsored discrimination.

SAINT KITTS AND NEVIS

Allied Rainbow Communities International, in a collaborative statement with Saint Kitts Alliance for Equality, United and Strong Inc and CariFLAGS noted that they remained concerned that the Government of Saint Kitts and Nevis had only noted all recommendations calling for the repeal of the law that criminalized same sex sexual activity between consenting adults and penal provisions that discriminated against lesbian, gay, bisexual, transgender and intersex persons.