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UPR 12th Session RECOMMENDATIONS RELATING TO SEXUAL ORIENTATION & GENDER IDENTITY

Summary

Tajikistan

Comments: Canada expressed concern at incident of illegal detention and blackmailing of LGBT persons. There were no recommendations on SOGI issues.

Response: Tajikistan noted that they are working on transgender issues.

Tanzania

Recommendations: include sexual orientation and gender identity as grounds for protection in all anti-discrimination legislation and policy; repeal provisions that criminalise consensual relations between adults of the same gender.

Response: Rejected.

Antigua and Barbuda

Recommendations: Adopt policy and legislative measures to establish a specific framework for the protection against discrimination based on sexual preference; repeal provisions criminalising consensual relations between adults of the same sex.

Response: Rejected.

Swaziland

Recommendations: Adopt the necessary political and legislative measures to establish a specific framework to protect against discrimination on the grounds of sexual orientation; repeal all laws which criminalise consensual same sex relations; implement public awareness-raising campaigns on this matter; take all necessary measures to ensure enjoyment of the right to the highest attainable standard of health, without discrimination on the basis of sexual orientation or gender identity.

Response: Rejected.

Trinidad and Tobago

Recommendations: Undertake proactive policies to promote the rights of individuals, especially with regard to their sexual orientation and HIV/AIDS status; Adopt measures so that traditional stereotypes referring to the roles of men and women in society and family can be overcome; Increase measures to ensure that violence and discrimination against members of vulnerable

groups, such as women and lesbians, gay, bisexual and transgender persons, are both prevented and prosecuted.

Response: Accepted.

Recommendations: Repeal provisions which may be used to criminalise consensual relations between adults of the same sex; adopt legislative and political measures to establish a specific framework of protection for sexual preference; put in place public awareness raising campaigns on this matter.

Response: Under consideration until March 2012.

Thailand

Documents: The national report noted that Thailand prohibits discrimination based on sexual orientation and, under the Constitution, gender identity. However it was noted that rights relating to gender identity need to be dealt with further. The summary of stakeholders' information gave further details on this subject.

Discussions: There were no references to sexual orientation or gender identity during the Working Group session on Thailand.

Ireland

Recommendations: Deepen the Reform of the law on same sex marriage and change the concept of traditional family as enshrined in the Constitution; Amend Article 37 of the 1998 Employment Equality Act in order to prevent such discrimination against homosexual and unmarried parents.

Response: Under consideration until March 2012.

Togo

Recommendations: Amend legislation to ensure that sexual orientation and gender identity are included as prohibited grounds for discrimination; consider decriminalizing sexual relations between consenting adults of the same sex; launch public awareness-raising campaigns on this issue.

Response: Rejected.

Syria

Documents: Stakeholders called on Syria to repeal all provisions which may be applied to criminalise sexual activity between consenting adults.

Discussions: There were no references to sexual orientation or gender identity during the Working Group session on Syria.

Venezuela

Recommendations: Continue to consolidate the rights of women and people belonging to vulnerable groups, including indigenous peoples and persons of diverse sexual orientation and gender identity, both within its legal framework and in practice.

Response: Accepted.

Iceland

Presentation of national report: Iceland noted that in 2010 Parliament unanimously adopted legislation providing for a gender-neutral definition of marriage, ensuring the same legal status

for heterosexual and same-sex married couples. It stated that steps are also being taken to improve the legal status of transgender people.

Discussions: Brazil, Spain and Israel noted efforts taken by Iceland on issues relating to sexual orientation and gender identity. However, no recommendations on these issues were made.

Zimbabwe

Recommendations: decriminalise as soon as possible sexual relations between consenting adults of the same sex.

Response: Rejected.

Lithuania

Recommendations: Refrain from legislative initiatives which may criminalise homosexual relations between consenting adults; develop public awareness campaigns to combat manifestations of discrimination against LGBT people; Ensure the full respect for freedom of expression and freedom of assembly for all, including LGBT people; Take all necessary measures to prevent and prosecute all forms of violence and harassment related to sexual orientation and gender identity.

Response: Accepted.

Recommendations: Review the Law on the Protection of Minors against the Detrimental Effect of Public Information in order to remove all possibilities that this law may be applied in such a way to stigmatise or discriminate against LGBT people or to breach their rights to freedom of assembly or expression; Take the necessary legislative measures and enact policies that recognise the diversity of families and provide same sex couples with the same rights and social security benefits as heterosexual couples; Repeal any discriminatory provision in existing laws on sexual orientation and gender identity; Take steps to ensure that legislation protects the full rights of sexual minorities.

Response: Under consideration until March 2012.

Uganda

Recommendations: Investigate and prosecute intimidation and attacks on LGBT-community members and activists; Take immediate concrete steps to stop discrimination and assaults against LGBT persons.

Response: Accepted.

Recommendations: Reject the Anti-Homosexuality Bill and decriminalise homosexual relationships between consenting adults; Immediately and unconditionally release all persons currently detained for the reason of homosexuality alone; ensure that no person is subject to arbitrary arrest or detention because of their sexual orientation or gender identity; an end to the defamatory and harassing campaigns against the LGBT community; Reconfirm its commitment to protecting the rights of all persons regardless of their sexual orientation or gender identity in anti-discrimination and equal opportunity legislation and bodies; Ensure equal rights for all individuals, regardless of sexual orientation.

Response: Rejected.

Timor Leste

Summary: There were no references to sexual orientation or gender identity during the review of Timor Leste.

Moldova

Recommendations: Intensify its efforts to address discrimination against Lesbians, Gays, Bisexuals and Transsexuals (LGBT), and investigate and prosecute crimes against LGBT-community members; Take action to build broad support for LGBT-rights in the new comprehensive anti-discrimination law; Allow members of the LGBT communities the right to freedom of expression and assembly; Ensure that public events planned by the LGBT, religious and other rights groups are permitted and adequately policed; Continue efforts to adopt and implement the legislative framework to prevent, punish and eliminate all forms of discrimination, with special attention to gender equality and discrimination based on sexual orientation and disability.

Response: Accepted.

Recommendations: Commit internationally to the rights of the LGBT community by signing the Joint Statement on LGBT human rights from the March 2011 session of the Human Rights Council.

Response: Under consideration until March 2012.

Haiti

Summary: There were no references to sexual orientation or gender identity during the Working Group review of Haiti, or in the input documents.

Tajikistan

3 October 2011

I. Summary of the proceedings of the review process

B. Interactive dialogue and responses by State under review

53. Canada, while acknowledging the security challenges and budgetary constraints, was concerned at [...] incidents [of illegal detention and blackmailing of] LGBT persons.

The delegation of Tajikistan responded that: "There are documents from persons talking about transgender persons and we have work on this issue too."

Tanzania

3 October 2011

I. Summary of the proceedings of the review process

B. Interactive dialogue and responses by State under review

50. Sweden [...] noted that the criminalization of sexual minorities contributes to the stigmatization and vulnerability of LGBT persons.

53. Slovenia [...] was concerned that homosexual relations are criminalized.

84. The head of the delegation noted that [...] Tanzania has no law on same sex marriage as the practice of homosexuality goes against its traditional, cultural and religious rights. Homosexuality is illegal and punishable by law.

II. Conclusions and/or recommendations

87. The recommendations below did not enjoy the support of Tanzania:

87.1. Commit itself to the protection of the rights of all persons regardless of their sexual orientation or gender identity in all anti-discrimination and equal opportunity legislation and bodies (Sweden);

87.2. Adopt political and legislative measures to establish a specific framework for the protection against discrimination based on sexual preferences accompanied with the elimination of penal provisions that criminalise consensual relations between adults from the same gender, and the implementation of public awareness campaigns in this matter (Spain);

87.3. Repeal criminal provisions against persons based on their sexual orientation (Slovenia).

Antigua and Barbuda

4 October 2011

I. Summary of the proceedings of the review process

B. Interactive dialogue and responses by State under review

26. France welcomed the fact that the Universal Declaration of Human Rights was reflected in the Constitution of Antigua and Barbuda but noted the State was not a party to the whole set of international human rights instruments. It praised a *de facto* moratorium on the death penalty since 1991. France referred to the Criminal Code and the sentencing of homosexual relationships up to 15 years.

30. Canada addressed the human rights challenges that remained in certain areas such as protection of juveniles in the legal system, sanctions on private behaviour between consenting adults and ensuring the rights of minorities, the lack of detention facilities for those under 18 and the overcrowding [...] Canada also referred to the persistence of discrimination and legal sanctions based on sexual orientation and gender identity.

31. Hungary [...] praised the establishment of a human rights desk to combat discrimination against HIV infected persons but regretted that homosexual acts between consenting adults continued to be illegal.

35. The delegation [of Antigua and Barbuda] also noted the concerns expressed for criminalisation under the Sexual Offences Act, which it recognised that the international community was actually moving away from. It stated that there was no discrimination based on sexual orientation. Nor were there any particular acts of discrimination against these persons. Antigua and Barbuda had to be aware and concerned of the society's leanings and where it stood. However, it did not have a political mandate to decriminalise those acts. Criminalisation was on the books as far as the law was concerned, however, it was only in the very rare instances that the law had actually been enforced. Antigua and Barbuda was, nevertheless, guided by the public opinion and was not in a position to clearly decriminalise these acts.

42. The United States of America [...] remained concerned about the continued criminalisation of homosexual conduct and the pervasive societal discrimination against LGBT persons. It stressed that the criminalisation of homosexual conduct exacerbated homophobic attitudes and prevented LGBT persons from fully participating in society.

48. [The delegation of Antigua and Barbuda stated that in] terms of homosexual conduct, there was a certain amount of public acceptance, though in a rather silent way. Antigua and Barbuda, however, did not have a political mandate with respect to changing the law, notwithstanding the fact that enforcement of those laws was not actually sought. The Government would continue its efforts on education and information to ensure that the public opinion would in time adopt the international standards.

51. The United Kingdom of Great Britain and Northern Ireland [...] promoted the culture of tolerance and inquired about the actions taken to put an end to discrimination against LGBT.

62. The Government [of Antigua and Barbuda] was committed to protecting all members of society from discrimination, harassment and violence, regardless of their sexual orientation. The Government's commitment to protecting all members of the society remained as strong as ever.

II. Conclusions and/or recommendations

69. The recommendations below did not enjoy the support of Antigua and Barbuda:

69.17 Abrogate the provisions criminalising sexual relations between consenting adults of the same sex (France);

69.18 Eliminate legal sanctions against consensual sex acts between adults in private (Canada);

69.19 Repeal all provisions that may be applied to criminalise sexual activity between consenting adults, and which are contrary to its commitment to equality and non-discrimination (Hungary);

69.20 Decriminalise homosexual conduct by reforming the penal code so that for the purposes of prosecution, gross indecency would not apply to private acts between consenting adults (United States of America);

69.21 Adopt policy and legislative measures to establish a specific framework for the protection against discrimination based on sexual preference along with the abrogation of criminal provisions that criminalise consensual relations between adults of the same sex (Spain).

Swaziland

4 October 2011

I. Summary of the proceedings of the review process

B. Interactive dialogue and responses by State under review

44. The United States of America [...] called on Swaziland to protect the rights of LGBT people.

49. On sexual orientation, Swaziland advised that to date no one has been prosecuted for sexual orientation offenses. As the world revolves, Swaziland would look on the possibility to adopt a policy on the issue.

II. Conclusions and/or recommendations

78. The recommendations below did not enjoy the support of Swaziland:

78.4. Take concrete measures to decriminalise same-sex relations and prevent discrimination based on marital status and sexual orientation (United States of America);

78.5. Adopt the necessary political and legislative measures to establish a specific framework to protect against discrimination on the grounds of sexual orientation and repeal all laws which criminalise homosexual practice, and implement public awareness-raising campaigns on this matter (Spain);

78.6 Bring its legislation into conformity with its international human rights obligations by repealing provisions which may be used to criminalise same-sex activity between consenting adults, and take all necessary measures to ensure enjoyment of the right to the highest attainable standard of health, without discrimination on the basis of sexual orientation or gender identity (Portugal).

Trinidad and Tobago

5 October 2011

I. Summary of proceedings of the review process

A. Presentation by the State under review

9. Regarding the issue of sexual orientation, Trinidad and Tobago explained further that, in a small society with very conservative values and deep religious traditions, effecting change to personal attitudes and community values is no easy task. This notwithstanding, it is noteworthy that in recent debates on the Statutory Authorities (Amendment) Bill, the need to have definitive deliberations to resolve issues related to the treatment of same sex couples was raised in Parliament.

B. Interactive Dialogue and responses by the State under review

44. France noted that Trinidad and Tobago was party to a number of international and regional human rights instruments and that its Constitution recognized fundamental rights and freedoms [...] It welcomed the establishment of an independent and impartial entity to deal with police complaint, noting however its mandate remained undefined. France also noted that certain provisions of the Criminal Code criminalise sexual relations between consenting adults of the same sex.

49. New Zealand [...] suggested that prevention of HIV/AIDS infection becomes easier when sexual relations between same sex adults are legal.

54. Germany [...] noted a initiative for constitutional reform in order to render the death penalty legally feasible again and expressed concern over the criminalisation of consensual same-sex relations between adults.

71. On the issue of criminalisation of same sex activity, [the delegation of Trinidad and Tobago] clarified that such laws are not enforced though it was acknowledged that there were very entrenched views in some sectors of society regarding this matter. Nevertheless a dialogue on this issue has begun.

72. Regarding immigration laws and sexual orientation and on migrants in general, it was explained that the immigration laws are being reviewed and it is not yet clear what the result of this review will be. Moreover a new policy to afford easier access to HIV care and services for migrants was being developed.

II. Conclusions and/or recommendations

86. The recommendations formulated during the interactive dialogue and listed below enjoy the support of Trinidad and Tobago:

86.10. Undertake proactive policies to promote the rights of individuals, especially with regard to their sexual orientation and HIV/AIDS status (Canada).

87. The following recommendations enjoy the support of Trinidad and Tobago which considers that they are already implemented or in the process of implementation:

87.5. Adopt measures so that traditional stereotypes referring to the roles of men and women in society and family can be overcome (Uruguay);

87.23. Increase measures to ensure that violence and discrimination against members of vulnerable groups, such as women and lesbians, gay, bisexual and transgender persons, are both prevented and prosecuted (United States).

88. The following recommendations will be examined by Trinidad and Tobago which will provide responses in due time, but no later than the 19th session of the Human Rights Council in March 2012:

88.48. Repeal as soon as possible the provisions in the Penal Code and particularly articles 13 and 16 of the law on sexual offenses of 1986, penalising sexual relations between consenting individuals of the same sex (France);

88.49. Repeal all provisions of domestic law that criminalise same sex relations between consenting adults including the Sexual Offenses Act (New Zealand);

88.50. Repeal all provisions that criminalise consensual same sex relationships between adults or discriminate against homosexuals (Germany);

88.51. Regarding the situation of LGBT community, adopt legislative and political measures to establish a specific framework of protection for sexual preference. Additionally, put in place public awareness raising campaigns on the matter (Spain).

Thailand

5 October 2011

There were no references to sexual orientation or gender identity during the Working Group session on Thailand. However the following information was provided in the UPR input documents:

National report

D. Commitments under the international human rights instruments

3. The rights of specific groups

Rights of women

77. Thailand is in the process of drafting a gender equality promotion bill which will not only protect women from discrimination, but will also prohibit discrimination on the ground of sexual orientation. It is the intention of the Constitution to prohibit unjust discrimination based on gender identity, and a person's sexual orientation is not a crime under Thai law. Nevertheless, people with gender identity issues still have problems in accessing some basic rights due to discrimination, which needs to be dealt with further.

Compilation of UN information

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

1. Equality and non-discrimination

16. UNCT noted Thailand's commitment in February 2011 to attain the "Three Zeros" goal of UNAIDS and indicated that discrimination against and stigmatization of vulnerable groups such as injecting drug users, sex workers, men who have sex with men, and transgender people inhibited the ability to reach these populations with prevention effort, and thus increased their vulnerability to HIV/AIDS. CEDAW referred to the high rate of AIDS affecting women engaged in prostitution.

Summary of stakeholders' information

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

4. Right to privacy

40. JS5 and JS9 was concerned that there was no legislation recognizing sex change and same-sex marriages, resulting in discrimination against homosexual couples in regard to inheritance, immigration, child custody, social security benefits, health and pension schemes. According to

JS5, as all male-born citizens were required to present military discharge documents with their job applications, transgender people had difficulties getting employment, due to "mental illness" being stated as the reason for their discharge. ERT urged the Government to take steps to adopt comprehensive anti-discrimination legislation and policies, which JS9, JS10 and JS5 recommended should implement the requirements of ICCPR, including for recognition of changed "sex" for transsexuals and same-sex relationships.

Ireland

6 October 2011

I. Summary of the proceedings of the review process

A. Presentation by the State under review

10. [Ireland] reiterated that it was never acceptable for any government to treat national or religious or ethnic minorities as inferior; or to discriminate against women generally or gay men or gay women; or to discriminate against children and to fail to recognise their vulnerability; or to exclude disabled persons from inclusion; or to repress freedom of expression because it feared or disagreed with the speakers' opinion or where such opinion constitutes incitement to hatred.

B. Interactive dialogue and responses by the State under review

76. Switzerland noted that Irish legislation prohibits discrimination against employees; nevertheless certain medical, religious and educational institutions are entitled to turn down application forms from homosexual and unmarried people.

II. Conclusions and/or recommendations

106. The following recommendations will be examined by Ireland which will provide responses in due time, but no later than the 19th session of the Human Rights Council in March 2012:

106.44. Deepen the Reform of the law on same sex marriage and change the concept of traditional family as enshrined in the Constitution (Spain);

106.45. Amend Article 37 of the 1998 Employment Equality Act in order to prevent such discrimination against homosexual and unmarried parents (Switzerland).

Togo

6 October 2011

I. Summary of the proceedings of the review process

B. Interactive dialogue and responses by the State under review

38. Canada welcomed the decriminalisation of press crimes, abolishment of the death penalty, law on rape, decreased education fees, awareness-raising on sexual and reproductive health, and the establishment of the Truth, Justice and Reconciliation Commission, recently mandated to investigate into allegations of torture. Concern was expressed at domestic violence, the criminalisation of consensual sexual relations between adults of the same sex, the limited representation of minorities in civil service, the conduct of law enforcement personnel, violence against children and child abuse.

47. Australia [...] urged Togo to decriminalise homosexuality.

64. [La délégation du Togo a déclaré que] le Togo n'est pas prêt à légiférer sur la question de l'homosexualité, d'autant plus que les homosexuels ne subissent aucune discrimination. Une législation pourrait par ailleurs être contre-productive au vu de l'état d'esprit de la population.

II. Conclusions and/or recommendations

103. The recommendations below did not enjoy the support of Togo:

103.7. Amend legislation to ensure that sexual orientation and gender identity are included as prohibited grounds for discrimination (Canada);

103.8. Strengthen the measures aimed at prohibiting discrimination based on sexual orientation (Argentina);

103.9. Repeal legislation criminalising homosexuality, and introduce policies aimed at ending discrimination against homosexuals (Australia);

103.10. Consider decriminalizing sexual relations between consenting adults of the same sex (Brazil);

103.11. With respect to the situation of the rights of Lesbian, Gay, Bisexual and Transgender people, adopt policy and legislative measures to establish a specific framework for the protection against discrimination based on sexual orientation, together with the suppression of penal provisions which criminalise sexual relations between consenting adults of the same sex and; launch public awareness-raising campaigns on this issue (Spain).

Syrian Arab Republic

7 October 2011

There were no references to sexual orientation or gender identity during the Working Group session on Syria. However the following information was provided in the UPR input documents:

Summary of stakeholders' information

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

1. Equality and non-discrimination

15. AI recommended abolishing articles in the Penal Code which discriminate against individuals on the basis of their sexual orientation or identity.

4. Right to privacy, marriage and family life

31. ARC International and ILGA (JS4) mentioned that according to the Penal Code of 1949, any "unnatural" sexual intercourse shall be punished with a term of imprisonment of up to three years. JS4 called on Syria to bring its legislation into conformity with its commitment to equality and non-discrimination, and international human rights obligations, by repealing all provisions which may be applied to criminalise certain sexual activity between consenting adults.

Venezuela

7 October 2011

II. Conclusions and/or recommendations

94. The following recommendations enjoy the support of the Bolivarian Republic of Venezuela, which considers that they are already implemented or in the process of implementation:

94. 11. Continue to consolidate the rights of women and people belonging to vulnerable groups, including indigenous peoples and persons of diverse sexual orientation and gender identity, both within its legal framework and in practice (Canada).

Iceland

10 October 2011

I. Summary of the proceedings of the review process

A. Presentation of the State under review

15. Despite difficult times, the Government has taken important steps to improve the rights of individuals and groups. For example, in 2010 Parliament unanimously adopted legislation providing for a gender-neutral definition of marriage, ensuring the same legal status for heterosexual and same-sex married couples. Important steps are also being taken to improve the legal status of transgender people. However, equal legal status does not ensure equality.

B. Interactive dialogue and responses by the State under review

35. Brazil [...] noted progress made in the area of gender equality. It also commended recent legislation removing legal impediments to same sex marriages, and strengthening the independence of the judiciary and freedom of expression.

49. Spain noted steps taken by Iceland to recognise same sex marriage and to grant the judiciary greater independence [...]

58. Israel noted efforts made by Iceland regarding education, health care, child care, gender equality, LGBT rights, and the rights of persons with disabilities. Noting information given in the national report regarding challenges faced by Iceland due to the financial crisis, Israel raised concerns about the rights of vulnerable groups.

Zimbabwe

10 October 2011

II. Conclusions and/or recommendations

95. The recommendations below did not enjoy the support of Zimbabwe:

95.17. Ensure equality between men and women, including in parents' rights and property rights as well as decriminalise as soon as possible sexual relations between consenting adults of the same sex and repeal the 2006 law (France).

Lithuania

11 October 2011

I. Summary of the proceedings of the review process

B. Interactive dialogue and responses by the State under review

25. Norway [...] was concerned at the negative attitudes in the population towards minorities, in particular sexual minorities. Norway was pleased that Lithuania expanded the mandate of the Ombudsperson beyond gender equality, but it was concerned at the leverage of human rights institutions.

27. Sweden welcomed the opportunity to continue the dialogue with Lithuania. Considering some reports of crimes committed towards Lesbian, Gay, Bisexual and Transgender (LGBT) persons, Sweden asked Lithuania what measures will take to strengthen their rights and how can the Law be refined to avoid discrimination of LGBT persons.

33. Belgium stated that new amendments to the Law on the Protection of Minors against the Detrimental Effect of Public Information rendered secret information “disparaging family values” or referring to marriage other than between people of the opposite sex. Belgium also noted that intolerance towards homosexuals increased over the past years due to discriminatory legislative initiatives.

34. Regarding its family policy Lithuania noted a recent ruling by the Constitutional Court which acknowledged partnership as another form of family and the current debate on how to better protect the rights of unmarried couples.

35. Replying to questions about the Law on the Protection of Minors against the Detrimental Effects of Public Information, Lithuania stressed that the law was adopted in order to implement the requirement of the United Nations Convention of the Rights of the Child that appropriate guidelines are developed for the protection of the child from information and material injurious to his or her well-being. As the original wording of the law evoked misgivings about its possible interpretation in a manner discriminatory against sexual minorities, the law was amended. Its current version does not classify information on homosexuality as detrimental to minors and actually protects sexual minorities by classifying as detrimental such information which humiliates a person because of their sexual orientation.

36. To explain the attitude of the State towards sexual minorities Lithuania stated that the Parliament rejected legislative initiatives which contained suggestions to impose administrative sanctions for propagating homosexual relationships.

37. Lithuania mentioned the trend to prosecute hate crimes more intensively and gave an example of a recent case related to commentaries on the internet about sexual minorities.

49. Denmark expressed concerns at Lithuania’s homophobic legislation and recent proposals in the Parliament undermining the rights of sexual minorities. It referred to Amnesty International’s recommendations in this regard.

51. Switzerland [...] expressed concerns at the Law on the Protection of Minors against the Detrimental Effect of Public Information and at new amendments, which are discriminatory against Lesbian, Gay, Bisexual and Transgender people.

69. Netherlands noted that Lithuania was part of most human rights instruments and closely cooperated with Treaty Bodies and Special Procedures. While acknowledging the general legal framework for the promotion of human rights, Netherlands expressed concerns at legislative initiatives affecting Lesbian, Gay, Bisexual, Transgender people.

83. Lithuania underlined that a major conceptual challenge was to ensure that all human rights are protected and not only the most popular of them. For example, regarding the Law on the Protection of Minors against the Detrimental Effect of Public Information is just one example on how to reconcile competing claims relating to the protection of human rights. Lithuania was open to critical remarks with regard to the choices it made to address difficult questions.

86. On freedom of peaceful assembly, Lithuania indicated that it was guaranteed by law and the only restriction was related to the necessity of ensuring public safety. Lithuanian courts ensured public safety was not used as a means of unreasonable restriction of that freedom. Lithuania provided examples to back its statement, namely the 2010 Baltic gay parade, which took place in Vilnius, and a protest action by trade unions which took place in front of the Parliament.

II. Conclusions and/or recommendations

88. The recommendations listed below enjoy the support of Lithuania:

88.4. Refrain from adopting legislative measures which criminalise homosexual relations or breach the rights to freedom of expression and to non-discrimination of lesbian, gay, bisexual and transgender people (Belgium);

88.5. Refrain from legislative initiatives which may criminalise homosexual relations between consenting adults (Slovenia);

88.23. Develop public awareness campaigns to combat manifestations of discrimination and racism, including xenophobia, homophobia, anti-Semitism, and other forms of intolerance in order to further protect and strengthen the rights of members of minority groups, including lesbian, gay, bisexual, and transgender individuals and the Roma Community (United States of America);

88.24. Consider/study the possibility to take additional measures to combat discrimination against LGBT people (Argentina);

88.25. Take action in order to avoid discrimination of LGBT persons, in practice and through law (Sweden);

88.26. Carefully consider whether the right balance is struck when the main street of Vilnius is made available for annual marches by neo-Nazis on Independence Day, whilst vulnerable groups like the LGBT society are refused to use the same venue, and are referred to less attractive locations (Norway) ;

88.27. Take further steps to eliminate discrimination against people based on their sexual orientation or gender identity (Ireland);

88.31. Take all necessary measures to prevent and prosecute all forms of violence and harassment related to sexual orientation and gender identity (Slovenia);

88.33. Continue to ensure that lesbian, gay, bisexual and transgender people are able to exercise their rights to freedom of expression and assembly (Australia);

88.34. Ensure the full respect for freedom of expression and freedom of assembly for all, including LGBT people (Slovenia);

90. The following recommendations will be examined by Lithuania which will provide responses in due time, but no later than the 19th session of the Human Rights Council in March 2012:

90.10. Review the Law on the Protection of Minors against the Detrimental Effect of Public Information in order to remove all possibilities that this law may be applied in such a way to stigmatise or discriminate against lesbian, gay, bisexual and transgender people or to breach their rights to freedom of assembly or expression (Belgium);

90.11. Introduce necessary measures to ensure full respect of human rights for all including for lesbian, gay, bisexual, and transgender people, by reviewing the Law on the Protection of Minors against the Detrimental Effect of Public Information (Switzerland);

90.12. Take the necessary legislative measures and enact policies that recognise the diversity of families and provide same sex couples with the same rights and social security benefits as heterosexual couples (Netherlands);

90.13. Take steps to ensure that legislation protects the full rights of sexual minorities (Denmark);

90.15. Repeal any discriminatory provision in existing laws on sexual orientation and gender identity (Slovenia);

Uganda

11 October 2011

I. Summary of proceedings of the review process

B. Interactive dialogue and responses of the State under review

42. Canada noted progress in reducing maternal mortality and morbidity in Uganda and welcomed Uganda's commitment regarding the MDGs target by 2005. It acknowledged the Domestic Violence and the FGM Acts, and was concerned at the treatment of LGBTI community in Uganda.

46. Norway was concerned at limitations to the freedom of speech and assembly; cases of torture by security agencies and at violations of sexual minorities' rights. Norway commended Uganda for an increased acceptance of women's rights within their policymaking framework and acknowledged the Domestic Violence Act. Norway welcomed the dismissal of the Anti-homosexuality Bill 2009.

51. The Czech Republic expressed concern at the discrimination of LGBTI persons in Uganda.

54. Denmark [...] commended Uganda for its decision to drop the Anti-Homosexuality Bill. However, it remained concerned at attacks and accusations against LGBTI people.

56. Switzerland was pleased that Uganda had limited the application of the death penalty, however, it was concerned about discrimination against LGBT persons and the fact that the Ugandan penal code authorised prosecution and sentencing on the grounds of sexual orientation. It also states that the security forces had on several occasions resorted to the excessive use of force.

72. [Uganda stated that] on LGBTI, any person who feels his/her rights have been infringed by the provisions of the law is free to go to Court for redress or initiate a process for amendment of specific provisions of the law. The Anti-Homosexuality Bill is before Parliament. As for the plight of Human Rights Defenders, the delegation stated that the Government does not condone violence against anyone. There is no evidence to corroborate the assertion that those who left were being targeted. On LGBTI organisations, Ugandan laws do not discriminate against any organisation wishing to register. What is important is that such organisations must meet the criteria as provided for in the NGOs Registration (Amendment) Act 2009.

73. Regarding health related discrimination, the delegation indicated that Ugandan HIV Policy is not discriminatory. According to laws and medical ethics, medical practitioners are under obligation not to discriminate and/or disclose personal medical records to third parties.

80. The United Kingdom of Great Britain and Northern Ireland [...] urged the Government to take steps to tackle discrimination on the grounds of sexual orientation.

85. Sweden [...] indicated that the Ugandan Penal Code criminalised same-sex sexual conduct in private between consenting adults.

89. Netherlands noted discrimination and violence based on sexual orientation or gender identity in Uganda and that same-sex relations and marriages are prohibited by law [...] Netherlands noted that human rights defenders and lawyers were subject to harassment and violence.

92. The United States of America applauded the work of the Uganda Human Rights Commission, however, noted with concern the security forces' use of excessive force, undeclared detention facilities known as "safe houses", and torture, as well as Electoral Commission's lack of independence and failure to protect the rights of minority groups, in particular LGBT persons.

108. The delegation [of Uganda] emphasised that the Uganda Anti-Homosexuality Bill is a private member's Bill.

II. Conclusions and/or recommendations

111. The recommendations formulated during the interactive dialogue listed below have been examined by Uganda and enjoy the support of Uganda:

111.69. Investigate and prosecute intimidation and attacks on LGBT-community members and activists (Netherlands);

111.70. Investigate thoroughly and sanction accordingly violence against LGBTs, including gay rights activists (Belgium);

111.71. Take immediate concrete steps to stop discrimination and assaults against LGBT persons (Czech Republic).

113. The recommendations below did not enjoy the support of Uganda:

113.1. Publicly announce the shelving of the proposed bill on homosexuality and decriminalize homosexual behaviour (Canada);

113.2. The Parliament to dismiss the proposed Anti-Homosexuality Bill 2009 (Norway);¹

113.3. Reject the Anti-Homosexuality Bill and decriminalise homosexual relationships between consenting adults (Slovenia);

113.4 Fulfil its obligations under international human rights law to decriminalise same-sex relationships between consenting adults and repeal any laws or reforms that explicitly discriminate on any grounds, including sexual orientation and gender identity (Norway);

113.5. Repeal laws that discriminate against LGBTs (Belgium);

113.6. Revise its national legislation to decriminalise homosexuality and prohibit all forms of discrimination (Switzerland);

113.7. Remove criminal penalties for offense on the basis of sexual orientation (Australia);

113.8. Study the possibility to decriminalise relationships between consenting adults of the same sex (Argentina);

113.9. Abstain from applying legislation that criminalises homosexuality (Brazil);

113.10. Immediately and unconditionally release all persons currently detained for the reason of homosexuality alone (Switzerland);

¹ "Uganda upholds the principle of separation of Powers and therefore the Executive has no control over Parliament. Furthermore, this is a Private Member's Bill and the Executive has no powers to stop it." (footnote in draft report of the UPR working group)

113.11. Decriminalise same-sex relations between consenting adults and ensure that no person is subject to arbitrary arrest or detention because of their sexual orientation or gender identity (Austria);

113.12. Derogate the legislation that criminalises the LGBT community, and put an end to the defamatory and harassing campaigns against them (Spain);

113.13. Reconfirm its commitment to protecting the rights of all persons regardless of their sexual orientation or gender identity in anti-discrimination and equal opportunity legislation and bodies (Sweden);

113.14. Repeal all provisions criminalising sexual activity between consenting adults and ensure the same rights for same sex couples as heterosexual couples (Netherlands);

113.15. Ensure equal rights for all individuals, regardless of sexual orientation (USA);

113.16. Fulfil its obligations under international human rights law and ensure the protection of all minorities and repeal any laws or reforms that explicitly or implicitly discriminate on any grounds, including sexual orientation, gender identity and gender expression (Denmark).

Timor Leste

12 October 2011

There were no references to sexual orientation or gender identity during the review of Timor Leste.

Moldova

12 October 2011

I. Summary of the proceedings of the review process

A. Presentation by the State under review

15. The delegation informed that the Republic of Moldova would start the ratification process of the Protocol 12 to the Convention on Human Rights and Fundamental Freedoms after the adoption of the legal framework on anti-discrimination. With regard to the LGBT issue, the delegation noted that homosexuality was no longer criminalised in the domestic legislation. However, the LGBT issue remained a sensitive topic with important cultural and religious implications and thus, a gradual approach, one that would strike a fair balance between the rights of all citizens and the particularities of society would be adopted.

B. Interactive dialogue and responses by the State under review

32. Australia [...] urged that Republic of Moldova to encourage respect for people of all sexual orientations.

41. Sweden noted that following a debate in Parliament, the anti-discrimination bill was withdrawn. The contentious issue related to the rights of lesbian, gay, bisexual and transgender people. The adoption of the bill was crucial to the visa liberalisation process, as well as to protect groups and individuals who were discriminated against.

48. United States of America [...] expressed concern about discrimination against and police harassment of lesbian, gay, bisexual and transgender (LGBT) persons.

II. Conclusions and/or recommendations

73. The recommendations formulated during the interactive dialogue and listed below have been examined by the Republic of Moldova and enjoy the support of the Republic of Moldova:

73.24 Prevent discrimination of social minorities, such as Roma people and LGBT persons and adopt a comprehensive anti-discrimination law (Poland);

73.26 Intensify its efforts to address discrimination against Lesbians, Gays, Bisexuals and Transsexuals (LGBT), and investigate and prosecute crimes against LGBT-community members (Norway);

73.27 Redouble efforts to protect the rights of members of minority religious, ethnic and social groups, and particularly focus on protecting members of the LGBT community from both official and societal discrimination (USA);

73.28 Take action to build broad support for LGBT-rights in the new comprehensive anti-discrimination law (Sweden);

73.55 Allow members of the LGBT communities the right to freedom of expression and assembly (Australia);

73.56 Take concrete measures to raise public awareness about LGBT rights, including the guarantee of the right of assembly and association (Spain);

73.57 Ensure that public events planned by the LGBT, religious and other rights groups are permitted and adequately policed, according to the obligations of the Republic of Moldova under international human rights law (UK);

75. The following recommendations enjoy the support of the Republic of Moldova, which considers that they are in the process of implementation:

75.4 Adopt a law on the fight against all forms of discrimination and clearly guarantee, in its domestic law, the freedom of expression and therefore the right for LGBT persons to peaceful demonstrations (France)

75.11 Continue efforts to adopt and implement the legislative framework to prevent, punish and eliminate all forms of discrimination, with special attention to gender equality and discrimination based on sexual orientation and disability (Mexico).

76. The following recommendation will be examined by Moldova, which will provide a response no later than the 19th session of the Human Rights Council in March 2012:

76.4 Commit internationally to the rights of the LGBT community by signing the Joint Statement on LGBT human rights from the March 2011 session of the Human Rights Council (United States).

Haiti

13 October 2011

There were no references to sexual orientation or gender identity during the Working Group review of Haiti, or in the input documents.