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UN HUMAN RIGHTS COUNCIL
Universal Periodic Review – Sixteenth Session

SUGGESTED RECOMMENDATIONS ON HUMAN RIGHTS ISSUES RELATED TO SEXUAL ORIENTATION AND GENDER IDENTITY

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

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

Summary

(See detailed interventions below, from page 3)

Turkmenistan

Key Issues/Recommendations: implement the recommendations of the Human Rights Committee relating to sexual orientation and gender identity.

Burkina Faso

Key Issues/Recommendations: review the OHCHR report on sexual orientation and gender identity, and consider implementing the recommendations therein.

Cape Verde

Key Issues/Recommendations: ask for information on the progress in implementing the recommendation to consider appropriate policy measures in order to promote tolerance and non-discrimination for lesbian, gay, bisexual and transgender persons; review the OHCHR report on sexual orientation and gender identity, and consider implementing the recommendations therein.

Colombia

Key Issues/Recommendations: take measures to prevent and provide protection from all forms of violence and harassment related to sexual orientation and gender identity; ensure violence is vigorously investigated and that perpetrators are held accountable; ensure the protection of human rights defenders working on issues of sexual orientation and gender identity; apply the *Yogyakarta Principles* as a guide to assist with policy development in this area.

[Uzbekistan](#)

Key Issues/Recommendations: investigate violence based on sexual orientation and gender identity, including abuse committed by police and other law enforcement officials, and ensure accountability; repeal article 120 of the Criminal Code; elaborate legislation to counter hate crimes against LGBT persons.

[Tuvalu](#)

Key Issues/Recommendations: review the OHCHR report on sexual orientation and gender identity, and consider implementing the recommendations therein.

[Germany](#)

Key Issues/Recommendations: take measures to fully respect and legally recognise each person's self-defined gender identity; ensure that procedures exist whereby all State-issued identity papers which indicate a person's gender/sex reflect the person's profound self-defined gender identity; ensure that such procedures are efficient, fair and non-discriminatory, and respect the dignity and privacy of the person concerned; take measures to ensure that no child's body is irreversibly altered by medical procedures in an attempt to impose a gender identity without the full, free and informed consent of the child in accordance with the age and maturity of the child.

[Djibouti](#)

Key Issues/Recommendations: review the OHCHR report on sexual orientation and gender identity, and consider implementing the recommendations therein.

[Canada](#)

Key Issues/Recommendations: include gender identity as a ground for protection in anti-discrimination legislation; ensure the legal age of consent is the same for same-sex and opposite-sex couples; undertake consultations with two-spirited and LGBT persons on addressing discrimination and violence at the community and State level; introduce an independent expert-panel, knowledgeable about LGBT human rights, to select countries to be placed on the Designated Country of Origin list.

[Bangladesh](#)

Key Issues/Recommendations: ask what steps have been taken to provide human rights training to law enforcement and judicial officers on sexual orientation and gender identity; reconsider repealing article 377 of the Penal Code, or reading down the article so that it is not interpreted to criminalise consensual relations between adults.

[Russian Federation](#)

Key Issues/Recommendations: repeal laws and regulations promoting or condoning discrimination on grounds of sexual orientation or gender identity; reject the draft amendment to the Code of Administrative Offences on establishing administrative responsibility for the promotion of homosexuality among minors; include sexual orientation and gender identity as grounds for protection in hate crimes legislation; undertake sensitivity and awareness-raising activities with police and other law enforcement officials on human rights relating to sexual orientation and gender identity; take effective and systematic action to modify or eliminate stereotypes and negative tradition values and practices, as called for by CEDAW.

[Azerbaijan](#)

Key Issues/Recommendations: develop legislation to address family violence and hate crimes against LGBT people; conduct proper investigations into police blackmailing, harassment and violence against them duly punishing those responsible and setting up administrative and legal frameworks to eradicate such practices; take all necessary steps to ensure that organizations working on LGBT issues can legally register and operate.

[Cameroon](#)

Key Issues/Recommendations: Ensure the protection of human rights defenders working on issues of sexual orientation and gender identity, including the rights to peacefully organise, associate, assemble and advocate around these issues without discrimination; review the OHCHR report on sexual orientation and gender identity, and consider implementing the recommendations therein.

Cuba

Key Issues/Recommendations: ask what measures are being take to sensitize education and health providers, as well as the judiciary, police and other law enforcement officials on human rights relating to sexual orientation and gender identity; apply the Yogyakarta Principles as a guide to policy development.

TURKMENISTAN

Date of review: Monday, 22 April AM

Key Issues/Recommendations: implement the recommendations of the Human Rights Committee relating to sexual orientation and gender identity.

Sample Intervention: We welcome Turkmenistan's commitment to equality and non-discrimination. However we note that the Human Rights Committee has expressed concern at the deep-rooted stereotypes against individuals on the basis of their sexual orientation or gender identity and has urged Turkmenistan to put an end to the social stigmatization of homosexuality. The Committee further urged Turkmenistan to decriminalise sexual relations between consenting adults of the same sex.

We recommend that Turkmenistan **implement the recommendations of the Human Rights Committee relating to sexual orientation and gender identity.**

Previous cycle

Recommendations made: consider legislation and/or additional policy measures to promote tolerance and non-discrimination of lesbian, gay, bisexual and transgender persons; decriminalize consensual same-sex activity between adults and take measures to promote tolerance in this regard.

Status of recommendations: rejected.

National report

There were no references to sexual orientation or gender identity in the National Report.

Compilation of UN information

III. Implementation of international human rights obligations

A. Equality and non-discrimination

21. The HR Committee was concerned at the deep-rooted stereotypes against individuals on the basis of their sexual orientation or gender identity and urged Turkmenistan to put an end to the social stigmatization of homosexuality.

D. Right to privacy, marriage and family life

44. The HR Committee urged Turkmenistan to decriminalize sexual relations between consenting adults of the same sex.

Summary of stakeholders' information

C. Implementation of international human rights obligations

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

22. Central Asian Gender and Sexuality Action Network (CAGSAN) further recommended that Turkmenistan protect the most underrepresented and at-risk women - and their right to human dignity and freedom from torture, violence and criminalization - lesbian, bisexual and transgender women, sex workers, women drug users and women living with HIV.

4. Right to privacy, marriage and family life

28. According to CAGSAN, Turkmenistan's legislation criminalized only consensual relationships between two adult men. The state response in 2008, in support of "traditional values and culture" and keeping the discriminatory article in the criminal code of Turkmenistan, indicated the threat of non-acceptance of homosexuality, where women and men could become targets if they did not fit the cultural stereotypes of femininity and masculinity in Turkmenistan.

9. Right to health

67. CAGSAN recommended that Turkmenistan protect and fulfil the right to health and non-discrimination for women, especially those at-risk - lesbian, bisexual and transgender women, sex workers, women drug users and women living with HIV.

BURKINA FASO

Date of review: Monday, 22 April PM

Key Issues/Recommendations: review the OHCHR report on sexual orientation and gender identity, and consider implementing the recommendations therein.

Sample Intervention: We welcome Burkina Faso's commitment to equality and non-discrimination on all grounds. In that line we recommend that Burkina Faso **review the report of the UN High Commissioner for Human Rights on *Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity*, and give consideration to implementing the recommendations therein.**

Previous cycle

Documents – The summary of stakeholders' information states that homosexuality is punishable with imprisonment of up to three years and that homophobia and discrimination against persons on the basis of sexual orientation is widespread in Burkina Faso.

Discussions – There were no references to human rights issues relating to sexual orientation or gender identity during the Working Group review, nor during the report adoption at the HRC plenary session. No relevant recommendations were made to Burkina Faso on these issues.

Input reports

There were no references to sexual orientation or gender identity in any of the input reports.

CAPE VERDE

Date of review: Tuesday, 23 April AM

Key Issues/Recommendations: ask for information on the progress in implementing the recommendation to consider appropriate policy measures in order to promote tolerance and non-discrimination for lesbian, gay, bisexual and transgender persons; review the OHCHR report on sexual orientation and gender identity, and consider implementing the recommendations therein.

Sample Intervention: We welcome Cape Verde's commitment to equality and non-discrimination on all grounds, including on grounds of sexual orientation and gender identity. In this light we would like to ask Cape Verde if it is able to **share any information on the progress in implementing the recommendation to consider appropriate policy measures in order to promote tolerance and non-discrimination for lesbian, gay, bisexual and transgender persons**, as accepted during the previous cycle?

We would like to recommend that Cape Verde **review the report of the UN High Commissioner for Human Rights on *Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity*, and give consideration to implementing the recommendations therein.**

[Previous cycle](#)

Recommendation made: to consider appropriate policy measures in order to promote tolerance and non-discrimination for lesbian, gay, bisexual and transgender persons.

Status of recommendation: accepted.

[Input reports](#)

There were no references to sexual orientation or gender identity in any of the input reports.

COLOMBIA

Date of review: Tuesday, 23 April PM

Key Issues/Recommendations: take measures to prevent and provide protection from all forms of violence and harassment related to sexual orientation and gender identity; ensure violence is vigorously investigated and that perpetrators are held accountable; ensure the protection of human rights defenders working on issues of sexual orientation and gender identity; apply the *Yogyakarta Principles* as a guide to assist with policy development in this area.

Sample Intervention: We welcome Colombia's commitment to equality and non-discrimination on all grounds, including sexual orientation and gender identity, as outlined in the national report.

However, we note that the High Commissioner for Human Rights and stakeholders have expressed concern that discrimination and acts of violence based on sexual orientation and gender identity continues to be an issue. We are particularly concerned about sexual violence committed against lesbian and transgender women, and the killings of LGBT human rights defenders.

We recommend that Colombia **take all necessary policing and other measures to prevent and provide protection from all forms of violence and harassment related to sexual orientation and gender identity**, and; to **ensure that perpetration of such violence is vigorously investigated and that perpetrators are held accountable.**

We further recommend that Colombia **ensure the protection of human rights defenders working on issues of sexual orientation and gender identity against any violence, threat, retaliation, discrimination or any other arbitrary action perpetrated by State or non-State actors, in response to their human rights activities.**

Finally, we recommend that Colombia **apply the *Yogyakarta Principles on the application of international human rights law in relation to sexual orientation and gender identity* as a guide to assist with policy development in this area.**

[Previous cycle](#)

Recommendation made: to conduct public awareness campaigns against social prejudices and for upholding the principle of equality and non-discrimination regardless of sexual orientation and/or gender identity.

Status of recommendations: accepted.

National report

III. Progress, priorities and challenges in the promotion and protection of human rights

G. Equality and non-discrimination

96. Colombia possesses a constitutional and legislative framework that ensures equality and freedom from discrimination as the pillars underpinning rights. Since December 2011, with the adoption of the Anti-discrimination Act, persons who commit discriminatory acts on grounds of ethnicity, sex or sexual orientation are liable to penal and financial penalties.

Members of the LGBTI community

113. The Government of Colombia recognizes the need for the State to promote actions to guarantee the right to equality and to freedom from discrimination of lesbian, gay, bisexual, transgender and intersex people. Accordingly, it has included in the National Development Plan the need to undertake actions for the development of a public policy on behalf of this sector of society, as a challenge in the years to come.

114. During 2011, the Constitutional Court handed down two decisions in which it recognized the right of same-sex couples to the marital share and urged Congress to adopt legislation, before 20 June 2013, on the rights of same-sex couples in order to put an end to the deficiencies in their protection.

115. The first national meeting of the LGBTI community was held under the slogan "Out of respect for the Constitution". The meeting provided an opportunity to work with local authorities to provide a platform for other voices among Colombia's population. A manifesto setting out a number of proposals and requests to the Government was also signed by 109 organizations and militants attending the meeting.

116. In November 2012, a wish list was signed to encourage and strengthen affirmative action to mitigate the vulnerability of the human rights of the LGBTI community.

Compilation of UN information

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

A. Equality and non-discrimination

26. The High Commissioner noted that lesbians, gays, bisexuals and transgender persons faced a great deal of intolerance and discrimination.

Summary of stakeholders' information

I. Information provided by other stakeholders

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

1. Equality and non-discrimination

20. JS4 said that there were still problems in guaranteeing the constitutional rights of the LGBTI community. The Government had not carried out any campaigns to counter prejudice and Congress had not legislated on same-sex marriage and adoption. Nor was there a law on gender identity that guaranteed the rights of the transgender community.

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

35. JS7 recommended that specific cases of sexual violence against lesbians and transsexual women should be investigated and publicized in order to guarantee the rights of such women.

5. Freedom of religion or belief, expression, association and peaceful assembly

57. JS4 reported that, between January 2008 and June 2012, at least 923 human rights defenders had been attacked, including 142 who had been murdered and 6 who had disappeared. Indigenous and municipal leaders and lawyers representing persons with claims to land had been the targets of repeated attacks. Displaced female leaders had been the victims of sexual violence and killings. At least six LGBTI defenders had been murdered between 2009 and 2011.

UZBEKISTAN

Date of review: Wednesday, 24 April AM

Key Issues/Recommendations: investigate violence based on sexual orientation and gender identity, including abuse committed by police and other law enforcement officials, and ensure accountability; repeal article 120 of the Criminal Code; elaborate legislation to counter hate crimes against LGBT persons.

Sample Intervention: We welcome Uzbekistan's commitment to equality and non-discrimination. However we note reports of violence, discrimination and discriminatory laws based on sexual orientation and gender identity. The Human Rights Committee has expressed concern about harassment, physical attacks and discrimination, and stakeholders reported cases of arbitrary detention, violence, rape and blackmail committed by law enforcement officials against persons on the basis of sexual orientation and gender identity.

We recommend that Uzbekistan **ensure that perpetration of such violence is vigorously investigated, including abuse committed by police and other law enforcement officials, and that perpetrators are held accountable.**

We further recommend that Uzbekistan **repeal article 120 of the Criminal Code, and elaborate legislation to counter hate crimes against LGBT persons.**

Previous cycle

Recommendation made: decriminalization of consensual same-sex activity between adults and the adoption of measures to promote tolerance in this regard.

Status of recommendations: rejected.

National report

There were no references to sexual orientation or gender identity in the National report.

Compilation of UN information

III. Implementation of international human rights obligations

A. Equality and non-discrimination

17. The HR Committee was concerned that article 120 of the Criminal Code criminalizes consensual sexual activities between adult males. It urged Uzbekistan to review its legislation and align it with article 26 of ICCPR. It was also concerned about incidents in which individuals had been harassed, physically attacked or discriminated against on the basis of their sexual orientation.

Summary of stakeholders' information

III. Implementation of international human rights obligations

A. Equality and non-discrimination

10. CAGSAN recalled that in 2008, Uzbekistan had rejected a recommendation to decriminalize consensual sexual contacts between men, for which article 120 of the Criminal Code envisages

imprisonment for up to 3 years. CAGSAN noted that about 500 persons were presently imprisoned under that article. According to CAGSAN, LGBT persons had been harassed, beaten, raped and blackmailed by representatives of law enforcement bodies. CAGSAN recommended that article 120 of the Criminal Code be removed; that legislation be elaborated to counter hate crimes against LGBT persons; and that propaganda of homophobia by the mass media be prohibited.

TUVALU

Date of review: Wednesday, 24 April PM

Key Issues/Recommendations: review the OHCHR report on sexual orientation and gender identity, and consider implementing the recommendations therein.

Sample Intervention: We welcome Tuvalu's commitment to equality and non-discrimination on all grounds. In that line we recommend that Tuvalu **review the report of the UN High Commissioner for Human Rights on *Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity*, and give consideration to implementing the recommendations therein.**

Previous cycle

Recommendation made: decriminalization of consensual same-sex activity between adults and the adoption of measures to promote tolerance in this regard, which would also facilitate more effective educational programmes for the prevention of HIV/AIDS.

Status of recommendation: rejected.

National report

There were no references to sexual orientation or gender identity in the National report.

Compilation of UN information

III. Implementation of international human rights obligations

D. Right to privacy, marriage and family life

31. UNDP/UNAIDS indicated that colonization brought the introduction of laws that criminalized same-sex behaviour, particularly male-male sex. Although these laws have been repealed in some of common law countries, colonial indecency and sodomy laws remained in penal codes in most Pacific countries, including Tuvalu.

Summary of stakeholders' information

There were no references to sexual orientation or gender identity in the summary of stakeholder information.

GERMANY

Date of review: Thursday, 25 April AM

Key Issues/Recommendations: take measures to fully respect and legally recognise each person's self-defined gender identity; ensure that procedures exist whereby all State-issued identity papers which indicate a person's gender/sex reflect the person's profound self-defined gender identity; ensure that such procedures are efficient, fair and non-discriminatory, and respect the dignity and privacy of the person concerned; take measures to ensure that no child's body is irreversibly altered by medical procedures in an attempt to impose a gender

identity without the full, free and informed consent of the child in accordance with the age and maturity of the child.

Sample Intervention: We welcome Germany's commitment to equality and non-discrimination on all grounds, including sexual orientation and gender identity.

However, we note that CEDAW, CESC and CAT have all expressed concern about the treatment of intersex and transgender persons in Germany.

We therefore recommend that Germany:

- a) **take all necessary legislative, administrative and other measures to fully respect and legally recognise each person's self-defined gender identity;**
- b) **take all measure to ensure that procedures exist whereby all State-issued identity papers which indicate a person's gender/sex reflect the person's profound self-defined gender identity, and;**
- c) **ensure that such procedures are efficient, fair and non-discriminatory, and respect the dignity and privacy of the person concerned.**

We further recommend that Germany **take all necessary legislative, administrative and other measures to ensure that no child's body is irreversibly altered by medical procedures in an attempt to impose a gender identity without the full, free and informed consent of the child in accordance with the age and maturity of the child.**

[Previous cycle](#)

Recommendations made: to continue its efforts and take further initiatives to combat hate crimes based on sexual orientation; to strengthen measures to counter discriminatory attitudes, for example by including sexual orientation and gender identity in public education and equality programmes and initiatives; to modify promptly the law on transsexuality to facilitate registration of a change of gender on official documents, without requiring transsexuals to divorce, in line with the decision of the Constitutional Court.

Status of recommendations: accepted.

[National report](#)

IV. Developments since the first review of Germany – The implementation of recommendations accepted by Germany

- Discrimination based on sexual orientation

35. Germany has, in line with the decision of the Federal Constitutional Court, amended the Transsexuals Law of 27 May 2008 by Article 1 of the Transsexual Amendment Law of 17 July 2009, with the effect that married transsexuals are no longer compelled to divorce before a sex change (Recommendation 22).

36. In the battle against hate crime based on sexual orientation (Recommendation 22) Germany is aiming at rigorous criminal prosecution and prevention. In 2011 there were 148 relevant hate offences recorded by the police due to sexual orientation, of which 38 were violent acts.

[Compilation of UN information](#)

I. Background and framework

C. Institutional and human rights infrastructure and policy measures

12. CEDAW requested Germany to enter into dialogue with non-governmental organizations of intersex and transsexual people in order to better understand their claims and to take effective action to protect their human rights.

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

A. Equality and non-discrimination

24. CESCR urged Germany to step up measures on the identity and the health of transsexual and intersex persons, with a view to ensuring that they are no longer discriminated against and that their personal integrity and sexual and reproductive health rights are respected.

I. Right to health

67. CAT noted that the Ethical Council had undertaken to review the reported practices of routine surgical alterations in children born with sexual organs that were not readily categorized as male or female, referred to as intersex persons. It recommended that Germany apply legal and medical standards following the best practices of granting informed consent to medical and surgical treatment of intersex people; and to investigate incidents of treatment without effective consent and provide redress to the victims of such treatment.

Summary of stakeholders' information

A. Background and framework

3. Institutional and human rights infrastructure and policy measures

33. Joint Submission 8 (JS 8) stated that Germany should support the spirit and aims of the Yogyakarta Principles by including LGBTI issues in its foreign policy, as well as in its international cooperation and development policies.

B. Implementation of international human rights obligations

1. Equality and non-discrimination

48. JS 8 stated that persons in a same-sex registered partnership living with children were disadvantaged when compared to traditionally married parents. They paid more taxes and were not granted all the rights of a traditional family. Also, there was limited access to family reproduction services.

49. JS 8 referred to the recommendations in paragraph 81. 22 of the Working Group Report, which Germany accepted and called on Germany to follow-up on its commitments by launching a national action plan to combat homophobia and "transphobia".

50. Joint Submission 5 (JS 5) stated that the rights of intersex children were violated by the assignment of gender and the performance of gender reassignment surgeries during their early childhood without their consent. It stated that the German Association of Paediatrics advised parents to postpone surgery until the child was old enough to make the decision as regard his or her gender.

51. Joint Submission 2 (JS 2) recommended abolishing the expert assessments and court procedures to change a child's gender identity, as they were unreasonable and provoked discrimination. It stated that a gender identity deviating from the one assigned at birth was not diagnosable from physical appearance, and that it was impossible to give an expert assessment using psychiatric methods concerning the permanence of the sense of one's gender identification.

4. Right to privacy, marriage and family life

68. JS 4 stated that the legal requirements that needed to be satisfied for transgendered persons to change their names were in violation of their privacy. It urged Germany to implement European Union guidelines and international human rights standards in this regard.

69. Aktion Transsexualität und Menschenrecht stated that transsexual persons were not accepted as "sexual variations" but were identified as those who changed their originally assigned gender. It also stated that the procedure for changing a transsexual person's personal status, which required a psychiatric evaluation, constituted "harassment".

DJIBOUTI

Date of review: Thursday, 25 April PM

Key Issues/Recommendations: review the OHCHR report on sexual orientation and gender identity, and consider implementing the recommendations therein.

Sample Intervention: We welcome Djibouti's commitment to equality and non-discrimination on all grounds, including on grounds of sexual orientation and gender identity as outlined in the previous UPR cycle.

In that line we recommend that Djibouti **review the report of the UN High Commissioner for Human Rights on *Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity*, and give consideration to implementing the recommendations therein.**

Previous cycle

Documents – There were no references to human rights issues relating to sexual orientation or gender identity in any of the input reports for Djibouti.

Discussions – In its opening statement at the Working Group, the State under review noted that the rights of vulnerable groups, including lesbian, gay, bisexual and transsexual people, are guaranteed by the Constitution. There were no references made to human rights issues relating to sexual orientation or gender identity during the formal adoption of the report at the HRC plenary session. No recommendations were made on these issues.

Input reports

There were no references to sexual orientation or gender identity in any of the input reports.

CANADA

Date of review: Friday, 26 April AM

Key Issues/Recommendations: include gender identity as a ground for protection in anti-discrimination legislation; ensure the legal age of consent is the same for same-sex and opposite-sex couples; undertake consultations with two-spirited and LGBT persons on addressing discrimination and violence at the community and State level; introduce an independent expert-panel, knowledgeable about LGBT human rights, to select countries to be placed on the Designated Country of Origin list.

Sample Intervention: We welcome Canada's commitment to equality and non-discrimination on all grounds, including sexual orientation and gender identity. We note that in the previous cycle, Canada committed to apply the Yogyakarta Principles as a guide to assist in policy making. However, stakeholders have expressed concern about discrimination and violence on the basis of sexual orientation and gender identity.

We recommend that Canada:

a) include gender identity as a ground for protection in anti-discrimination legislation;

b) ensure the legal age of consent is the same for same-sex and opposite-sex couples;

c) undertake consultations with two-spirited and LGBT persons on addressing discrimination and violence at the community and State level;

d) introduce an independent expert-panel, knowledgeable about LGBT human rights, to select countries to be placed on the Designated Country of Origin list.

Previous cycle

Recommendations made: to apply the Yogyakarta Principles as a guide to assist in further policy development.

Status of recommendations: accepted.

National report

Promoting social inclusion and equality (recommendations 3, 22, 24–29, 43–44, 50–51, 53, 58, 60–61)

90. Protection of the right to equality under the law and against discrimination begins with a strong legal framework, which includes the Constitution and a wide range of rights-protecting legislation in force across all jurisdictions in Canada. Such legislation provides anti-discrimination protection on numerous grounds including race, colour, national, ethnic or place of origin, religion, sex, sexual orientation, age and disability, and applies to public and private entities in the context of employment, housing and in the delivery of goods, services and facilities. These laws also enable governments to take positive, proactive measures to improve the conditions of disadvantaged groups.

Compilation of UN information

There were no references to sexual orientation or gender identity.

Summary of stakeholders' information

I. Information provided by the accredited national human rights institution of the State under review in full compliance with the Paris Principles

C. Implementation of international human rights obligations

7. Regarding follow up to recommendations on equality of Aboriginal peoples before the law (Recommendations 19-20, 24, 27-28, 33-38, 45-46, 52,54), CHRC indicated that in 2010, Canada gave its qualified support to the *United Nations Declaration on the Rights of Indigenous Peoples*. CHRC recommended that Canada strengthen its leadership role on the issues of violence against Aboriginal women, girls, two-spirited and LGBT persons.

II. Information provided by other stakeholders

C. Implementation of international human rights obligations

1. Equality and non-discrimination

36. Noting the acceptance of recommendation 86.29 on the Yogyakarta Principles in respect to LGBT rights, Egale reported that there are no federal (national) laws that explicitly prohibit discrimination on the basis of gender identity.

37. Egale indicated that Canada continues to enforce a lifetime ban on donating blood on men who have sex with men, perpetuating stereotypes and prejudice, while ignoring scientific advances.

38. Egale noted that the Canadian criminal law governing age of consent discriminates against LGBT community.

39. Facing homophobia, trans-phobia and violence in their communities, Egale reported that LGBT and two-spirited Aboriginal youth often have no support or safeguards.

11. Migrants, refugees and asylum-seekers

87. Egale called for the introduction of an independent expert-panel, knowledgeable about LGBT human rights, to select countries to be placed on the Designated Country of Origin (DCO) list.

BANGLADESH

Date of review: Monday, 29 April AM

Key Issues/Recommendations: ask what steps have been taken to provide human rights training to law enforcement and judicial officers on sexual orientation and gender identity; reconsider repealing article 377 of the Penal Code, or reading down the article so that it is not interpreted to criminalise consensual relations between adults.

Sample Intervention: We welcome Bangladesh's commitment to equality and non-discrimination on all grounds, including on grounds of sexual orientation and gender identity as outlined in the national report.

In this line we would like to ask Bangladesh **what steps have been taken to implement the recommendation accepted in the previous cycle to provide human rights training to law enforcement and judicial officers, with a specific focus on the protection of the rights of women, children and persons of minority sexual orientation or gender identity and adopt further measures to ensure protection of these persons against violence and abuse?**

Finally, we are concerned that efforts to reduce cases of HIV/AIDS may be undermined by article 377 of the Penal Code, which may be used to criminalise consensual relations between adults. The Human Rights Committee has considered that these laws "run counter to the implementation of effective education programmes in respect of HIV/AIDS prevention" by driving marginalised communities underground. We therefore recommend that Bangladesh **reconsider repealing article 377 of the Penal Code, or reading down the article so that it is not interpreted to criminalise consensual relations between adults.**

Previous cycle

Recommendation made: to provide human rights training to law enforcement and judicial officers, with a specific focus on the protection of the rights of women, children and persons of minority sexual orientation or gender identity and adopt further measures to ensure protection of these persons against violence and abuse.

Status of recommendation: accepted.

Recommendations made: to consider abolishing article 377 of the Penal Code, which criminalizes sexuality against the "order of nature"; to decriminalize same sex activity between consenting adults and adopt further measures to promote tolerance in this regard.

Status of recommendations: rejected.

National report

XII. Groups in need of special protection

- Socially marginalised groups

121. In FY 2012-13, the GOB has allocated Taka 167.5 millions to the Ministry of Social Welfare for promoting the well-being of the trans-gendered people [Recommendation 27], the gypsies and others. The GOB has sustained and focused HIV/ AIDS intervention programme for commercial sex workers, men who have sex with men and injecting drug users. The GOB is

working with NGOs to sensitise the wider section of the populations about the rights of the socially marginalized groups.

Compilation of UN information

There were no references to sexual orientation or gender identity.

Summary of stakeholders' information

4. Right to privacy, marriage and family life

40. JS3, JS10, GHRD and CHRI recommended repealing Article 377 of the Penal Code, which criminalizes sexuality against the 'order of nature' and "decriminalize same-sex activity between consenting adults" and adopt further measures to promote tolerance in this regard. JS3 and JS10 noted that gender and sexual minorities lack legal recognition and protection and face social marginalization and recommended to acknowledge and accept the existence of the sexual and gender minorities.

RUSSIAN FEDERATION

Date of review: Monday, 29 April PM

Key Issues/Recommendations: repeal laws and regulations promoting or condoning discrimination on grounds of sexual orientation or gender identity; reject the draft amendment to the Code of Administrative Offences on establishing administrative responsibility for the promotion of homosexuality among minors; include sexual orientation and gender identity as grounds for protection in hate crimes legislation; undertake sensitivity and awareness-raising activities with police and other law enforcement officials on human rights relating to sexual orientation and gender identity; take effective and systematic action to modify or eliminate stereotypes and negative tradition values and practices, as called for by CEDAW.

Sample Intervention: We note with concern reports by UN experts, treaty bodies and stakeholders of increasing restrictions and violations of the rights of lesbian, gay, bisexual and transgender persons, including hate speech and manifestations of intolerance and prejudice by public officials, religious leaders and in the media; acts of violence, including reports of harassment by the police and incidents of people being killed or assaulted on the grounds of their sexual orientation, with impunity.

Furthermore, we are deeply concerned about legislation in several regions and which is currently under consideration at the national level, which prohibits "propaganda of homosexuality", which is used to restrict the freedom of association and assembly, and the freedom of expression of LGBT persons, and contributes to a climate of prejudice and intolerance.

We recommend that the Russian Federation **repeal laws and regulations promoting or condoning discrimination on grounds of sexual orientation or gender identity; reject the draft amendment to the Code of Administrative Offences on establishing administrative responsibility for the promotion of homosexuality among minors; and include sexual orientation and gender identity as grounds for protection in hate crimes legislation.**

We further recommend that the Russian Federation **undertake sensitivity and awareness-raising activities with police and other law enforcement officials on human rights relating to sexual orientation and gender identity.**

Finally, we note that CEDAW has reiterated concern about patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men, and that such customs and practices perpetuate discrimination against women and girls; that this is reflected in their disadvantageous and unequal status in many areas, including in education, public life, decision-making, marriage and family relations, and the persistence of harmful traditional practices, honour killings, bridal kidnappings and violence against women; and that, thus far, the state party has not taken effective and systematic action to modify or eliminate

stereotypes and negative traditional values and practices (CEDAW/C/USR/CO/7 (CEDAW, 2010)).

We therefore recommend that the Russian Federation **take effective and systematic action to modify or eliminate stereotypes and negative tradition values and practices, as called for by CEDAW.**

Previous cycle

Recommendations made: to increase its efforts and take concrete policy measures in order to promote tolerance and non-discrimination of lesbian, gay, bisexual, transsexual and transgender persons; to provide prison guards and law enforcement officials in general, with human rights training specifically focusing on protection of human rights of women, children, national minorities and persons of minority sexual orientation or gender identity; and further to ensure investigation and punishment of all cases of violation of human rights by this personnel.

Status of recommendation: rejected.

National report

There were no references to sexual orientation or gender identity.

Compilation of UN information

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

A. Equality and non-discrimination

8. CEDAW reiterated concern about patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men. It stated that such customs and practices perpetuated discrimination against women and girls.

11. The HR Committee noted with concern the discrimination against individuals on the basis of their sexual orientation, including hate speech and manifestations of intolerance and prejudice by public officials, religious leaders and in the media. It was concerned about acts of violence against lesbian, gay, bisexual and transgender (LGBT) persons, including reports of harassment by the police and incidents of people being assaulted or killed on account of their sexual orientation. CAT was concerned at reports that police had failed to promptly react to, or to carry out effective investigations and bring charges against those responsible for violent attacks against LGBT persons.

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

45. The Special Rapporteur in the field of cultural rights noted information that it remained difficult for LGBT people to use cultural spaces to express their identity. She was concerned that the 2012 law adopted by the city of St. Petersburg, prohibiting propaganda of homosexuality to minors, might be used to prevent participation of persons in such events. The Special Rapporteur on the situation of human rights defenders was concerned about reports of increased obstacles for defenders of LGBT and intersexual persons' rights as a result of legislative initiatives in some cities representing considerable restrictions on their rights to freedom of expression and freedom of assembly.

Summary of stakeholders' information

C. Implementation of international human rights obligations

1. Equality and non-discrimination

18. The Russian LGBT-network (LGBTNET) and JS6 stated that homosexual, bisexual and transgender (LGBT) persons faced discrimination and violence. ARTICLE 19 reported that the

Moscow City Court upheld a district court decision to ban gay pride marches in the city for the next 100 years. AI was concerned that laws introduced in several regions banning propaganda of homosexuality, lesbianism, bisexuality and transgenerness amongst minors were used to restrict freedom of expression and assembly of LGBTI individuals. AI stated that the term 'propaganda' remained undefined, or unclear, enabling its arbitrary use by the authorities and that the majority of regional laws conflated the issue of sexual orientation with pedophilia. ICJ reported on arrests under those laws and pointed out a case in St. Petersburg, where the police detained several activists for violating the law by holding up rainbow flags. LGBTNET, HRF, JS4 and JS6 made similar observations. ILGA-Europe concluded that by adopting such laws, public authorities inscribe discrimination based on sexual orientation and gender identity in the law and thus legitimize social exclusion and stigmatization of LGBT people.

19. AI recommended repealing regional laws and regulations promoting or condoning discrimination on the grounds of sexual orientation. ICJ recommended rejecting the draft amendment to the Code of Administrative Offences on establishing administrative responsibility for the promotion of homosexuality among minors. LGBTNET recommended that the grounds of homophobic and transphobic hatred be included in the Criminal Code as an aggravating factor.

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

49. PEN reported that LGBT activists continued to face repressive actions from the authorities. LGBTNET noted the practice of refusing the registration of LGBT organizations. HRF stated that the Government continued to deny freedom of assembly and association to gay rights activists by banning gay pride parades and events and denying registration to groups seeking to confront homophobia and promote tolerance and non- discrimination.

AZERBAIJAN

Date of review: Tuesday, 30 April PM

Key Issues/Recommendations: develop legislation to address family violence and hate crimes against LGBT people; conduct proper investigations into police blackmailing, harassment and violence against them duly punishing those responsible and setting up administrative and legal frameworks to eradicate such practices; take all necessary steps to ensure that organizations working on LGBT issues can legally register and operate.

Sample Intervention: We welcome Azerbaijan's commitment during the previous cycle to provide law enforcement and judicial officials with specific education/sensitivity training towards the protection of children, women and persons of minority sexual orientation or gender identity. However we note that the Human rights Committee has expressed concern that individuals have been harassed by police and prison officials because of their sexual orientation. Could Azerbaijan provide information on steps taken to implement the recommendation from the first cycle?

We recommend that Azerbaijan **develop legislation to address family violence and hate crimes against LGBT people; conduct proper investigations into police blackmailing, harassment and violence against them duly punishing those responsible and setting up administrative and legal frameworks to eradicate such practices.**

We further recommend that Azerbaijan **take all necessary steps to ensure that organizations working on LGBT issues can legally register and operate.**

Previous cycle

Recommendations made: to provide law enforcement and judicial officials with specific education/sensitivity training towards the protection of children, women and persons of minority sexual orientation or gender identity.

Status of recommendations: accepted.

National report

There were no references to sexual orientation or gender identity.

Compilation of UN information

III. Implementation of international human rights obligations

A. Equality and non-discrimination

16. HR Committee was concerned that individuals have been harassed by police and prison officials because of their sexual orientation.

Summary of stakeholders' information

C. Implementation of international human rights obligations

2 Right to life, liberty and security of the person

31. JS1 recommended that Azerbaijan: develop legislation to address family violence and hate crimes against LGBT people; conduct proper investigations into police blackmailing, harassment and violence against them duly punishing those responsible and setting up administrative and legal frameworks to eradicate such practices.

6. Freedom of religion or belief, association and peaceful assembly, and right to participate in public and political life

60. JS9 noted that Azerbaijan imposed partial registration procedures, often resulting in the refusal of the registration of NGOs. JS1 recommended that Azerbaijan take all necessary steps to ensure that organizations working on LGBT issues can legally register and operate.

CAMEROON

Date of review: Wednesday, 1 May AM

Key Issues/Recommendations: Ensure the protection of human rights defenders working on issues of sexual orientation and gender identity, including the rights to peacefully organise, associate, assemble and advocate around these issues without discrimination; review the OHCHR report on sexual orientation and gender identity, and consider implementing the recommendations therein.

Sample Intervention: We welcome Cameroon's commitment to equality and non-discrimination. However, we note that the Human Rights Committee, UN experts and stakeholders have expressed concern about criminal laws, restrictions of freedom of association and assembly, and attacks against human rights defenders based on sexual orientation and gender identity.

We recommend that Cameroon:

1. Ensure the protection of human rights defenders working on issues of sexual orientation and gender identity against any violence, threat, retaliation, discrimination or any other arbitrary action perpetrated by State or non-State actors, in response to their human rights activities.

2. Take all necessary measures to ensure the rights to peacefully organise, associate, assemble and advocate around issues of sexual orientation and gender identity, without discrimination.

3. Review the report of the UN High Commissioner for Human Rights on *Discriminatory laws and practices and acts of violence against individuals based on*

their sexual orientation and gender identity, and give consideration to implementing the recommendations therein.

Previous cycle

Recommendations made: to consider the possibility of reforming the laws criminalizing homosexuality and adapting them to international standards; to amend its Criminal Code to abolish the criminalization of homosexual acts to conform to the provisions of the ICCPR, particularly articles 2 and 26, and the provisions of the African Charter of Human Rights and Peoples' Rights; non-discrimination against homosexuals; to reform its legislative arsenal on this point and establish effective protection of homosexuals against discrimination and attacks; to decriminalize same-sex activity between consenting adults and adoption of measures to promote tolerance in this regards, which would also facilitate more effective educational programmes for the prevention of HIV/AIDS; to amend domestic law regarding homosexuality, with a view to decriminalize it; to bring national legislation that criminalizes homosexuality into line with the Universal Declaration on Human Rights and other relevant instruments.

Status of recommendations: rejected.

National report

There were no references to sexual orientation or gender identity.

Compilation of UN information

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

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

36. HR Committee remained concerned about the criminalization of consensual sexual acts between same sex adults and inhumane and degrading treatment of persons detained for having sexual relations with a same sex person. It urged Cameroon to decriminalize consensual sexual acts between same sex adults and address social prejudice and stigmatization against homosexuality.

E. Freedom of expression, association and right to participate in public and political life

59. Worried by reports of anonymous threats being made against human rights defenders working to protect the rights of lesbian, gay, bisexual and transgender (LGBT) persons, OHCHR stated that Cameroon should provide adequate protection to those human rights defenders.

62. In 2012, four Special Rapporteurs sent a joint communication concerning allegations of undue restrictions on the right to freedom of peaceful assembly. According to the information received, in March 2012, the authorities had prevented a meeting on AIDS and the human rights of sexual minorities from being held. It was also reported that the president and 14 members of the Movement for the Defence of Human Rights and Freedoms had been arrested in March 2012 during a peaceful demonstration.

Summary of stakeholders' information

II. Information provided by other stakeholders

A. Background and framework

22. JS6 pointed out that, under article 347 (bis) of the Penal Code, sexual relations with a person of the same sex were punishable by a prison sentence of between 6 months and 5 years and a fine. JS6 recommended that Cameroon should, in particular, decriminalize consenting relations between persons of the same sex and halt detentions and prosecutions of such persons. Amnesty International (AI) and JS4 shared the same concerns and recommendations.

C. Implementation of international human rights obligations

1. Equality and non-discrimination

39. AI recommended that Cameroon take all necessary legislative, administrative and other measures to prohibit and eliminate discriminatory treatment on the basis of sexual orientation at every stage of the administration of justice.

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

51. AI noted that violence, arbitrary arrests and detention of men and women because of their real or perceived sexual orientation were commonplace and had been increased since the mid-2000s. JS6 recommended that all prisoners currently being held because of their sexual orientation should be released.

52. Noting that omnipresent nature of police violence against lesbian, gay, bisexual and transgender (LGBT) persons, JS6 recommended that public instructions should be issued explaining that police violence against individuals on the basis of their sexual orientation or gender identity would not be tolerated and would be subject to prosecution.

53. JS6 indicated that LGBT persons suffered violence from other members of the community and often did not demand justice for fear of being treated as criminals themselves. It therefore recommended that an independent police monitoring mechanism be set up to allow civilians to lodge complaints against the police without fear of reprisal.

54. Indicating that gays and lesbians in Yaoundé and Douala had been subjected to blackmail, JS6 recommended that the police carry out investigations into the allegations of crimes against LGBT persons.

5. Freedom of expression, association and peaceful assembly, and right to participate in public and political life

81. JS6 noted that the authorities had tried to restrict the latitude of persons who defended the rights of LGBT persons to enjoy their freedoms of expression and association, and recommended protecting the freedoms of assembly, association and expression for all.

8. Rights to health

96. JS6 stated that the criminalization of consenting sexual relations between persons of the same sex had harmful health consequences on sexual minorities.

97. JS6 noted that, for the first time, the Strategic Plan to Combat HIV/AIDS (2011– 2015) called for preventive measures and treatment to target homosexuals. However, it did not make any real call for the decriminalization of consenting sexual relations between persons of the same sex. JS6 recommended issuing clear public information that no one would be deprived of access to health services or handed over to the police on the basis of their sexual orientation or gender identity until article 347 was repealed.

CUBA

Date of review: Wednesday, 1 May PM

Key Issues/Recommendations: ask what measures are being take to sensitize education and health providers, as well as the judiciary, police and other law enforcement officials on human rights relating to sexual orientation and gender identity; apply the Yogyakarta Principles as a guide to policy development.

Sample Intervention: We welcome Cuba's commitment to equality and non-discrimination based on sexual orientation and gender identity as outlined in the national report. Can Cuba elaborate on **what measures are being take to sensitize education and health providers, as well as the judiciary, police and other law enforcement officials on human rights relating to sexual orientation and gender identity?**

We recommend that Cuba **apply the Yogyakarta Principles on the application of international human rights law in relation to sexual orientation and gender identity as a guide to assist with policy development in this area.**

Previous cycle

Documents – There were no references to human rights issues relating to sexual orientation or gender identity in any of the input reports for Cuba.

Discussions – During the interactive dialogue of the Working Group, the Czech Republic welcomed Cuba's support to the joint statement on human rights, sexual orientation and gender identity delivered in December 2008 at the GA. In the Addendum 1 to the report of the Working Group, the State under review stated that the sexual abuse of children and pornographic acts with children, of both heterosexual and homosexual nature, are outlawed by the Criminal Code. No recommendations were made on human rights issues relating to sexual orientation or gender identity.

National report

III. Achievements and challenges in the promotion and protection of human rights in Cuba

Respect for freedom of sexual orientation and gender identity

111. As part of the deep commitment to social justice and defending full equality between all Cubans, respect for freedom of sexual orientation and gender identity continued to be promoted and steps were taken to expand opportunities for dialogue and interaction on these issues from a position of respect, understanding and awareness.

112. Implementation of the educational strategy calling for respect for free and responsible sexual orientation and gender identity is being led by the National Sex Education Centre (CENESEX), a government institution that addresses these issues in coordination with other government institutions and civil society organizations. CENESEX is also responsible for coordinating the National Sex Education Programme.

113. In recent years the focus of Programme activities, which involve numerous civil society entities and organizations, has included: communication strategies and sex education; promoting academic studies and scientific research; counselling and sex therapy; comprehensive care for lesbian, gay, bisexual and transgender (LGBT) people and victims of gender-based violence and of child sex abuse; developing community programmes; producing editorial and audiovisual content; links with social networks; online discussions; and campaigns for respect for freedom of sexual orientation.

Compilation of UN information

No references to sexual orientation or gender identity.

Summary of stakeholders' information

C. Implementation of international human rights obligations

1. Equality and non-discrimination

27. More than 37 submissions also mentioned measures in place to combat discrimination based on sexual orientation and gender identity. The Sociedad Cubana Multidisciplinaria de Estudios sobre la Sexualidad (Cuban Multidisciplinary Sexuality Research Association) (SOCUMES) indicated that implementation of an educational strategy to promote respect for free and responsible choices with respect to sexual orientation and gender identity had given rise to a debate on sexual diversity. The Asociación de Profesionales Graduados en la República de Cuba (Professional Graduates Association) (APGRC) referred to the creation of a comprehensive health centre for transgender persons.