

UPR 18th Session
RECOMMENDATIONS RELATING TO
SEXUAL ORIENTATION & GENDER IDENTITY

Summary

(Detailed excerpts from working group reports can be found from page 4)

New Zealand

Recommendation: Provide, in accordance with its obligations under international human rights law instruments, effective protection for the family as the fundamental and natural unit of society.

Status: Pending to the 26th session of the HRC in June 2014.

Afghanistan

Recommendations: Implement the Law on the Elimination of Violence against Women; Continue with actions aimed at eliminating all forms of violence against women and girls; Take effective measures to prevent child and forced marriages; Put forward its utmost efforts to abolish practices such as honor killing, early forced marriage and domestic violence both at the legal and policy levels; Strengthen efforts in eliminating discrimination and violence against women, also by raising the awareness of the public and training officials in judiciary and law enforcement at all levels that will include human rights of women.

Status: Accepted.

Recommendations: Repeal article 398 of the Afghan Penal Code with a view to ensuring full accountability for the perpetrators of so called honour killings.

Status: Pending to HRC26.

Recommendations: Abolish the practice of prosecuting women for “moral crimes”; Ensure non-discrimination on the basis of sexual orientation and gender identity and repeal the provisions of the penal code which criminalise sexual relation between consenting adults of the same sex.

Status: Rejected.

Chile

Recommendations: Review its Penal Code, namely article 373, and other laws in order to prevent discrimination against LGBTI persons; Support new laws and measures to counter discriminatory attitudes in society and to prevent discrimination on the basis of sexual orientation and gender identity by providing public education and supporting equality initiatives; Keep working on awareness measures, including in schools, to combat discriminatory attitudes based on sexual orientation; Make sure that sexual and reproductive rights are respected and protected; Preserve and promote the identity of the family, recognizing its foundation in the union of man and woman, based on free consent.

Status: Pending to HRC26.

Cambodia

Recommendations: Implement all measures, including national awareness-raising campaigns, and efforts aimed at amending or eliminating patriarchal attitudes and stereotypes discriminating against women, including those based on the Chbab Srey (Uruguay).

Status: Accepted.

Uruguay

Recommendations: Adopt necessary legislative and administrative measures to guarantee the security of LGBT persons and facilitate their access to justice and legal assistance; Take all necessary policies and other measures to prevent and provide protection against all forms of discrimination, violence and harassment related to sexual and gender identity, and, to ensure that perpetration of such violence is vigorously investigated and that perpetrators are held accountable.

Status: Accepted.

Recommendations: Ensure the protection of and right to family life on the premise that family is the natural and fundamental group of society based upon the stable relationship between a man and a woman.

Status: Rejected.

Yemen

Documents: The UN Compilation noted that the Human Rights Committee urged Yemen to repeal or amend all legislation that provided for or could result in prosecution and punishment of people because of their sexual orientation. The National report

Discussions: Lithuania noted efforts to eliminate discrimination against women but remained concerned about honour killings and forced marriages.

Vanuatu

Recommendations: Put in place a broad strategy, which includes legislation, to change or eliminate practices and cultural stereotypes which discriminate against women, in compliance with the CEDAW Convention; Continue to enhance measures combating the social and cultural causes of gender-based violence, by promoting awareness-raising campaigns, especially, in the education sector.

Status: Pending to HRC26.

Macedonia

Recommendations: Combat discrimination based on sexual orientation and gender identity; Fight impunity for violence against marginalized persons motivated by their ethnicity, religion, or sexual orientation, particularly through an improved awareness of the public opinion, and police and judicial authorities; Conduct public awareness campaigns to promote tolerance and the principles of equality and non-discrimination including on the basis of sexual orientation and gender identity; Ensure that discrimination based on sexual orientation and gender identity are specifically included in the Anti-Discrimination Act; Adopt measures to prevent incidents of violence on the grounds of sexual orientation.

Status: Pending to HRC26.

Comoros

Recommendations: Initiate a debate on the decriminalization of homosexuality; Review the report of the High Commissioner on sexual orientation and gender identity and give consideration to implementing its recommendations; Repeal all provisions giving rise to discrimination based on sexual orientation or gender identity and ensure respect for fundamental freedoms for all citizens; Take steps to avoid discrimination and violation of the human rights of the LGBT population.

Status: Rejected.

Slovakia

Recommendations: Develop and implement a national action plan for the protection of the human rights of LGBTI persons; Step up efforts towards advancing the specific courses of action taken in the struggle against discrimination such as the endorsement of the Committee for the Rights of LGBTI persons, and launch campaigns to promote tolerance and respect for diversity aimed at all segments of society; Continue to support the rights of the LGBTI community through its human rights framework; Sustain and promote the family, based on the stable relationship between a man and a woman, as the natural and fundamental unit of society.

Status: Pending to HRC26.

Eritrea

Recommendations: Launch a national dialogue, as well as a campaign through media and in the school, to tackle all forms of discriminations against LGBT persons.

Status: Pending to HRC26.

Cyprus

Recommendations: Enact legislation to recognize civil partnership and amend the Criminal Code to explicitly prohibit incitement to hatred, violence or discrimination against persons on the basis of sexual orientation or gender identity; Include a prohibition of discrimination of any kind, including discrimination based on sexual orientation and gender identity, in areas outside employment in line with international standards; Extend its interdepartmental approach on domestic violence also towards forms of violence outside the family, for example gender-related violence and violence against LGBT people.

Status: Pending to HRC26.

Dominican Republic

Recommendations: Adopt legislation to protect LGBT persons against gender-based violence and discrimination; Strengthen its efforts and establish and implement policies and measures to address discrimination based on sexual orientation and gender identity.

Status: Pending to HRC26.

Viet Nam

Recommendations: Enact a law to fight against discrimination which guarantees the equality of all citizens, regardless of their sexual orientation and gender identity.

Status: Pending to HRC26.

NEW ZEALAND

Date of review: Monday, 27 January 2014

I. Summary of the proceedings of the review process

A. Presentation by the State under review

20. In May 2013, the New Zealand Parliament legislated to allow marriage between any two people regardless of gender identity, sex, or sexual orientation. The first same-sex couple was married in New Zealand on 19 August 2013. It also allowed for same-sex couples to adopt children and for couples to remain married, regardless of a change in their legal gender.

B. Interactive dialogue and responses by the State under review

51. The Netherlands welcomed New Zealand's leadership to enhance the rights of LGBT people and same-sex couples, and the Marriage Amendment Act 2013. It noted some gaps with regard to the right to education and work for the Māori people and persons with disabilities, violence against women, child poverty and abuse. It made recommendations.

75. Thailand applauded efforts to promote the rights of women, children, persons with disabilities and LGBT groups. It recognized efforts to settle grievances regarding the Treaty of Waitangi, but expressed concern at the over-representation among the prison population of Māori. Thailand made recommendations.

91. Argentina highlighted priority given to strengthening Government-Māori relations, improvement of the protection of children against mistreatment and neglect and reduction of domestic violence and encouraged New Zealand to continue action in those areas. Argentina welcomed measures to improve the rights of LGBT groups. It made recommendations.

116. Ecuador noted recent progress made in the sphere of human rights, such as the implementation of policies to protect and guarantee the rights of persons with disabilities and measures adopted to improve conditions for persons belonging to the LGBT population. Ecuador made recommendations.

II. Conclusions and/or recommendations

128. The following recommendations will be examined by New Zealand which will provide responses in due time, but no later than the 26th session of the Human Rights Council in June 2014:

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

AFGHANISTAN

Date of review: Monday, 27 January 2014

I. Summary of the proceedings of the review process

A. Presentation by the State under review

20. In addition to women's greater participation in the above-mentioned sectors, the government has adopted various measures for protection of women and prevention of violence against them in the past four years. The majority of which include 1) adoption of EAW Law, 2) establishment of Special EAW Prosecution Offices, 3) establishment of High EAW commission and expansion of its provincial offices in 23 provinces, 4) establishment of 16 protection centres/shelters for women victims of family violence, 5) establishment of departments of women affairs in 32 provinces, 6) establishment of gender units in 22 ministries, and 7) establishment of gender and human rights unit within police academy.

21. The government is working towards developing the National Action Plan on Women, Peace and Security for post 2014, in order to adopt additional measures for greater participation and protection of women, prevention of violence against women and to provide relief and recovery services.

B. Interactive dialogue and responses by the State under review

37. Canada enquired about measures to ensure implementation of the EAW Law.

41. Croatia enquired about measures to prevent girls from being charged with “running away”/“moral crimes”.

43. The United States of America was concerned about violence against women, punishment of victims of trafficking and family abuse and violations by national security forces.

44. Denmark was concerned about the lack of equal opportunities for women, domestic violence, trafficking, “honour killings” and forced marriage.

53. Greece noted that women continued to be subjected to forced marriage and honour killings.

60. The delegation of Afghanistan responded to some questions raised in the interactive dialogue. Regarding the EAW law, the delegation stated that the government strongly believes in the implementation of EAW law, arguing that there is no exoneration from the crime of violence against women.

63. Members of the delegation confirmed that they recognised violence against women and condemn it as well as any other form of discrimination against women. The delegation affirmed Afghanistan’s commitment to implement all international Conventions that Afghanistan is party to.

67. Ireland was concerned that the EAW Law had not been effectively implemented.

74. Lithuania deplored violence against women, increased control of the media.

90. Portugal expressed concern about the setbacks to women’s rights and the number of acts of violence against women and girls.

92. The Republic of Korea was concerned at the EAW Law’s failure to criminalize “honour killing”, early forced marriage and domestic violence.

109. Switzerland was concerned at discrimination and violence against women.

123. Albania requested more information on plans to address impunity in “honour killings”. It was concerned about acts against freedom of expression.

132. The delegation affirmed that indeed forced marriage and child marriage are still major challenges in Afghanistan. However, the government of Afghanistan has taken particular measures regarding this issue. Signing of the Prevention of Forced Marriage and Child Marriage Protocol between related organizations; including the forced and child marriage as a crime in the Family Law and the EAW Law; raising awareness through media campaigns, workshops, seminars and campaigns at province level. Those were the measures that Afghanistan has recently undertaken to combat forced and child marriage. Regarding “running away”, the delegation confirmed that running away from home is not a crime under the law. The Government would not punish a woman or a girl just for running away from home, unless there were other crimes associated with this action.

134. Regarding the issue of honour killing, the head of the delegation stated that the Criminal Code criminalises honour killings and perpetrators of such crimes are not exonerated. The Criminal Code is currently under review and the article on honour killing most probably would be revised and would be made in compliance with Afghanistan’s commitment to the international community and CEDAW.

II. Conclusions and/or recommendations

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

138.54 Take all possible actions to eliminate all forms of violence against women and amend all Laws that discriminate against women (Greece);

138.133 Establish a strategy to implement the Law on the Elimination of Violence against Women by the creation of permanent and efficient mechanisms in order to report, investigate and publicize cases of gender violence (Brazil);

138.134 Take steps to fully implement the Elimination of Violence against Women law, including by providing training and capacity building to law enforcement officials; implementing standard, country-wide procedures to record and track complaints of violence against women; and ensuring that all allegations of violence against women are thoroughly investigated and referred to the appropriate authorities under Afghan law (Canada);

[Further recommendations to implement the Law on Elimination of Violence against Women:

138.135 (Croatia); 138.136 (United States of America); 138.137(Denmark); 138.138 (France); 138.139 (Finland); 138.140 (Germany); 138.141 (Iceland); 138.142 (Ireland); 138.143 (Italy); 138.144 (Malaysia); 138.145 (Maldives); 138.146(New Zealand); 138.147 (Norway); 138.148 (Philippines); 138.149 (Portugal); 138.150 (Australia); 138.151 (Turkey); 138.152 (Sweden); 138.153 (Austria); 138.155 (Romania); 138.157 (Chile)]

138.154 Ensure closer monitoring of the implementation of the National Action Plan for Women by developing the monitoring and evaluation capacity of the Ministry of Women's Affairs and other national entities (Italy);

138.156 Finalize and implement a National Action Plan on Women, Peace and Security (Australia);

138.158 Continue with actions aimed at eliminating all forms of violence against women and girls (Ecuador);

138.159 Increase continued efforts to eliminate violence against women and children in the country (Iran);

138.160 Take effective measures to prevent child and forced marriages (Poland #02);

138.161 Put forward its utmost efforts to abolish practices such as honor killing, early forced marriage and domestic violence both at the legal and policy levels (Republic of Korea);

138.162 Address more effectively cases of gender-based violence including by their proper and effective investigations and adequate prosecution of perpetrators (Slovakia);

138.163 Strengthen efforts in eliminating discrimination and violence against women, also by raising the awareness of the public and training officials in judiciary and law enforcement at all levels that will include human rights of women (Slovenia);

138.164 Increase all kinds of measures to effectively combat impunity regarding acts of violence against women, as well as to prevent, investigate, prosecute and sanction the acts of violence perpetrated against women by State agents and other persons (Uruguay);

138.165 Complete the exercises in strengthening national legal and administrative frameworks in order for them to be in line with human rights principles by fully implementing those frameworks, in particular the 2009 law on the Elimination of Violence against Women and the inclusion of restorative justice principles in the 2004 Juvenile Code (Indonesia);

139. The following recommendations will be examined by Afghanistan which will provide responses in due time, but no later than the 26th session of the Human Rights Council in June 2014:

139.13 Repeal article 398 of the Afghan Penal Code with a view to ensuring full accountability for the perpetrators of so called honor killings (Poland);

139.14 Repeal article 398 of the Penal Code which gives perpetrators of honour killings legal concessions (United Kingdom of Great Britain and Northern Ireland).

140. The recommendations below did not enjoy the support of Afghanistan:

140.10 Abolish the practice of prosecuting women for "moral crimes" (New Zealand);

140.11 Ensure non-discrimination on the basis of sexual orientation and gender identity and repeal the provisions of the penal code which criminalise sexual relation between consenting adults of the same sex (Norway);

140.12 Put an end to the practice of criminal prosecutions for moral crimes against women who have fled their home (France).

CHILE

Date of review: Tuesday, 28 January 2014

I. Summary of the proceedings of the review process

A. Presentation by the State under review

11. Regarding discrimination, Law 20,609 entered into force in July 2012. The law punishes all forms of discrimination based, inter alia, on grounds of race, nationality, language, political opinion, religion sex, sexual orientation, gender identity, and disability.

B. Interactive dialogue and responses by the State under review

17. Croatia asked Chile to share additional information on the national health care system for transgender persons. It also asked about the training of police in human rights and in what way it had contributed to the promotion of the indigenous peoples' rights.

39. Italy welcomed the adoption of the act on trafficking in persons and amendments to the Criminal Code concerning domestic violence. It asked whether measures on the legal recognition of transgender persons were envisaged. Italy made recommendations.

49. The Netherlands welcomed Chile's efforts to promote equal rights for persons belonging to LGBT groups. It hoped that the UPR will assist the Government to further promote human rights. Netherlands made recommendations

68. Sweden noted that the criminalization of abortion in all circumstances continued to be in place. Sweden welcomed advances in promoting LGBTI rights, particularly the adoption of the Anti-Discrimination Act. It requested more information on steps taken to ensure implementation of current anti-discrimination legislation. Sweden made recommendations.

70. Thailand commended the establishment of the National Human Rights Institution and progress in improving the situation of indigenous peoples. Noting that the Anti-Discrimination Act provided protection for sexual orientation and gender identity, it encouraged a further amendment to include financial compensation for victims. Thailand made recommendations.

100. The Delegation of Chile highlighted that the new anti-discrimination legislation (Law N° 20.609) was a milestone and the first regulation explicitly punishing acts of discrimination. In compliance with this Law, a Non-discrimination Policy has been recently approved in order to protect and promote human rights without any discrimination. Its implementation is safeguarded by the Observatory Centre on Citizen Participation and Non-Discrimination.

101. The Human Rights Department of the Police (*Carabineros*), was set up in 2011 with the aim of, inter alia, promoting human rights within its domains, contributing to human rights training. The Department has updated several police protocols on the use of force and fire arms. In 2013, the Unit of Education, Doctrine and History of Police implemented a new human rights training program, in accordance with relevant

international standards on the use of force and the protection of vulnerable groups, including LGBT population.

II. Conclusions and/or recommendations

121. The following recommendations will be examined by Chile which will provide responses in due time, but no later than the 26th session of the Human Rights Council in June 2014:

121.70. Develop and carry-out a plan for the implementation in the field of the anti-discrimination law, including positive and preventive actions. In particular, address discrimination based on gender identity and sexual orientation (Colombia);

121.71. Review its Penal Code, namely article 373, and other laws in order to prevent discrimination against LGBTI persons (Czech Republic);

121.72. Support new laws and measures to counter discriminatory attitudes in society and to prevent discrimination on the basis of sexual orientation and gender identity by providing public education and supporting equality initiatives (Netherlands);

121.73. Keep working on awareness measures, including in schools, to combat discriminatory attitudes based on sexual orientation (Spain);

121.121. Preserve and promote the identity of the family, recognizing its foundation in the union of man and woman, based on free consent (Holy See);

121.122. Protect the right to family being the natural and fundamental group of society based upon the stable relationship between a woman and a man (Bangladesh);

121.134. Make sure that sexual and reproductive rights are respected and protected (Belgium).

CAMBODIA

Date of review: Tuesday, 28 January 2014

II. Conclusions and/or recommendations

118. The recommendations formulated during the interactive dialogue/listed enjoy the support of Cambodia:

118.51 Implement all measures, including national awareness-raising campaigns, and efforts aimed at amending or eliminating patriarchal attitudes and stereotypes discriminating against women, including those based on the Chbab Srey (Uruguay).

URUGUAY

Date of review: Wednesday, 29 January 2014

I. Summary of the proceedings of the review process

B. Interactive dialogue and responses by the State under review

28. Brazil appreciated steps to promote racial equality and legislation adopted allowing for same-sex marriage. It noted the significant reduction of poverty and extreme poverty rates in the last years.

62. Montenegro asked Uruguay to elaborate on institutional improvements relating to the monitoring of the implementation of recommendations from human rights bodies and the UPR, and on measures for the advancement on the position of LGBT persons.

65. The Netherlands praised the adoption of the Equal Marriage Act and underscored the importance that it be followed by awareness-raising programs to combat discrimination based on sexual orientation and gender identity.

81. Spain congratulated Uruguay for the recent recognition of homosexual marriage and the advance in the field of gender violence, especially regarding access of victims to specialized justice.

II. Conclusions and/or recommendations

123. The recommendations listed below enjoy the support of Uruguay:

123.9. Adopt necessary legislative and administrative measures to guarantee the security of LGBT persons and facilitate their access to justice and legal assistance (Norway);

123.67. Take all necessary policies and other measures to prevent and provide protection against all forms of discrimination, violence and harassment related to sexual and gender identity, and, to ensure that perpetration of such violence is vigorously investigated and that perpetrators are held accountable (United Kingdom of Great Britain and Northern Ireland);

124. The recommendation below did not enjoy the support of Uruguay:

124.1. Ensure the protection of and right to family life on the premise that family is the natural and fundamental group of society based upon the stable relationship between a man and a woman (Bangladesh).

125. Uruguay rejects the recommendation made by the delegation of Bangladesh. Uruguay effectively protects the family institution, including through laws embodied in the National Constitution on a wide and non-discriminatory basis, rejecting to limit the concept of family on grounds of gender identity, sexual orientation or any other reason, in accordance to our national legislation and the highest international standards on human rights protection.

YEMEN

Date of review: Wednesday, 29 January 2014

I. Summary of the proceedings of the review process

B. Interactive dialogue and responses by the State under review

58. Lithuania noted efforts to eliminate discrimination against women but remained concerned about honour killings and forced marriages. It was also concerned about the execution of juvenile offenders and about assaults on journalists and bloggers by public authorities and non-governmental groups. Lithuania made recommendations.

VANUATU

Date of review: Thursday, 30 January 2014

I. Summary of the proceedings of the review process

B. Interactive dialogue and responses by the State under review

81. Uruguay praised progress regarding the recognition of women's rights; plans to provide universal education, focusing on very young children; public strategies and policies to combat HIV/AIDS and sexually transmitted diseases; the extension of a standing invitation to special procedures mandate holders; the ratification of the Rome Statute; the accession to the CAT and progress regarding the incorporation of the principles of the CEDAW into national legislation. It noted that deep-rooted patriarchal attitudes and stereotypes persisted in respect of gender-based roles. Uruguay made recommendations.

II. Conclusions and/or recommendations

99. The following recommendations will be examined by Vanuatu which will provide responses in due time, but no later than the 26th session of the Human Rights Council in June 2014:

99.34. Put in place a broad strategy, which includes legislation, to change or eliminate practices and cultural stereotypes which discriminate against women, in compliance with the CEDAW Convention (Uruguay);

99.47. Continue to enhance measures combating the social and cultural causes of gender-based violence, by promoting awareness-raising campaigns, especially, in the education sector (Spain).

MACEDONIA

Date of review: Thursday, 30 January 2014

I. Summary of the proceedings of the review process

B. Interactive dialogue and responses by the State under review

37. Australia acknowledged efforts to address discrimination through new legislation. However, the legislation did not address sexual orientation or gender identity. It noted reports of discrimination against Roma and limitations on media freedom. Efforts to improve the penitentiary system were ongoing, but reports of poor conditions persisted. It made recommendations.

38. Austria noted with concern that freedom of expression and of the press had deteriorated. Allegations of politically motivated detention of politicians and journalists had undermined trust in the impartiality of law enforcement agencies and the independence of the judiciary. Attacks against the LGBTI community underscored the need for legal protection against discrimination. Unemployment and other concerns in the Roma population should be addressed. It made recommendations.

42. Brazil welcomed ratification of the CRPD and encouraged ratification of the International Convention for the Protection of All Persons from Enforced Disappearance (CPED). It stressed the importance of strengthening the institution of the Ombudsman and promoting its independence. It also noted prioritization of non-discrimination against the Roma. Welcoming amendments to the Law on Asylum and Temporary Protection, it suggested that procedures for asylum-seekers should be improved. It noted progress in gender equality, but expressed concern about intolerance of lesbian, gay, bisexual and transgender (LGBT) persons. It made recommendations.

65. Ireland noted the adoption of legislation on discrimination, albeit not explicitly protecting LGBT persons, the decriminalization of defamation and the visits by two special procedures mandate holders. It was concerned by continuing discrimination and the failure to ensure the Roma population's right to the highest health standards. It made recommendations.

81. The Netherlands encouraged the Government of the State under review to strengthen its efforts to further enhance civil and political rights for all regardless of sexual orientation and gender identity. It also encouraged it to further strengthen judicial independence and ensure freedom of the media. It made recommendations.

92. Slovenia welcomed the adoption of legislation prohibiting direct and indirect discrimination, but noted that discrimination on grounds of ethnicity and sexual orientation persisted. It noted concerns over reported hostilities motivated by sexual orientation. It was concerned at discrepancies in education levels between boys and girls and at reports of undocumented children. It made recommendations.

96. Responding to questions about the CPED, the delegation pointed out the complexity of the legislation involved, but that the Government was working on legislative amendments to allow ratification.

97. The LAPD contains a non-exhaustive list of grounds for discrimination and the CPAD acts upon applications concerning discrimination based upon sexual orientation. The delegation provided statistics related to these cases. The Commission is also initiating a project together with NGO partners to survey the situation of the lesbian, gay, bisexual and transgender population.

II. Conclusions and/or recommendations

102. The following recommendations will be examined by the State under Review which will provide responses in due time, but no later than the 26th session of the Human Rights Council in June 2014.

103.36 Immediately step up its efforts to eliminate all forms of discrimination based on ethnic origin, religion, gender and sexual orientation (Switzerland);

103.38 Take concrete measures to strengthen the legislation to combat all forms of discrimination, including those related to sexual orientation, and step up new awareness campaigns to combat all forms of discrimination, including those based on gender, ethnic origin, sexual orientation or gender identity (Uruguay);

103.39 Strengthen the actions to ensure the effective implementation of laws against discrimination, in particular discrimination based on sexual orientation (Argentina);

103.40 Fight impunity for violence against marginalized persons motivated by their ethnicity, religion, or sexual orientation, particularly through an improved awareness of the public opinion, and police and judicial authorities (Belgium);

103.41 Conduct public awareness campaigns to promote tolerance and the principles of equality and non-discrimination including on the basis of sexual orientation and gender identity (Brazil);

103.42 Implement fully and without delay the 2010 anti-discrimination law, by integrating provisions covering discrimination based on sexual orientation (Belgium); Ensure that discrimination based on sexual orientation and gender identity are specifically included in the Anti-Discrimination Act and related programmes (France); Align the national anti-discrimination legislation with the EU standards, in particular in relation with the rights of LGBTI persons (Italy); Explicitly prohibit discrimination on the grounds of sexual orientation, which is not included in the Law on the Prevention of and Protection against Discrimination (Slovenia);

103.43 Introduce legislation that explicitly protects LGBT persons from discrimination (Ireland);

103.44 Include a specific prohibition of discrimination based on sexual orientation and gender identity in line with international standards in the anti-discrimination legislation and take appropriate measures to end impunity for violence and intimidation of the LGBT community (Netherlands); Adopt measures to prevent incidents of violence on the grounds of sexual orientation (Canada);

103.45 Amend anti-discrimination legislation to include sexual orientation and gender identity as specific grounds for discrimination and to open prompt, impartial and effective investigations into attacks on LGBTI individuals or organisations (Austria);

103.46 Strengthen anti-discrimination legislation to prohibit discrimination on the basis of sexual orientation and gender identity, and take effective measures to combat violence and discrimination against LGBTI people (Australia).

COMOROS

Date of review: Friday, 31 January 2014

I. Summary of the proceedings of the review process

B. Interactive dialogue and responses by the State under review

73. Il n'y a pas de politique pénale contre les homosexuels. Comme il n'y a pas de minorité homosexuelle visible. Effectivement, le Code pénal réprime l'homosexualité. Il n'y a pas actuellement de majorité politique à l'Assemblée pour changer la loi. (Espagne, Brésil, Pays-Bas).

II. Conclusions and/or recommendations

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

113.2. Initiate a debate on the decriminalization of homosexuality (Spain);

113.3. Review the report of the High Commissioner on sexual orientation and gender identity and give consideration to implementing its recommendations (Netherlands);

113.4. Repeal all provisions giving rise to discrimination based on sexual orientation or gender identity and ensure respect for fundamental freedoms for all citizens (France);

113.5. Take steps to avoid discrimination and violation of the human rights of the LGBT population (Brazil).

SLOVAKIA

Date of review: Monday, 3 February 2014

I. Summary of the proceedings of the review process

A. Presentation by the State under review

10. During the reporting period important legislative amendments to the Anti-discrimination Law were adopted with a view to further strengthening protection against discrimination, including widening the scope of the indirect discrimination. By establishing the Committee for the Rights of LGBTI persons in October 2012, the Government responded to the need to ensure better awareness about discrimination based on sexual orientation or gender identity.

B. Interactive dialogue and responses by the State under review

37. Australia welcomed progress on ensuring the rights of LGBTI persons. It acknowledged the adoption of the Strategy for Roma Integration, but remained concerned about exclusion of and violence against the Roma. It noted media concerns over judicial corruption and commended the establishment of a judicial reform task force. Australia made recommendations.

68. Germany was concerned about the situation of minorities, especially Roma and LGBTI communities. It asked about measures taken by Slovakia concerning separating walls built by local populations, the high school drop-out rate among Roma children and their segregation in schools. It also asked for information on efforts to increase LGBTI acceptance and combat discrimination, and on progress made in reducing the unequal treatment of women and better protecting women from domestic violence.

78. The delegation stated that Constitution had prohibited discrimination on any ground and that the Anti-discrimination Act had provided further protection from discrimination on the ground of sexual orientation. In 2012, the Committee for the rights of LGBTI persons was established with a mandate to contribute to further promotion of the rights of LGBTI persons. It is chaired by the Ministry of Justice and consisted of 24 members representing State bodies and non-governmental organisations. The Committee had been actively involved in human rights policy making.

92. While noting that Slovakia had introduced important measures to reduce the discrimination, Norway noted that the enrolment of Roma students in special schools or classes remained disproportionate. It welcomed announced efforts to propose reforms of the Judiciary. It noted that LGBTI persons continued to face discrimination despite the amendment to the Criminal Code concerning sexual orientation. Norway made recommendations.

II. Conclusions and/or recommendations

110. The following recommendations will be examined by Slovakia which will provide responses in due time, but no later than the 26th session of the Human Rights Council in June 2014:

110.29. That a national action plan for the protection of the human rights of LGBTI persons in Slovakia is developed and implemented, within the context of the planned human rights strategy (Norway);

110.65. Step up its efforts towards advancing the specific courses of action taken in its struggle against discrimination such as programs to fight poverty and social exclusion, the Strategy for Roma Integration up to 2020 and the endorsement of the Committee for the Rights of LGBTI persons, and

launch campaigns to promote tolerance and respect for diversity aimed at all segments of society (Brazil);

110.70. Continue to support the rights of the LGBTI community through its human rights framework (Australia);

110.101. Sustain and promote the family, based on the stable relationship between a man and a woman, as the natural and fundamental unit of society (Holy See).

ERITREA

Date of review: Monday, 3 February 2014

I. Summary of the proceedings of the review process

B. Interactive dialogue and responses by the State under review

43. Canada asked Eritrea about steps taken to repeal criminalization of consensual homosexual activity. It expressed concern about poor prison conditions, torture and secret detention centres. It urged Eritrea to fulfil its obligations and allow monitors and special procedures mandate holders to visit Eritrea.

II. Conclusions and/or recommendations

122. The following recommendations will be examined by Eritrea and responses to these recommendations will be provided in due time, but no later than the 26th session of the Human Rights Council in June 2014 and will be included in the outcome report adopted by the Human Rights Council at its 26th session in June 2014:

122.115 Launch a national dialogue, as well as a campaign through media and in the school, to tackle all forms of discriminations against LGBT persons (Italy).

CYPRUS

Date of review: Tuesday, 4 February 2014

I. Summary of the proceedings of the review process

A. Presentation by the State under review

17. On the protection of LGBT rights, a Bill criminalizing public incitement of discriminatory, hateful or violent acts against persons because of their sexual orientation or identity is pending before Parliament. Moreover, a Bill regulating the civil partnership pact for same and opposite sex couples is at present open for consultation between Government agencies and NGOs, aiming at its enactment before the end of 2014.

B. Interactive dialogue and responses by the State under review

39. The Netherlands noted efforts to promote and protect people's civil and human rights, particularly Lesbian, Gay, Bisexual and Transgender persons. It welcomed the National Action Plan on Gender Equality and other efforts to tackle gender disparities, highlighting the Manual of Interdepartmental Cooperation on Domestic Violence. It encouraged continued efforts in those areas. It made recommendations.

48. Slovenia welcomed ratification of the OP-CRC-AC and the enactment of legislation making racist motivation an aggravating circumstance in criminal offences. It also noted the Anti-Discrimination Body's recommendation to introduce legislation against homophobic speech. It made a recommendation.

56. The United Kingdom of Great Britain and Northern Ireland encouraged Cyprus to guarantee the operational independence and financial autonomy of the Ombudsman. It was concerned about reports on the treatment of prisoners and discrimination against LGBT persons. It suggested that measures should be taken to enable Turkish Cypriots to participate effectively in cultural, social and economic life and public affairs. It made recommendations.

66. Brazil encouraged Cyprus to conclude ratification of CPED. It welcomed the broadening of the Ombudsman's mandate, the amendment to the Criminal Code criminalizing public incitement against persons on the basis of their sexual orientation, and the amendments to the Legal Aid Law and the Aliens

and Immigration Law. It requested information concerning programmes and policies in support of economic and social rights. It made recommendations.

II. Conclusions and/or recommendations

112. The response of Cyprus to the following recommendations will be included in the outcome report adopted by the Human Rights Council at its 26th session in June 2014:

112.49. Enact legislation to recognize civil partnership and amend the Criminal Code to explicitly prohibit incitement to hatred, violence or discrimination against persons on the basis of sexual orientation or gender identity (Ireland);

112.50. Include a prohibition of discrimination of any kind, including discrimination based on sexual orientation and gender identity, in areas outside employment in line with international standards (Netherlands);

112.59. Extend its interdepartmental approach on domestic violence also towards forms of violence outside the family, for example gender-related violence and violence against LGBT people (Netherlands).

DOMINICAN REPUBLIC

Date of review: Wednesday, 5 February 2014

I. Summary of the proceedings of the review process

B. Interactive dialogue and responses by the State under review

43. The Netherlands noted that despite efforts to establish gender equality and equity, gender-based violence was prevalent and would remain so as long as it was excluded from the Criminal Code. It expressed concerns about maternal mortality rates and discrimination against LGBT persons. The Netherlands made recommendations.

45. Norway welcomed the creation of the position of the Ombudsman. It was concerned about the Constitutional Court ruling to revoke citizenship rights of, and in some cases expel, descendants of migrants residing in the country and high incidences of violence against women. It reminded that the Government had accepted during its first review recommendations to end discrimination against LGBT persons. Norway made recommendations.

91. Regarding the question raised on LGBT community, the Dominican Republic informed that it guarantees their rights, in accordance to articles 8 and 39 of the Constitution regarding the right to equality for all. The delegation asserted that the draft Penal Code also includes norms against discrimination, that the Dominican Republic co-sponsored the Declaration that looks to fight against discrimination based on sexual orientation and that there were no restrictions on public activities such as the Caravan of Gay Pride.

II. Conclusions and/or recommendations

98. The following recommendations will be examined by the Dominican Republic which will provide responses in due time, but no later than the 26th session of the Human Rights Council in June 2014:

98.41. Take the necessary measures to prevent arbitrary detentions based on discriminatory criteria of any kind, particularly those related to phenotype or those directed against LGBT persons (Mexico);

98.42. Adopt legislation to protect LGBT persons against gender-based violence and discrimination (Netherlands);

98.43. Strengthen its efforts and establish and implement policies and measures to address discrimination based on sexual orientation and gender identity (Norway).

VIET NAM

Date of review: Wednesday, 5 February 2014

I. Summary of the proceedings of the review process

B. Interactive dialogue and responses by the State under review

51. The United States of America welcomed progress on protecting the rights of LGBT persons. It expressed concern about restrictions on freedom of religion and formation of independent trade unions, and about harassment of unregistered churches.

106. Germany commended achievements in combating poverty, signing of the CAT and decision to decriminalize homosexual partnerships.

II. Conclusions and/or recommendations

143. The following recommendations will be examined by country Viet Nam which will provide responses in due time, but no later than the 26th session of the Human Rights Council in June 2014.

143.88. Enact a law to fight against discrimination which guarantees the equality of all citizens, regardless of their sexual orientation and gender identity (Chile).