

**Report on sexual orientation and  
gender identity related issues  
at the 25<sup>th</sup> session of the  
UN Human Rights Council  
March 3-28, 2014**



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## CONTENTS

|  |    |
|--|----|
| Overview of the session  | 3  |
| High level segment   | 7  |
| High Commissioner for Human Rights, interactive dialogue   | 14 |
| Special Rapporteurs on human rights defenders and torture, interactive dialogue                    | 18 |
| Special Rapporteurs on the rights to food and adequate housing, interactive dialogue               | 21 |
| Special Rapporteur on freedom of religion and belief, interactive dialogue                         | 22 |
| Special Representative of the Secretary General on violence against children, interactive dialogue | 23 |
| Independent Expert on minority issues, interactive dialogue  | 23 |
| Panel discussion on the promotion and protection of civil society space                            | 26 |
| Promotion and protection of all human rights, general debate (Item 3)                              | 27 |
| Human rights situations that require the Council's attention, general debate (Item 4)              | 32 |
| Human rights bodies and mechanisms of the Council, general debate (Item 5)                         | 34 |
| Human rights of persons with disabilities, annual discussion                                       | 37 |
| Universal Periodic Review, adoption of reports from UPR17 (Item 6)                                 | 38 |
| Follow up and implementation of the VDPA, general debate (Item 8)                                  | 39 |

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*The 25<sup>th</sup> session of the Human Rights Council (“the Council”) took place from 3 – 28<sup>th</sup> March 2014 at the United Nations in Geneva. Sexual orientation and gender identity (SOGI) related issues received a high level of attention from States and NGOs throughout the Council session, with country specific attention being brought to the situations in Uganda, Russia and Nigeria. This report gives an overview of related discussions, and provides detailed transcripts and information on discussions from page 6.*

## OVERVIEW OF THE SESSION

### High Level Segment and General Segment

During the High Level and General Segments, UN Secretary General Ban Ki-Moon and High Commissioner Navi Pillay both expressed support for LGBT rights as did the SG of the Commonwealth and a number of States including Argentina, Greece, Ireland, Slovenia, Canada, Sweden, Czech Republic, Denmark, the United States, Belgium, Brazil, Mexico, France, the Netherlands, Norway and Iceland. The US expressed concern about the recent laws in Russia, Uganda, and Nigeria. Sweden mentioned Russia and Uganda, and Belgium also mentioned Uganda. Uganda then took a right of reply to “outline the purpose of the Anti-Homosexuality Act”.

South Africa committed to hosting the African regional seminar “focusing on the plight of the LGBTI” during the first half of 2014 in the written version of their statement, however, this was not included in the statement as delivered. Nevertheless they have indicated to NGOs present that the written version is their official statement.

Russia and the Organisation of Islamic Cooperation (OIC) stated that traditional, religious and cultural values should be protected, and Namibia made a statement strengthening the role of the family. Sierra Leone gave a more nuanced intervention accepting that some cultural practices can be harmful, and stressed the importance of awareness raising and education. Belgium strongly rejected using the pretext of cultural relativism to cover up human rights abuses.

### Item 2 – Interactive Dialogue with the High Commissioner

During the presentation of her annual report the High Commissioner addressed discrimination based on sexual orientation, and shared information about the Free & Equal campaign. The EU, Argentina, Uruguay, Australia, the UK and France commended her work on SOGI, whilst the OIC, Arab Group, Saudi Arabia, Russia, and Iran criticised her attention to the issues. Nigeria requested States not to intervene on LGBT issues, and stated that “the legislation was reached through popular democratic process”. Botswana referred to SO & GI as “emerging issues that remain a challenge”, and stated: “we continue public consultations on these contentious areas. We, however, do not condone acts of violence against anybody”.

The High Commissioner responded powerfully to States that had criticised her work on these issues, dedicating much of her response time to SOGI, including stating that: “Hardly a day goes by without my office receiving reports of appalling violent attacks and discrimination perpetrated against people on the basis of their sexual orientation and gender identity. As High Commissioner, I cannot turn a blind eye to evidence of these kinds of serious violations of human rights. It is my duty to speak out, and it is your duty as States to respond.”

The International Coordinating Committee of NHRIs, ARC International and ILGA Europe, the Center for Inquiry, International Service for Human Rights, and Sudwind and IGLHRC all made statements expressing concern about human rights violations based on SOGI.

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### **Item 3 – Promotion and protection of all human rights**

SOGI issues received a significant amount of attention throughout the interactive dialogues with Special Procedures, with mandate holders, NGO speakers and States expressing concern about continued violations against LGBTI persons, including with particular reference to the worsening situations in Uganda, Russia and Nigeria. Contrary to the title of this agenda item, there were States that questioned and sought to restrict attention to SOGI-related issues, stating that mandate holders should only discuss “universally agreed upon” human rights.

This was compounded during the general debate under Item 3, when Namibia delivered a statement titled “Protection of the family” on behalf of 99 States. Similar statements were also made by Russia and the OIC Human Rights Commission which was concerned about “the push by certain quarters to promote controversial concepts within the ambit of rights” and stressed the promotion of the status of the family as a fundamental society unit. COC Netherlands delivered a powerful response to these statements, highlighting the dangers of idealising the family structure in a human rights context, and concluding: “Protecting the family must be a means to protecting the human rights of each family member as an individual born free and equal in dignity and rights.”

### **Item 4 – Human rights situations that require the Council’s attention**

During the general debate under agenda Item 4, Ireland expressed serious concern about adoption of legislation in Uganda, Russia and Nigeria that discriminate against LGBTI persons. Austria stated that the Anti-Homosexuality Act in Uganda contracts international obligations and endangers lives. Norway urged Uganda to repeal the Act, stating that it was a threat to human rights defenders. Denmark expressed concern about the anti-homosexuality laws in both Nigeria and Uganda, and urged the laws be revised. COC Netherlands also made a statement expressing concern about the legislation in these three countries and called on the Council to pay systematic attention to human rights violations against LGBTI people.

### **Item 5 – Human rights bodies and mechanisms of the Council**

Botswana, in a joint statement on behalf of 54 States, expressed concern about incidents of reprisals against individuals and organisations cooperating or seeking to cooperate with the Council and its mechanisms, stating that reprisals are one of the means by which perpetrators of violations seek to avoid accountability. The EU, Ireland, Hungary, Norway and the ISHR also expressed concern about such cases of reprisals in their statements.

### **Item 6 – Universal Periodic Review**

The Council adopted the working group reports from the 17<sup>th</sup> UPR session. States under review included Saudi Arabia, Senegal, China, Nigeria, Mexico, Mauritius, Jordan, Malaysia, Central African Republic, Monaco, Belize, Chad, Israel, Congo, and Malta. A full report of the UPR adoptions, prepared jointly by ARC, COC Netherlands and ILGA, is available at <http://tiny.cc/uprhrc25>

### **Item 8 – Follow up and implementation of the VDPA**

SOGI-related issues were a key theme during the general debate under Item 8, with several States making extensive statements on the rights of LGBTI persons, including Greece (on behalf of the EU), the US, Germany, the UK, Brazil, France, Viet Nam, the Netherlands and Slovenia. Russia and Nigeria

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spoke in right of reply to the US statement, which criticised the recently passed legislation in the two States.

## Resolutions

The Council adopted 42 resolutions at the end of the session, including on country situations (Sri Lanka, North Korea, Iran, Syria, Mali, South Sudan, Libya, Myanmar, and Israel and occupied territories). Thematic resolutions of interest included resolutions on the right to privacy in the digital age, good governance, ending violence against children, housing, freedom of religion or belief, peaceful protests, cultural diversity, and education for persons with disabilities. The Council renewed Special Procedures mandates on freedom of expression, minority issues, racism, human rights defenders and torture. New mandate holders for Special Procedures mandates on human rights of older persons, right to housing, slavery, extreme poverty, food, and human rights defenders should be appointed in April 2014. A full list of the resolutions and voting records are available [here](#) (username: hrc extranet ; password: 1session ).

## Side events and other meetings

The session also witnessed a historic first: the first ever side event exclusively dedicated to intersex issues, titled ***Intersex People and Human Rights: Violations, Voices and Visions***. Co-sponsored by ARC International, International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), El Consorcio Latinoamericano de Trabajo sobre Intersexualidad, Organisation Intersex International (OII) Australia, IntersexUK, Zwischengeschlecht.org, Canadian HIV/AIDS Legal Network, and Global Action for Trans\* Equality (GATE), the panellists presented both powerful testimonials and analysis, urging States to fulfil their responsibilities to stop human rights abuses directed against intersex persons, including violations of rights to health, dignity, equality, bodily autonomy, and freedom from torture and other cruel, inhuman or degrading treatment. Several State delegates were moved to tears, and indicated afterwards that they understood for the first time that the “I” in LGBTI represented more than just an initial.

Additionally, a side event entitled ***Intersectionality and Impunity: locating Sexual Orientation & Gender Identity in the Human Rights Discourse*** took place on Wednesday 19 March 2014. The event was co-sponsored by Coalition of SOGI Malaysia, ICARH, ILGA, ISHR, JSA Consulting Group and the Sexual Rights Initiative. Panellists included human rights defenders from India, Malaysia, Nigeria and Switzerland as well as a representative of the OHCHR. The panel noted that violations are not perpetrated independently but are rather reinforced by cultures of impunity, which indeed vary by country and their system of law enforcement and that by looking at intersections in the promotion and protection of human rights, and in the impunities enjoyed by perpetrators of human rights violations, there could be a way to address the challenges in dealing with human rights issues at local, regional and international levels.

The panel also highlighted that homophobic laws being promulgated in countries like Nigeria and Uganda, as well as state-sponsored homophobic activities in Russia, India and other parts of the world, are actually part of wider culture of hetero-normativity and gender-stereotyping, often seeking to impose rigid gender norms. This, coupled with a culture of impunity leaves LGBTI persons and other communities vulnerable to human rights violations.

The event can be viewed here in full in two parts:

1. The presentations: <http://goo.gl/ir5eHL>
2. The questions: <http://goo.gl/5LUhSW>

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In a meeting with NGOs, **High Commissioner for Human Rights Navi Pillay** was thanked by a Nigerian human rights defender for her leadership on LGBTI issues, including her willingness to speak out against the Nigerian Same-sex Marriage (Prohibition) Act, and asked what was being done to institutionalise SOGI issues within her Office, in order to ensure continuity when she steps down as High Commissioner later this year. The High Commissioner replied that it is her Office which is driving the agenda, that she seeks to break the ceiling in inter-governmental fora to bring adequate and sustained attention to SOGI issues, and that these are already institutionalised in the work of the Office. Three priorities were highlighted: decriminalisation, combating violence, and non-discrimination.

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## HIGH LEVEL SEGMENT

### STATEMENTS SUPPORTING SOGI-RELATED RIGHTS

#### **UN Secretary General Ban Ki-Moon**

This will be the final time I have the honour to address the Human Rights Council in the presence of High Commissioner for Human Rights, Navi Pillay. High Commissioner Pillay has been a fearless defender of the most vulnerable. She has been on the frontlines of crises. She has been an outspoken advocate for LGBT rights and an eloquent voice against racism, xenophobia and intolerance. She has been creative, persistent and patient in our vital efforts to strengthen the treaty body system. This is not a time for farewells – she will continue to lead the OHCHR for a number of months to come. But I know you will join me in this early tribute to express our appreciation, respect and deep gratitude to High Commissioner Pillay.

#### **UN High Commissioner for Human Rights, Navi Pillay**

At the core of my mandate and this Council's work is combating discrimination in all its forms. Intolerance of "the other" adversely affects the enjoyment of rights by indigenous peoples, migrants, minorities, LGBT and other marginalized persons.

#### **H.E. Mr. Héctor Marcos Timerman, Minister of Foreign Affairs and Worship, Argentina during the High Level Segment of the Human Rights Council**

As a result of our fight against discrimination, Argentina is now internationally recognised for its policies that advance the human rights agenda of LGBTI individuals, such as equal marriage or the gender identity act. We understand that each country has its own culture, values, legislation and social demand, but we also believe it is paramount that all countries reach basic agreements with the view to promote respect, non discrimination and, above all, fight against violence based on sexual orientation.

#### **H.E. Mr. Dimitris Kourkoulas, Deputy Minister for Foreign Affairs of Greece, on behalf of the European Union**

All people, everywhere, benefit from the same fundamental and universal human rights. It is tragic that, in 2014, people are still subject to discrimination and human rights violations for any reason, including their sexual orientation. The EU is, and will remain, a tireless advocate for the full realisation of rights for LGBTI persons. We look forward to further cross-regional collaboration towards Human Rights Council action and will vigorously resist attempts to delegitimize this work.

#### **Mr. Joe Costello, T.D., Minister of State at the Department of Foreign Affairs and Trade of Ireland**

Ireland strives to consistently support the promotion and protection of the human rights of all persons, irrespective of their sexual orientation or gender identity.

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In 2011 Ireland was a co-sponsor of the landmark UN Human Rights Council resolution on human rights, sexual orientation and gender identity. We are particularly concerned about the introduction of draconian legislation in some countries affecting the rights of LGBTI individuals. The Council's voice needs to be heard louder than ever, as the most basic rights of LGBT persons continue to be violated on a daily basis.

Our own national experience is an illustrative example of the breadth and pace of change that is possible, where there is political will. In 1993, homosexuality was decriminalised in Ireland. Since that time, we have made steps to help ensure towards achieving equality, through the introduction of legislation prohibiting discrimination on the grounds of sexual orientation in employment, the provision of goods and services and many other areas of life. In 2010, civil partnership for same-sex couples was introduced in Ireland, and a referendum to change the Constitution so as to permit same-sex marriage is due to take place in 2015.

Ireland supports the commitment of the High Commissioner for Human Rights, Navi Pillay, to the principle of non-discrimination and considers that the international community must now move beyond the debate on whether all human beings have equal rights, to securing the climate for full implementation of these rights.

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#### **H.E. Mr. Bogdan Benko, Secretary of State for Foreign Affairs, Slovenia**

In general, the NGOs and other civil society organisations contribute immensely to the successful work of the Human Rights Council. I would like to take this opportunity to commend all human rights defenders and advocates for their work and dedication. We must not forget that many of them face harassment and even violence. The defenders of the LGBTI persons are in a particularly difficult situation in many countries around the world.

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#### **S.E Mme Lynne Yelich, Minister of State, Canada**

Traditions and customs are too often used to excuse other practices that deny people their rights. One such example of particular concern is the harmful practice of child, early and forced marriage. This practice not only denies girls' rights, disrupts their access to education and severely jeopardizes their health, but limits the development of communities as a whole. [...]

We also call on states to decriminalise homosexuality and to confront crimes and violence targeting people based on their sexual orientation.

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#### **H.E. Mr. Anders Rönquist, Director-General for Legal Affairs, Sweden**

The Universal Declaration guarantees all human beings their basic rights without exception, and when individuals are attacked, abused or imprisoned because of their sexual orientation or gender identity, the international community has an obligation to respond. As stated on this issue and before this Council by the UN Secretary General Ban Ki-Moon on 25 January 2011: "Cultural practice can not justify any violation of human rights... Human rights are human rights everywhere, for everyone."

Prejudice, discrimination and violence against LGBT persons still exist in all parts of the world. But when we have to make our voices heard are when Governments actively engage in a campaign against



them, thus promoting hatred and violence. The leadership of the Russian Federation and Uganda should heed this call and assume this responsibility.

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**H.E. Ms. Maite Nkoana-Mashabane, minister of International Relations and Cooperation, South Africa (written version only)**

South Africa is committed to host the African regional seminar focusing on the plight of the LGBTI during the first half of this year, mindful that this challenge is a global challenge that is widespread far beyond South Africa and the African Continent.

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**H.E. Mr. Lubomír Zaorálek, Minister for Foreign Affairs, Czech Republic**

Often the very first victims of human rights violations and abuses are vulnerable groups such as ethnic, sexual and religious minorities, migrants, refugees, internally displaced persons or, in some contexts, children and women. They face various and multiple forms of discrimination and prejudices. Their plight is further aggravated by armed conflict and natural disasters and cyclical or protracted humanitarian situations are a devastating reality for many of them. Not only are they deprived of civil and political rights, their enjoyment of social, economic and cultural rights is severely limited too.

Both in peace and in conflict or disaster situations, persons belonging to vulnerable groups have to cope with limitations and challenges in accessing basic public services - education, health care services or labour opportunities. Above all, their voice and grievances are not heard once their participation in public life and decision-making process are hampered. It is my belief that this Council, the world's principle human rights body and the international community at large, should give more prominence to human rights challenges vulnerable groups face.

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**H.E. Mr. Martin Lidegaard, Minister for Foreign Affairs, Denmark**

The Human Rights Council has a crucial role to play in addressing all forms of discrimination. No one should be discriminated against. That principle also applies with regard to discrimination on the basis of gender, religious beliefs, sexual orientation or gender identity. Sadly this is an area where there is still a long way to go despite a good international legal framework. Women still lack access to resources; they are often barred from participating in decision making and denotes access to their sexual and reproductive health rights. LGBT persons continue to be exposed to various forms of abuse and discrimination, which clearly infringe their human rights.

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**H.E. Ms. Sarah Sewall, Under Secretary of State for Civilian Security, Democracy and Human Rights, United States of America**

I also want to speak with you about the freedom to make some of the most intimate decisions about one's life, including decisions related to love. Russia, Nigeria, and Uganda have recently enacted laws severely abridging the human rights of individuals to find loving relationships that some do not accept. Hateful laws have already led - and, we fear, will continue to lead - to dangerous and hate-motivated attacks that terrorise the LGBT community. Close to eighty countries around the globe have laws that criminalise aspects of same sex relationships. I implore the governments represented here to do more to prevent - and roll-back - legislation that criminalises love and is seen to legitimise discrimination and targeted violence.

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**S.E. M. Didier Reynders, Vice-Premier Ministre et Ministre des Affaires étrangères, Belgique**

Aujourd'hui, par exemple, les technologies de l'information offrent une merveilleuse plateforme de communication et de partage entre les peuples, mais dans le même temps rendent possibles des intrusions d'autorité, qui mettent à mal le droit à la vie privée. Dans un autre domaine, le champ des discriminations s'étend : il touche désormais ouvertement l'orientation sexuelle. C'est le cas notamment en Ouganda, où une loi signée récemment retire effectivement aux personnes LGBTI les droits et libertés dont jouissent leurs compatriotes hétérosexuels. Par ailleurs, des défis plus subsistent, comme ceux de la violence faite aux femmes ou les droits des enfants. une société à plusieurs vitesses, où un être humain est, par la loi, traité comme inférieur parce qu'il est une femme, ou parce qu'il n'a pas la même couleur de peau, les mêmes croyances ou convictions ou la même orientation sexuelle que la majorité de la population, n'a pas sa place au XXI<sup>e</sup> siècle.

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**H.E. Ms. Maria do Rosario Nunes, minister of the Secretariat for Human Rights of the Presidency of the Republic, Brazil**

Democracy and human rights entail responsibilities and commitments of authorities towards all citizens, without any distinction on the grounds of gender, race, ethnicity, origin, belief, religion, social class, age, migrant or refugee status, sexual orientation, gender identity and expression, disability or the state of physical or mental health. The Brazilian State does not tolerate any sort of prejudice or discrimination.

[...] Our commitment to the fight against discrimination and violence against LGBT is strong and unequivocal. The Human Rights Council should make efforts to maintain the momentum around Resolution 17/19 on Human Rights, Sexual Orientation and Gender Identity, and pay attention to undesirable setbacks.

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**H.E. Ms. Lía Limón García, Vice-Minister for Legal Affairs and Human Rights, Mexico**

[El Consejo de Derechos Humanos] debe ser, sin lugar a dudas, la herramienta de transformación en el terreno para consolidar la cultura del respeto a los derechos humanos entre todos los miembros de la comunidad internacional. Por ello, consideramos preciso que el Consejo de Derechos Humanos continúe promoviendo la protección a personas en situaciones vulnerables o que sufren algún tipo de discriminación por su condición de género, raza, religión o preferencia sexual.

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**H.E. Mr. Kamallesh Sharma, Secretary-General, Commonwealth**

The Commonwealth is committed to equality and respect for the protection and promotion of civil, political, economic, social and cultural rights, including the right to development, for all without discrimination on any grounds. We attach great value to the diversity and the richness of our multiple identities as individuals. As I have said, with regard to discrimination on the grounds of sexual orientation and gender identity, the responsibility for mutually respectful and constructive national debate is one shared by all. This includes parliaments, governments, national human rights institutions and human rights defenders. Judiciaries also continue to have a vital role in interpreting and applying national constitutional provisions, and consonance of national laws with international obligations.

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## STATEMENTS ON CULTURAL RELATIVISM

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### **H.E. Mr. Szabolcs Takács, Deputy State Secretary, Political Director, Hungary**

The Universal Declaration of Human Rights represents a broader consensus on human dignity than does any single culture and tradition. Consequently, universal human rights do not impose one cultural standard, rather one legal standard of minimum protection necessary for human dignity. Therefore, regional, cultural, social, religious or other particularities cannot be invoked to justify violations of international human rights. Hungary strongly rejects using the pretext of cultural relativism to cover up human rights abuses.

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### **Minister of Foreign Affairs, Russian Federation**

A number of countries have recently seen a sudden and sometimes rather aggressive rise in the activities of those who support ultra-liberal ideas, advocating permissiveness and hedonism and demanding a revision of norms of morality and ethics shared by all world religions. Such activities are destructive for society and extremely harmful for the younger generation. Children should be protected from information that is damaging for their personality and degrading. In this regard I would like to stress once again that the provisions of the International Covenant on Civil and Political Rights stipulate that the exercise of certain rights and freedoms may be restricted by law in the interest of the protection of public health and morals, public safety and public order.

We have consistently advocated that traditions and cultural and historical backgrounds of peoples should be taken into consideration. We emphasise the importance of the HRC resolution reaffirming that a better understanding and appreciation of traditional values contributes to promoting and protecting human rights and fundamental freedoms.

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### **H.E. Ms. Netumbo Nandi-Ndaitwah, Minister for Foreign Affairs, Namibia**

Children have a right to be cared for by a mother and a father, to the extent possible, in order to protect their spiritual, physical and mental health, as well as to ensure their moral and social development. Mr President, as the world commemorates the 20<sup>th</sup> Year of the International Year of the Family, Namibia believes that the Council should work towards strengthening the role of the family in building peaceful and healthy societies. Addressing the needs of families around the world will go a long way in ensuring that the post-2015 development agenda is sustainable and achievable. It will also promote the understanding and protection of human rights, more so because the family is the natural and fundamental group unit of society, which is entitled to protection by States and the international community at large.

... In conclusion Mr. President, we reiterate our call for the Council to strengthen its mechanisms in order for it to play a more positive role in strengthening national capacities to build healthy families and peaceful societies, as we celebrate the 20<sup>th</sup> Anniversary of the International Year of the Family. As the family is the basic unit of any society and the world at large, it will ensure the understanding and protection of human rights.

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### **H.E. Mr. Iyad Ameen Madani, Secretary General, Organisation of Islamic Cooperation**

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OIC sincerely believes in furthering the cause of promoting and protecting universal human rights. However, some of the notions, which are neither universal nor belong to universally accepted human rights values are now being pushed to promote specific interests. The OIC is all out for effectively pursuing and promoting the well-articulated ideals of family as stipulated in Art 16 of UDHR and Art 24 of ICCPR. As stipulated in these articles, family, consisting of man and woman, is the fundamental unit of society and is entitled to protection by the society and the State. Any other meaning is selective and does not hold a universal agreement. There should be no arbitrary imposition of one set of values over others in particular through coercive measures, which in no way serves the purpose or ideals of human rights. Indeed they do the contrary and create more rifts and divisions.

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**H.E. Ms. Ebum Strasser-King, Deputy Minister of Foreign Affairs and International Cooperation, Sierra Leone**

Equally, we believe that it is important for countries to respect our cultural practices and sensitivities. The international world should take into consideration our culture, traditions and beliefs which form integral parts of the patchwork that makes us the nation we are today. While we accept that certain cultural practices might be harmful, forcibly imposing on others belief systems or norms can be counterproductive. Consensus can only occur as a result of education and intensive awareness-raising. But this requires time.

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## RIGHT OF REPLY

**Rossette Nyirinkindi Katungye, Deputy Permanent Representative of the Republic of Uganda**

Thank you Mr President,

I have the honour on behalf of my Government to respond to the concerns raised by High Level Personalities from the Governments of Sweden and the United States of America, against Uganda's Anti-Homosexuality Act, 2014.

In doing so, I will outline the purpose of the Anti-homosexuality Act vis-à-vis Uganda's international human rights obligations and broader international consensus on the issue of anti-homosexuality.

1. It seeks to protect our children from those engaged in acts of recruiting them into homosexuality and lesbianism.
2. The Law also aims at curbing the practice of the use of homosexuality for mercenary reasons, i.e. using financial inducements to entice socially-disadvantaged and vulnerable innocent people into homosexuality.
3. The Law also aims at discouraging homosexuals from publicly exhibiting their sexuality and sexual acts or practices.

Mr. President, it is important to underscore the fact that the Law is not intended to discriminate, persecute or punish homosexuals by the sheer fact of their sexual orientation. Rather the Law is aimed at protecting and defending Ugandan society from social disorientation.

Mr. President, in our view, sexual orientation is not a fundamental human right as defined in the Universal Declaration of Human Rights enacted in 1948. Besides, Uganda's Constitution guarantees

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enjoyment of fundamental human rights and freedoms by all people. However, the same Constitution also affirms that in the enjoyment of such rights and freedoms, no person shall prejudice the fundamental or other human rights freedoms of others.

Uganda's Anti-Homosexuality Law, therefore is consistent to both the letter and spirit of our Constitution and international human rights obligations; including the Universal Declaration of Human Rights. In enacting this Law, Uganda is in no way in breach of her Constitution or any international human rights obligations she subscribes to.

Mr. President, the enactment of this Law does not put Uganda in any unique or peculiar position vis-à-vis other countries. In fact, there are at least over 80 countries worldwide, who have such legislation in their Statutes many of whom also subscribe to major international human rights instruments.

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## GENERAL SEGMENT

### **H.E. Nicolas Niemtchinow, France**

La France soutient le combat du Conseil contre toutes les formes de violences, notamment à l'encontre des femmes, et contre les discriminations, qu'elles soient fondées sur l'appartenance religieuse, le sexe, la nationalité, l'origine ou encore, l'orientation sexuelle et l'identité de genre.

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### **Mr. Lionel Veer, Human Rights Ambassador, Kingdom of the Netherlands**

There can be no room for discrimination of any kind; not on the basis of race, not on the basis of religion, not on the basis of political or other opinion, nor on the basis of gender identity or sexual orientation.

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### **Ambassador Steffen Kongstad, Norway**

Human rights are universal. No one should be deprived of their rights and fundamental freedoms on the basis of gender, ethnicity, disability, religious or political belief, sexual orientation or for any other reason. National legislation regulating human rights such as the freedom of expression, assembly and association must be drafted in a way that protects and promotes these rights, not in order to protect governments against the voices of dissent.

In many countries, the activities of civil society are being unjustifiably curtailed and human rights defenders are facing increasing harassment and intimidation. This is not acceptable. We are also concerned by developments in countries such as Russia and Uganda, where new laws have been adopted and old ones amended in ways that clearly run counter to human rights and fundamental freedoms.

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### **Iceland**

Iceland strongly supports the promotion and protection of the human rights of all persons, irrespective of sexual orientation and gender identity. We are alarmed about the recent discriminatory legislation that violate the rights of LGBT individuals, as exemplified most recently in Uganda. Iceland will always raise our voice against the promotion of prejudice and violence. To that effect, we are

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currently exploring ways to better support NGOs and human rights defenders in Uganda. And we reiterate the responsibility of governments to protect the human rights of all its citizens, homosexual and heterosexual alike.

## ITEM 2: INTERACTIVE DIALOGUE WITH THE HIGH COMMISSIONER FOR HUMAN RIGHTS

### HIGH COMMISSIONER NAVI PILLAY: PRESENTATION OF HER ANNUAL REPORT

Excellencies, discrimination is a severe attack on the universality of human rights. The exclusion, marginalization and abuse of people on the basis of their perceived race, their indigenous, ethnic or religious background, their colour, gender, caste status, disability, age, health status, or sexual orientation, are scourges that my Office is determined to combat.

In the past five years, there has been growing awareness of the severity and extent of human rights violations based on sexual orientation. In July 2013, OHCHR launched "Free & Equal", a global campaign designed to raise awareness of this form of discrimination and violence against lesbian, gay, bisexual and transgender persons. In the six months since it was launched, millions of people have accessed and shared campaign videos, factsheets and other materials.

### STATEMENTS SUPPORTING SOGI-RELATED RIGHTS

#### European Union

We share your concern that discrimination on all grounds poses a threat to the universality of human rights and we are encouraged by your active role in the fight against discrimination on the bases of sexual orientation and gender identity.

#### Argentina

Regarding discrimination based on sexual orientation, as stated by our Foreign Minister, Argentina understands that each country has its own cultural values, legislation, social demands, but also it is essential that we arrive at basic agreements with a view to promoting respect, non-discrimination and particularly to combat violence. For these reasons therefore we thank the Office of the High Commissioner for the work done in this regard.

#### Uruguay

We agree with [the High Commissioner's] statement that no human being can be denied their fundamental rights and freedoms, and this without distinction. And we support also the need to support inclusive societies, which calls for greater efforts to incorporate human rights into all policies at the national and international level [...] We congratulate her and her Office for efforts to combat all forms of discrimination, including on the basis of sexual orientation or gender identity.



## Australia

Australia welcomes the OHCHR's Free & Equal campaign to promote respect for the rights of LGBT persons. Australia has advocated against legislation which criminalise homosexuality or its promotion, and has urged relevant States to uphold the rights of LGBT people in accordance with international law.

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## United Kingdom

We share the High Commissioner's concern about human rights violations based on sexual orientation and gender identity. We must preserve fundamental principles of equality before the law, non-discrimination and non-victimisation.

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## France

La lutte contre toutes les formes de discriminations est un combat essentiel que vous avez mené tout au long de votre vie. Ce combat reste hélas toujours d'actualité. C'est un combat de tous les instants que nous devons mener contre le racisme, la xénophobie et les discriminations fondées sur le genre ou l'orientation sexuelle. Nous sommes à cet égard gravement préoccupés par l'adoption récente de plusieurs lois ciblant les individus en raison de leur orientation sexuelle ou identité de genre. La France salue à cet égard votre action à travers la campagne « Nés libres et égaux » à laquelle de nombreuses personnalités se sont associées dont le secrétaire Général des Nations Unies et le prix Nobel de la paix M. Desmond Tutu.

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## STATEMENTS ON CULTURAL RELATIVISM

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### Botswana

Women still face horrific violence and discrimination. Some of these are rooted in our cultural practices. There is, therefore, an urgent need to continue public education with a view to change cultural attitudes and laws that are detrimental to the rights of women [...]

There are still those emerging issues that remain a challenge, such as sexual orientation and gender identity. We continue public consultations on these contentious areas. We, however, do not condone acts of violence against anybody.

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### Pakistan, on behalf of the Organisation for Islamic Cooperation

The OIC expresses its strong reservation over the use of controversial notions in the Human Rights Council which are not universally agreed such as LGBT rights. These concepts have no legal foundation in any international human rights instrument. This is also against the letter and spirit of the UN Charter, the Universal Declaration of Human Rights and the VDPA.

We call upon the High Commissioner to take advantage of the observance of the 20th anniversary of the International Year of the Family to encourage states to fulfil their responsibilities in providing the widest possible protection and support for the family, as a natural and fundamental group unit of the society, and to explore the great potential for a stronger family through support from states.

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## **Yemen, on behalf of the Arab Group**

Yet the Arab Group would like to express its concern about mainstreaming some weird concepts that are not acceptable at the international or legal level. For instance we would like to mention specifically the term and concept of sexual orientation that has been referred to in the statement and the report. This is an unacceptable term and is considered to be against the religious and moral values that we all share, especially at the level of the Arab States.

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## **Saudi Arabia**

Agreeing on the comprehensive nature of human rights does not mean ignoring cultural and religious and moral differences. It is not admissible for some people to drive forward some rights that are not agreed upon and are against the article 6 of the Universal Declaration of Human Rights, which underlines that the family is the basic unit of communities and that the institution of marriage is between a man and a woman. Hence we reject any attempt to promote certain rights that are not in line with the nature of humanity like the rights of LGBTs, because for us they are against the Islamic Shari'ah, which we adopt as a method and a constitution.

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## **Russia**

[Russia is concerned about] the worsening of serious human rights violations. In light of this the peddling of some dubious measures, in particular on sexual minorities seems unjustified.

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## **Iran**

On the reference by the HC to sexual orientation and sexual rights, we believe that the Office of the HC should remain focused on upholding long established values and principles and universally accepted human rights respecting different cultures, values and religious beliefs, and promoting consensus-building. My delegation would like to put on record its reservation on such activities which runs counter to our cultural and religious values and principles.

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## **Nigeria**

It is not the place of Austria to condemn my country with regards to LGBT issues. It is best for delegations to restrict their interventions to issues that they have direct control over. Nigerian legislations are reached through popular democratic process.

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## **HIGH COMMISSIONER NAVI PILLAY: RESPONSE TO STATES**

I received both commendation and criticism for focusing on the right of sexual orientation, or LGBT. The criticism comes from OIC, the Arab Group, Saudi Arabia and Iran. In particular, I've been told that the claim to these rights is against the letter and spirit of the UN charter, so I would like to address this.

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Hardly a day goes by without my office receiving reports of appalling violent attacks and discrimination perpetrated against people on the basis of their sexual orientation and gender identity. As High Commissioner, I cannot turn a blind eye to evidence of these kinds of serious violations of human rights. It is my duty to speak out, and it is your duty as States to respond. I've yet to meet a single one of you tell me that you condone violence and discrimination against LGBT people, even from the States who have addressed criticism of my focus on this right. I do believe we have a shared responsibility to protect the rights of everyone, LGBT people included.

Neither in the UN Charter nor in the Universal Declaration of Human Rights, nor any of our human rights treaties is there any language that would permit a State to exclude from human rights protection certain categories of individuals. The UN Secretary General recently described combating violence and discrimination against LGBT people as, let me quote, "one of the great neglected human rights challenges of our time", and I agree. And I do hope that as people are apprised of the facts, and start to understand the scale and gravity of the abuses perpetrated against LGBT people, they will come around to the same view.

With regard to the public education campaign I have launched, the Free & Equal public education campaign, which will go across the world, because I do believe that everyone is entitled to the full protection of international human rights law, regardless of their sexual orientation or gender equality.

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## NHRI & NGO STATEMENTS TO THE HIGH COMMISSIONER

### **International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights**

The universality of human rights and the principle of non-discrimination have been central to the core of your leadership and your Office's activities during your tenure. The ICC commends your focused and renewed attention to those who are discriminated against, be it on the grounds of race, gender, age, disability, sexual orientation or other discriminatory grounds. The ICC also commends your continued support to human rights defenders who seek to promote and protect the rights of those who are discriminated against.

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### **ARC International & ILGA-Europe**

Madam High Commissioner,

We commend you for your leadership in solidifying the Office's commitment in calling for an end violence, discrimination, stigma and abuse on grounds of sexual orientation and gender identity, and thank you for highlighting this as a key issue in your annual report, as well as for your powerful response to States yesterday evening.

We also congratulate you on the Free & Equal campaign, which is an important tool to raise awareness of homophobic and transphobic discrimination and abuse.

These are urgent and crucial human rights concerns. In all regions, LGBTI people face sexual violence, killings, arbitrary detention, criminalisation, forced surgery, involuntary sterilisation and denial of basic economic and social rights. This is compounded by multiple and intersecting forms of discrimination, including on the basis of sex, gender, race, class, ability, and religion.

17

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In recent months, Russia, Uganda and Nigeria have all passed deeply worrying legislation that severely restrict the fundamental human rights, including the rights to privacy and bodily autonomy, of those who transgress the narrow patriarchal and heterosexist definitions of love, sex and gender.

Such legislation has been passed in wider cultures of State impunity, with increasing suppressions of fundamental human rights, and as deliberate distractions from corruption, disregard for the rule of law and failure of States to provide basic social services to their citizens.

In each of these cases, the legislation has been justified by protection of so-called “traditional values”, a concept which is also being used to undermine key principles of universality, equality and non-discrimination here at the Council. We therefore commend you for your specific attention to discrimination on the basis of harmful traditional beliefs in your report, and would encourage your Office to systematically monitor and report on how tradition, culture and religion are being used to justify human rights violations around the world.

We would be grateful for your views on what the Council can do to address these issues.

Once again, thank you for your leadership in this area, and the powerful legacy you will leave behind.

## **INTERACTIVE DIALOGUE WITH SPECIAL RAPPORTEURS ON HUMAN RIGHTS DEFENDERS AND TORTURE**

### **MARGARET SEKAGGYA, SPECIAL RAPPORTEUR ON HUMAN RIGHTS DEFENDERS, OPENING REMARKS**

During my tenure, I have seen the space for civil society and defenders visibly shrink in many parts of the world. Furthermore, I have observed the development of sophisticated forms of silencing the voices of defenders and impeding their work, including the application of legal and administrative provisions or the misuse of the judicial system to criminalize and the stigmatization of their activities in the public scene. I am highly concerned that these patterns do not only endanger the physical and psychological integrity of human rights defenders and undermine their work; they also impose a climate of fear to society at large.

Human rights defenders and their families are often intimidated, harassed, subject to surveillance, threatened, attacked, arbitrarily arrested, criminalized, tortured and ill-treated in detention, subject to enforced disappearances, and sometimes killed. Both State and non-State actors are involved in the commission of these acts and I deeply regret to say that impunity tends to prevail in many parts of the world.

## **STATEMENTS SUPPORTIVE OF ATTENTION TO SOGI ISSUES**

### **Estonia**

Estonia supports the view that inadmissibility of unlawfully obtained confessions and other tainted evidence is not only one of the essential means of preventing torture and other ill-treatment, but is

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also crucial to fair trial guarantees. The executive agencies need to respect the personal autonomy and dignity of people, regardless of their gender, age, ethnicity, disability, sexual orientation or religion. Appropriate raising of awareness should play an important role and be carried out among different groups.

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## **Germany**

Germany is alarmed about the increasing use of “legislation” to restrain and restrict activities of human rights defenders and even criminalise them under many pretexts. We fully share your concerns regarding the particularly difficult situation of defenders of LGBTI rights in some countries. It runs counter to and violates the unanimous acknowledgment in Res 60/251 that NGOs play an important role in the promotion and protection of human rights.

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## STATEMENTS CRITICAL OF ATTENTION TO SOGI ISSUES

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### **Pakistan (on behalf of the OIC)**

In her report the Special Rapporteur has mentioned certain rights which do not fall within the agreed category of human rights and are therefore not recognized by a number of member states.

### **Egypt**

Nevertheless, we would like to express our disappointment of the fact that there was a clear approach in some of the reports of Ms. Sekaggya to put more focus on the work of human rights defenders on issues relating to certain notions falling outside universally agreed human rights. We believe that such approach is not conducive to the desired aim of protecting and enhancing the situation of human rights defenders.

### **Russia**

Could you also please clarify the thematic and functional hierarchy that you have in your report among human rights defenders? Why there is a particular category of risk, such as women human rights defenders, or those who deal with religious practice, or those who work on sexual rights, and those who defend the rights of LGBT?

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## NGO STATEMENTS

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### **International Service for Human Rights**

Your report also finds that human rights defenders –especially journalists, lawyers, trade unionists and those who work to promote women’s rights and the rights of gay, lesbian, bisexual, transgender and intersex persons – face ‘extraordinary risks’. It highlights cases of defamation, attacks, detention, torture and even killings.

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### **ARC International, Canadian HIV/AIDS Legal Network & ILGA**

Mr. President, this statement is also made on behalf of several intersex NGOs from around the world.

19

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We would like to congratulate the Special Rapporteur on Torture on his ongoing work this year, and thank him for the historical decision of including intersex issues in his report on abuses in health-care settings, presented last year at the 22nd session of the Human Rights Council.

Intersex people are those born with bodies that vary from both male and female standards, including our chromosomes, hormones, gonads and/or genitals.

In all countries of the world intersex children are subjected to surgical and hormonal procedures, without their consent and without any medical need, with the sole purpose of 'normalizing' the external appearance of their genitalia. These are the irreversible medical practices that the Special Rapporteur identified clearly as human rights violations.

As intersex adults, we face the consequences of those procedures, including genital insensitivity, sterilization, physical and mental trauma. For many of us, these medical abuses are a clear form of genital mutilation.

Intersex adults also face discrimination at different levels, including access to proper health care, to education, to sanitation, and to sports. The media contributes to the stigma we face, disseminating misinformation and to reproduce stigmatization against intersex people. Intersex people in confinement institutions – such as mental and penitentiary facilities – are constantly exposed to violence related to intersex status. Alarming information about increasing numbers of cases of selective abortion and infanticide grounded on intersexuality is coming from different countries.

We would like to call on States to follow the recommendation of the Special Rapporteur and put an end to human rights violations affecting intersex people, and to provide adequate redress. We also remind States of including intersex people in all decision-making processes affecting us, including consulting us on legislation and other measures concerning intersex issues. We would invite all present to a side event tomorrow, in room VIII at 10 am. This historic side event will be the first ever at the UN to bring specific attention to the human rights needs of intersex persons.

We also commend the Special Rapporteur on human rights defenders for her sustained attention during her mandate to the needs of those most marginalised, including defenders working on sexual orientation and gender identity issues.

As the Special Rapporteur has noted in her final report to the Council, a safe and enabling environment for human rights defenders is undermined by laws that criminalise same-sex relations, or which prohibit their work to advance equality and respect on these grounds.

The Special Rapporteur's communications report highlights numerous violations of the rights of LGBTI defenders, including denials of freedom of expression and peaceful assembly, State refusal to register NGOs, police harassment, and violent attacks, as well as recent legislation in countries such as Uganda, Nigeria and Russia, which prohibits any advocacy of human rights issues relating to sexual orientation and gender identity, restricts the legitimate activities of a broad range of civil society actors, and exposes defenders to risk of violence and reprisals. Such legislation has been passed in wider cultures of State impunity, with increasing suppressions of fundamental human rights.

We commend the Special Rapporteur for her attention to these issues, and would ask what can be done to ensure that human rights defenders working on these issues are adequately protected.

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## East and Horn of Africa Human Rights Defenders Project

20

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Legislation is also being used to criminalise the work of human rights defenders. The vaguely worded prohibition of ‘promotion’ of homosexuality in the Ugandan Anti-Homosexuality Act is likely to have a chilling effect on freedom of expression, assembly and association.

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### **International Federation for Human Rights (FIDH)**

The multiplication of anti-LGBT laws have been another dangerous setback in a number of countries such as Nigeria, Russia, and more recently Uganda, putting the activities of defence of LGBT rights at serious risk.

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### **MARGARET SEKAGGYA, SPECIAL RAPPOREUR ON HUMAN RIGHTS DEFENDERS, CLOSING REMARKS**

I would like to reiterate a little bit about my country, where the issue of the passing of the Anti-Homosexuality Bill has been brought to my attention, and of course I live in that country. I know that efforts are being made to bring this issue to the Constitutional Court, and challenge its constitutionality. These are the issues we talk about as putting in place mechanisms for exploring the constitutionality of such laws. I would recommend that the lawyers who have put in place the mechanism for challenging that law should go ahead and we’ll get the Constitutional Court to pronounce itself on the constitutionality of that law. Otherwise, as I said, laws must comply with international standards, and with the laws which we ratify and sign.

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### **INTERACTIVE DIALOGUE WITH SPECIAL RAPPOREURS ON THE RIGHTS TO FOOD AND ADEQUATE HOUSING**

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#### **NGO STATEMENTS**

#### **COC Netherlands, ILGA & Micro Rainbow International**

This statement is also made on behalf of Micro Rainbow International, an organisation that aims to address the issue of poverty of lesbian, gay, bisexual, trans and intersex people across the world.

We would like to congratulate the Special Rapporteur for highlighting cases of discrimination against LGBT individuals in the private housing sector during her mission to Indonesia. We strongly support her recommendation to the government to repeal laws, policies and practices which perpetuate discrimination in access to adequate housing of marginalized groups, such as LGBT people.

We would like to emphasize that LGBT people are victims of discrimination in the access to adequate housing not only in Indonesia but across the world in all regions.

Many LGBT people are rejected by their families, expelled from their homes, and suffer harassment and evictions from their landlords.

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There is increasing evidence of the high incidence of LGBT youth homelessness and the related risk of abuse and violence in many countries due to familial intolerance and prejudice; homophobic, biphobic and transphobic attitudes, and; bullying or harassment at school.

Further, many LGBTI people are denied access to health services, employment or suffer continued discrimination in the workplace, which increases their likelihood of becoming poor, homeless or living in degrading housing conditions.

We would like to remind States of their immediate obligation to ensure that all persons possess security of tenure and access to affordable, habitable, accessible, culturally appropriate and safe housing. This includes without discrimination on the basis of sexual orientation, gender identity or material or family status.

Further, international law requires States to take all necessary measures to prohibit the execution of evictions that are not in conformity with their international human rights obligations.

Finally, we recall that States have the obligation to protect against discrimination and abuses of human rights by third parties, and to adopt the necessary measures to enable and assist all individuals in enjoying their human rights, including their right to adequate housing.

## **INTERACTIVE DIALOGUE WITH THE SPECIAL RAPPORTEUR ON FREEDOM OF RELIGION AND BELIEF**

### **OPENING REMARKS BY THE SPECIAL RAPPORTEUR, HEINER BIELEFELDT**

Manifestations of collective hatred poison the relationship between communities, threaten individuals and groups and are a source of innumerable human rights violations perpetrated by State agencies and/or non-State actors. They do not “erupt” like a volcano, but they are caused by human beings, whose actions or omissions can set in motion a seemingly unstoppable negative dynamic in societies. For instance, populist politicians attract followers by offering simplistic explanations for complex societal problems; advocates of hatred poison inter-group relations by stirring up resentment for short-sighted political or economic gains; lack of trust in public institutions may exacerbate an existing atmosphere of suspicion in society; and parts of the population may be all too willing to replace political common sense by the snappy slogans of hatred.

Hate-filled sentiments are often caused by a peculiar combination of fear and contempt which can trigger a vicious circle of mistrust, narrow-mindedness, collective hysteria, contempt-filled rumours and fear of imaginary conspiracies. This peculiar pattern of combined fear and contempt may result in numerous hate manifestations which often target members of religious minorities or individual dissenters who are imagined as clandestinely operating in the interest of foreign powers or otherwise exercising some pernicious influence. In response to these strangely linked sentiments of fear/paranoia and contempt, two sources of aggressiveness can merge into a toxic mix, i.e. aggressiveness stemming from imagined threats and aggressiveness stemming from the pretence of one’s own collective superiority.

## INTERACTIVE DIALOGUE WITH THE SPECIAL REPRESENTATIVE OF THE SECRETARY GENERAL ON VIOLENCE AGAINST CHILDREN

### STATEMENTS ON PROTECTION OF THE FAMILY

#### Holy See

The international community must acknowledge the need to enact suitable policies aimed at supporting, assisting and strengthening the family. The promotion of strong family values and provision of social and economic help to families in particular need will, at the same time, prove effective in reducing domestic violence and sexual abuse, which regrettably is the most frequently occurring cause of harm to women and children.

#### Egypt

We highlight ... the importance of exploring the correlation between a stronger family that receives the widest possible support and protection as the natural and fundamental unit of society and the prevention of violence against boys and girls.

## INTERACTIVE DIALOGUE WITH THE INDEPENDENT EXPERT ON MINORITY ISSUES

### RITA IZSAK, INDEPENDENT EXPERT ON MINORITY ISSUES

This year, as attention builds towards shaping new post-2015 global development goals, I have focused my report on the need to give greater and systematic attention to disadvantaged minorities who constitute hundreds of millions of the poorest and most socially and economically marginalized and excluded people globally. There are compelling arguments for giving greater attention to disadvantaged minorities in the post-2015 development agenda. Millions of people belonging to national, ethnic, religious and linguistic minorities worldwide are trapped in a cycle of discrimination, exclusion, poverty and underdevelopment from which they cannot break free without targeted attention being given to their situations. The relationship between inequality, discrimination and poverty and its impact on disadvantaged minority groups cannot be ignored or underestimated.

My predecessor presented a report to the Human Rights Council on the MDGs in 2007 in which she demonstrated that only a handful of countries devoted particular attention to minorities in their MDG reports. Even if minorities were mentioned, there was a lack of discussion about why minorities are experiencing a disproportionately high level of poverty. Minority women remained particularly invisible. Lack of attention to the situation of minorities constitutes one of the most serious deficiencies of the Millennium Development Goals and the rise of inequality has severely undermined the achievements of many States. As I stated in a press release with several other mandate-holders, future goals must be sensitive to who benefits and at whose expense, and must go beyond blunt, aggregate targets that allow us to pick the "low-hanging fruit" and neglect more difficult challenges. New Goals must not ignore the most vulnerable groups, while leaving systematic injustices untouched,

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from institutional discrimination against minority groups to uneven investment in social services in different regions in a country.

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## STATEMENTS SUPPORTING SOGI-RELATED RIGHTS

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### European Union

We have noted that you put an emphasis on the issue of multiple, aggravated and intersecting forms of discrimination against persons belonging to minorities. The EU encourages you to continue focusing on this issue during the upcoming years,

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### UNICEF

The process of designing the Post-2015 Development Framework provides the opportunity to address the implementation gap between universal children's rights and hitherto inequitable results. To this end, we believe that the Post-2015 Development Agenda must explicitly identify the most vulnerable groups of children – including minority children – and address the root causes of the situations of inequality, discrimination, stigma and marginalisation that they face.

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## NGO STATEMENTS

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### Center for Reproductive Rights

The Center for Reproductive Rights welcomes the Independent Expert's focus in her latest report on the new global development framework.

We share the Independent Expert's concern that structural inequality, discrimination and social exclusion have resulted in poverty and the denial of rights for many minority populations. Despite governments' commitment in the Millennium Development Goals (MDGs) to ensure universal access to reproductive health by 2015, this target is unlikely to be achieved, in particular for minority women, because it failed to take into account the particular barriers that minority women face in exercising their reproductive rights.

For example, women from minority groups—including Romani women in Europe and indigenous women in Peru—have been subjected to severe reproductive rights abuses, including forced sterilization, because of stereotypes directed at them due to both their gender and minority status and have experienced discrimination in accessing reproductive health services they need.

In the United States, low-income people, immigrants, and racial and ethnic minorities face the highest barriers to both health insurance coverage and access to care, and are likely to receive poorer quality care if they can get it. These abuses and access barriers contribute to wide disparities in sexual and reproductive health outcomes among minority women across the world.

The MDGs failed to adequately address persistent inequalities facing minority women in all corners of the world. We believe that substantive equality provides a framework through which states can address the persistent inequalities faced by minority women. Substantive equality requires states to take positive measures to tackle the root causes of discrimination and ensure that all women, including women from minority groups, can achieve equal outcomes in their health, education,

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employment, and public and private lives. States have an opportunity to correct the shortcoming of the MDGs by ensuring that the future development framework tackles the root causes of inequality affecting women and minority groups, includes targets and indicators on reproductive rights in both a goal on health and a goal on gender equality, fully reflects human rights standards and the duty of states to respect, protect and fulfil all human rights, and provides mechanisms to hold states accountable to their development commitments.

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## **Center for Inquiry**

Amongst the many forms of human rights violations that the High Commissioner mentioned in her excellent report, was those against individuals based on their sexual orientation; and whilst we welcome the work of the Free and Equal campaign that she highlights, there is still much work to be done.

The past year has seen increased criminalisation of homosexuality in nations that have signed on to this Council's international obligations on human rights.

A little over a week ago, Uganda passed its anti-homosexuality act, which asserts to "prohibit any form of sexual relations between persons of the same sex", punishing "offenders" with a maximum sentence of life imprisonment. Such a law institutionalises discrimination and violates, among other rights, individuals' rights to privacy and assembly. Further, the anti-homosexual attitude approved of by the Ugandan government, and fuelled by local media, engenders witch-hunts. Indeed, such sentiment is widely believed to have led to the murder of gay rights activist David Kato in 2011.

There is a clear line between promoting the human rights of homosexuals and promoting homosexuality. This Council was set-up to ensure the former. Let us not categorise this as so-called "Western imperialism" or an infringement of "traditional values". Rather, let us recognise a clear violation of people's fundamental rights and one with dangerous humanitarian consequences.

We urge the Council to make the distinction between the promotion of homosexuality and the promotion of human rights clear to the government of Uganda and to insist that the latter is an international obligation freely entered into by the Ugandan government that must be upheld.

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## **International Service for Human Rights**

Human rights defenders play a crucial role in combating all forms of discrimination. We deeply regret the passage of laws in Russia, Nigeria and Uganda which effectively criminalise the work of defenders who advocate for LGBT equality. Such laws are one element of the worsening restrictions on civil society and are manifestly incompatible with the Declaration on Human Rights Defenders, as well as the rights to freedom of expression, association and assembly.

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## **Sudwind Entwicklungspolitik & International Gay and Lesbian Human Rights Commission**

Sudwind and IGLHRC appreciate Madam High Commissioner's decision to highlight the issue of combating discrimination against sexual minorities in the annual report. In today's world, the status of the rights of LGBT people in every country is a strong indicator of overall human rights situation in that country. Unfortunately, in many countries such as Islamic Republic of Iran, people who engage in same-sex activity must hide their identity from their families and society, out of the fear of persecution and abuse.

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In addition to cultural homophobia, state officials in the country have repeatedly denied the existence of Iranian gay, lesbian, or bisexual individuals, and hence negating any legal rights and protections for them. Given the sentence of capital punishment for same-sex practice in the State's Penal Code, the issue of sexual identity in Iran can literally be a matter of life and death. The new Islamic Penal Code in Iran condemns the "passive" partner of consensual sexual intercourse between two men to death, while the "active" partner will receive 100 lashes, as long as he is Muslim and not married. The new Penal Code also stipulates that intimate acts between women are punishable by 100 lashes.

LGBT people in Iran are viewed as sick or perverts and their families often force them to undergo treatment for mental health, or subject them to acts of domestic violence or disownment. Although sex-reassignment surgery for Transgender people is legally recognised by Iran, the law does not recognise the rights of transgender individuals who do not want to go through sex-reassignment surgery.

We appreciate the appointment of the Independent Expert on enjoyment of all human rights by older persons, and hope that the Council continues this trend by seeking more regular reporting and debate on human rights violations against LGBT people.

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## **PANEL DISCUSSION ON THE IMPORTANCE OF THE PROMOTION AND PROTECTION OF CIVIL SOCIETY SPACE**

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### **STATEMENTS SUPPORTING SOGI-RELATED RIGHTS**

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#### **Panellist Safak Pavey, Member of the Committee on the Rights of Persons with Disabilities**

LGBT communities, which have never resorted to violence to advance their cause, are gaining representation among policymakers, political power purely through civil society movement. Even though there is a long way to go, their success should not be underestimated.

Therefore interest in societal movements focusing on identity, those that face other pressures and discrimination in areas such as gender, race, disability, ethnicity and sexual orientation has increased tremendously. At the same time, these developments have greatly expanded the social freedom space for the individual and right to choose in personal lifestyles. It proves that this is a very powerful way of being heard.

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#### **Norway (also on behalf of Denmark, Finland, Iceland and Sweden)**

We are particularly concerned about the marginalisation of groups – such as LGBT person and organisations in several countries.

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#### **UNAIDS**

We still face many challenges where we need the vital input of civil society, and in many countries, their space is being threatened or curtailed. ... Millions of marginalized populations are either not offered services or are afraid to take them up due to inequality, discrimination, punitive laws, violence

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and police abuse. These populations include women in some societies, gay and other men who have sex with men, transgender people, sex workers, people who use drugs, the disabled and undocumented migrants.

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### **International Service for Human Rights (on behalf of a group of NGOs)**

We urge the Council to condemn threatening legislation in countries including Nigeria, Uganda and Russia, which prohibit human rights advocacy relating to sexual orientation and gender identity.

## **ITEM 3 GENERAL DEBATE: PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS**

### **STATEMENTS SUPPORTING SOGI-RELATED RIGHTS**

#### **Greece (on behalf of European Union, Macedonia, Montenegro, Iceland, Serbia, Albania, Bosnia and Herzegovina, Ukraine and Georgia)**

The EU is committed to promote and protect the universality, indivisibility, interrelatedness and interdependence of all human rights and for all people, irrespective of their sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation and gender identity and to prevent and respond timely and effectively to serious human rights violations. ... The EU will continue to advocate the enjoyment of human rights by all, including LGBTI persons, and will not tolerate discrimination and violence based on sexual orientation and gender identity. The EU will support all relevant efforts in the UN and other fora.

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#### **Australia**

We deplore unequivocally all acts of violence against a person based on their race, religion, belief, sexual orientation or gender identity, as well as those arising from a lack of tolerance for the right to the freedoms of expression and opinion.

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#### **Netherlands**

The Netherlands firmly believes in the universality of human rights and the principle of non-discrimination. No individual should be discriminated against, be it on the basis of religion, race, sexual orientation or gender identity – or any other ground. We have noted the report of the Special Rapporteur on Human Rights Defenders and deplore the judicial harassment and stigmatization of those who defend the rights of LGBT persons. We wish to remind colleagues of the High Commissioner's statement at this session that so far she has not met one single country explicitly condoning violence against LGBT-persons. Yet we have witnessed worrying trends where countries have adopted legislation criminalizing homosexuality or discriminating against LGBT-people. We believe that criminalization or discrimination paves the way to violence against this particular group.

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## STATEMENTS ON “PROTECTION OF THE FAMILY”

### Namibia on behalf of 99 States<sup>1</sup>

I am delivering this statement on behalf of 97 delegations, from the 6 regions of the world, and whose Governments represent 72.5% of the world population.

According to the International Bill of Rights, the family as the natural and fundamental group unit of society, is entitled to the widest possible protection and assistance by the State and the society.

This year marks the 20<sup>th</sup> anniversary of the International Year of the Family proclaimed by UN General Assembly resolution 44/82 of the 9<sup>th</sup> of December 1989, and followed up most recently by General assembly resolution 68/136 adopted on 18 December 2013, which provided a useful opportunity to draw further attention to the objectives of the International Year for increasing cooperation at all levels on family issues. However, the international community still fails to pay sufficient attention to the responsibilities of States under international law to provide protection for the family. The family unit around the world continues to face considerable challenges and difficulties, that compromise the human rights of its members, and until this moment some families face particularly difficult circumstances. ...

In this regard, our countries are of the view that the Human Rights Council should undertake its role in addressing the means and ways of protection entitled to the family as underlined by international human rights law, and to contribute to exploring the link between family's well-being and better protection and promotion of the internationally agreed and recognized human rights, including in relation to women's rights, protection of the rights of the child and ensuring their full and harmonious development, realizing the right to adequate standard of living, and promoting the right to education.

To this effect, we invite the High Commissioner for Human Rights, the Treaty Bodies, the Special Procedures Mandate Holders, as well as the member states in their engagement with the UPR process, to consider paying attention to the challenges and the best practices related to fulfilling States' responsibilities to provide the protection and assistance entitled to the family unit as prescribed by respective obligations under International Human Rights Law.

The countries supporting this statement are committed to take advantage of the observance of the 20th anniversary of the International Year of the Family to continue ensuring the visibility of family issues in the work of the Human Rights Council.

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### Russia

International law clearly sets out that “the family is the natural and basic unit of society and enjoys the right to protection from society and the State”. Unfortunately, we must note that the problems facing the institution of the contemporary family have not garnered the attention it deserves in the world capital of human rights, Geneva. In this connection, there is an interregional group of the Friends of

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<sup>1</sup> Afghanistan, Albania, Algeria, Angola, Armenia, Azerbaijan, Bahrain, Bangladesh, Belarus, Benin, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Central African Republic, Chad, China, Comoros, Congo, Côte d'Ivoire, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Oman, Pakistan, Philippines, Qatar, Russian Federation, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Tanzania, Togo, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, Uzbekistan, Venezuela (Bolivarian Republic of), Vietnam, Yemen, Zambia, Zimbabwe and Palestine.

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the Family that was established here and we support the joint declaration of approximately 100 countries on the topic of the family. The first eight years of the Council had shown its dependence on cooperation. Russia opposed the imposition of a narrow interpretation of international standards and norms in the area of human rights. ...

Russia opposes the imposition of narrow interpretation of international standards and norms in the area of human rights. Today no one challenges the universality of human rights as such; however in their implementation we must take into consideration the traditions and the cultural and historical specificities, as well as the level of economic development of different States.

All rights, civil, political, economic, social and cultural rights, must be treated equally. We continue to believe that it is the recognition of the interdependence of human rights and traditional values of humanity which have for thousands of years composed the spiritual and moral foundation of civilization which will lead to the strengthening of human rights as a whole.

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### **OIC Independent Permanent Human rights Commission**

We are also concerned about the push by certain quarters to promote controversial concepts as part of human rights, which are neither universal nor belong to universally accepted human rights values, while hesitating to pursue and promote well-articulated ideals of family as stipulated in art. 16 of UDHR and art. 23 of ICCPR.

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## **NGO STATEMENTS**

### **COC Netherlands**

Families can be supportive, educational units. They can provide systems of care giving, spiritual and psychological nourishment. Many family units are also economic units, providing employment and financial stability to individuals within their embrace.

We are, however, concerned at the attempt by a number of States to institutionalize “protection of the family” within the framework of the Council.

The focus on “protecting” the family from vague, unspecified threats is unclear and problematic. The focus of the Human Rights Council should be on the human rights needs of family-members. Any discussion of the family in this context needs to recognize that individual members of it are rights holders.

Mr President, also let us not idealise the family. Families can be spaces within which human rights abuses occur.

For example, domestic violence, often enabled by patriarchal notions of a woman’s place in the home, is by definition a family issue. Further, most families do not function in a democratic and participatory fashion, but rather in an autocratic and hierarchical manner with one “head of the family” – often the eldest male member of the family – making decisions on behalf of other members: people who are rights holders in their own right.

This Council has been tirelessly working to counter systems that may perpetuate violence and discrimination in society. A focus on “protection of the family” runs the risk of undermining this

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Council's efforts to address key human rights issues related to families: the issues of child, early and forced marriage, violence against children, child sexual abuse, domestic violence and violence against women.

Mr. President, we each come from, are raised by and continue to be part of many different types of families. We therefore call this Council's attention to this diversity. Such recognition is crucial because of the profound implications it has for social policy: different family forms have very different needs within society, specifically with respect to access to social support systems, public services, care giving and employment opportunities. In the ICPD Programme of Action, there is recognition that, and I quote, "*in different cultural, political and social systems, various forms of the family exist*". We regret that agreed UN language on the diversity of family forms was selectively omitted from the joint statement.

Families have profound potential for enabling better development, education and health needs of family members and society at large. This can only happen if the diversity of families is acknowledged and valued, and the needs of family members adequately addressed. Otherwise, certain types of families will continue to experience disadvantages, exacerbating existing inequalities.

Protecting the family must be a means to protecting the human rights of each family member as an individual born free and equal in dignity and human rights.

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### **Action Canada for Population and Development & Sexual Rights Initiative**

We welcome this opportunity to address the Council and would like to emphasize the importance of comprehensive sexuality education, as a central component to the realization of young people and adolescents' rights to information, to education and to health, and their sexual and reproductive rights. Discussion on this topic is particularly timely given the ongoing assessment of progress made on the 1994 Programme of Action of the International Conference on Population and Development and the ongoing discussions surrounding the Post-2015 development agenda – within which young people and adolescents' rights to health and education remain central priorities.

The ICPD Programme of Action recognized young people and adolescents' right to access information regarding their sexual and reproductive health, in part through their access to comprehensive, evidence-based sexuality education. Looking ahead, comprehensive sexuality education must form an integral component of education curricula and educators must be adequately sensitized and trained. Such education enables adolescents to make informed decisions about their sexuality, and sexual and reproductive health. It also helps to modify gender norms and stereotypes that seek to maintain gender-based inequalities and prejudices, thereby promoting gender equality and respect for diversity, improving women and girls' social status and reducing homophobia, transphobia and gender-based violence, including sexual violence.

Unfortunately, in the past few years, some States have withdrawn sexuality education curricula from public schools or have failed to adopt sexuality education curricula that are comprehensive, addressing issues of gender equality, relationships, pleasure, diversity, among other issues. Research demonstrates that a lack of comprehensive evidence-based sexuality education and stigma associated with adolescent sexuality may deter adolescents from seeking reproductive health services, and prevent them from making informed decisions on their sexual and reproductive health and from protecting themselves from sexual abuse. As a result, we know that each day, 2,500 young people are infected with HIV and more than half of all new sexually transmitted infections are among youth. Surveys have shown that less than half of young women know that condoms can prevent HIV transmission. And we know that gender-based violence remains rampant.

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It is evident that failing to provide young people and adolescents with access to comprehensive evidence based sexuality education is a gross violation of human rights. We therefore urge States to provide comprehensive sexuality education, in accordance with young peoples' evolving capacities, both in formal and non-formal settings.

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### **British Humanist Association**

The recent spate of anti-homosexuality legislation in Nigeria, Russia, and Uganda has rightly caused international uproar. Russia's bill ostensibly targets "propaganda of non-traditional sexual relations", on the basis that it endangers minors and undermines so-called "traditional values". Nigeria attempted to justify its anti-homosexuality laws with vague references to "cultural and religious beliefs". In Uganda, President Museveni approved the anti-homosexuality bill based upon his interpretation of a scientific report, stating that homosexuality could not be traced to a single gene, despite the paper affirming the genetic influence on physiological functions which ultimately determine sexuality.

There is *no* legitimate justification that can be used to undermine the universality of human rights. Fetishising the origins of homosexuality negates from the fact that imprisoning someone on the basis of their sexual orientation is a violation of human rights, including freedoms of expression, association and assembly. The global increase in homophobic aggression led one gay man to remark that "a hunting season is open, and we are the hunted".

During the ID with the High Commissioner, a number of states said that there was not an international agreement on equality for homosexuals, and that there was "no legal foundation" for these rights. Frankly, this is untrue.

- Article 1 of the ICCPR states that there will be no distinction "of any kind" in the application of human rights.
- Human Rights Council resolution 17/19 is the international agreement to prioritize equality for LGBT.
- The High Commissioner herself noted that there is no room in international law or UN documentation for exclusion.

We urge all States to respect their roles as guarantors of human rights, to remove constitutional and penal obstacles to equality, and to end the climate of impunity regarding the persecution of LGBTI. Failure to do so undermines the principle of equality that this Council is founded upon.

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## RIGHT OF REPLY

### **Nigeria**

We are reacting with regards to the statement made by the British Humanist Association. My delegation's first reaction would have been not to dignify the statement, but we believe we should educate people properly with regards to the LGBT laws. Nigeria is a country with a popular democracy, and all laws pass through transparent juridical process within the confines of balanced representation. It must be known that 98 per cent of Nigerians are in full support of the Anti Same-sex laws. The intervention gave reasons, saying that it was reached through some vague premise. No law in Nigeria was reached in any vague premise. We would like interventions to be based on facts and

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verifiable evidence. ... We promote and protect human rights and we observe international best practices.

## ITEM 4 - GENERAL DEBATE ON HUMAN RIGHTS SITUATIONS THAT REQUIRE THE COUNCIL'S ATTENTION

### STATEMENTS SUPPORTING SOGI-RELATED RIGHTS

#### Ireland

We have serious concerns about the recent adoption of legislation in a number of countries, including Uganda, Nigeria and the Russian Federation, that discriminates against LGBTI persons and is likely to have the effect of severely restricting and penalising the exercise of their human rights. Such legislation could also have the effect of stigmatising LGBTI persons and making them the target of intimidation and violent attacks, as well as having a possible negative effect of public health, including efforts to address HIV/AIDS.

#### Austria

Austria would like to highlight an issue which needs increased attention of the Council. We are very concerned about recent discriminatory and criminalising legislation against persons because of their sexual orientation. These draconian laws – the latest of which was passed in Uganda – contradict the international obligations of countries and endanger the lives of persons that have not done any harm to anybody. We respectfully call on concerned countries to repeal the recent laws and to protect all their citizens from violence and discrimination.

#### Norway

In Uganda the new anti-homosexuality law violates a number of fundamental human rights that are protected by its constitution and by international treaties. Recent reports reinforce our concern that the new law is likely to fuel hatred and encourage harassment and violence. We urge Uganda to review and repeal the Anti-Homosexuality Act 2014. The Ugandan government is responsible for the protection of the life and safety of all its citizens. The law not only discriminates against a minority group in Uganda, but is also a threat to human rights defenders promoting universal rights and freedoms.

#### Denmark

Denmark is concerned about anti-homosexuality laws in Nigeria and Uganda which institutionalise discrimination. We strongly urge the governments of Nigeria and Uganda to take necessary steps to revise these laws to concur with their international obligations.

### NGO STATEMENTS

#### COC Netherlands

32

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In recent months we have observed alarming trends of States, including Russia, Nigeria and Uganda, passing deeply worrying legislation that severely restrict the right to freedom of expression, the freedom of assembly and association, access to information and criminalise civil society groups working on sexuality and gender issues.

Such laws not only violate human rights in and of themselves, they pave the way for mob violence and impunity. As the High Commissioner has noted, in Nigeria, since the adoption of the law, her office has received "reports of widespread arrests of LGBT people in some States, physical attacks, including by mobs, and other forms of harassment such as a rise in blackmail and extortion."

In Uganda, immediately after the adoption of the anti-homosexuality legislation, a local newspaper published names and photos of homosexuals in a clear incitement to vigilantism. And in Russia, extremists have targeted LGBT persons for violence with impunity in the wake of a State clampdown on those seen to be promoting views deemed "non-traditional".

Surely, whatever our differences, every member of this Council can agree that violence on any ground is wrong, and requires the attention of this Council?

Such legislation has been passed in wider cultures of impunity enjoyed by State with absolute disregard of constitutionally guaranteed fundamental human rights and as deliberate distractions from corruption, the rule of law and failure of States to provide basic social services and security to their citizens.

In these cases, the legislation has been justified by protection of so-called "traditional values", a concept which is also being used to undermine key principles of universality, equality and non-discrimination here at the Council.

The Secretary General, the High Commissioner and numerous Special Rapporteurs have expressed concern about these laws. As the High Commissioner stated earlier this Council session in response to those States that deny LGBTI people their rights, and I quote: "Neither in the UN Charter nor in the Universal Declaration of Human Rights nor any of our Human Rights Treaties is there any language that would permit a State to exclude from human rights protection certain categories of individuals."

The Council is responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind. This includes sexual orientation and gender identity.

Mr. President,

Initiatives and resolutions at the Human Rights Council promoting cultural relativity, such as traditional values and protection of the family, detract attention from serious human rights abuses and prevent the Council from effectively fulfilling its mandate.

We therefore call on the Council to pay systematic attention to human rights violations against LGBTI people and speak out against states that adopt legislation restricting the fundamental freedoms of marginalized groups.

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## ITEM 5 – GENERAL DEBATE ON HUMAN RIGHTS BODIES AND MECHANISMS OF THE COUNCIL

### STATEMENTS EXPRESSING CONCERN ABOUT REPRISALS

#### European Union

The EU reaffirms its strong opposition to reprisals against individuals and civil society representatives who cooperate with human rights mechanisms, including with the Special Procedures. The EU follows this issue closely and calls upon all States to address it systematically.

**Botswana (also on behalf of Argentina, Australia, Austria, Benin, Bulgaria, Canada, Chile, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Mexico, Montenegro, Netherlands, New Zealand, Norway, Peru, Poland, Portugal, Republic of Moldova, Romania, Saint Kitts and Nevis, Sierra Leone, Slovakia, Slovenia, Spain, Sweden, Switzerland, Togo, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay)**

I have the honour to deliver this statement on behalf of a group of 54 countries. We wish to underscore the important and legitimate role played by civil society in the promotion and protection of human rights, the rule of law, good governance and in the development efforts of any country around the world (small or big), as well as in advancing and upholding the purposes and principles of the UN Charter.

It is therefore essential to create a conducive environment for a free and vibrant civil society, capable of meaningful participation at the local, national, regional and international levels.

As we all know, the right of individuals and organisations to unhindered access to and communication with international human rights bodies is clearly articulated in international human rights law. However, we are deeply concerned that there are still many incidents of reprisals against individuals and organisations cooperating or seeking to cooperate with the UN human rights mechanisms. These have ranged from smear campaigns, harassment, intimidation, prosecutions and direct threats, to physical attacks and killings.

A number of the Council's resolutions have rightly indicated that reprisals are one of the means by which perpetrators of human rights violations and those who tolerate them seek to avoid accountability, and can have a very serious deterrent effect on people willing to cooperate with the UN. Reprisals are never acceptable, not in any circumstances, nor in any fora. It is therefore incumbent on all States to ensure civil society can fulfil its important role at local, regional and international levels, free from intimidation and harassment.

The issue of reprisals poses serious challenges to the UN system and its human rights mechanisms, especially because it limits the potential for international mechanisms to complement protection tools for victims of human rights violations. It also deprives the UN and Member States of the knowledge and experience they depend on to carry-out their mandates and responsibilities effectively.

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In our view, the fact that there are still many incidents of reprisals against those cooperating with the UN system and its human rights mechanisms means that the current response by the UN and the member States in addressing reprisals is inadequate.

We therefore strongly feel that there is a need for the UN to address cases of reprisals through a more effective and coordinated approach. The UN Secretary General himself and the High Commissioner for Human Rights have called for ‘organizational coherence and a systematic approach by the United Nations to protect civil society actors and organizations better’. Such systematic approach, we believe, should also take a holistic approach to the causes of reprisals with a view to ensuring that we all uphold the principles and purposes of the UN Charter and the Universal Declaration of Human Rights.

In her opening statement, the High Commissioner praised the adoption by the Council during its September session of a forward looking resolution on reprisals. We share her hope that this initiative will be followed through at the General Assembly.

We believe that the UN system and the member States have a responsibility to protect and support those who contribute to its work, often at great personal risk.

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## **Ireland**

The space for civil society in this Council is essential to ensure open and genuine debate. We deplore the fact that some civil society representatives have been subjected to reprisals, intimidation, threats or harassment because of cooperating or seeking to cooperate with the UN. This is completely unacceptable and threatens to undermine the credibility, integrity and proper functioning of the UN. Ireland fully supports the call for a more proactive and coherent approach to addressing cases of reprisals, as advocated by the Secretary General and the High Commissioner. Civil society actors must be able to do their work freely, independently and without fear. We rightly look to the United Nations to guide our work to advance human rights, peace and development and therefore, it is critical that the UN adopt a coherent and proactive approach as soon as possible to address reprisals. In that regard, we look forward to the full implementation of resolution 24/24 to ensure strong and collective action to denounce reprisals, defend the voice of civil society and protect those targeted.

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## **Hungary**

Hungary welcomes the first ever panel discussion by this Council on the critical issue of promotion and protection of civil society space, which underscored once more the importance of the unhindered cooperation, free from any acts of reprisal and intimidation, of all civil society actors in the work of the Council and its mechanisms.

We are therefore alarmed to learn about recent cases of arrest and detention of individuals in relation to their work and engagement with UN human rights mechanisms, including the UPR. We share the UN experts’ view that civil society activists should not pay the ultimate price for peaceful and legitimate action with the UN and its Human Rights Mechanism and deeply regret that measures of reprisal have to the death of a human rights defender, arrested and detained last October prior to participating in the preparation of the UPR.

Mr. President, reprisals undermine the effective functioning of the UN system and should therefore enjoy the highest political support of member states. We welcome the firm attitude of the SG and High Commissioner in condemning reprisals and intimidations of those cooperating with the UN system and the leadership of several members in delivering cross regional statements that contain a strong

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message. We regret the deferral of consideration by the GA of Resolution 24/24 aimed at ensuring a coherent system wide response to the phenomenon of reprisals throughout the UN system and would like to echo the appeal of the High Commissioner for all states to take a constructive and forward looking approach in New York, aimed at finding a consensual solution for the timely implementation of this initiative that enjoyed the wide support of the members of this Council.

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## Norway

During this session, Norway is presenting a resolution to renew the mandate of the Special Rapporteur on the Situation of Human Rights Defenders. Creating an environment that is conducive for a free and vibrant civil society, capable of meaningful participation at the local, national, regional and international levels, is of great importance to the work of human rights defenders. It is also essential for the State, as the Defenders' promotion of rights for its citizens will greatly contribute to the prosperity and stability of the Country.

A call on States to take concrete steps to create a safe and enabling environment in which human rights defenders can operate free from hindrance and insecurity is the main message of Special Rapporteur Margaret Sekaggya's final report. The report addresses a huge implementation gap between normative standards achieved in the UN and the situation on the ground.

The right of individuals and organisations to unhindered access to and communication with international human rights bodies is clearly articulated in international human rights law. Therefore we are deeply concerned by the many incidents of reprisals against individuals and organisations cooperating or seeking to cooperate with the UN human rights mechanisms. These have ranged from smear campaigns, harassment, intimidation, prosecutions to direct threats and physical attacks. There have been killings, and inhumane treatment has led to tragic deaths. Cooperating with the UN mechanisms can indeed be dangerous, and it is appalling that this is still the case in many instances.

The current response by the UN and the member States in addressing reprisals is often clear and principal in its condemnatory nature, but unfortunately still inadequate. We wish to reiterate the point made in the joint statement delivered by Botswana, namely that we strongly feel there is a need for the UN to address cases of reprisals through a more effective and coordinated approach.

We look forward to the urgent follow-up of the resolution on reprisals (24/24), adopted by the Human Rights Council last year, at the General Assembly. The appointment of a UN wide focal point should not be delayed further – we can wait no longer.

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## NGO STATEMENTS

### International Service for Human Rights

ISHR delivers this statement in the name of those human rights defenders whose testimonies this Council is not hearing, or will never hear. They are voices silenced by reprisals or the fear of reprisals for cooperating with this Council and the wider UN system.

We know of the death of Chinese human rights defender Cao Shunli. Disappeared, detained and denied adequate medical treatment, Ms Cao died last Friday. She was seeking to cooperate with this Council. In January, Malaysian authorities pronounced illegal the 'Coalition of Malaysian NGOs' for reasons that reportedly included submitting a UPR report. Just this week, reports have emerged of the detention of

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activists in Sri Lanka on suspicion of providing ‘false information’ about the human rights situation in the country to advocates working at this Council.

The fear of reprisals is deterring engagement. Ahead of this session, we approached an African human rights defender regarding participation as a possible civil society speaker during the High Level Segment. The insights she has gained through a lifetime of human rights work would have greatly enriched Council debate. This defender declined to be nominated as a speaker for one reason only – the fear of reprisals.

Mr. President, engaging with the UN - with this Council - is a right. The UN has repeatedly stated that it cannot operate effectively without the input and engagement of civil society. Despite this, reprisals continue. The current system-wide response to reprisals is shown to be inadequate.

In this context, ISHR warmly welcomes the cross regional statement made by Botswana and many other States, reaffirming their commitment to a more unified, effective and coordinated response to the scourge of reprisals.

ISHR believes that such a response is essential and overdue. We consider the designation of a high-level focal point, as requested in resolution 24/24 to be appropriate. We join the calls of the Secretary-General and High Commissioner for the effective implementation of this important resolution and urge members of this Council to work with colleagues at the General Assembly to ensure expeditious action in this regard.

We ask you Mr President to defend the integrity of this Council by publicly and categorically denouncing all cases of reprisals and we ask you to engage robustly with States where reprisals are alleged in order to seek clarification, and assurances of redress and non- repetition.

Finally Mr. President, ISHR consider that any State that condones or is complicit in reprisals against individuals who cooperate with the UN, is not worthy of membership of this Council.

## ANNUAL DISCUSSION ON THE HUMAN RIGHTS OF PERSONS WITH DISABILITIES

MS. FLAVIA PANSIERI, U.N. DEPUTY HIGH COMMISSIONER FOR HUMAN RIGHTS

I also urge States that are parties to the Convention to take action to fully implement its measures. This should be done with keen awareness of the linkages and overlaps between disability and other grounds for discrimination — including gender, sexual orientation, age, ethnic or religious origin, caste or socioeconomic status.

### NGO STATEMENTS

#### **Action Canada for Population and Development & the Sexual Rights Initiative**

We welcome the report of the OHCHR on inclusive education for persons with Disabilities. We reiterate the significance of non-discriminatory policies in mainstream schools and the educational system. We would like bring to the attention of the Council, and this panel, the specific violations faced

37

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by people/children with disabilities due to a lack of access to Comprehensive Sexuality Education. This has been affirmed by the Report of UN Special Rapporteur on the right to education on the human right to comprehensive sexuality education in 2010.

The UN General Assembly Standard Rules on the Equalization of Opportunities for Persons with Disabilities affirms; 'persons with disabilities must not be denied the opportunity to experience sexuality, have sexual relationship and experience parenthood.' However persons with disabilities are generally perceived to be either asexual or hyper sexual and their sexual and reproductive rights and needs are often ignored and treated with fear and contempt. This can result in persons with disabilities being subjected to multiple forms of discrimination and stigma, particularly in their access to sexual and reproductive information and health services, leading to unsafe sexual practices. It can also increase their susceptibility to sexual violence by denying access to information that helps in identifying and dealing with sexual violence. Without sufficient information provided regarding bodies, bodily changes and sexuality, persons with disabilities are not fully prepared to claim and exercise their rights, and live with confidence and freedom.

States have a responsibility under the Convention on Rights of Persons with Disabilities to “provide gender and age sensitive information, support, and education on how to avoid, recognize and report instances of exploitation, violence and abuse.” We would like to bring to the notice of this panel, the multiple vulnerabilities and discrimination that persons with disabilities are subjected to due to a lack of comprehensive sexuality education. For example, women with disabilities, persons with disabilities with diverse sexualities, as well as young people with disabilities face discrimination at multiple and intersecting levels.

Hence we urge States and UN agencies to incorporate comprehensive, non-judgmental, scientifically accurate sexuality education to all persons including persons with disabilities. This should be coupled with human rights-based and inclusive information and services provided to persons with disabilities, with their full, free and informed consent, and respecting their privacy, confidentiality, bodily autonomy and choice. Persons with disabilities should be empowered to experience their sexuality positively and affirmatively.

We urge States to expedite legal, policy and programmatic efforts to provide Comprehensive Sexuality Education in an inclusive manner to all people, including persons with disabilities, and we urge this panel to provide recommendations to States on ways of doing so.

## ITEM 6 – UPR REPORT ADOPTIONS

The Council adopted the working group reports from the [17<sup>th</sup> UPR session](#). States under review included Saudi Arabia, Senegal, China, Nigeria, Mexico, Mauritius, Jordan, Malaysia, Central African Republic, Monaco, Belize, Chad, Israel, Congo, and Malta. A full report of the UPR adoptions, prepared jointly by ARC, COC Netherlands and ILGA, is available at <http://tiny.cc/uprhrc25>. Of note:

- **Nigeria** rejected a recommendation to establish policies and procedures that protect the human rights and security for all Nigerians including LGBT persons, their families and associates.
- **Congo** rejected a recommendation to guarantee equal rights for all citizens, and fight against all forms of discrimination based on sexual orientation or gender identity.
- **Senegal** rejected all SOGI recommendations, including recommendations to start a national dialogue on the acceptance of homosexuality and, to take measures to guarantee that LGBT individuals to not face persecution of any kind.

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- **China** accepted recommendations on prohibiting discrimination based on sexual orientation and gender identity, stating that the recommendations were “already implemented”. China also accepted a recommendation from Egypt to “maintain its effective protection for the family as the fundamental and natural unit of society”.
- **Mauritius** did not accept recommendation to repeal laws criminalising sexual conduct between consenting adults, despite accepting the same recommendation during the first UPR cycle, stating: “Government has not yet taken any policy decision regarding the decriminalization of sodomy. In view of the sensitivity of the issue, further consultations are required.”
- **Malaysia** rejected a recommendation to take legislative and practical steps to guarantee that LGBTI persons can enjoy all human rights without discrimination.
- **Belize** “noted” a recommendation to ensure the prohibition of discrimination on the grounds of sexual orientation and gender identity, indicating that this remained under review.
- **Malta** accepted a recommendation to continue to strengthen its legislative and institutional frameworks to enhance the rights of LGBTI people.

### ***Remembrance of human rights defender Cao Shunli***

During China's UPR report adoption, International Service for Human Rights called for a moment of silence to remember human rights defender Cao Shunli who died in detention. Unfortunately the Chinese delegation prevented the moment of silence from being respected. NGO representatives in the Council chamber stood, and held photos of Cao in remembrance. Cao Shunli was arrested in relation to her advocacy work on the UPR of China. Many statements made during the General Debate under Item 6 dealt with cases of reprisals and intimidation against human rights defenders engaging with the UN, and mentioned the case of Cao Shunli specifically. China denied that there was any connection between this case and it's UPR.

## **ITEM 8 - GENERAL DEBATE**

### ***Follow up and implementation of the VDPA***

#### **STATEMENTS SUPPORTING SOGI-RELATED RIGHTS**

#### **Greece, on behalf of the European Union**

Two years after the first ever Human Rights Council resolution on human rights, sexual orientation and gender identity was passed by the Human Rights Council, we would like to use this opportunity to remind the Council and its membership that we cannot be complacent. As pointed out by Secretary General Ban Ki-moon, the struggle for the rights of LGBTI persons “is one of the great, neglected human rights struggles of our time.”

International human rights law states clearly that all people are entitled to enjoy their rights without discrimination. States have the obligation, under international human rights law, to protect all citizens, including gay, lesbian, bisexual, transgender or intersex citizens, from violence and discrimination. This is not about values. This is about international law. The criminalisation of private, consensual sex between adults of the same sex breaches a State's obligations under international law, including the obligations to protect individual privacy and to guarantee non- discrimination. This has been the consistent position of United Nations human rights experts since 1994, when the Human Rights Committee decided *Toonen v. Australia*.”

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Unfortunately, the reality in many countries is different. Homosexual acts are illegal in over 70 countries and even punishable by death in seven. Recently, we have seen acts in several countries to even further increase the criminalisation of LGBTI persons. The European Union is deeply concerned about this development. We call on these countries to repeal their laws which are illegal under international human rights law and to protect all their citizens from violence and discrimination. Such laws constitute grave violations of LGBTI persons' human rights and cause immense suffering for populations.

The international community cannot sit by and allow that people are being punished just for who they are or who they love. LGBTI persons are entitled to the same human rights and fundamental freedoms as everyone else. We all should learn from our own histories that persecuting people, including minorities, or discrimination of any kind, leads to catastrophic results. Therefore, the Council must continue to promote the respect for and the protection of human rights for all, including LGBTI persons.

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## United States

The Vienna Declaration notes: "While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States... to promote and protect all human rights and fundamental freedoms." The United States is gravely concerned that legislation in many states restricts the human rights and fundamental freedoms of people based on their sexual orientation and gender identity, thereby affecting not only these people, but also friends, families, and loved ones. Local culture and belief do not justify these draconian laws.

Laws criminalizing homosexuality are on the books in at least 79 countries. We are especially concerned by the proliferation of new and even more restrictive legislation in countries such as Russia, Nigeria, and Uganda. These laws offend people's dignity and negatively affect their enjoyment of their human rights. They unduly limit the right to freedom of expression and may chill the exercise of the rights to freedom of peaceful assembly and association. They also create a climate that encourages violence targeting persons based on their sexual orientation or gender identity. Such an outcome is unacceptable and constitutes a growing threat to the recognition of the universality of human rights and the dignity of human beings.

In Uganda, the Anti-Homosexuality Act is more than a danger to the gay community. It is a step backward for all Ugandans and reflects poorly on Uganda's commitment to anti-discrimination. The law puts in jeopardy important public health gains, especially in the fight against HIV/AIDS, and has led to media reports that further stoke intolerance and put lives at risk. We call on the government to halt implementation of this law, and call on all persons of conscience in Uganda, especially those in the government, to condemn any incitement and prevent violence.

We are also deeply concerned by Nigeria's misleadingly titled "Same Sex Marriage Prohibition Act." This law directly restrains the freedoms of association, expression and peaceful assembly for all Nigerians. Since the enactment of this law, violence and harassment of the LGBT community has increased. We are also concerned about this law's potential to set back public health efforts, particularly those that fight HIV/AIDS and which must be conducted in a non-discriminatory manner in order to be effective.

Additionally, restrictive Russian laws were enacted under a false claim of protecting children, but they are clearly inconsistent with Russia's international human rights obligations. We have seen an increase in harassment and violent attacks against LGBT persons in Russia following the adoption of the so-called propaganda law.

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The community of nations must continue to work to promote human rights for all people, and not allow historical, cultural, or religious beliefs to be used to justify discrimination, violence, and the denial of human rights. The United States will continue to stand up for freedom, justice, and equal rights for all persons, regardless of whom they are or whom they love.

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## **Germany**

Germany fully aligns itself with the statement delivered on behalf of the European Union. 21 years ago the VDPa affirmed the universal nature of human rights - that they are the birth right of all human beings. It is deeply worrisome to witness how some States go back on this promise. Denying lesbian, gay, bisexual, transgender and intersex individuals their human rights, criminalising their very existence; in doing so these States violate their primary obligation to protect each person from violence and discrimination of any kind. Criminalising sexual orientation or gender identity adds to LGBTI persons' marginalisation, making them even more vulnerable to aggression and runs contrary to a State's obligation under international law.

Equally disturbing are the recent series of laws that were passed in various countries on the so-called "promotion of homosexuality" going as far as criminalising advocacy for the human rights of LGBTI persons. Such laws are destined to silence civil society and curtail their freedom of expression and what the Secretary General Ban Ki-Moon called "a monumental tragedy for those concerned and a stain on our collective conscience". We thank the High Commissioner and her staff for the tireless effort on the promotion and protection of the human rights of LGBTI persons around the world.

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## **United Kingdom**

The United Kingdom firmly believes that human rights are universal and should apply equally to all people, as enshrined in Article 1 of the UDHR. Under international human rights law, all people are entitled to enjoy their rights without discrimination, including lesbian, gay, bisexual, transgender and intersex persons.

However, the LGBTI community continue to experience abuses of their human rights in all regions of the world. In many instances this includes torture and other cruel, inhuman or degrading treatment, restrictions on freedom of expression, association and peaceful assembly, and discrimination in employment and access to health services and education. LGBTI persons also continue to be subjected to violence and hate crimes.

The UK also is concerned at developments in a number of countries to further criminalise homosexuality. This represents a serious violation of human rights. To render consenting same-sex relations illegal is incompatible with international human rights laws, including the ICCPR.

We welcome the strong leadership shown by the UN Secretary General and High Commissioner for Human Rights on these issues and reiterate their call for an end to violence and discrimination based on sexual orientation and gender identity. We also commend the work of the Special Procedures in this area.

The UK will continue to work internationally to help combat discrimination in all its forms, promote tolerance and build long-term support for human rights.

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We are committed to ensuring that all LGBTI people are free to live their lives in a safe and just environment, free from discrimination. The UK strongly believes that this Council must address all forms of discrimination, including on the basis of sexual orientation and gender identity, and promote respect for diversity in this regard. We call for constructive dialogue and work to continue to protect human rights for all people without distinction.

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## **Brazil**

The VDPa affirms that “respect for human rights and fundamental freedoms without distinction of any kind is a fundamental rule of international human rights law”. Yet violence and discrimination based on sexual orientation and gender identity is a challenge faced by all countries in all regions of the world, including in our own region and our own country. It is important to stress, however, that only through dialogue and understanding can we all achieve progress in this area.

Brazil is fully committed to promoting and implementing innovative initiatives to prevent and halt any kind of violence and intolerance. An inclusive and participatory approach can pave the way. Through different anti-discrimination policies, measures and advocacy and awareness campaigns, Brazil has been able to make significant progress in the last few years.

We are proud to recall that Brazil was the first country to hold, in June 2008, a National Conference on the Promotion of the Rights of LGBT Individuals, followed by a second conference in December 2011. Both national conferences, along with the establishment, in March 2011, of a National Council to Fight Discrimination against LGBT Persons, illustrate the importance Brazil attaches to the role of civil society in the promotion and protection of the human rights of LGBT individuals.

Since 2008, Brazil has provided transsexual individuals with free access to sex reassignment surgery at the public health system. Last January 29, the “Day of the Trans Visibility”, established in 2004, was celebrated in our country. The national census, in 2010, documented for the first time the number of self-declared LGBT couples in Brazil. Another important step was the establishment, in July 2013, of the National System for Promoting the Rights and Combating Violence against LGBT. The system is expected to improve data collection and the coordination of efforts to prevent violence in a transparent and participatory way.

To fight discrimination based on sexual orientation and gender identity, we need efforts at all levels - both domestically and internationally. Brazil is convinced that we must all strive to advance even further the progress achieved on this issue within the HRC. The adoption of resolution 17/19 was a landmark and was followed by the High Commissioner’s report and the panel held in 2012. In the aftermath of resolution 17/19, a series of regional seminars were organised in 2013, in Paris, Kathmandu, Brasilia and Oslo.

We must ensure an inclusive, incremental and constructive approach that encourages countries of every region to join us in promoting this cause. Brazil hopes that together we will advance the promotion and protection of the human rights of LGBT individuals, in line with the VDPa.

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## **France**

The Vienna Declaration recalls in its first section that the promotion and protection of human rights is a priority question for the international community. We regret that we have to note today that despite that commitment, two questions of fundamental human rights continue to be considered taboo or a non-subject by several States throughout the world.

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First of all I would like to call on all States to combat violence and discrimination against LGBT persons. Respecting human rights and fundamental freedoms without any distinction is an elementary rule of international human rights law. The grounds for non-discrimination visited by this right are not exhaustive and sexual orientation and gender identity are clearly part of that. This is spelled out in Article 5 of the Vienna Declaration: “while the significance of national and regional particularities, and various historical, cultural and religious backgrounds must be borne in mind, it is the duty states regardless of their political, economic and cultural systems to promote and protect all human rights and fundamental freedoms.” States thus have a primary responsibility and obligation to respect, and ensure respect of, the fundamental rights of all citizens including LGBT persons.

Against this backdrop, France is very concerned about the promulgation of laws strengthening the criminalisation of homosexuality in certain countries. These laws are contrary to international human rights law. France calls on the authorities of the States in question to revise these laws and respect their international commitments in connection with human rights protection.

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### **Viet Nam**

My delegation strongly holds the principles that all human rights are universal, indivisible and interdependent and interrelated [and...] wishes to reaffirm that, in Viet Nam, people are treated equally and that Viet Nam spares no effort to further enhancing the enjoyment of human rights and freedoms for all people, regardless of their origins, races, religions, beliefs or gender.

Taking this opportunity, my delegation urges the international community to continue open and genuine dialogues on combating discrimination and hatred against LGBT, as well as further cooperation on ensuring LGBT’s legitimate rights as human beings, while bearing in mind national and regional particularities and various historical, cultural and religious backgrounds of all societies.

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### **Netherlands**

Earlier in this session the delegation of Pakistan has said that the recognition of (what it called) “LGBT rights” is against the letter and the spirit of the Universal Declaration and the VDPA. It is always dangerous to conjure up spirits. We can be sure of one thing: the drafting history of the Universal Declaration is permeated with the ideal to prevent a recurrence of the atrocities of the Second World War. It also shows the drafters went to great lengths to cover all possible grounds of discrimination; on top of that they still used the expression “such as” to be absolutely sure all human rights would be treated equally. The VDPA builds on this spirit and reaffirms:

“Human rights and fundamental freedoms are the birthright of all human beings; their protection and promotion is the first responsibility of Governments”.

This means Governments have to prevent violence and discrimination against all people no matter their sexual orientation or gender identity; there is no claim of special group rights. The High Commissioner was very clear about this in the debate on her report. It is not a matter of culture or tradition. The VDPA firmly entrenched the principle of universality.

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According to the VDPA all human rights are universal, indivisible, interdependent and interrelated. However, we are very concerned that human rights violations on the grounds of sexual orientation and gender identity continue to occur in all regions of the world.

We are deeply concerned about the enactment of anti-homosexuality laws or even the existence of the death penalty in some countries. These laws undermine the universally recognised human rights norms. As the VDPA states “while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.”

LGBTI persons often experience violence and discrimination in many aspects of their daily life, pertaining to civil and political rights as well as economic, social and cultural rights. They can suffer from both official and social discrimination. Discrimination perpetuates stigma through discriminatory laws and practices. Stigmatisation in turn prevents legislative and policy making institutions to adequately address the discriminatory practices in all aspects of life.

We are all entitled to the same rights. We believe that human rights violations can be eliminated through human rights education and the promotion of non-discrimination, tolerance and respect for diversity. Being LGBTI is not a matter of choice. Different forms of criminalisation, discrimination or even violence based on sexual orientation and gender identity are not acceptable according to international human rights standards that bind us all.

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## NGO STATEMENTS

### **Action Canada for Population and Development & the Sexual Rights Initiative**

According to the Vienna Declaration, human rights are universal, indivisible, interdependent and interrelated. It reaffirms the right to development as a universal and inalienable right and an integral part of human rights; and recognizes human persons as the central subjects of development.

The Programme of Action of the 1994 International Conference on Population and Development (ICPD PoA) similarly places individuals at the centre of development and recognizes every person’s right to make free and informed decisions regarding one’s own sexuality and sexual and reproductive health. At its core, the ICPD PoA places individuals’ autonomous decision-making on matters related to their sexuality at the centre of development.

This year, we celebrate 20 years of the ICPD PoA. While much progress has been made towards greater respect, protection and fulfilment of individuals’ sexual and reproductive rights, challenges persist. Structural inequalities related to sexuality and reproduction, which contribute to the marginalization of diverse groups of people, are rooted in inequitable gender hierarchies and patriarchal notions of masculinity, femininity and the need to control women’s and girls bodies and sexualities. Similarly, laws and policies continue to impose barriers to access sexual and reproductive health services and information, including parental, guardian and spousal consent laws and laws criminalizing girls’ and women’s access to safe abortion services.

Addressing these challenges requires that States take all necessary steps to eliminate inequality, stigma, discrimination and violence perpetuated against individuals on the basis of sexuality, sexual orientation, health status, gender, ability, gender identity and gender expression, and to realise the full range of human rights through repealing or revising discriminatory laws.

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We urge all Member States to fully implement the ICPD PoA and to ensure that commitments made in the ICPD PoA are safeguarded and advanced in a human rights-based Post-2015 development framework.

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## RIGHT OF REPLY

### Russia

The Russian delegation would like to use the right of reply in connection with the statement made by the USA delegation. We are astonished by the mistaken comments regarding the Russian legislation. Discrimination of sexual minorities, like any other form of discrimination, is prohibited by the constitution of the Russian Federation.

Russia is bound by a series of anti-discrimination obligations under the United Nations, as well as the appropriate provisions of the European Convention on the protection of human rights and basic freedoms, the labour and criminal codes of the Russian Federation, the legislation on education and on health also contain anti-discrimination measures which make it possible to protect the rights of all, regardless of sexual orientation.

The Russian legislation does not allow any imposition aggressively of forms of single gender sexual scenarios to children. Russia is a participant in the Convention on the Rights of the Child and therefore proceeds on the basis of the better interests of the child. Our legislation requires state bodies to protect children from information that is harmful to their health, moral and spiritual development. Here we are speaking of prohibiting the dissemination of homosexual pornography among children. I would like to point to the fact that breaking the law on prohibiting propaganda of homosexuals is punished by administrative and not criminal sanctions and is only applied by courts.

Before making invented and unsubstantiated accusations against Russia, the US delegation should have paid attention to the legislation on LGBT in its own country. The laws prohibiting propaganda of homosexuality are active in eight states: Alabama, Arizona, Louisiana, Mississippi, Oklahoma, South Carolina, Texas, and Utah. They prohibit lessons that support homosexuality. In Arizona it is prohibited to tell students about homosexual relations as a positive alternative, and it is not appropriate to teach children about safe methods of homosexual sex. In Texas, in sex education lessons it is emphasised that homosexuality is not a way of life acceptable to society at large. In these States, peoples are to be told homosexual behaviour is a criminal offence despite the fact that from 2003 criminalisation of voluntary homosexual relations has been recognised as anti-constitutional.

We take the view that the UN human rights mechanisms and NGOs will pay attention to these violations of LGBT rights in the USA.

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### Nigeria

The Nigerian delegation rejects the statement by the United States in respect of the anti same-sex marriage law passed in Nigeria last January. The statement is misleading as it suggests that the law infringes on the various fundamental freedoms. The law is only aimed at preventing same-sex marriages in the country, and it in no way targets any group of people for discrimination or denial of other constitutional rights enjoyed by Nigerians. The same-sex prohibition law was the outcome of a consultative, rigorous and well-debated legislative process by both the Senate and house of representatives of the Nigerian National Assembly. The law was passed by an overwhelming majority

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of 98% in both houses, which no democratically elected government will offer to ignore. Nigeria promises to remain an exemplary democracy in Africa adhering to the expressed will of its people and according the highest priority to issues of human and people's rights.

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