



**SOGIESC OPPORTUNITIES IN THE 43rd HUMAN RIGHTS COUNCIL SESSION
24 FEBRUARY - 20 MARCH 2020**

This report contains SOGIESC¹ issues mentioned in the reports that were presented during the 43rd Human Rights Council Session². Its objective is to identify opportunities for engagement or participation at the Human Rights Council. The structure of the report is based on the Items of the agenda of the Human Rights Council.

¹ **Searched key words:** Sexual orientation, gender identity, gender expression, sex characteristics, LGBTI, SOGIESC, HIV, lesbian, gay, bisexual, trans, intersex, homosexual, sexual minorities, same-sex and sex.

² Given the circumstances surrounding COVID-19, the Human Rights Council suspended its 43rd session on 13 March 2020. There is still no date for the resume of the session.



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AGENDA OF THE 43rd HUMAN RIGHTS COUNCIL SESSION

DRAFT PROGRAMME OF WORK FOR THE 43rd SESSION OF THE HUMAN RIGHTS COUNCIL (24 FEBRUARY - 20 MARCH 2020) - VERSION OF 3 FEBRUARY 2020

	WEEK 1 24 February		WEEK 2 2 March		WEEK 3 9 March		WEEK 4 16 March				
M O N D A Y	9.00	ITEM 1 Opening of session High-level segment (HLS)	10.00	ITEM 3 - ID with SR environment - ID with IE foreign debt	10.00	ITEM 4 - ID with SR on Myanmar - Discussion on SG oral update on involvement of United Nations in Myanmar (res. 42/3 and 40/29)	10.00	General debate on ITEM 6 (cont'd) ITEM 7 - HC/SG reports followed by General debate on ITEM 7			
	-		-		-		0				
	12.00		13.00		13.00		13.00				
	-	HLS (cont'd)	0	BREAK	-	BREAK	-	BREAK			
	15.00		-		15.00				15.00		
	-	HLS (cont'd)	0				0				
16.00		15.00		15.00		15.00					
-	HIGH-LEVEL MAINSTREAMING PANEL (res. 16/21 & 40/15) <i>accessible</i>	0	- ID with SR freedom of religion	-	- ID with Commission on South Sudan	0	General debate on ITEM 8				
18.00		18.00	- ID with SR sale of children	18.00	- ID with SR on Islamic Republic of Iran - ID with Commission of inquiry on Burundi (oral briefing)	0	ITEM 9 - Report of IGWG on DDPA; HC report on HRC res. 40/25 followed by General debate				
	25 February		3 March		10 March		17 March				
T U E S D A Y	9.00	HIGH-LEVEL PANEL ON 25TH ANNIVERSARY OF BEIJING CONFERENCE (res. 42/14) <i>accessible</i>	10.00	ITEM 3 - ID with SR sale of children (cont'd) - ID with IE albinism	10.00	ITEM 4 - ID with COI on Burundi (oral briefing) (cont'd) - ID with Commission of Inquiry on the Syrian Arab Republic	10.00	ITEM 10 - Enhanced ID on oral updates on Democratic Republic of the Congo (HC and the expert team on Kasai) - ID with IE on Mali			
	-		-		-		0				
	11.00		13.00		13.00		13.00				
	-	HLS (cont'd)	0	BREAK	-	BREAK	-	BREAK			
	15.00		15.00				15.00			15.00	
	-	HLS (cont'd)	0				0			0	
18.00		18.00	- ID with SR food - ID with SR cultural rights	18.00	- HC oral update on DPRK (res. 40/20); HC oral update on Venezuela (res. 42/25) followed by GD item 4	18.00	- ID with IE on Mali (cont'd) - ID on HC oral report on Ukraine				
	26 February		4 March		11 March		18 March				
W E D N E S D A Y	09.00	HLS (cont'd)	10.00	ITEM 3 - ID with SR cultural rights (cont'd) - ID with SR human rights defenders	10.00	General debate on ITEM 4 (cont'd) ITEM 3 ID with SR minorities	10.00	ITEM 10 - ID on HC report on Libya - High-level ID on human rights situation in the Central African Republic			
	-		-		-		0				
	12.00		13.00		13.00		13.00				
	-	HLS (cont'd)	0	BREAK	-	BREAK	-	BREAK			
15.00	General segment	15.00			15.00				15.00		



	27 February	5 March	12 March	19 March
	ITEM 2 - ID on HC report on recommendations of COI on protests in OPT (res. 40/13) - ID on oral update by SR on Eritrea (res. 41/1)	ITEM 3 - ID with SR counter-terrorism - ID with SR privacy	ITEM 5 - Reports of Forum on Minority Issues and Social Forum; HRCAC studies; Report on HRC contribution to prevention (res. 38/18); Annual report by Chair of the CC of SPs General debate on ITEM 5	HC country report (Afghanistan) - HC annual presentation on technical cooperation - Report of Board of Trustees of Voluntary Fund Tech. Coop followed by General debate
T H U R S D A Y	ITEM 2 - HC oral update (presentation only) - ID on HC report on Rohingya and other minorities in Myanmar (res. 39/2)	ITEM 3 - ID with SR privacy (con'td) - ID with SR adequate housing	ITEM 6 UPR outcomes Italy; El Salvador; Gambia; Bolivia; Fiji; San Marino; Kazakhstan; Angola; Iran; Madagascar; Iraq; Slovenia; Egypt; Bosnia and Herzegovina	General debate on ITEM 10 (cont'd)
	BREAK	BREAK	BREAK	ITEM 1 Decisions and conclusions
	ITEM 2 - GD on HC oral update, HC/SG country reports on OHCHR activities in Colombia; Guatemala; and Honduras; and other reports and oral updates (Cyprus, Iran, Sri Lanka, Eritrea, Nicaragua, Venezuela, Yemen)	ITEM 3 - ID with SR housing (cont'd) - Report of IGWG on TNCs - Report on intersessional meetings on 2030 Agenda HC/OHCHR/SG thematic reports, followed by GD	UPR outcomes (see list above)	Decisions and conclusions (cont'd)
	28 February	6 March	13 March	20 March
F R I D A Y	ITEM 2 General debate on the country reports and oral updates (cont'd)	General debate on ITEM 3 (cont'd)	ITEM 6 - UPR outcomes (see list above)	Decisions and conclusions (cont'd)
	BREAK	BREAK	BREAK	Decisions and conclusions (cont'd)
	ITEM 3 -ID with SR disabilities <i>accessible</i> - ID with SR torture	ITEM 4 - ID with SR on DPRK ANNUAL DEBATE: RIGHTS OF PERSONS WITH DISABILITIES (res. 7/9, 37/22) accessible	General debate on ITEM 6 DEBATE ON RACIAL DISCRIMINATION (GA res. 74/137)	Decisions and conclusions (cont'd) - Appointment of mandate holders - Adoption of session report



ITEM 1: ORGANIZATIONAL AND PROCEDURAL MATTERS



ITEM 2: ANNUAL REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND REPORTS OF THE OFFICE OF THE HIGH COMMISSIONER AND THE SECRETARY-GENERAL

- [A/HRC/43/3 - Annual report of the United Nations High Commissioner for Human Rights](#)

6. Sexual orientation and gender identity

72. OHCHR continued to raise awareness about and advocate for the human rights of lesbian, gay, bisexual, transgender, and intersex persons, including through leading the United Nations Free and Equal public information campaign. It supported such efforts in Albania, Brazil, Cabo Verde, Cambodia, Costa Rica, the Dominican Republic, the Gambia, Guatemala, Haiti, Mongolia, Peru, Serbia, Sri Lanka, Timor-Leste, Ukraine, Uruguay and Viet Nam. OHCHR presented a legal brief to the Constitutional Chambers of the Supreme Court of Honduras concerning a case on the recognition of same-sex marriage. It also supported regional efforts to share best practices, for example by organizing a Caribbean joint consultation on the rights of lesbian, gay, bisexual, transgender and intersex persons in October 2019.

- [A/HRC/43/3/Add.1 - Situation of human rights in Guatemala - Report of the United Nations High Commissioner for Human Rights](#)

4. The work of OHCHR in 2019 covered issues raised in the present report, notably human rights defenders; independence of the judiciary; transitional justice; the fight against impunity; security; inclusive and sustainable human development; and non-discrimination and equality. OHCHR prioritized the situation of the most marginalized sectors of the population: indigenous peoples; women and girls; people on the move; lesbian, gay, bisexual and transgender persons; and persons with disabilities.

(...)

D. Sexual diversity and gender identity

82. Lesbian, gay, bisexual and transgender persons, including young people, continued to suffer harassment, abuse and isolation, including within their families. As at 10 December, nine gay men, two lesbian women, one bisexual man and six transgender women had been murdered in 2019.⁷⁵ On 25 March, Jose Diaz, an 18-year-old defender of the rights of lesbian, gay, bisexual and transgender persons, was murdered in Huehuetenango, his body bearing multiple signs of violence.

83. For the first time, an openly gay man was elected to Congress, despite the documentation of homophobic or stigmatizing statements made against the lesbian, gay, bisexual and transgender population during the campaigns. OHCHR notes with concern that Congress continued to push the final debate on Bill No. 5272 on the “protection of life and the family”, which contained provisions that would decriminalize hate crimes against lesbian, gay, bisexual and transgender persons.

84. On 20 July, a parade for sexual diversity and gender identity was held in Guatemala City, with thousands of people participating. However, it is of concern that during a postparade



celebration in the offices of the lesbian, gay, bisexual and transgender organization “Gente Positiva” (Positive People), patrols of the National Civil Police entered the premises without a warrant and launched tear gas into the enclosed space.

(...)

VII. Conclusions and recommendations

89. Based on the monitoring of her Office in Guatemala, and in addition to previous recommendations, the United Nations High Commissioner for Human Rights:(...)

(h) Calls on all relevant authorities, media and other stakeholders to take proactive measures to combat discrimination and prejudice, including hate speech, stigmatization and stereotyping, especially against women, indigenous peoples, lesbian, gay, bisexual and transgender persons, people on the move and persons with disabilities;

- [A/HRC/43/3/Add.2 - Situation of human rights in Honduras – Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Honduras](#)

D. Rights of lesbian, gay, transgender, bisexual and intersex persons

68. Many gaps and shortcomings hampered the recognition of sexual orientation and gender identity and the protection of the rights of LGTBI persons. Lack of public awareness, prejudices and misconceptions contributed to continued discrimination in all areas of life and to violence. In the course of 2019, at least 31 LGTBI persons were killed.

69. No progress was made in the adoption of a law on gender identity and a law against discrimination, despite the efforts of civil society groups. Appeals filed in 2018 against the constitutionality of the prohibition of same sex marriage remained pending before the Supreme Court.[2] In May, the Constitutional Chamber dismissed an appeal alleging discrimination in the requirement to present a marriage or civil union certificate to allow conjugal visits for an LGTBI couple in a detention centre because such certificates are not issued for those types of couples. Religious groups continued to play a critical role in preventing advances in protecting the rights of LGTBI persons. The Ministry of Human Rights has reported on trainings for the armed and security forces on the registration and detention of LGTBI people.

- [A/HRC/43/3/Add.3 Situation of human rights in Colombia – Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia](#)

F. Rights of LGBTI persons

85. Despite legislation and jurisprudence protecting their rights, violence and discrimination against LGBTI persons continued. Between January and November 2019, NGO sources reported the killing of 45 LGBT persons. In its 2018 report, the National Institute of Forensic Medicine recorded 45 killings of LGBT persons and 237 cases of sexual violence against individuals belonging to the LGBT community. Over 34 per cent of victims were lesbians, 33.75



per cent were gay men and 22.36 per cent were bisexual women. OHCHR documented the killing of a bisexual woman human rights defender that occurred on 16 May in Ocaña, Norte de Santander. The victim had previously received threats related to her sexual orientation. OHCHR also documented two cases that occurred in Cesar and La Guajira, where a total of seven victims were physically abused, humiliated and threatened with rape by police officers.

- [A/HRC/43/20 - Situation of human rights in the Islamic Republic of Iran - Report of the Secretary-General](#)

A. Death penalty and right to a fair trial

1. Use of the death penalty

5. The Secretary-General remains concerned by the high rate of application of the death penalty in the Islamic Republic of Iran. Under article 6 of the International Covenant on Civil and Political Rights, States parties that have not abolished the death penalty should only impose it for the most serious crimes, which the Human Rights Committee has consistently interpreted as crimes involving intentional killing.² The death penalty continues to be applied in cases of adultery and consensual same-sex intercourse and for offences that are vague in scope, such as efsad-e fel-arz (spreading corruption on Earth), thereby granting judges wide-ranging interpretative powers.

- [A/HRC/43/22 - Question of human rights in Cyprus - Report of the Office of the United Nations High Commissioner for Human Rights](#)

71. In addition, organizations on the rights of lesbian, gay, bisexual, transgender and intersex persons from both communities in Cyprus came together on 5 October 2019 for the first bicomunal festival, organized by the civic space project supported by the European Union. The event marked the close cooperation of the organizations, in order to unify the movement for the promotion and protection of lesbian, gay, bisexual, transgender and intersex rights across the island.

- [A/HRC/43/29 - Question of the realization in all countries of economic, social and cultural rights - Report of the Secretary-General](#)

33. One major concern linked to comprehensive digital identification systems is that these systems can themselves be sources of exclusion, contrary to their purpose. Costly or difficult registration requirements, for example, may prevent poor and disadvantaged populations from fully participating in an identity system. Women in some regions face legal or customary barriers to obtaining official identification. A lack of Internet connectivity, needed for online authentication, also can contribute to exclusion. Older persons and members of some occupational groups performing mostly manual labour may have difficulties providing fingerprints that are clear enough for the purposes of the identify systems. Services that require authentication at the point of delivery create problems for older persons or persons with disabilities who may not be able to travel. Difficulties also arise when the name and



gender in identity documentation are not properly reflected in the identity system, exposing people with non-binary gender identity to particular risks. Lastly, exclusion can also result from a particular group being given identity documents that are different from those of others

- [A/HRC/43/65 - Conclusions and recommendations of special procedures - Report of the Secretary-General](#)

15. Fifteen visit reports concerned African countries: Botswana (Special Rapporteur on minority issues), Cabo Verde (Special Rapporteur on the right to development), Chad (Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination), Egypt (Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context), Kenya (Independent Expert on the enjoyment of human rights by persons with albinism, and Working Group on the issue of human rights and transnational corporations and other business enterprises), Lesotho (Special Rapporteur on the human rights to safe drinking water and sanitation), Morocco (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance), Mozambique (Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, and Independent Expert on the enjoyment of all human rights by older persons), Niger (Special Rapporteur on the human rights of migrants), Nigeria (Special Rapporteur on trafficking in persons, especially women and children) and Tunisia (Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Special Rapporteur on freedom of religion or belief, and Special Rapporteur on the rights to freedom of peaceful assembly and of association).

(...)

17. Nine visit reports relating to Eastern Europe were presented: Armenia (Special Rapporteur on the rights to freedom of peaceful assembly and of association), Georgia (Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity), Poland (Working Group on discrimination against women and girls), Republic of Moldova (Special Rapporteur on the situation of human rights defenders), Serbia and Kosovo² (Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment), Slovenia (Special Rapporteur on minority issues) and Ukraine (Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Working Group on Enforced or Involuntary Disappearances).

(...)

44. At the forty-first session of the Human Rights Council, the following 19 special procedure mandate holders – 17 holders of thematic mandates and 2 holders of country mandates – presented their annual reports: (...)

- Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity



Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity

Human Rights Council (A/HRC/41/45) – Data collection and management as a means to create heightened awareness on violence and discrimination based on sexual orientation and gender identity

Human Rights Council (A/HRC/41/45/Add.1 and A/HRC/41/45/Add.2) – Missions to Georgia and Mozambique

General Assembly (A/74/181) – Discriminatory laws and sociocultural norms



ITEM 3: PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT

- [A/HRC/43/27 - Awareness-raising under article 8 of the Convention on the Rights of Persons with Disabilities - Report of the Office of the United Nations High Commissioner for Human Rights](#)

29. Persons with disabilities most commonly face multiple and intersecting forms of discrimination, usually on the grounds of age, disability, ethnic, indigenous, national or social origin, gender identity, political or other opinion, race, refugee, migrant or asylum seeker status, religion, sex or sexual orientation. Awareness-raising strategies should consider the realities of persons with disabilities exposed to these forms of discrimination, particularly women and girls with disabilities, and the multidimensional layers of identities, statuses and life circumstances.

- [A/HRC/43/33 Summary of the second intersessional meeting for dialogue and cooperation on human rights and the 2030 Agenda for Sustainable Development - Report of the Office of the United Nations High Commissioner for Human Rights](#)

70. Mr. Morara focused on his experience in Kenya. He gave an overview of the history of a memorandum of understanding that had been developed between the Kenya National Commission on Human Rights and the Kenya National Bureau of Statistics with the support of OHCHR. A total of 29 population groups – including persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons and indigenous groups – had been identified as either left behind or the furthest behind, and were therefore the focus of information-gathering in the national census.

- [A/HRC/43/39 - Annual report of the Special Representative of the Secretary-General on Violence against Children](#)

84. Individual factors include biological and demographic characteristics that increase the risk that a person will be a victim of violence, such as gender, age, low level of education, low income levels, disability or mental health issues, being lesbian, gay, bisexual or transgender, harmful use of alcohol and drugs, and having a history of exposure to violence.

- [A/HRC/43/40 - Sale and sexual exploitation of children - Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material](#)

68. In addition, racism and discrimination normalize violence against the most vulnerable. Some offenders, in particular in the context of travel and tourism, target children of a different ethnicity because they believe that the local culture condones the sexual exploitation of children. Caste-based systems or similarly entrenched inequities enable the offender to justify the sexual exploitation of children from lower castes or groups. Moreover, many cases of domestic illegal adoption have been committed as a form of discrimination against minorities or indigenous communities. Discrimination based on sexual orientation is also a source of



demand, since the sexual exploitation of homosexual or transgender children may be seen in certain contexts as acceptable. Furthermore, disability may constitute a crucial factor that heightens the risk of being subjected to sale and sexual exploitation for girls and boys.

(...)

98. With regard to the establishment of comprehensive, rights-based and child-centred care, recovery and reintegration programmes,⁶⁸ there is a need to establish holistic child-sensitive support that offers integrated services ranging from immediate medical assistance and psychological support to legal aid and long-term reintegration through, inter alia, education, vocational training and life skills. Furthermore, existing child protection systems often lack the required safeguards to prevent system-induced trauma, which deepens the suffering of the victim. Other failures in care and recovery programmes include frequent blaming of child victims and gender discrimination leading to the marginalization of certain child victims, such as boys and lesbian, gay, bisexual, transgender and intersex children.

- [A/HRC/43/40/Add.1 - Visit to Bulgaria - Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material](#)

19. Although the information received is fragmented and anecdotal and data diverging, the evidence gathered from child protection stakeholders demonstrates that child sexual exploitation, including sexual abuse within the inner circle of trust and at a residential institution,⁸ is real and extensive in Bulgaria, and believed to be most prevalent among children belonging to marginalized communities. The extent of child prostitution is unknown, given the lack of comprehensive, systematically collected, reliable and disaggregated data on the number of investigations and prosecutions undertaken. Further, there is no formal mechanism to identify child victims of prostitution. Data is based on statistics regarding lesbian, gay, bisexual, transgender and intersex children, together with statistics regarding children exploited in prostitution when placed in education facilities only. According to UNICEF, the child protection system received approximately 3,000 reports of violence in 2015, although many cases are presumed not to have been reported.⁹ According to the National Programme for the Prevention of Violence against and Abuse of Children, there were 23 child victims of rape or attempted rape in institutions in 2016. However, these data are incomplete, as many cases are not reported owing to the stigma surrounding the issue of sexual abuse of children and the fact that it is largely regarded as a private family matter. The culture of silence further inhibits reporting. Furthermore, some cases may reach the police but not child protection units, owing to the lack of communication among entities and different methodologies of gathering information

(...)

24. Poverty (E/C.12/BGR/CO/6, para. 33), discrimination, segregation and social exclusion create unequal access to social services and education for children in the most marginalized communities. Roma children, children living in poor and non-regulated settings at risk of eviction, children living or working in the streets, children of migrant or refugee families, unaccompanied or separated children, children in residential care or State-run institutions and lesbian, gay, bisexual, transgender and intersex teenagers are particularly exposed to the worst forms of sexual abuse and commercial sexual exploitation, including by caregivers (CRC/C/BGR/CO/3-5, para. 27 (a)).¹² The overwhelming majority of children whom the Special Rapporteur met in crisis centres and institutions were of Roma origin. The deplorable



housing and lack of sanitation and infrastructure that the Special Rapporteur witnessed in the Roma neighbourhood in Sliven expose children in the most precarious situations to the worst forms of sexual abuse and sexual exploitation. The newly built kindergarten in the neighbourhood in Sliven remains inaccessible to most children who live in illegal settlements and do not have a permanent address, required for registration and for access to basic social services.

29. The Special Rapporteur was concerned about the Constitutional Court's decision No. 13/2018 of 27 July 2018, in which the Court declared the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) to be incompatible with the Constitution. She observed during her visit that misinterpretation of the term "gender" had given rise to a hostile environment for organizations working on women's rights and the rights of lesbian, gay, bisexual, transgender and intersex persons, paving the way to homophobia, transphobia and bias against women. The Special Rapporteur was also concerned about the decision of the legislature to amend the Family Allowance Act to link family allowances for children to school attendance, stipulating the circumstances under which monthly family allowances are to be suspended and terminated, including if the child becomes a parent. The European Committee of Social Rights has recently declared these legislative measures to be racially discriminatory, in that the legislation has a disproportionate impact on Roma and on girls.

- [A/HRC/43/41/Add.2 - Visit to Canada - Report of the Special Rapporteur on the rights of persons with disabilities](#)

94. The Special Rapporteur recommends that the Government: (...) (c) Support the participation of persons with disabilities from disadvantaged groups in decision-making, especially those who experience discrimination on the basis of race, colour, sex, gender, sexual orientation, language, religion, political opinion, national, ethnic, indigenous or social origin, property, birth, age or other status.

- [A/HRC/43/42 - Women and children impacted by albinism - Report of the Independent Expert on the enjoyment of human rights of persons with albinism](#)

15. The Committee on the Elimination of Discrimination against Women recognizes intersectionality as a fundamental notion for understanding the scope of the general obligations of States contained in article 2 of the Convention on the Elimination of All Forms of Discrimination against Women (A/HRC/35/10, para. 7). As such, the Committee, in its general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention, states that the discrimination of women based on sex and gender is inextricably linked with other factors affecting them, such as race, ethnicity, religion or belief, health, status, age, class, caste, and sexual orientation and gender identity. The Committee calls on States parties to legally recognize such intersecting forms of discrimination and their compounded negative impact on the women concerned, and to adopt policies and programmes designed to eliminate such occurrences (para. 18).

- [A/HRC/43/42/Add.1 - Visit to South Africa - Report of the Independent Expert on the enjoyment of human rights of persons with albinism](#)



16. At the national level, South Africa has adopted an impressive array of legislation concerning the rights of persons with albinism. These include the Constitution, of 1996, which is one of the most progressive in the world, with its wide-ranging Bill of Rights that prohibits discrimination on several grounds, including race, colour, sexual orientation, disability and culture. The Promotion of Equality and Prevention of Unfair Discrimination Act 2000 and the Employment Equality Act 1998 are both aimed at promoting equality and eliminating discrimination, including for persons with disabilities, which includes persons with albinism. The Employment Equality Act gives recognition to affirmative action measures to redress past inequalities and inequities. High courts and magistrates' courts are designated as equality courts to hear cases of unfair discrimination, harassment and hate speech.

- [A/HRC/43/43 - Guidelines for the Implementation of the Right to Adequate Housing - Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context](#)

Guideline No. 8. Address discrimination and ensure equality

44. Refugees, asylum seekers, migrants, especially those who are undocumented, internally displaced persons, stateless persons, persons with disabilities, children and youth, indigenous peoples, women, lesbian, gay, bisexual, transgender and intersex persons, older persons and members of racial, ethnic and religious minorities are disproportionately represented among those living in homelessness, in informal accommodation and inadequate housing, and are often relegated to the most marginal and unsafe areas. These groups often experience intersectional discrimination as a result of their housing status.

(...)

48. Implementation measures:

(...)

(d) States should incorporate into their laws, policies and administrative practices distinctive standards and approaches to equality that have been developed by and for particular groups. For example:

(...)

(v) States must recognize lesbian, gay, bisexual, transgender and intersex persons as belonging to groups that often suffer stigmatization, discrimination and criminalization with respect to housing and experience widespread homelessness. They must be included in legal protections from discrimination in housing and protected from being forcibly evicted from their homes.

- [A/HRC/43/43/Add.1 Visit to Nigeria - Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context](#)

19. Not only is purchasing a home in the private market unaffordable for most Nigerians, there are many other barriers hindering access to rented accommodation: supply is scarce, landlords require tenants to pay one to two years' rent in advance, discrimination by landlords affects single women, lesbian, gay, bisexual and transgender persons, persons living with HIV/AIDS and others, and no effective rent control or caps have been implemented. Landlord-tenant



relations are loosely governed and state-level rent control laws and other legislation protecting the rights of tenants are frequently violated.

(...)

B. Lesbian, gay, bisexual and transgender persons

62. Lesbian, gay, bisexual, and transgender persons experience extreme discrimination in Nigeria. The 2013 Same-Sex Marriage (Prohibition) Act imposes a 14-year prison sentence for entering into a same-sex “marriage contract or civil union” and a 10-year prison sentence for those who witness, abet and aid the solemnization of a same-sex marriage or union. It also imposes a 10-year prison sentence on persons who directly or indirectly make public show of same-sex amorous relationships. Twelve states in northern Nigeria apply sharia law and penalize homosexuality with death. Although the Special Rapporteur did not receive evidence of the Act having been implemented, it creates a climate of oppression.

63. The Act also violates the right to privacy in the home, as the terms “same-sex marriage” and “civil union” are defined vaguely and could include any form of same-sex cohabitation. While so far there have been no prosecutions under the Act, the law contributes to a social climate that provides justification for discrimination and violence against lesbian, gay, bisexual and transgender persons, including in their own homes. Human Rights Watch reported that in 2014, in Gishiri village, Abuja, a group of approximately 50 persons armed with machetes, clubs and whips dragged people from their homes and severely beat at least 14 men whom they suspected of being gay. The victims told Human Rights Watch that their attackers chanted: “We are doing [President Goodluck] Jonathan’s work: cleansing the community of gays.” The impact on the right to housing is clear in their testimonies: “The mob was going from house to house looking for gay people, and they had police officers with them. We could not sleep in our house that night; we had to sleep under a bridge.”

64. The Special Rapporteur received reports of landlords evicting or refusing to rent to tenants suspected of being lesbian, gay, bisexual or transgender. A deeply disturbing case of a landlord recruiting a group of men to repeatedly rape his tenants, a lesbian couple, in his presence, was also brought to the Special Rapporteur’s attention. The Initiative for Equal Rights, an NGO based in Nigeria, receives four to five complaints each month alleging the eviction of people from their apartments because of their gender identity or sexual orientation.

65. Many lesbian, gay, bisexual and transgender persons in Nigeria are forced into gender conformity and isolation, not only publicly, but also in their own homes, which is incompatible with the enjoyment of the right to housing. The Committee on Economic, Social and Cultural Rights has stated that the right not to be subjected to arbitrary or unlawful interference with one’s home and privacy constitutes an essential dimension of the right to adequate housing. Friends and family members of lesbian, gay, bisexual or transgender persons may find themselves in violation of the Same-Sex Marriage (Prohibition) Act if they associate with their lesbian, gay, bisexual or transgender relative. Lesbian, gay, bisexual and transgender persons are also forced to limit visits to their own domicile by friends who could be suspected of being lesbian, gay, bisexual or transgender for fear that their landlord or neighbours may report them to the police. As a consequence, not even their home offers a safe space for socialization.

(...)



VIII. Conclusions and recommendations

91. The Government should address homelessness on an urgent and priority basis as a human rights crisis, as part of the country's housing strategy. As a first step, and at a minimum, the number of available emergency shelters for different populations at risk, such as women and children fleeing violence, lesbian, gay, bisexual and transgender persons and those living with HIV/AIDS, should be increased significantly. The Government should verify how many persons are homeless and disaggregate relevant data by gender, age, disability and other factors. Homeless persons must be consulted in the process, in order to understand the socioeconomic factors causing homelessness and the best long-term solutions to their situation.

96. The National Assembly and state-level legislatures must adopt comprehensive legislation (including by amending the federal and state tenant legislation) banning discrimination in the housing sector by public and private actors of any group, including women (irrespective of civil status), HIV-positive persons, lesbian, gay, bisexual and transgender persons and persons with disabilities.

97. The Same-Sex Marriage (Prohibition) Act, as well as all other pieces of legislation that discriminate and criminalize on the basis of a person's sexual orientation and gender identity, must be repealed. The right to privacy of lesbian, gay, bisexual and transgender persons in their own homes is an essential element of the right to housing and must be protected.

- [A/HRC/43/43/Add.2 Visit to France - Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context](#)

A. Discrimination in accessing housing

13. The Tenant Law prohibits discrimination based on place of origin, sex, sexual orientation or gender identity, family situation, physical appearance, or age when requesting to rent an apartment or home. Landlords that use discriminatory criteria to disqualify prospective tenants can be sanctioned with a fine or imprisonment (...)

62. The lack of sufficient emergency accommodation has undermined the unconditional right to emergency accommodation. The Special Rapporteur spoke to women fleeing domestic violence, LGBTI youth no longer welcome in their family homes, migrant and refugee families sleeping on pavements, and many others who had called for days and even months before having their call answered and who expressed their desperation that while knowing they had an 'unconditional' right to shelter they were incapable of securing that right.

- [A/HRC/43/45 - Private debt and human rights - Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights](#)

51. Since housing is the entry point to the exercise of numerous human rights, such as education, work or health, people often place expenditure on rentals, mortgages or utilities at



the top of their family priorities, often to their peril. This directly contradicts the authoritative interpretation of affordability for the right to housing made by the Committee on Economic, Social and Cultural Rights in its general comment No. 4 (1992), in which it clarified that personal or household financial costs associated with housing should be at such a level that the attainment and satisfaction of other basic needs are not threatened or compromised. The Committee added that States parties should establish housing subsidies for those unable to obtain affordable housing, as well as forms and levels of housing finance, which adequately reflect housing needs. It is essential to note that discrimination on various bases, such as sexual orientation, by public and private landlords as well as credit providers has an important impact, with, for example, leases and mortgages applications being denied to members of the LGBTI community as a result.

- [A/HRC/43/47/Add.1 Visit to Spain - Report of the Special Rapporteur on minority issues](#)

39. Another important area of concern for minorities is protection against hate speech and incitement to violence. The Government has made considerable progress in addressing those issues and must be commended for the establishment of specialized units to address hate crime, within the offices of provincial public prosecutors, and of a national special prosecutor to oversee the coordination of anti-discrimination activities. Other noteworthy protections, especially in terms of legislation, include article 510 of the Criminal Code, which criminalizes public incitement to violence, hatred or discrimination and the acts of those who, with knowledge of its falseness or reckless disregard for the truth, distribute defamatory information, which can often target minorities and other vulnerable groups. Following the Special Rapporteur's mission to Spain, a circular clarified how this provision should be interpreted, helping to circumscribe more clearly its application, particularly to protect minorities. Article 170 of the Criminal Code provides for greater penalties if threats are intended to frighten members of a minority and other identified groups. Article 22 of the Criminal Code identifies as an aggravating circumstance an intent to commit an offence on the grounds of racism, antisemitism, the religion or beliefs of the victim or his or her ethnicity, citizenship, gender, sexual orientation or gender identity.

- [A/HRC/43/48 - Freedom of religion or belief - Report of the Special Rapporteur on freedom of religion or belief](#)

This report has a strong focus on violence and discrimination against women, girls and lesbian, gay, bisexual and transgender persons in the name of religion or belief. We highly recommend reading it all in any of the available languages.

- [A/HRC/43/48/Add.1 - Visit to The Netherlands - Report of the Special Rapporteur on freedom of religion or belief](#)

22. Under articles 137 c–g of the Criminal Code, incitement to hatred, discrimination and violence against persons based on religion, race, sexual orientation or gender identity are criminalized. Such acts are punishable by up to two years' imprisonment and/or financial penalties. Defamation and threats are punishable under articles 261, 262 and 285 of the Criminal Code and prosecutors ask for sentence enhancements in incitement cases where racism is a motivating factor, carrying a maximum penalty of one year's imprisonment.



Prosecution for hate speech is, however, rare given the strong commitment to defending freedom of expression, especially when that expression is conveyed in a political context. A bill to increase the maximum penalty for incitement to violence, hatred and discrimination was adopted in November 2019 and came into force on 1 January 2020.¹⁵ Criminalization of genocide denial has been pending before the Senate since 2011.

51. The Central Agency for the Reception of Asylum Seekers does not, for example, allow religious practices to be carried out in communal areas in order to avoid inflaming tensions among different groups in an already sensitive environment. Restrictions have been placed on the private rooms of residents, and group worship is not permitted. Individuals are directed to external locations to engage in religious services, but access to these places has been difficult for many. Insufficient religious literacy among staff and a lack of practical training to address tensions that arise between residents of different backgrounds, including those who are not religious or are in a minority in terms of their sexual orientation or gender identity, were also reported.

- [A/HRC/43/48/Add.2 - Visit to Sri Lanka- Report of the Special Rapporteur on freedom of religion or belief](#)

52. Members of LGBT+ community also reported that religious teaching is a significant factor in the marginalization of the LGBT+ communities and leads to deep personal struggles for those who attempt to reconcile their religious identity with their sexuality. Often, the perspectives of LGBT+ and women are excluded from inter-religious dialogues and processes of reconciliation. Efforts for reconciliation, refracted through ethnic and religious lenses, without considering gendered impacts, are not inclusive.
(...)

91. The Rapporteur notes that the current education system deepens the division among different religious and ethnic groups and needs urgent reform with a new curriculum that promotes the values of tolerance, embraces diversity, and fosters a common or unifying “Sri Lankan identity”. Women and girls as well as the LGBT+ persons are rendered more vulnerable in their positions when some religious teachings tend to marginalise them in their rights to equal treatment. Patriarchy and religious marriage laws discriminate against women and disadvantage them in many personal status related matters. It would be vital to ensure a comprehensive reform of both the MMDA and the General Ordinance on Marriage to comply with international law standards on gender equality.

- [A/HRC/43/49 - Torture and other cruel, inhuman or degrading treatment or punishment - Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment](#)

37. It must be stressed that purportedly benevolent purposes cannot, per se, vindicate coercive or discriminatory measures. For example, practices such as involuntary abortion, sterilization, or psychiatric intervention on the grounds of “medical necessity” or the “best interests” of the patient (A/HRC/22/53, paras. 20 and 32–35; and A/63/175, para. 49), or forcible internment for the “re-education” of political or religious dissidents, the “spiritual healing” of mental illnesses (A/HRC/25/60/Add.1, paras. 72–77), or for “conversion therapy” related to gender identity or sexual orientation (A/74/148, paras. 48–50), generally involve



highly discriminatory and coercive attempts at controlling or “correcting” the victim’s personality, behaviour or choices and almost always inflict severe pain or suffering. In the view of the Special Rapporteur, therefore, if all other defining elements are present, such practices may well amount to torture.

- [A/HRC/43/49/Add.1 - Visit to Comoros - Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment of punishment](#)

120. With regard to lesbian, gay, bisexual, transgender and intersex persons, the Government should repeal laws that target and criminalize lesbian, gay, bisexual, transgender and intersex persons and take action to combat violence, threats and intimidation on the basis of sexual orientation and gender identity.

- [A/HRC/43/50 - Cultural rights defenders - Report of the Special Rapporteur in the field of cultural rights](#)

48. The Special Rapporteur in the field of cultural rights, and the Special Rapporteur on the situation of human rights defenders both have communications procedures under which cases of alleged violations can be raised confidentially with States and other actors, to be published later along with any reply. 34 To date, the cultural rights and human rights defenders mandates have sent approximately 25 joint communications, sometimes involving other special procedures, regarding cases in 15 countries and nearly every region. Replies were received in 13 cases. These have covered a range of issues related to cultural rights defenders, from the rights of those working to protect cultural diversity, artistic freedom, intercultural dialogue, the cultural rights of indigenous peoples and of those facing discrimination due to their sexual orientation or gender identity, to attacks on women cultural rights defenders. More cases concerning violations
(...)

53. Cultural rights defenders may experience the paradoxical phenomenon of the very rights they defend being co-opted to undermine them. For example, culture, cultural diversity or cultural rights may be misused, in violation of international standards, to seek to justify violations, and undercut those who advocate precisely for the cultural rights of women or minorities or those excluded on the basis of caste or facing discrimination due to their sexual orientation or gender identity. Discrimination in the exercise of cultural rights is then claimed to be justified in the name of respect for cultural diversity or culture. This is unacceptable (see A/73/227).

55. The erasure of particular aspects of culture, cultural heritage, history and identities – which may be essential for cultural rights defenders, or what they are seeking to protect and defend – poses particular risks to such defenders and their work. For example, the criminalization of sexual orientation in many countries renders invisible cultural and artistic expression related to “gayness”, thereby suppressing the cultural content itself and regulating those who create or defend it. The deliberate disappearing of the contributions, heritage and histories of religious and ethnic minorities, and frequent narration of history from certain majoritarian perspectives, increases the difficulties and dangers facing those seeking to protect such minority cultures and their traces.



B. Recommendations

77. States should: (...)

(e) Ensure that all national legislation related to human rights defenders, including cultural rights defenders, is in accordance with international human rights standards, and abrogate or reform without delay any legislation not in compliance with international standards or that inhibits the work of cultural rights defenders, or puts them at risk, such as criminalization of sexual orientation, blasphemy laws or laws that discriminate against women and minorities;

- [A/HRC/43/51 - Human rights defenders operating in conflict and post-conflict situations - Report of the Special Rapporteur on the situation of human rights defenders](#)

25. Defenders are also at risk because of the sensitive nature of their work. When uncovering violations perpetrated by parties to armed conflicts, including under occupation, investigating certain cases of disappearances, opposing the expanding role of military forces in law enforcement or contesting public denials of war crimes, they expose themselves. When denouncing corruption and collusion between public actors, private entities and criminal organizations, the illegal exploitation of natural resources and the illegal trade in arms, they challenge established interests and the distribution of power. Some also become directly exposed when promoting policies set by peace agreements that provide for disarmament or alternatives to illicit exploitations. In conflict and post-conflict situations, there is indisputable evidence that defenders are particularly at risk when they belong to indigenous communities or to certain religious or ethnic minorities or because of their sexual orientation or gender identity. It is in main cities that defenders are most likely to find protection, with the presence of international organizations. But those in most remote areas are the forgotten one. (Defender, Democratic Republic of the Congo)

- [A/HRC/43/51/Add.1 - Visit to Colombia - Report of the Special Rapporteur on the situation of human rights defenders](#)

4. Defenders of the rights of lesbian, gay, bisexual, transgender and intersex persons

49. The Special Rapporteur deeply regrets the death in 2017 of six defenders of the rights of lesbian, gay, bisexual, transgender and intersex persons (one fewer than in 2016) and the increase in threats against this group, as well as the fact that the Attorney General's Office opened only 17 investigations into the 60 threats reported in 2017.⁷¹ Information for 2018 indicates that one defender of the rights of lesbian, gay, bisexual, transgender and intersex persons was killed. Defenders of the rights of that community have identified an urgent need to improve the protection provided by the National Protection Unit, which does not currently meet the specific needs of this category of defenders.

50. The Special Rapporteur recognizes the important role of defenders of the human rights of lesbian, gay, bisexual, transgender and intersex persons and that of the Constitutional Court in advancing the rights of that community. As a result of their work, same-sex marriage and social security and pension rights for same-sex couples are now recognized in Colombia, as are the rights to undergo gender reassignment surgery and to change one's name and gender in the Civil Registry. The Special Rapporteur welcomes the adoption of public policy to guarantee the



rights of lesbian, gay, bisexual, transgender and intersex persons and persons of diverse sexual orientations and gender identities.

51. However, important initiatives supported or led by civil society have been attacked by conservative sectors of society that are opposed to such advances and the recognition of such rights, which they consider “an imposition of the so-called ‘gender ideology’”, contrary to traditional Christian values and the traditional concept of family. The process of reviewing school materials to raise awareness of gender roles and diversity of gender identities, in compliance with Constitutional Court decision T-478,73 was halted following the collection of two million signatures and provoked attacks in the media and on social networks against the former Minister of Education and the lesbian, gay, bisexual, transgender and intersex community.⁷⁴ Similarly, there were objections to the inclusion of contributions to the Peace Agreement related to the rights of this community, leading some to vote no or abstain from voting in the referendum on the Peace Agreement, which, according to some sources, may have influenced the results.

(...)

65. In their public discourse, some representatives of the evangelical and Catholic churches reject what they consider the “imposition of gender ideology”, which is simply the recognition of the human rights of lesbian, gay, bisexual, transgender and intersex persons and the sexual and reproductive rights of women. The Special Rapporteur is concerned that this is accompanied by social mobilization and an increase in discriminatory statements against the lesbian, gay, bisexual, transgender and intersex community and those who defend sexual and reproductive rights.

(...)

78. The Special Rapporteur recommends that civil society: (...)

(b) Address the issue of discrimination against women and lesbian, gay, bisexual, transgender and intersex defenders within the framework of broader human rights movements.

- [A/HRC/43/51/Add.2 - Visit to Mongolia- Report of the Special Rapporteur on the situation of human rights defenders](#)

3. The Special Rapporteur met with over 100 human rights defenders, including representatives of non-governmental organizations, journalists and media workers, environmental defenders, children rights advocates, trade unionists, herder activists, anticorruption advocates, whistle-blowers, lawyers and individuals fighting discrimination against persons who are lesbian, gay, bisexual, transgender and intersex).

45. The right to freedom of peaceful assembly is well protected by the domestic legal framework. For protests to happen, individuals just need to declare to the local authority the time and place where their assembly will take place. In practice, however, some groups such as trade unionists, lesbian, gay, bisexual, transgender and intersex persons and children human rights defenders, reported facing some hurdles. Reportedly, they are at times requested to find another location or another day because a concurrent demonstration or a public event had already been scheduled. It is also reported that for some demonstrations, such as those



organized by the lesbian, gay, bisexual, transgender and intersex community, police sometimes check the identity cards of participants prior to their joining demonstrations, which may deter individuals from exercising their right of peaceful assembly. In other cases, authorities simply refused to register the event, alleging moral grounds. This has happened repeatedly in the past few years when the metropolitan Ulaanbaatar city government restricted access to the Sukhbaatar Square for activities of the Equality and Pride Day organized by the lesbian, gay, bisexual, transgender and intersex community

3. Lesbian, gay, bisexual, transgender and intersex rights defenders

54. In late 2015, the Government of Mongolia passed a landmark amendment to the Criminal Code, which made discrimination on the grounds of sexual orientation and gender identity a crime. However, social attitudes and prejudices and stigmatization are still prevalent against lesbian, gay, bisexual, transgender and intersex persons and those defending their rights. The Special Rapporteur believes that greater efforts are needed to ensure that lesbian, gay, bisexual, transgender and intersex persons and organizations access effective redress when they are subject to attacks, threats and other violations or abuses.

55. The Special Rapporteur concurs with the analysis made by officials he met during the visit that lesbian, gay, bisexual, transgender and intersex persons and organizations are at times the victims of subjective interpretation of the assembly law, and he believes more should be done to ensure that they can effectively exercise their rights to freedom of peaceful assembly, association and expression.

- [A/HRC/43/51/Add.4 - Informe del Relator Especial sobre la situación de los defensores de derechos humanos acerca de su visita a Colombia - Comentarios formulados por el Estado](#)

Defensores LGBTI

Párr. 51.

85. “Sin embargo, importantes iniciativas apoyadas o lideradas por la sociedad civil, han sido atacadas por sectores conservadores de la sociedad que se oponen a dichos avances y derechos, los que además consideran “una imposición de la llamada ideología de género” contraria a los valores tradicionales cristianos y al concepto tradicional de familia. El proceso de revisión de materiales escolares para sensibilizar sobre los roles y la diversidad de identidades de género en cumplimiento de la sentencia T-478 del Tribunal Constitucional, fue paralizado con la recogida de dos millones de firmas y desató ataques en los medios y redes sociales en contra de la anterior ministra de educación y contra el colectivo LGBTI. Asimismo, las aportaciones al Acuerdo de Paz en materia de derechos de las personas LGBTI motivaron pronunciamientos en contra y el rechazo o el silencio en torno al plebiscito sobre el Acuerdo de Paz, que pareciera haber influido en los resultados”.

86. El Estado considera que en el párrafo el Relator realiza juicios de valor que no están en sintonía con el mandato de los procedimientos especiales del Consejo de Derechos Humanos. Referirse a los resultados que obtuvo el plebiscito por la paz afirmando que el debate sobre los derechos de las personas LGBTI “pareciera haber influido” el resultado es irresponsable,



carece de fundamento, es una impresión personal, y además hace que el Relator tome parte en un debate domestico de posiciones políticas, que hace muy cuestionable su parcialidad.

87. El Estado solicita que, de querer desarrollar ese argumento, el Relator lo ponga en función de su mandato para facilitar el desarrollo del ejercicio de la defensa de los derechos humanos

- [A/HRC/43/52 - Report of the Special Rapporteur on the right to privacy](#)

15. Everyone, irrespective of their biological sex, sex characteristics, sexual orientation or gender identity and expression, is entitled to the full enjoyment of the right to privacy. For some, their gender entails a particular reliance upon States and non-State actors to facilitate access to their right to privacy, and to protect them from infringements.

20. A robust international 'privacy and gender' framework was identified as comprising:

(...)

(d) A contemporary understanding of 'gender' based on recognition that:

(i) cis-normativity; biological sex; sexual orientation and expression gender identity and expression, and sex characteristics, and societal norms are elements of gender;

(ii) gender, for some individuals, can change throughout their life;

(iii) gender identity is integral to personality and important to self-determination, dignity and freedom;

(iv) gender intersects with ethnicity, indigeneity, age, disability, health, migration, marital or family status amongst other factors, to heighten the importance of human rights to dignity and quality of life.

24. These recommendations are intended to cover both State and non-State actors and are relevant to the privacy of all individuals, inclusive of binary female and male, and individuals of diverse sexual orientation, gender identity, gender expression and sex characteristics.

27. State and non-State Parties to:

(a) Recognise that:

(i) the right to privacy also includes gender identity and the freedom of individuals to make autonomous decisions with regard to their bodies;

(ii) the privacy needs and aspirations of people and populations of cis-normativity, diverse sexual orientations, gender identities, gender expressions and sex characteristics while having common ground, are distinct from each other;

(...)

7. Civic, recreational and cultural activities

37. State and non-State parties to: (...)

(l) Sporting organisations integrate the Yogyakarta Principles (2006) and Additional Principles (2017), and all relevant human rights norms and standards, in their policies and practices, in particular:

(i) ensure all individuals can participate in sport in line with the gender with which they identify, subject only to reasonable, proportionate and non-arbitrary requirements, and without gender based discrimination;



- (ii) install appropriate changing rooms, and increase awareness in the sporting community of privacy and any anti-discrimination laws for persons of diverse sexual orientations, gender identities, gender expressions, and sex characteristics;
- (iii) remove, and refrain from introducing, policies that force, coerce or otherwise pressure women athletes into undergoing unnecessary and harmful medical examinations, testing and/or procedures in order to participate as women athletes;
- (iv) take measures to encourage the general public to respect diversity base on gender in sports, and to eliminate privacy incursions.

(...)

9. Physical autonomy, reproductive rights and well-being

39. State and non-State parties to: (...)

(c) Prevent the disclosure of personal health data related to reproductive health, sexual orientation, gender identity, gender expression and sex characteristics, such as gender-affirming treatment, without the free, prior and informed consent of the person;

(d) Guarantee and protect the rights of everyone, including all children, to bodily and mental integrity, autonomy and self-determination, by prohibiting any practice and repealing any laws and policies, so no one shall be subjected to invasive or irreversible medical procedures that modify sex characteristics including female genital mutilation, forced genital-normalising surgery, involuntary sterilisation, unethical experimentation, medical display, “reparative” or “conversion” therapies, without their free, prior and informed consent unless necessary to avoid serious, urgent and irreparable harm to that person;

(e) 10.5 Address stigma, discrimination and stereotypes based on gender, and combat the use of gender stereotypes, and other social, religious and cultural rationales, to justify modifications to sex characteristics, including of children;

(...)

10. Health care

41. States and non-State Parties to: (a) Implement the provisions of the UN SRP's Recommendation on Health-related Data, particularly:

(iv) gender-marker categories in health records and health-related data include provision for non-binary classifications;

(v) all necessary measures are taken to ensure systems, procedures, records and data collection reflect all medical or other treatments, for example, upon intersex children or gender-change transitions;

(vi) health-related data systems for recording and processing familial relationships reflect, for example, same-sex partner recognition, and, in the case of children, the self-defined gender of their parents, guardians, or other family members;

(xi) review medical classifications in order to eradicate the conception of some forms of sexual orientation or gender identities as pathologies.



17. Detention
54. States and non-State parties to:
 - (a) Implement:
 - (i) privacy policies relating to the placement and treatment of persons deprived of their liberty that reflect the needs and rights of persons of all genders including sexual orientations, gender identities, gender expressions, and sex characteristics;
 - [A/HRC/43/55 - Report on the fifth session of the open-ended intergovernmental Working Group on transnational corporations and other business enterprises with respect to human rights](#)

28. Delegations had various suggestions with respect to the preambular paragraph recognizing the distinctive and disproportionate impact of certain business-related human rights abuses on different groups of people. One delegation recommended that it would be more appropriate to refer to the groups' situations of vulnerability rather than the groups'



ITEM 4: HUMAN RIGHTS SITUATIONS THAT REQUIRE THE COUNCIL'S ATTENTION

- [A/HRC/43/59 - Report of the Special Rapporteur on the situation of human rights in Myanmar](#)

61. In view of this, the Special Rapporteur proposes that Myanmar embark upon a national dialogue to bring the nation together, provide a forum for debate and discussion about the past and future, and reinvigorate a vision for nation building. The national dialogue needs to be inclusive, participatory, and firmly grounded in human rights. It should involve stakeholders including women, men, youth, people with disabilities, LGBTI people, civil society, and people of different religions and ethnicities, across the country, and include refugees forced from Myanmar. Genuine local ownership over the process would be key: local level dialogue should feed into dialogue at the State and Region level, and the national level. With transparency and public engagement throughout, it should address a wider scope of issues than the current peace process, including civic space, land use, resource sharing, sustainable development, legacies of conflict and refugee and IDP return. Additionally, ongoing issues of discrimination and inequality should be addressed, and ways to move towards an equal, tolerant and pluralistic society espoused. The dialogue should look into reasons for grievances, and explore victim-centred approaches to addressing them, including transitional justice mechanisms in accordance with truth, justice, reparations and guarantees of non-recurrence. The dialogue should build consensus about the future of the nation and could include proposals for peace, and constitutional, legal, security and administrative reform. This would provide a solid foundation for the democratic transformation to proceed.

- [A/HRC/43/61 - Situation of human rights in the Islamic Republic of Iran - Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran](#)

57. Another former detainee who was an activist for lesbian, gay, bisexual and transgender rights and for gender equality and who had spent 19 days in solitary confinement in ward 209 at Evin Prison informed the Special Rapporteur that she was kept in a cell measuring 2m by 3m and could not talk to her family or the outside world for the first 15 days of her detention. She was not allowed to have any books. In the bathroom, only hot water was available, and in her cell the lights were on 24 hours a day. She developed an anxiety disorder that caused panic attacks, as a result of which she was taken to the prison clinic, where she was given medication. Another person who was in solitary confinement in ward 209 reports having been kept in such confinement for 83 days. For three weeks he had access only to the bathroom. He could ring a bell to ask for assistance and, when taken to the bathroom, he was blindfolded. During that period, he could not receive visits. His parents came every week but were sent back every time. Another detainee who was held in solitary confinement in Zahedan Prison was not allowed to talk to his family for 30 days.

(...)

70. The Special Rapporteur recommends that the Government, the judiciary and the parliament, as appropriate: (...)

(b) Ensure that all detained individuals receive adequate health care, without discrimination on grounds of political or legal situation, ethnicity, religion, political opinion, gender, sexual orientation or other status;



ITEM 5: HUMAN RIGHTS BODIES AND MECHANISMS

- [A/HRC/43/63 - Report of the 2019 Social Forum](#)

41. Elin Martínez, senior researcher at Human Rights Watch, spoke about strengthening secondary education for all and underlined that the international community was already behind on its commitments. Most States provided secondary education to high numbers of children, and there had been greater emphasis on formal secondary education at the national and international level, particularly through the 2030 Agenda for Sustainable Development. However, many children – including children with disabilities, children who dropped out early or whose grades were not high enough, and children who could not afford fees – were effectively barred from formal secondary education, with poor-quality technical and vocational education being the only educational option available. Five key changes could contribute to universal secondary education: free secondary education in law, policy and practice; the removal of filtering exams before or mid-way through secondary school; eliminating discrimination in teaching, curricula and the learning environment; ensuring that pregnant girls, adolescent mothers and girls forced to marry can remain in education; and eliminating stigma, discrimination, bullying and violence by teachers and students, and protecting lesbian, gay, bisexual and transgender students

- [A/HRC/43/64 - Report on the twenty-sixth annual meeting of special rapporteurs/representatives, independent experts and working groups of the special procedures of the Human Rights Council \(17-21 June 2019\), including updated information on the special procedures](#)

65. The Member of the Working Group on the issue of human rights and transnational corporations and other business enterprises, Anita Ramasastry, was elected Chair of the Coordination Committee. Victor Madrigal-Borloz, Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, was elected Rapporteur of the annual meeting and member of the Coordination Committee. The other members elected were: Javaid Rehman, Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; Clement Nyaletsossi Voule, Special Rapporteur on the rights to freedom of peaceful assembly and of association; and Leigh Toomey, and Member of the Working Group on Arbitrary Detention. The outgoing Chair of the Coordination Committee, Dainius Puras, Special Rapporteur on the right of everyone to the enjoyment of highest attainable standard of physical and mental health remained as ex officio member for the following year.



ITEM 6: UNIVERSAL PERIODIC REVIEW

- **Angola:** received 5 SOGIESC recommendations. It accepted all 5 recommendations.
- **Bolivia:** received 9 SOGIESC recommendations. It accepted 5 recommendations and noted the other 4 recommendations.
- **Bosnia and Herzegovina:** received 5 SOGIESC recommendations. . It accepted 4 recommendations and noted the other one.
- **Egypt:** received 3 SOGIESC recommendations. It noted all 3 recommendations.
- **El Salvador:** received 13 SOGIESC recommendations. It accepted 7 recommendations and noted the other 6.
- **Fiji:** received 13 SOGIESC recommendations. It accepted 5 and noted the other 8.
- **Gambia:** received 12 SOGIESC recommendations. It noted all the recommendations.
- **Iran:** received 10 SOGIESC recommendations. It noted 8 and partially accepted the other 2.
- **Iraq:** received 5 SOGIESC recommendations. It accepted 1, partially accepted other 2 and noted 2.
- **Italy:** received 17 SOGIESC recommendations. It accepted 16 and noted 1.
- **Kazakhstan:** received 11 SOGIESC recommendations. It accepted 1 and noted the other 10 recommendations.
- **Madagascar:** received 4 SOGIESC recommendations. It noted all the recommendations.
- **San Marino:** received 7 SOGIESC recommendations. It accepted 3 and noted the other 4 recommendations.
- **Slovenia:** received 9 SOGIESC recommendations. It accepted 5 and noted the other 4 recommendations.

If you want to know exactly what happened or find updated information on the Working Group Sessions and the UPR outcomes, check out ILGA's complete and updated [Report for the 34th Session](#)



ITEM 7: HUMAN RIGHTS SITUATION IN PALESTINE AND OTHER OCCUPIED ARAB TERRITORIES

- [A/HRC/43/70 - Implementation of Human Rights Council resolutions S-9/1 and S-12/1 - Report of the United Nations High Commissioner for Human Rights](#)

35. Many lesbian, gay, bisexual, transgender and intersex persons are continuously faced with physical and psychological violence by their families. For example, a lesbian woman in the West Bank who was kidnapped by family members after attempting to leave the country and who was subsequently locked inside the family house reported to OHCHR that her family would repeatedly threaten to kill her, tell her to kill herself and assault her. All victims of such violence reported fearing reprisals from the authorities and their families if they reported the incidents.

36. Throughout the Occupied Palestinian Territory, the civic space continued to shrink, with violations of the rights to freedom of expression, peaceful assembly and association committed by the Government of Israel, the Palestinian Authority and the authorities in Gaza. Human rights defenders, journalists and civil society organizations (Palestinian mainly but Israeli too) continued to be regularly the targets of arbitrary arrest, detention and attacks on their reputations. Human rights defenders in the Occupied Palestinian Territory were particularly affected because of who they were, what they represented or the rights they promoted, for example the rights of lesbian, gay, bisexual, transgender and intersex persons. Women human rights defenders faced additional and unique challenges.

49. In an alarming development, on 17 August 2019, the spokesperson for the Palestinian police released a statement banning all activities of the lesbian, gay, bisexual, transgender and intersex advocacy group Al Qaws, calling on the public to report their members to the police for prosecution. Thousands of messages of hatred and incitement to violence followed on social media, including death threats against persons perceived to be associated with Al Qaws. OHCHR monitored cases of individuals being physically threatened. The police removed the statement from its web page on 19 August 2019 but did not formally retract it nor publicly condemn the incitement to violence and hate speech

59. In 2019, a gay man was interrogated by the Palestinian General Intelligence Service concerning a video posted on social media showing him with a male partner, disclosing his sexual relations and mentioning the names of lesbian, gay, bisexual, transgender and intersex people and activists in the West Bank. He was threatened with further detention if he continued to have sexual relations with men. In another case in 2019, a transgender woman was detained by the Palestinian police for five days with the accusation of possessing narcotics. She was repeatedly kicked, beaten and sexually harassed through the use of derogatory terms about her gender identity, including invasive questions about her sexual life.



ITEM 8: FOLLOW-UP AND IMPLEMENTATION OF THE VIENNA DECLARATION AND PROGRAMME OF ACTION



ITEM 9: RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED FORMS OF INTOLERANCE, FOLLOW-UP AND IMPLEMENTATION OF THE DURBAN DECLARATION AND PROGRAMME OF ACTION

- [A/HRC/43/72 - Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief - Report of the United Nations High Commissioner for Human Rights](#)

15. France reported that the Ministry of Justice and the Interministerial Delegation against Racism, Antisemitism and Hatred against Lesbian, Gay, Bisexual and Transgender Persons had been working, in partnership with Germany, on a European project on preventing racism and intolerance to reinforce the penal response to actions of a racist, xenophobic or anti-religious character through exchanges between judicial authorities and institutions charged with combating these phenomena. Based on four study visits to the European partner and other States, the project had resulted in a guide of good practices that was presented at a final conference.

37. France reported that the Interministerial Delegation against Racism, Antisemitism and Hatred against Lesbian, Gay, Bisexual and Transgender Persons had taken concrete measures against religious hatred online and had made Internet platforms responsible for taking down and retracting hateful content at short notice, under penalty of pecuniary sanctions, according to a bill that had undergone a first reading by the National Assembly on 9 July 2019 and that would be debated and undergo a first reading by the Senate. It had also adopted an online system for submitting complaints on hateful content. The Interministerial Delegation had funded associations specialized in combating hateful content online and intended to reinforce the PHAROS platform, through which notifications of hateful content on social networks were made and investigated.

71. During criminal investigations the Danish police was obliged to follow Danish legislation, which prohibited any kind of discrimination on the basis of faith, race, skin colour, national or ethnic origin and sexual orientation. Students at the police academy were taught to combat and prevent ethnic profiling, including religious profiling, and to avoid discrimination of any kind when conducting investigations and other law enforcement activities.

- [A/HRC/43/73 - Report of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action on its seventeenth session](#)

27. Ms. Day pointed out the resurgence of hate crime incidents and incendiary political rhetoric against people of African descent. She noted that, in many countries, political discourse was being instrumentalized against people of African descent as a means of gaining or consolidating power. She also noted that there had been a troubling attempt to justify racial discrimination and racial hatred, including at their intersections with gender and gender identity, disability, belief and sexual orientation, under the guise of freedom of speech or freedom of religion. She further noted the violence against women of African descent and transgender women of African descent. Ms. Day expressed concern regarding the rise of Big Data and artificial intelligence products that disproportionately burdened and penalized people on the basis of race and the pervasive racial discrimination that might result from



algorithmic bias. Health-care coverage algorithms might allocate less care for people of African descent with the same medical symptoms and conditions as people in other groups. Ms. Day stated that the Working Group of Experts on People of African Descent had had the opportunity to speak with people of African descent globally and that it remained stunning how similar their stories and their concerns were, country to country.

65. The representative of the European Union recalled that women and girls of African descent were exposed to and faced intersecting and multiple forms of discrimination, including discrimination based on race, ethnicity, sex, nationality, migration status, sexual orientation, gender identity and any other social status. She explained that the first European Union week for people of African descent, which had taken place at the European Union parliament in 2018, showcased inspiring stories of many women and girls of African descent across the European Union. She stressed the urgency to take steps to ensure that public service providers, in particular in the fields of social protection, health, education and justice, adopted policies and procedures to eliminate all forms of discrimination and barriers faced by women of African descent.



ITEM 10: TECHNICAL ASSISTANCE AND CAPACITY-BUILDING

- [A/HRC/43/77 - Communications report of Special Procedures](#)

II. Statistics on communications and replies by mandate

Mandate	Reporting period: 1 June to 30 November 2019			Reporting period: 1 June 2006 to 30 November 2019		
	Communications sent	replied to by 31 January 2020	response rate#	Communications sent	replied to by 31 January 2020	response rate#
SOGI	7	5	71%	51	30	59%



REPORTS THAT DO NOT ADDRESS SOGIESC ISSUES

- A/HRC/43/1 - Agenda and annotations for the forty-third session of the Human Rights Council
- A/HRC/43/18 - Situation of human rights of Rohingya Muslim minority and other minorities in Myanmar - Report of the United Nations High Commissioner for Human Rights
- A/HRC/43/19 - Promoting reconciliation, accountability and human rights in Sri Lanka - Report of the Office of the United Nations High Commissioner for Human Rights
- A/HRC/43/21 - Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem - Report of the United Nations High Commissioner for Human Rights
- A/HRC/43/23 - Measures taken to implement Human Rights Council resolution 9/8 and obstacles to its implementation, including recommendations for further improving the effectiveness of, harmonizing and reforming the treaty body system - Report of the Secretary-General
- A/HRC/43/24 - Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment - Report of the Secretary-General
- A/HRC/43/25 - United Nations Voluntary Fund for Victims of Torture - Report of the Secretary-General
- A/HRC/43/26 - Report of the Secretary-General on the safety of journalists and the issue of impunity - Note by the Secretariat
- A/HRC/43/28 - Rights of persons belonging to national or ethnic, religious and linguistic minorities - Report of the Office of the United Nations High Commissioner for Human Rights
- A/HRC/43/30 - Realizing the rights of the child through a healthy environment - Report of the United Nations High Commissioner for Human Rights
- A/HRC/43/31 - The role of technical assistance and capacity-building in fostering mutually beneficial cooperation in promoting and protecting human rights - Report of the Human Rights Council Advisory Committee
- A/HRC/43/32 - Workshop on regional arrangements for the promotion and protection of human rights - Report of the Office of the United Nations High Commissioner for Human Rights
- A/HRC/43/34 - Intersessional seminar on the role of good governance in the promotion and protection of human rights and best practices in the implementation of the Sustainable Development Goals, including Goal 16 in this regard - Report of the Office of the United Nations High Commissioner for Human Rights
- A/HRC/43/35 - Integrity of the judicial system - Report of the United Nations High Commissioner for Human Rights
- A/HRC/43/36 - Summary of the biennial Human Rights Council panel discussion on unilateral coercive measures and human rights - Report of the Office of the United Nations High Commissioner for Human Rights
- A/HRC/43/37 - Overview of consultations on the contribution of the Human Rights Council to the prevention of human rights violations - Report of the Rapporteurs
- A/HRC/43/38 - Children and armed conflict - Report of the Special Representative of the Secretary-General for Children and Armed Conflict

- A/HRC/43/41 - Rights of persons with disabilities - Report of the Special Rapporteur on the rights of persons with disabilities
- A/HRC/43/41/Add.1 - Visit to Kuwait - Report of the Special Rapporteur on the rights of persons with disabilities
- A/HRC/43/41/Add.3 - Report of the Special Rapporteur on the rights of persons with disabilities - Visit to Norway
- A/HRC/43/41/Add.4 - Report of the Special Rapporteur on the rights of persons with disabilities on her visit to Kuwait - Comments by the State
- A/HRC/43/41/Add.5 - Report of the Special Rapporteur on the rights of persons with disabilities on her visit to Canada - Comments by the State
- A/HRC/43/41/Add.6 - Report of the Special Rapporteur on the rights of persons with disabilities on her visit to Norway - Comments by the State
- A/HRC/43/44 - Critical perspective on food systems, food crises and the future of the right to food - Report of the Special Rapporteur on the right to food
- A/HRC/43/44/Add.1 - Visit to Azerbaijan - Report of the Special Rapporteur on the right to food
- A/HRC/43/44/Add.2 Visit to Zimbabwe - Report of the Special Rapporteur on the right to food
- A/HRC/43/44/Add.3 - Report of the Special Rapporteur on the right to food on her visit to Azerbaijan - Comments by the State
- A/HRC/43/44/Add.4 - Report of the Special Rapporteur on the right to food on her visit to Zimbabwe - Comments by the State
- A/HRC/43/44/Add.5 - Visit to Italy - Report of the Special Rapporteur on the right to food
- A/HRC/43/44/Add.6 - Report of the Special Rapporteur on the right to food on her visit to Italy - Comments by the State
- A/HRC/43/45/Add.1 - Visit to the Plurinational State of Bolivia - Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights
- A/HRC/43/45/Add.2 - Visit to Mongolia - Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights
- A/HRC/43/45/Add.3 - Informe del Experto Independiente sobre las consecuencias de la deuda externa y las obligaciones financieras internacionales conexas de los Estados para el pleno goce de todos los derechos humanos, sobre todo los derechos económicos, sociales y culturales acerca de su visita al Estado Plurinacional de Bolivia - Comentarios formulados por el Estado
- A/HRC/43/45/Add.4 - Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights on his visit to Mongolia - Comments by the State
- A/HRC/43/46 - Human rights impact of policies and practices aimed at preventing and countering violent extremism - Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

- A/HRC/43/46/Add.1 - Visit to Kazakhstan - Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism
- A/HRC/43/46/Add.2 - Report of the Special Rapporteur on the Promotion and protection of human rights and fundamental freedoms while countering terrorism on his visit to Kazakhstan - Comments by the State
- A/HRC/43/47 - Education, language and the human rights of minorities - Report of the Special Rapporteur on minority issues
- A/HRC/43/47/Add.2 - Report of the Special Rapporteur on minority issues on his visit to Spain - Comments by the State
- A/HRC/43/51/Add.5 - Report of the Special Rapporteur on the situation of human rights defenders on his visit to Mongolia - Comments by the State
- A/HRC/43/53 - Right to a healthy environment: good practices - Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment
- A/HRC/43/53/Add.1 - Visit to Fiji - Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment
- A/HRC/43/53/Add.2 - Visit to Norway - Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment
- A/HRC/43/56 - Report of the Commission on Human Rights in South Sudan
- A/HRC/43/57 - Report of the Independent International Commission of Inquiry on the Syrian Arab Republic
- A/HRC/43/58 - Report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea
- A/HRC/43/62 - Recommendations of the Forum on Minority Issues at its twelfth session on the theme "Education, Language and the Human Rights of Minorities" - Report of the Special Rapporteur on minority issues
- A/HRC/43/66 - Study on utilizing non-repatriated illicit funds with a view to supporting the achievement of the Sustainable Development Goals - Report of the Human Rights Council Advisory Committee
- A/HRC/43/67 - Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan - Report of the United Nations High Commissioner for Human Rights
- A/HRC/43/68 - Report of the Chair of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights
- A/HRC/43/69 - Human rights in the occupied Syrian Golan - Report of the Secretary-General
- A/HRC/43/71 - Database of all business enterprises involved in the activities detailed in paragraph 96 of the report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem - Report of the United Nations High Commissioner for Human Rights
- A/HRC/43/74 - Situation of human rights in Afghanistan and technical assistance achievements in the field of human rights - Report of the United Nations High Commissioner for Human Rights



- A/HRC/43/75 - Situation of human rights in Libya, and the effectiveness of technical assistance and capacity-building measures received by the Government of Libya - Report of the United Nations High Commissioner for Human Rights
- A/HRC/43/76 - Situation of human rights in Mali - Report of the Independent Expert on the situation of human rights in Mali