

United Nations Treaty Bodies:  
References to sexual orientation,  
gender identity, gender expression  
and sex characteristics

2016



**ilga**

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## About ILGA

ILGA – the International Lesbian, Gay, Bisexual, Trans and Intersex Association – is the world federation of national and local organisations dedicated to achieving equal rights for lesbian, gay, bisexual, trans and intersex (LGBTI) people. ILGA is an umbrella organisation of more than 1200 member organisations presented in six different regions: Pan Africa ILGA, ILGA-Asia, ILGA-Europe, ILGA-LAC (Latin America and the Caribbean), ILGA North-America and ILGA-Oceania (Aotearoa/New Zealand, Australia and Pacific Islands).

Established in 1978, ILGA enjoys consultative status at the UN ECOSOC. As the only global federation of LGBTI organisations, ILGA voices its agenda in various United Nations fora. ILGA gives visibility to the struggles of its members lobbying at the Human Rights Council, helping them questioning their government's record on LGBTI rights in the frame of the Universal Periodic Review, and provides support and guidance to member organizations in their engagement with the Treaty Bodies.

## List of Acronyms

**CAT** – Committee against Torture

**CEDAW** – Committee on the Elimination of Discrimination against Women

**CERD** – Committee on the Elimination of Racial Discrimination

**CESCR** – Committee on Economic, Social and Cultural Rights

**CRC** – Committee on the Rights of the Child

**CRPD** – Committee on the Rights of Persons with Disabilities

**CSO** – Civil society organisation

**FOE / FOAA** – Freedoms of expression, opinion, assembly and association

**HRCtee** – Human Rights Committee

**HRD** – human rights defender

**IGM** – intersex genital mutilation

**LoI** – List of Issues

**L / G / B / T / I** – lesbian / gay / bisexual / trans / intersex

**OHCHR** – Office of the High Commissioner for Human Rights

**SO / GI / E / I / SC** – sexual orientation / gender identity / gender expression / intersex / sex characteristics

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## Executive Summary

This report is a comprehensive annual compilation and analysis of all the SOGIESC references made by seven UN Treaty Bodies (CESCR, HRCtee, CEDAW, CRC, CAT, CRPD and CERD) in 2016. It investigates the Treaty Bodies' General Comments (interpretations of the international human rights treaties), Individual Communications (complaints brought by individuals or organisations), and List of Issues (issues and questions sent to the State parties before the main review) and Concluding Observations (country-specific concerns and recommendations).

Following an explanation of the methodology adopted in preparing the report, the Introduction to this document provides an overview of the trends, developments and opportunities in relation to the treatment of SOGIESC issues by the Treaty Bodies. To facilitate searches within the document, a list of keywords and countries that received SOGIESC recommendations is provided at the end of the Introduction.

Chapter I of the report contains seven sections, according to the seven Treaty Bodies. Each section includes the analysis of the approach of the respective Committee towards SOGIESC issues and presents general overview of the Committee's activities related to SOGIESC in 2016, information about themes covered by the Committee, its approaches towards criminalisation, gender identity and expression and intersex issues, General Comments, Individual Communications and follow-up mechanisms, when relevant, and information on sex work and HIV/AIDS references in Concluding Observations that were not SOGIESC-specific. Based on this information, advices for future engagement of the LGBTI defenders are provided.

Chapters II – IV provides compilation of SOGIESC references made by Treaty Bodies in 2016 in Individual Communications, General Comments, and Lists of Issues and Concluding Observations, respectively. This information is accompanied by keywords to help our readers to navigate through the document.

Finally, the Annexes to the report include a list of resources to assist civil society engagement with the Treaty Bodies, a list of SOGIESC-related civil society submissions (shadow reports) sent to the committees for countries reviewed in 2016, a list of the countries reviewed in 2015 that did not receive any SOGIESC recommendations, quantitative data on SOGIESC references in Treaty Bodies' Concluding Observations made in 2014–2016, as well as information about the acceptance of Treaty Body individual complaint mechanisms by different States.

# Introduction

Lesbian, gay, bisexual, trans and intersex and gender non-conforming persons (LGBTI) human rights work at the United Nations often focuses on the political system: the Universal Periodic Review, where States peer-review each other on their human rights record, or the Human Rights Council, where governments vote on global issues of concern. However, there is an entire system of human rights oversight that has been taking place at UN for half a century: the UN Treaty Bodies – the independent organs that monitor State compliance with international human rights law treaties.

Since May 2015, ILGA has implemented a programme to better engage with these bodies and has been gathering information on their work to ensure that they will include issues of sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC) where relevant. Through assisting LGBTI civil society engagement and exploring the work of the Treaty Bodies, ILGA has gained insight into the approach of the seven committees most relevant to LGBTI and gender non-conforming persons:

- The Committee on Economic, Social and Cultural Rights (CESCR)<sup>1</sup>
- The Human Rights Committee (HRCtee)<sup>2</sup>
- The Committee on the Elimination of Discrimination Against Women (CEDAW)<sup>3</sup>
- The Committee on the Rights of the Child (CRC)<sup>4</sup>
- The Committee Against Torture (CAT)<sup>5</sup>
- The Committee on the Rights of Persons with Disabilities (CRPD)<sup>6</sup>
- The Committee on the Elimination of Racial Discrimination (CERD)<sup>7</sup>

This report is a comprehensive annual compilation and analysis of all the SOGIESC references

made by these seven bodies in 2016.<sup>8</sup> It investigates the Treaty Bodies' General Comments (interpretations of the international human rights treaties), Individual Communications (complaints brought by individuals or organisations), and List of Issues (issues and questions sent to the State parties before the main review) and Concluding Observations (country-specific concerns and recommendations).

Following an explanation of the methodology adopted in preparing the report, the **Introduction** to this document provides an overview of the trends, developments and opportunities in relation to the treatment of SOGIESC issues by the Treaty Bodies. To facilitate searches within the document, a list of keywords and countries that received SOGIESC recommendations is provided at the end of the Introduction.

**Chapter I** of the report contains seven sections, according to the seven Treaty Bodies. Each section includes the analysis of the approach of the respective Committee towards SOGIESC issues and presents general overview of the Committee's activities related to SOGIESC in 2016, information about themes covered by the Committee, its approaches towards criminalisation, gender identity and expression and intersex issues, General Comments, Individual Communications and follow-up mechanisms, when relevant, and information on sex work and HIV/AIDS references in Concluding Observations that were not SOGIESC-specific. Based on this information, advices for future engagement of the LGBTI defenders are provided.

**Chapters II–IV** provides compilation of SOGIESC references made by Treaty Bodies in 2016 in Individual Communications, General Comments, and Lists of Issues and Concluding Observations, respectively. This information is

<sup>1</sup> Responsible for monitoring State compliance with the International Covenant on Economic, Social and Cultural Rights.

<sup>2</sup> Responsible for monitoring State compliance with the International Covenant on Civil and Political Rights.

<sup>3</sup> Responsible for monitoring State compliance with the Convention on the Elimination of All Forms of Discrimination against Women.

<sup>4</sup> Responsible for monitoring State compliance with the Convention on the Rights of the Child.

<sup>5</sup> Responsible for monitoring State compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

<sup>6</sup> Responsible for monitoring State compliance with the Convention on the Rights of Persons with Disabilities.

<sup>7</sup> Responsible for monitoring State compliance with the International Convention on the Elimination of All Forms of Racial Discrimination.

<sup>8</sup> The annual compilations from other years are available at [www.ilga.org](http://www.ilga.org).

accompanied by keywords to help our readers to navigate through the document.

Finally, the **Annexes** to the report include a list of resources to assist civil society engagement with the Treaty Bodies, a list of SOGIESC-related civil society submissions (shadow reports)<sup>9</sup> sent to the committees for countries reviewed in 2016, a list of the countries reviewed in 2015 that did not receive any SOGIESC recommendations, quantitative data on SOGIESC references in Treaty Bodies' Concluding Observations made in 2014–2016, as well as information about ratification of Treaties and the acceptance of Treaty Body individual complaint mechanisms by different States.

## **Methodology<sup>10</sup>**

In preparing this report, ILGA examined all the Lists of Issues,<sup>11</sup> Concluding Observations, General Comments (draft and finalised) and Individual Communications published by CESCR, HRCtee, CEDAW, CRC, CAT, CRPD and CERD in 2016, as well as the civil society submissions made for the country reviews performed in 2016. The investigation was restricted to documents made public on the website of the Office of the High Commissioner for Human Rights (OHCHR), and so does not include submissions by UN agencies, confidential civil society submissions, most of the information provided orally, or reports that were not uploaded to the OHCHR website. It did not include press releases by the committees or submissions made by civil society in the context of draft General Comments, and summary records of country review sessions were analysed sporadically.

Due to practical limitations, the research was unable to examine comprehensively (while individual examples were included in the analysis) whether human rights defenders attended a review to share information in person, nor whether questions on SOGIESC issues were asked by the Committee that did not lead to recommendations in the Concluding Observations. For the same reason, a comprehensive list of public commitments made by a State during a review cannot be provided. Similarly, the investigation

does not identify whether particular Committee Members (or OHCHR staff members) may have influenced the decision on whether to include SOGIESC issues in a particular document.

As a result of limits in capacity, it was only possible to examine whether trans and sex characteristics references from civil society submissions were reflected in Concluding Observations, not to compare the broader LGBTI content of the shadow reports with the final text of Concluding Observations. In addition, it was not feasible to make a wider comparison of inclusion of SOGIESC issues as opposed to other areas of concern raised by civil society.

The report only includes comments by the Treaty Bodies where SOGIESC issues were explicitly referred to, and so excludes recommendations that may have been intended or understood to include LGBTI persons, but which do not use the relevant terms. Consequently, mentions of “all women” without further clarification, for example, were not added. This decision also means that a number of concepts that could be understood to encompass SOGIESC matters, for example “children born out of wedlock” in CRC recommendations or “*de facto* unions” in CEDAW Concluding Observations have been excluded unless they clearly mention LGBTI persons or families.

## **Overview of 2016**

Compiling SOGIESC references in 2014–2016 has allowed ILGA to identify trends and language in Lists of Issues, Concluding Observations and General Comments; to consider strategies to ensure that SOGIESC are increasingly on the agenda of Treaty Bodies; to offer some observations on thematic opportunities; and finally to highlight a few achievements.

In doing so, we are aware that UN work is only meaningful to the lives of LGBTI people if the committees' recommendations are actually implemented in the States concerned, and this can only be done if local SOGIESC advocates are equipped with the knowledge and skills to do so.

<sup>9</sup> Links to the reports and brief description of SOGIESC-related content are also provided.

<sup>10</sup> The initial methodology for ILGA's annual Treaty Body reports was developed by Helen Nolan who wrote the first two reports on 2014 and 2015. The present report was prepared based on this methodology, updated and revised.

<sup>11</sup> List of Issues, List of Themes or List of Issues Prior to Reporting. The research analysed the documents issued both in 2016 and earlier if the main review was held in 2016. This type of documentation has been included in ILGA's analysis for the first time.

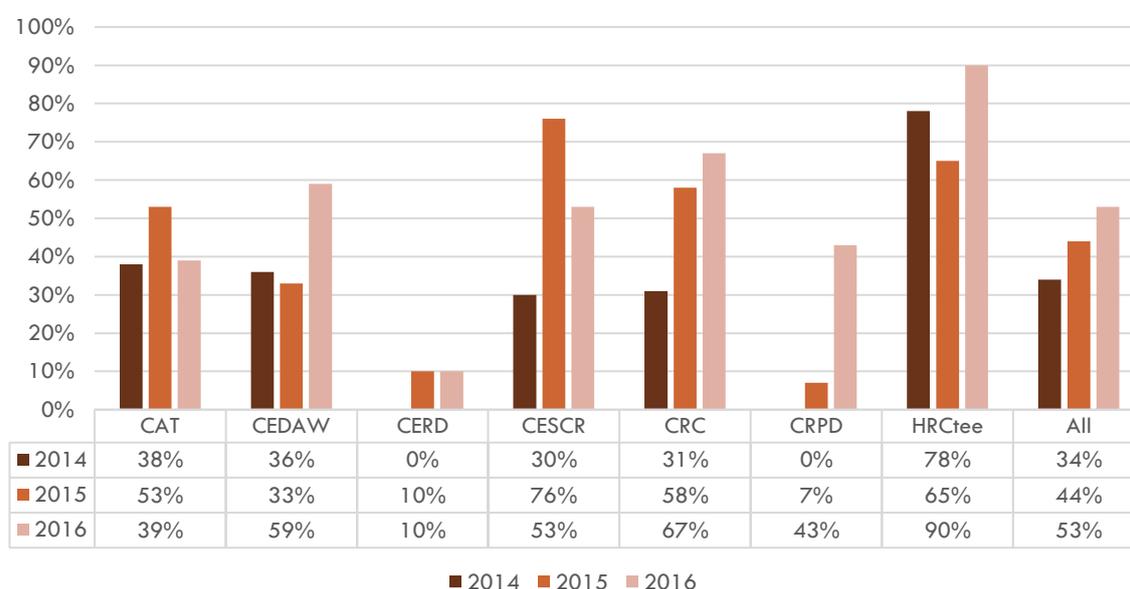
## Developments and trends in 2014–2016

Between 2014 and 2016, there was an overall increase in the number of country reviews that resulted in Concluding Observations containing SOGIESC issues: from 34% of country reviews in 2014 to 44% in 2015 and to 53% in 2016.<sup>12</sup>

However, only two committees, namely CRC and CRPD, show sustained progress during all three years. Two other committees, CEDAW and HRCtee, increased the number of their SOGIESC references significantly in 2016 after

demonstrating a slight decrease in 2015 compare to 2014. CERD made SOGIESC references in 10% of its Concluding Observations in both 2015 and 2016 (with no such references in 2014). And the remaining two committees, CAT and CESCR, showed a reduction in SOGIESC references made in 2016 after the promising growth observed in 2015. At the same time, however, in 2016 all seven committees made more SOGIESC references than they did in 2014 (see *Fig. 1*).

Figure 1: SOGIESC-inclusive Concluding Observations by Treaty Bodies (2014-2016)



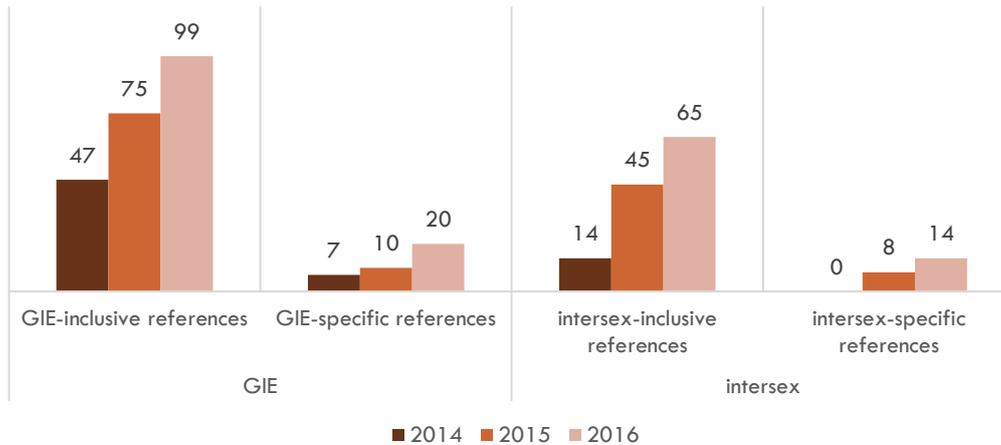
In terms of **sex characteristics**, an increase in the number of references was shown, while not so significant as in the previous year. While the number of intersex-inclusive references rose from 14 in 2014 to 45 in 2015 and to 65 in 2016, most of these references were folded into the LGBTI acronym, and only 14 in 2016 (compare to 8 in 2015 and none in 2014) were intersex-specific (see *Fig. 2*). The inclusion of intersex issues into the LGBTI umbrella could, from one side, demonstrate deeper understanding of the diversity of our communities by Treaty Bodies and therefore, the increased visibility of intersex

people. On the other side, however, as a number of intersex defenders stressed, such inclusion could instead hamper their efforts and make the specific needs of intersex populations invisible. Advocates argue that particular demands of intersex persons, such as combating intersex genital mutilations, should be addressed specifically. What can be seen is that by 2016 all the Treaty Bodies, except for CERD and, perhaps surprisingly, the HRCtee, have indeed at least once referred to the specific violations targeting intersex people.<sup>13</sup>

<sup>12</sup> The total number of SOGIESC-relevant Concluding Observations increased from 41 in 2014 to 62 in 2015 and to 77 in 2016. The number of country reviews increased from 122 in 2014 to 141 in 2015 and to 144 in 2016.

<sup>13</sup> In 2016, CESCR referred to intersex-specific violations in its General Comments only.

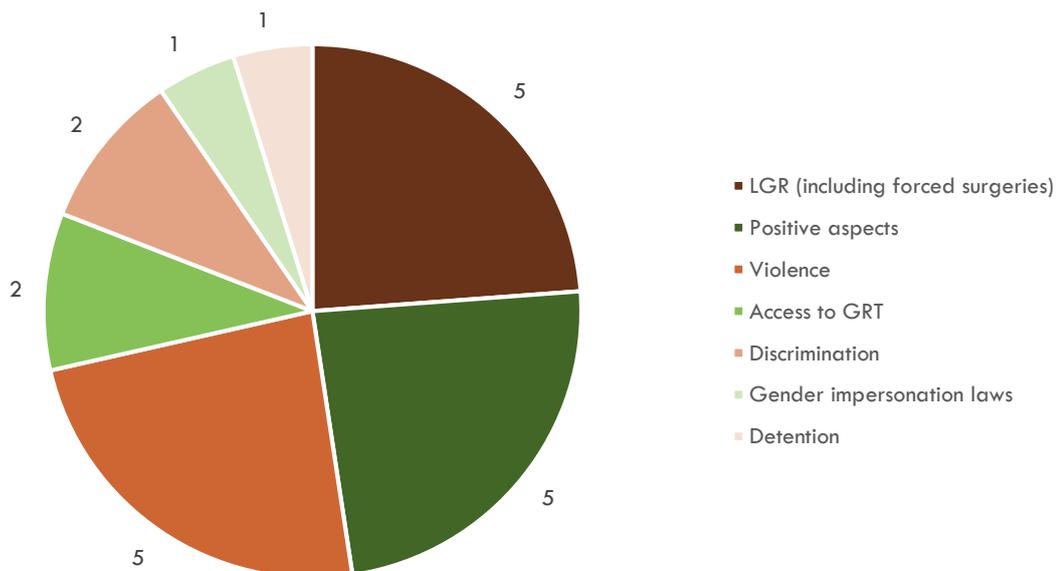
Figure 2: number of GIE- and intersex- inclusive and specific references (Concluding Observations, 2014-2016)



This conclusion about the specificity that civil society demands comes through similarly when considering the greater visibility of **gender identity and gender expression** concerns in the Treaty Bodies' country reviews. In that context, there was an absolute increase to 99 from 75 in 2015 and just 47 in 2014. However, the number of trans-specific recommendations still remained relatively low at 20 (compared with just ten in 2015 and seven in 2014) (see Fig. 2). What can be seen is that when the committees addressed

particular challenges related to gender identity and expression, in most cases they looked into legal gender recognition or violence, while other topics such as discrimination, socio-economic situation or access to specific health services, remained totally, or almost, out of the agenda (see Fig. 3). Thus, again, even though it seems that the committees are open to including trans persons within broader SOGIESC Concluding Observations, they have been less active in examining particular challenges faced by this population.

Figure 3: GIE-specific references in Concluding Observations (2016)



Concerning **language and terminology** developments, it should be noted that 2015 to 2016 did not show such significant shift from LGBT to LGBTI compared with 2014 to 2015. For example, the number of intersex-inclusive references rose from 14 in 2014 to 45 in 2015 and then again to 65 in 2016, but in terms of percentage of total references in each of the three years we see 27% of all SOGIESC references in 2014 to 51% in both 2015 and 2016 each. By the end of 2016, the CRC was the only Treaty Body to have used the term “sex characteristics” – and only on one occasion.<sup>14</sup> The terms “bodily diversity”<sup>15</sup> and “intersex condition”<sup>16</sup> were utilised sporadically, and more generally the committees referred to “intersex children” or “intersex persons.”

The committees’ references to “gender expression” alongside “gender identity” become more frequent.<sup>17</sup> However, this terminology is still applied as an exception rather than the rule.

Regrettably, outdated terminology, even though being already substituted to much extent by more appropriate wording, continues to be employed by the committees. For example, disappointingly Concluding Observations issued in 2016 still include occasional references to “homosexuals,”<sup>18</sup> “homosexual prisoners,”<sup>19</sup> “homosexuality”<sup>20</sup> and “transsexuality.”<sup>21</sup>

The Treaty Bodies still occasionally demonstrate a lack of understanding of specific trans-related terminology. For instance, in the review of [Kazakhstan](#), the HRCtee referred to “the stringent conditions for gender reassignment surgery and *sex change* [emphasis added]” and recommended the State party to review “the procedures for gender-reassignment surgery and *sex change* [emphasis added].” Local human rights

defenders in this situation were disappointed by this wording in the Concluding Observations, because their submissions to the Committee addressed, first and foremost, legal gender recognition and sterilisation requirements, and not actually access to gender reassignment treatment as such. It was not clear what was the exact meaning of “*sex change*” in this context and whether it was supposed to cover gender marker change. Even more confusion arose from the translation of the recommendations into Russian, where it described medical treatment only, and not legal gender recognition at all.

Talking about the translation issues more generally, it would be important to note that the problem of the translation of SOGIESC-specific terminology into the UN languages remains a significant issue. For example, in Russian the outdated pathologising words (such as “*гомосексуалисты*”/“*gomoseksualisty*” as a translation for “*gay persons*”) do not just appear occasionally, but are actually applied by translators in the vast majority of cases.<sup>22</sup>

In 2016, similarly to previous years, the committees did not show any progress regarding language on diverse sexualities, genders and sex characteristics that exist in local languages of countries reviewed, such as *Fa’afafine* in Samoa or *Hijra* in Bangladesh. As was noted in ILGA’s 2015 annual Treaty Body report, in some cases, the problem may be a lack of understanding or sensitivity among particular Committee Members responsible for drafting Concluding Observations.<sup>23</sup>

However, as the Committees deal with huge amounts of terminology, to ensure that our language is reflected back to the world in Concluding Observations, LGBTI human rights defenders need to be mindful of these limitations. Submissions must be clear and

<sup>14</sup> See Concluding Observations on [Latvia](#) by CRC.

<sup>15</sup> See Concluding Observations on [South Africa](#) by HRCtee.

<sup>16</sup> See Concluding Observations on [New Zealand](#) by CRC.

<sup>17</sup> See e.g. Concluding Observations on [Slovakia](#), [South Africa](#) and [Sweden](#), as well as Lists of Issues for [Belgium](#) and [Morocco](#) by HRCtee.

<sup>18</sup> See Concluding Observations on [Jamaica](#) by HRCtee.

<sup>19</sup> See Concluding Observations on [Armenia](#) by CAT

<sup>20</sup> See Concluding Observations on [Kenya](#) by CESCR, on [Burkina Faso](#), [Jamaica](#), [Morocco](#) and [Slovakia](#) by HRCtee and on [Tunisia](#) by CAT.

<sup>21</sup> See Concluding Observations on [Argentina](#), [Burkina Faso](#) and [Slovakia](#) by HRCtee, on [Canada](#) and [Uruguay](#) by CEDAW, and on [Uruguay](#) by CERD.

<sup>22</sup> Some other examples of incorrect translation from English into Russian are: or “*транссексуалы*”/“*transseksualy*” as a translation for “transgender people”; “*интерсексуалы*”/“*interseksualy*” for “intersex people”; “*транссексуалы-женщины*”/ “*transseksualy- zhenshchiny*” for “transgender women”; “*признание правового гендерного статуса*”/“*priznaniye pravovogo gender-nogo statusa*” for “legal gender recognition”, etc.

<sup>23</sup> International Lesbian, Gay, Bisexual, Trans and Intersex Association: Nolan H, *United Nations Treaty Bodies: References to sexual orientation, gender identity, gender expression and sex characteristics 2015* (Geneva: ILGA, September 2016), p. 8. (Hereinafter – ILGA 2015 report).

articulate the language desired, while taking into account that the reports will be received by persons who are not experts on SOGIESC terminology.

In terms of **General Comments** (explanations of State duties in the context of specific aspects of the international human rights treaties) produced in 2016 by the seven Treaty Bodies, five out of the seven adopted by CESCR, CRC and CRPD contain SOGIESC-inclusive references, in general being quite extensive in their coverage. Taking into account that in 2014 only two out of five General Comments that were adopted referred to SOGIESC, and that in 2015 the only adopted General Comment contained SOGIESC-references, it would appear that the committees' practice in this field proves their increased commitment to address violations against LGBTI persons and communities. Further, unlike Concluding Observations, General Comments are documents that apply to all countries that have ratified a particular treaty. Accordingly, defenders in a wide range of countries now have even more international law tools to support their advocacy. Take CESCR as an example where even though there has not yet been any intersex-specific recommendation in its Concluding Observations, in 2016 the phrase "*irreversible and involuntary surgery and treatment performed on intersex infants or children*" was included in the Committee's [General Comments No. 22](#) on the right to sexual and reproductive health as an example of violations of the State parties' obligations to protect rights. Intersex defenders could now rely on this provision in their advocacy efforts even as they work for Concluding Observations to also be raised.<sup>24</sup>

### Putting issues on the agenda

As was noted in our previous report, mapping trends, approaches and attitudes of the Treaty

Bodies is a less complicated process than figuring out why a SOGIESC recommendation was or was not included in any given country review. There is a high number of variables affecting whether a Committee discusses and then includes in their observations a particular topic, including the type of information submitted, the timing of that submission, participation of defenders at the review session, the relative importance of other human rights issues, and of course the views of individual Committee Members.<sup>25</sup>

#### a. Providing CSO data

In 2016, there were 222 civil society submissions to the seven Treaty Bodies that included SOGIESC information to a greater or lesser degree, ranging from LGBTI-specific reports (or even submissions on specific LGBTI population groups), and finishing with more general human rights reports that mentioned SOGIESC in passing. This is a massive increase compared to 2015 when there were only 138 such reports.

Similar to previous years, many of the CSO reports did not explore SOGIESC issues in detail. In fact, only 52 out of the mentioned 222 CSO submissions were stand-alone specific reports describing LGBTI communities' situation.

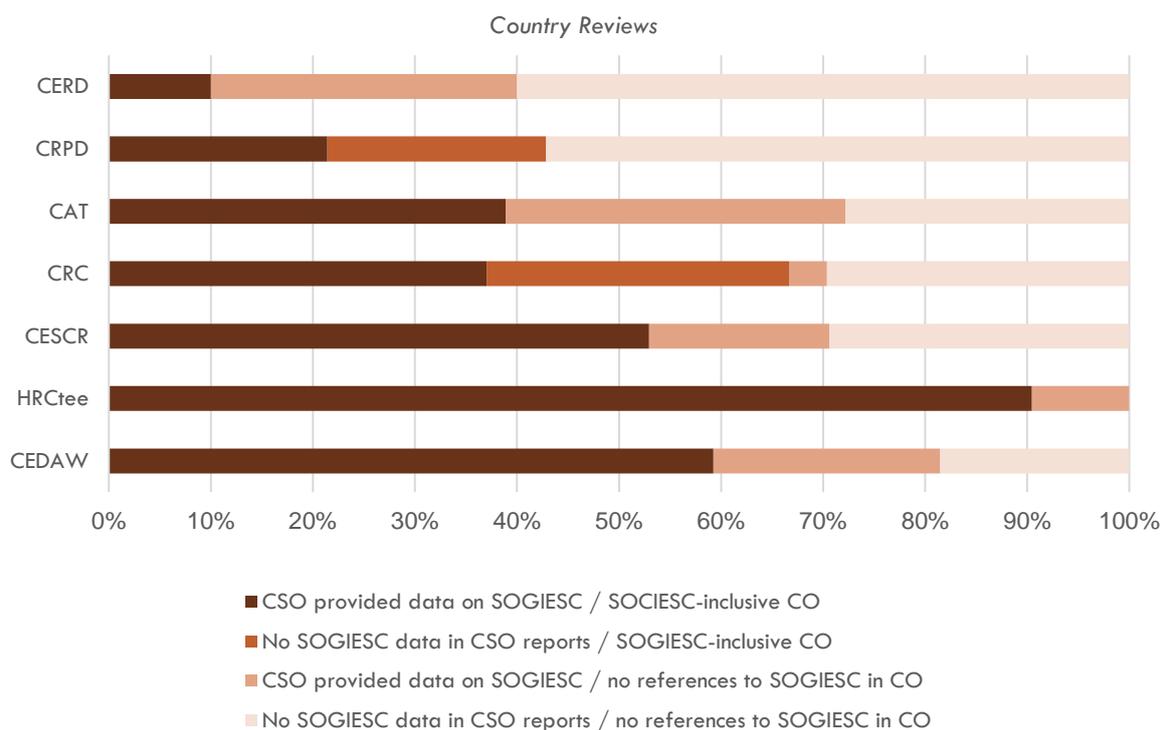
The correlation between CSO reports submitted and the presence of SOGIESC-inclusive Concluding Observations made by the committees in 2016 in each country review are presented in *Fig. 4*.<sup>26</sup> As can be seen, only two Treaty Bodies, CRC and CRPD, picked up SOGIESC issues without having received any information from CSOs on the matter. Additionally, CRPD was the only committee that always made a SOGIESC-inclusive Concluding Observation if a CSO made such a submission.

<sup>24</sup> In 2017, CESCR has made its first stand-alone intersex recommendations on Australia and the Netherlands. See: **Australia** – Concluding Observations – 61<sup>st</sup> Session, 30–31 May 2017, 5<sup>th</sup> review, [E/C.12/AUS/CO/5](#), paras. 49–50; and the Netherlands – Concluding Observations – 61<sup>st</sup> Session, 1–2 June 2017, 6<sup>th</sup> review, [E/C.12/NLD/CO/6](#), paras. 46–47.

<sup>25</sup> ILGA 2015 report, p. 8.

<sup>26</sup> It should be taken into account that some submissions could be confidential and were not published on the committee's web pages, therefore were not included in the analysis.

Figure 4: relations between CSO submissions and Concluding Observations (2016)



However, all other Treaty Bodies demonstrated, with varying frequency, instances when even the provision of CSO data for the review process did not lead to the inclusion of SOGIESC issues into Concluding Observations. The most notable examples of this are CERD and CAT: CERD received shadow reports referring to LGBTI persons' situations in 8 out of 20 country reviews, but SOGIESC references were included in only in two sets of Concluding Observations;<sup>27</sup> out of 18 country reviews by CAT, one third of the resulting Concluding Observations did not include any SOGIESC references despite CSO input.

Nevertheless, in general it would appear that information presented by CSOs generally influences the relevant committee's Concluding Observations. We see that in particular with the CRPD that made SOGIESC-inclusive references for every country when information was provided. Similar high levels can be seen with both the CRC and HRCtee that made LGBTI references in 91% and 90% of their country reviews

respectively when receiving CSO input. With CESCR the rate is 75%, CEDAW 73%, CAT 54% and finally CERD at 25%.

As mentioned in our previous report, note that committee members receive information from different sources, including confidential submissions and oral information provided to them at informal briefings that are not on public record.<sup>28</sup> This information may affect the final content and wording of Concluding Observations and possibly explain some of the statistics above.

#### *b. Timing of CSO submissions*

Another important factor is the timing of a submission. Having a certain topic on the List of Issues would seem to improve the likelihood of that topic also appearing in the Concluding Observations. To go into this further, *Figure 5* shows the correlation between SOGIESC content appearing first on such a "List of Issues" for a particular review and then appearing in the Concluding Observations issued later.<sup>29</sup>

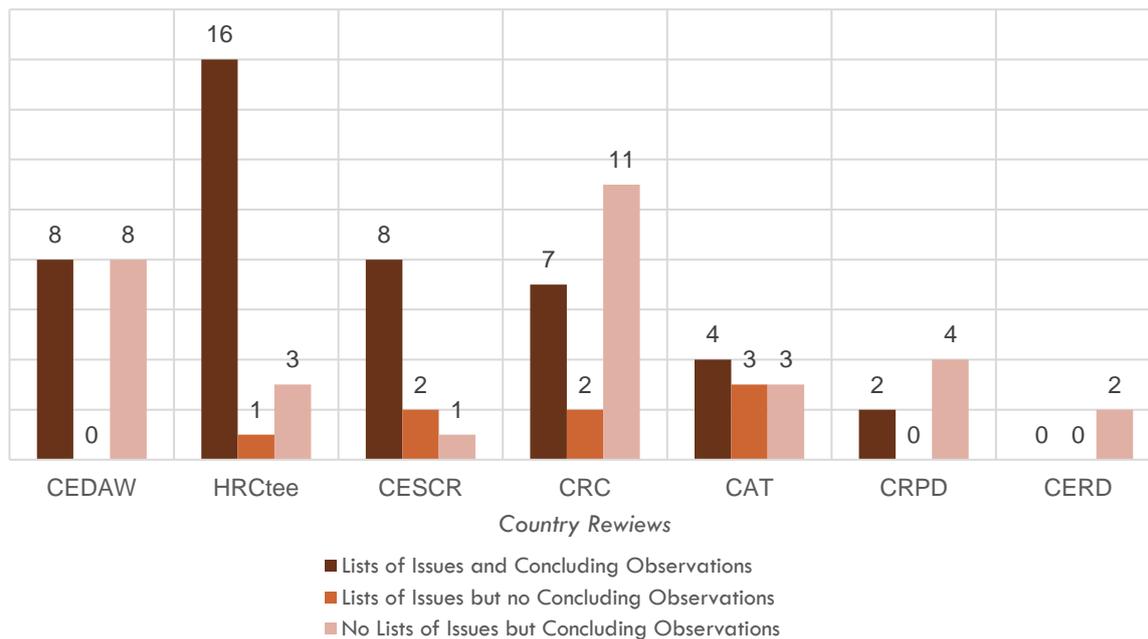
<sup>27</sup> While no SOGIESC-specific report were submitted to CERD in 2016.

<sup>28</sup> ILGA 2015 report, pp. 8–9.

<sup>29</sup> Inconsistent pattern of correlation between Lists of Issues and Concluding Observations made by different Treaty Bodies was

observed in literature earlier. See, e. g.: O'Flaherty M., *The Concluding Observations of United Nations Treaty Bodies*, in *Human Rights Law Review*, 2006, 6 (1), pp. 39–40.

Figure 5: relations between SOGIESC-inclusive Lists of Issues and Concluding Observations (2016)



Here it can be seen that HRCtee, CESCR and, to a lesser extent, CAT usually include SOGIESC-related references in their Concluding Observations after highlighting the topic in the List of Issues. However, as can be seen with CEDAW there is no such correlation. Indeed, LGBTI issues appear in that Committee’s Concluding Observations in only half of the cases where it was also on the List of Issues. Finally, CRC, CRPD and CERD demonstrate more willingness or flexibility to address SOGIESC issues even if they were not included in the Lists of Issues.

What can be seen for all the committees is that having SOGIESC-inclusive Lists of Issues is certainly not harmful to then having relevant references in Concluding Observations. There was only one Committee (CAT) with a significant number of instances of SOGIESC issues being raised on the List of Issues but not making it to the Concluding Observations. Therefore, with some limitations concerning particularities of individual Committees, defenders should be encouraged to submit information at both stages of the review: to influence first the List of Issues,

and then for the main review to support the Concluding Observations.

### c. On-site advocacy efforts

The third important factor affecting the content of the committee’s Concluding Observations is participation of defenders in the committees’ work in Geneva. As has been our experience, on many occasions submitting written information alone, at whatever stage, may not be sufficient to ensure that SOGIESC topics are raised by the committees at all, or at least in such a detailed or appropriate way as expected by CSO representatives.

The most effective method of obtaining recommendations on LGBTI matters has proved to be on-site work in Geneva, including participation in formal and informal NGO briefings, delivering oral statements and approaching various Committee members. Personal testimonies and information coming directly from those working on the ground and/or representing populations affected bears great weight with Treaty Bodies and this could lead to deeper understanding of the issues by the UN experts themselves.<sup>30</sup> Of course, it is unfortunately not always possible for local defenders to

<sup>30</sup> Note, however, that even participation in the session in person cannot always guarantee inclusion of SOGIESC references in the Concluding Observations. Every year we observe situations where defenders come to Geneva, but do not receive recom-

mendations. In 2016, for example, CAT did not make any specific references in its Concluding Observations on Finland, even though defenders attended the session and the issues were raised in the (constructive) dialogue with the State.

come to Geneva (usually for financial or visa reasons). If this is the case, support from other NGOs that are able to attend the session contributes greatly to the final outcome.<sup>31</sup> Last but not least, coordinated work with other NGOs and NHRIs present in Geneva could also strengthen defenders' arguments and demands.<sup>32</sup>

Also note that the opportunities for participation of defenders in the pre-session work differ from committee to committee. CESC and CEDAW, for instance, both hold NGO briefings at this early stage, while HRCtee does not organise any formal NGO meetings, relying mostly on written information provided by CSOs. CERD has its own procedure that also does not provide opportunities for on-site CSO advocacy at the pre-session stage.

#### *d. Individual views and committees' composition*

Finally, the individual positions of some Committee members together with varying degrees of openness to SOGIESC topics may also affect the content of Concluding Observations. Appointment of new committee members and the subsequent change in a Committees' composition necessitates shifts in approaches, providing challenges or opportunities, advances or setbacks. Organising side events, trainings and other tools for awareness-raising amongst committee members can help to overcome this problem at least in part.

As was noted by Helen Nolan in our previous report, "engaging with the Treaty Bodies is more of a fine art than a science, and LGBTI civil society has to take all the different factors into account and try to improve the odds in their favour."<sup>33</sup>

### **Opportunities for engagement**

Our research of the Treaty Bodies' work on SOGIESC issues in 2014–2016 allows us to identify both a number of gaps and also under-utilised tools that should perhaps be taken into

account in strategizing LGBTI advocacy. Some of them concern specific topics and/or identities, such as LGBTI children, family diversity or lesbian women. Another part relates to the committees' methods of work, including individual communications, general comments and follow-up mechanisms that could also be considered by defenders looking for creative and more systematic ways to achieve their goals. The emerging potential of some less-considered committees, such as CERD and CRPD (but also the Committee on Migrant Workers (CMW<sup>34</sup>) and the Committee on Enforced Disappearances (CED)<sup>35</sup>) could also be helpful for LGBTI defenders addressing intersectional forms of discrimination in those areas. Finally, enriching the advocacy strategies aimed at particular committees by looking at standards and recommendations elaborated in other fora could also make LGBTI defenders' efforts more effective.

#### *a. Topics and identities*

The topic of **LGBTI children** was marked as one promising opportunity to engage with the Treaty Bodies in our previous report.<sup>36</sup> In 2016, even more references have been made to LGBTI children by CRC, HRCtee and CEDAW. In May 2017, a group of international human rights experts, including those from CRC and CAT, made a specific [statement](#) on the protection of trans and gender diverse children and adolescents. Therefore, as was stressed earlier, as LGBTI children and adolescents gain increased attention within LGBTI communities globally, it would be hugely valuable to bring more domestic and regional experiences of best practices into the international sphere.<sup>37</sup>

**Family diversity** continues to be another promising topic for LGBTI rights defenders engaging with the Treaty Bodies (see also our analysis in the "recent achievements" section below). In 2016, CESC, HRCtee, CEDAW and CRC all made references to the issue, and defenders could therefore continue to rely on

<sup>31</sup> For example, a defender from New Zealand, explaining the main factors that lead to very good extensive intersex recommendations by CRC, referred to the support provided to them by intersex activists from Europe at the session.

<sup>32</sup> The same defender from New Zealand stressed that their constructive relationship with the NHRI proved to be one of the main factors of their success at the CRC session. Notably, the cooperation took place not only in Geneva, but well before when intersex issues had been discussed in-country, and common demands in this regard had been determined and agreed.

<sup>33</sup> ILGA 2015 report, p. 9.

<sup>34</sup> Responsible for monitoring State compliance with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

<sup>35</sup> Responsible for monitoring State compliance with the International Convention for the Protection of All Persons from Enforced Disappearance.

<sup>36</sup> ILGA 2015 report, pp 9–10.

<sup>37</sup> Ibid, p. 10.

this progress to encourage even deeper understanding of this area by both these and other committees. What should be taken into account here is the advocacy organised by groups that oppose LGBTI human rights in the context of the family and also engage with the Treaty Bodies, albeit infrequently.<sup>38</sup>

Another area that needs to be explored further and deeper is the needs and experiences of **LBTI (and specifically lesbian) women** in the Treaty Bodies' practice. For example, while a comparatively large number of references to LBT(I) women has been made by the committees in 2016, there was only one lesbian-specific reference in the review of [Namibia](#) by the HRCtee, and even in that case there was no specific recommendation made.

CEDAW, that supposes, by definition, to look at the intersections between gender and other characteristics, including SOGIESC, referred to LBT(I) women in most of its 32 SOGIESC-inclusive references. However, it is not clear whether the Committee has yet come to fully embrace, or often even understand, the realities faced by LBT(I) women. Sadly, specific issues like recommended policy or legislative reforms to remedy so-called "corrective rape" of lesbians, or reproductive health literacy amongst lesbian women, have not yet fallen within the range of recommendations made by CEDAW. One hurdle may be the Committee's reluctance to make recommendations without data specific to lesbian women. The

Committee has repeatedly called for such information, but the capacity to generate such disaggregated data is for the most part, beyond the reach of both States and CSOs for multiple and complex reasons.<sup>39</sup>

### *b. Methods of work*

The **Individual Communication** mechanisms that can be used with most of the Treaty Bodies, have so far not been widely explored to advocate SOGIESC issues. In the period 2014–2016, five LGBTI-related cases were examined by the Treaty Bodies: one by CAT<sup>40</sup> and five by HRCtee.<sup>41</sup> Several more cases have appeared in the HRCtee's jurisprudence in earlier years: criminalisation of same-sex relations,<sup>42</sup> recognition of same-sex couples,<sup>43</sup> anti-propaganda legislation,<sup>44</sup> restrictions on LGBTI events,<sup>45</sup> and deportation of LGB persons to their countries of origin.<sup>46</sup> However, the other committees, including CESCR, CEDAW, CRC, CRPD and CERD, have never made a decision on LGBTI cases. Further, there have so far been no cases specifically on gender identity and expression, or sex characteristics.

Taking into account the existing jurisprudence, and the potential for real in-depth analysis of the relevant issues that is provided for by this mechanism, defenders should consider using strategic litigation before the Treaty Bodies as a real and promising tool in their advocacy. Submissions in such strategic litigation would be

<sup>38</sup> See e. g.: Submission by [Center for Family and Human Rights \(C-Fam\)](#) for the review of Cameroon by CRC in 2017.

<sup>39</sup> See du Plessis A., Prado Mosquera D.C. and Kirichenko K., *Strengthening SOGIESC Protection and Unpacking Intersectionality at the United Nations in 2016*, in International Lesbian, Gay, Bisexual, Trans and Intersex Association: Carroll A. and Mendos L.R., *State Sponsored Homophobia 2017: A world survey of sexual orientation laws: criminalisation, protection and recognition* (Geneva; ILGA, May 2017), p. 22. [http://ilga.org/downloads/2017/ILGA\\_State\\_Sponsored\\_Homophobia\\_2017\\_WEB.pdf](http://ilga.org/downloads/2017/ILGA_State_Sponsored_Homophobia_2017_WEB.pdf).

<sup>40</sup> Communication No. 562/2013, *J.K. v. Canada*, decision of 23 November 2015, [CAT/C/56/D/562/2013](#). CAT found that the *refoulement* of a LGBTI rights defender to Uganda would breach the Convention against Torture.

<sup>41</sup> See: Communication No. 2092/2011, *Praded v. Belarus*, decision of 10 October 2014, [CCPR/C/112/D/2029/2011](#) and Communication No. 2092/2011, *Androsenko v. Belarus*, decision of 30 March 2016, [CCPR/C/116/D/2092/2011](#) (in both cases, HRCtee found that the imposition of a fine for holding a peaceful LGBTI assembly without prior authorization would breach the IC-CPR); Communication No. 2462/2014, *M.K.H. v. Denmark*, views of 12 July 2016, [CCPR/C/117/D/2462/2014](#) (refoulement to Bangladesh and assessment of the complainant's risks related to his sexual orientation); and also Communication No. 2054/2011, *Ernazarov v. Kyrgyzstan*, views of 25 March 2015,

[CCPR/C/117/D/2462/2014](#) (concerning prison culture and treatment).

<sup>42</sup> HRCtee: *Toonen v Australia*, communication no. 488/1992, views of 31 March 1994, [CCPR/C/50/D/488/1992](#)

<sup>43</sup> HRCtee: *Joslin et al. v. New Zealand*, communication no. 902/1999, views of 17 July 2002, [CCPR/C/75/D/902/1999](#), *X v Colombia*, communication no. 1361/2005, views of 14 May 2007, [CCPR/C/89/D/1361/2005](#) and *Edward Young v Australia*, communication no. 941/2000, views of 15 September 2003, [CCPR/C/78/D/941/2000](#).

<sup>44</sup> HRCtee: *Fedotova v Russian Federation*, communication no. 1932/2010, views of 31 October 2012, [CCPR/C/106/D/1932/2010](#).

<sup>45</sup> HRCtee: *Alekseev v Russian Federation*, communication no. 1873/2009, views of 25 October 2013, [CCPR/C/109/D/1873/2009](#) and *Praded v Belarus*, communication no. 2029/2011, views of 10 October 2014, [CCPR/C/112/D/2029/2011](#).

<sup>46</sup> See, e.g.: HRCtee: *X v Sweden*, communication no. 1833/2008, views of 1 November 2011, [CCPR/C/103/D/1833/2008](#) and *M. I. v Sweden*, communication no. 2149/2012, views of 25 July 2013, [CCPR/C/108/D/2149/2012](#); CAT: *K.S.Y. v. Netherlands*, communication no. 190/2001, decision of 15 May 2003, [CAT/C/30/D/190/2001](#), *E.J.V.M. v. Sweden*, communication no. 213/2002, decision of 14 November 2003, [CAT/C/31/D/213/2002](#) and *Uttam Mondal v. Sweden*, communication No. 338/2008, decision of 23 May 2011, [CAT/C/46/D/338/2008](#).

strengthened by references to the various committees' practice developed during their periodic reviews of States, and the approaches towards SOGIESC issues of regional human rights mechanisms, such as the European Court of Human Rights or the Inter-American Court of Human Rights. Information on existing and pending decisions and communications brought by LGBTI defenders should also be collected, organised and analysed, forming a basis for strategizing by both LGBTI and broader human rights organisations.<sup>47</sup> You may find the Information about acceptance of the Treaty Body individual complaint mechanisms in [Annex 6](#).

The human rights related to SOGIESC could also be deepened and expanded through thoughtful evolution and expansion of **General Comments**, which are the committees' interpretations of particular rights either generally (e.g. the right to life<sup>48</sup> or the right to equality and non-discrimination<sup>49</sup>) or as applied in specific contexts (e.g. the application of the human rights of children in the context of international migration,<sup>50</sup> or the rights of street children<sup>51</sup>). General Comments issued by the committees so far show that LGBTI issues are actually taken into account by the drafters. It would appear that proposals made by CSOs play an important role in this and therefore, LGBTI defenders are encouraged to make their input in their future development.

Another development is the inclusion of SOGIESC recommendations into the lists of those subjected to **follow-up procedures**.<sup>52</sup> Such procedures are utilized by the HRCtee, CEDAW, CAT, CRPD and CERD.<sup>53</sup> LGBTI-related recommendations were included in the follow-up procedures by the HRCtee (**Republic of Korea** in 2015,<sup>54</sup> as well as [Colombia](#), [Namibia](#) and [Slovenia](#) in 2016), CEDAW ([Canada](#) in 2016), CAT (**Serbia** in 2015<sup>55</sup>) and CRPD ([Uganda](#) in 2016). Follow-up procedures give

defenders more opportunities for encouraging implementation of Treaty Bodies' recommendations by the authorities in their country. In so doing, it is important to not only ensure inclusion of specific LGBTI recommendations into a Treaty Body's follow-up list, but also to provide the committees with updated information on the degree of implementation by the government.

Another way to enhance implementation of recommendations is to analyse the recommendations made to the State at the previous review and include information on the degree of implementation in CSO reports. In 2016, one can see examples of the committees referring to their previous SOGIESC recommendations, either directly or indirectly ("*the Committee reiterates*" or "*the Committee urges the State party to redouble its efforts*"<sup>56</sup>).<sup>57</sup>

### *c. Specific Treaty Bodies*

While most SOGIEC references have to date been made by five Treaty Bodies, namely the HRCtee, CEDAW, CAT, CRC and CESC, LGBTI issues have started to emerge in other committees as well.

**CERD** and **CRPD** were both mentioned in our previous report as spaces for potential further engagement: "the approaches of these two committees can be very helpful to some of the most marginalised and invisible members of LGBTI populations."<sup>58</sup> Indeed, in 2016 CRPD showed significant progress in terms of its reflections on SOGIESC-issues generally, as well as starting to address not only intersex issues, but also multiple forms of discrimination faced by LGBTI persons with disabilities. CERD issued two recommendations regarding LGBTI communities in 2016. Remarkably, neither of the two committees received stand-alone CSO submissions on

<sup>47</sup> ILGA is planning such activities for 2017–2018.

<sup>48</sup> HRCtee is preparing [draft General Comment No. 36](#) on Article 6 on the right to life. See more information [here](#).

<sup>49</sup> See the [outline](#) of the CRPD's General Comments on the rights of persons with disabilities to equality and non-discrimination. See more information [here](#).

<sup>50</sup> A new Joint General Comment on the human rights of children in the context of international migration is being elaborated by CRC together with CMW. See more information [here](#).

<sup>51</sup> CRC is working on the draft General Comment on children in street situation. See more information [here](#).

<sup>52</sup> The latest overview of follow-up mechanisms employed by different Treaty Bodies is available [here](#).

<sup>53</sup> CESC adopted its procedure for follow-up in 2017.

<sup>54</sup> See: **Republic of Korea** – Concluding Observations – 115<sup>th</sup> Session, 22–23 October 2015, 4<sup>th</sup> review, [CCPR/C/KOR/CO/4](#), paras. 15 and 59.

<sup>55</sup> See: **Serbia** – Concluding Observations – 54<sup>th</sup> Session, 29 April – 30 April 2015, 3<sup>rd</sup> review, [CAT/C/SRB/CO/2](#), para. 23.

<sup>56</sup> On specific usage of terminology by Treaty Bodies in their Concluding Observations see e. g. O'Flaherty M., *The Concluding Observations of United Nations Treaty Bodies*, in Human Rights Law Review, 2006, 6 (1), p. 40–41.

<sup>57</sup> See e. g. Concluding Observations on [Jamaica](#) by HRCtee; List of Issues for [Namibia](#) by HRCtee; List of Issues for [Poland](#) by HRCtee; [List of Issues](#) and [Concluding Observations](#) on [South Africa](#) by HRCtee; Concluding Observations on [Brunei Darussalam](#) by CRC.

<sup>58</sup> ILGA 2015 report, p. 11.

SOGIESC until 2017,<sup>59</sup> and more systematic engagement of defenders is important to help guide and develop the committees' practice.

Two other committees, the **Committee on Migrant Workers (CMW)** and the **Committee on Enforced Disappearances (CED)** have not been included in the sphere of ILGA's analysis until now and were not seen by LGBTI defenders as a forum for raising specific problems faced by our communities. However, both these committees made general references to SOGIESC in 2016.

CMW referred to SOGIESC in its Concluding Observations on **Honduras** and **Sri Lanka**,<sup>60</sup> and sexual orientation and gender identity were also mentioned in the [draft](#) joint General Comment by CMW and CRC on the human rights of children in the context of international migration when addressing the non-discrimination principle.

CED recommended that **Colombia** ensure that national legislation provides for a comprehensive system of reparation and compensation that is sensitive to enforced disappearance victims' individual characteristics, taking into account, *inter alia*, their sexual orientation and gender identity.<sup>61</sup>

Defenders could consider inclusion of CMW and CED in their advocacy strategies if they work on intersectional problems covered by these bodies. For example, trans advocates may submit information to CMW regarding challenges faced by trans migrant workers because of shortcomings in legal gender recognition procedures.

#### d. References to other standards

Finally, advocacy around the Treaty Bodies could be effectively and systemically strengthened by linking it with standards and recommendations elaborated in other fora.

For instance, references to the Sustainable Development Goals (SDGs) could be an important way to deepen SOGIESC issues within the Treaty Bodies system. While in 2016 the SDGs were mentioned by CEDAW and CRC only,<sup>62</sup> defenders could consider including links with the SDGs in their shadow reports and engagement with the committees more generally.

Other sources that could be invoked in advocating for LGBTI human rights include recommendations issued by other Treaty Bodies,<sup>63</sup> UPR recommendations;<sup>64</sup> recommendations by the Special Procedures on country visits, or more generally in thematic reports; other international treaties, including those adopted under the relevant regional human rights systems, for instance, the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention);<sup>65</sup> or the Yogyakarta Principles.<sup>66</sup>

#### Recent achievements

Aside from quantitative shifts in the number of Treaty Bodies recommendations, our analysis identifies a few key areas where the Committees' approaches have been developed qualitatively in 2016. These include: so-called "conversion therapy", family diversity, hate speech, hate crimes, sex characteristics, gender identity, and intersections between SOGIESC and disability.

<sup>59</sup> At the beginning of 2017, three specific SOGIESC submissions have been sent to CERD (a submission by [Accept LGBT – Cyprus and Envision Diversity Association](#) for the List of Themes for Cyprus and the submissions by SETA for the [List of Themes](#) and for the [Session](#) for Finland), and three more to CRPD (a submission by [Egale Canada Human Rights Trust](#) for the Session for Canada, a submission by 6Rang for the Session for Iran and a submission by [IPADEVI](#) for the List of Issues for Spain).

<sup>60</sup> In its Concluding Observations on Honduras, CMW expressed its concerns on the failure to include anti-discrimination provisions into the national legislation aimed at the protections of migrants, including with regard to women and LGBTI persons and recommended that the State party incorporate an explicit prohibition of discrimination against, *inter alia*, LGBTI persons. See **Honduras** – Concluding Observations – 25<sup>th</sup> session, 29–30 August 2016, initial review, [CMW/C/HND/CO/1](#), paras 10(b) and 27. As a result of the review of Sri Lanka, CMW recommended that the State party ensure that no medical examination at entry is required on discriminatory grounds, including health or medi-

cal conditions that pose no risk, physical or psychosocial disability, real or perceived HIV/AIDS status, other communicable disease, sex work or sexual orientation or gender identity. See **Sri Lanka** – Concluding Observations – 25<sup>th</sup> session, 1–2 September 2016, 2<sup>nd</sup> review, [CMW/C/LKA/CO/2](#), para 27(c).

<sup>61</sup> See **Colombia** – Concluding Observations – 11<sup>th</sup> session, 6 October 2016, initial review, [CED/C/COL/CO/1](#), para 36(a).

<sup>62</sup> See Concluding Observations on **Turkey** by CEDAW and Concluding Observations on **Maldives** by CRC.

<sup>63</sup> For example, in its review of **France** CEDAW referred to intersex-specific recommendation made previously to the State party by CAT and CRC.

<sup>64</sup> While no direct references to UPR recommendations were made by the committees in 2016, CEDAW referred to UPR report of Turkey in its [List of Issues](#) for the country.

<sup>65</sup> In the review of **Turkey**, CEDAW referred to the Istanbul Convention addressing the problem of violence and discrimination against LBT women.

<sup>66</sup> CAT mentioned the Yogyakarta Principles in its [List of Issues](#) and [Concluding Observations](#) on **Mongolia**.

### a. “Conversion therapy”

“Conversion therapy” had actually been addressed by the Treaty Bodies prior to 2016. For example, in 2014 CRC referred to the topic in its review of **Russia**,<sup>67</sup> and in 2015 it was considered by each of the HRCtee in its review of the **Republic of Korea**,<sup>68</sup> by CEDAW in its review of **Ecuador**,<sup>69</sup> and by CAT in its review of **China**.<sup>70</sup>

In 2016, however, the committees not only examined the issues in their country reviews,<sup>71</sup> but also maintained their position towards “conversion therapy” in two new General Comments. CESCR noted, in its [General Comment No. 22](#) on the right to sexual and reproductive health, that “*regulations requiring that LGBTI persons be treated as mental or psychiatric patients, or requiring that they be ‘cured’ by so-called ‘treatment’, are a clear violation of their right to sexual and reproductive health.*” In its [General Comment No. 20](#) on the implementation of the rights of the child during adolescence, CRC referred to “*the rights of all adolescents to freedom of expression and respect for their physical and psychological integrity, gender identity and emerging autonomy*” and condemned “*the imposition of so-called ‘treatments’ to try to change sexual orientation*”.

### b. Family diversity

Family diversity was flagged in a previous report as an opportunity for further engagement with the Treaty Bodies,<sup>72</sup> and indeed the topic received much more attention in 2016.

Looking back, we can see how consideration of family issues has grown in the practice of the committees. In 2014, the Concluding Observations contained only five references to family-related issues, and none of them touched upon either adoption or assisted reproduction. In 2015,

there were already 15 references to different aspects related to family, and while none of them explicitly mentioned adoption or assisted reproduction, a reference by CEDAW to “*all women*” in the context of access to assisted reproductive services in Ireland most likely includes LBT women as well.<sup>73</sup> In 2016, we see the Treaty Bodies have made 25 family-related SOGIESC references in their Concluding Observations, and another eight in the Lists of Issues, and they have included, in particular, references to adoption<sup>74</sup> and assisted reproduction.<sup>75</sup>

Among the recommendations made by the committees with regards to **relationship recognition**, were:

- to take the necessary legislative and administrative measures to recognize the rights of same-sex couples;<sup>76</sup>
- to take all measures necessary to ensure that same-sex couples have access to advantages now reserved for married couples;<sup>77</sup>
- to continue efforts to uphold the rights of same-sex couples in practice;<sup>78</sup>
- to review the legal status of same-sex couples and parents, with a view to ensuring their enjoyment of the right to non-discrimination in law and in fact;<sup>79</sup> and
- to consider practices from countries in the region that allow the registration of same-sex partnerships.<sup>80</sup>

In several instances, the Treaty Bodies also commended positive developments achieved at the national level in this regard.<sup>81</sup>

A number of references were related to **domestic violence**. Particularly, the committees expressed their concerns on the exclusion of

<sup>67</sup> See: **Russian Federation** – Concluding Observations – 65th Session, 13–31 January 2014, 5th review, [CRC/C/RUS/CO/4-5](#), paras. 55–56.

<sup>68</sup> See: **Republic of Korea** – Concluding Observations – 115th Session, 22–23 October 2015, 4th review, [CCPR/C/KOR/CO/4](#), paras. 14–15.

<sup>69</sup> See: **Ecuador** – Concluding Observations – 60th Session, 16 February – 6 March 2015, 9th review, [CEDAW/C/EQU/CO/8-9](#), paras. 18–19.

<sup>70</sup> See: **China** – Concluding Observations – 56th Session, 17–18 November 2015, 5th review, [CAT/C/CHN/CO/5](#), paras. 55–56.

<sup>71</sup> See Concluding Observations on **Ecuador** by HRCtee and CAT. The State party was recommended to redouble its efforts to eliminate fully the practice of placing LGBTI persons in institutions for treatment to “cure their sexual orientation or gender identity”; to adopt the necessary measures to investigate, prosecute and ensure suitable punishment for persons responsible

for such “treatment”; and to provide full reparation for victims, including rehabilitation and compensation.

<sup>72</sup> ILGA 2015 report, p. 10.

<sup>73</sup> Ibid, p. 53.

<sup>74</sup> See Concluding Observations on **Colombia** and **Slovenia** and Lists of Issues for **Honduras** and **Italy**, as well as Concluding Observations on **Uruguay** by CEDAW.

<sup>75</sup> See Concluding Observations on **Slovenia** by HRCtee.

<sup>76</sup> Concluding Observations on **Costa Rica** by CESCR.

<sup>77</sup> Concluding Observations on **Macedonia** by CESCR.

<sup>78</sup> Concluding Observations on **Colombia** by HRCtee.

<sup>79</sup> Concluding Observations on **Poland** by HRCtee.

<sup>80</sup> Concluding Observations on **Honduras** by CEDAW.

<sup>81</sup> See Concluding Observations on **Colombia** and **Denmark** by HRCtee, and on **Argentina**, **Estonia**, **France** and **Uruguay** by CEDAW.

same-sex couples from domestic violence protection and recommended their inclusion,<sup>82</sup> and requested the State parties to provide information on violence in same-sex relations<sup>83</sup> or violence against young LGBTI persons by their parents and siblings.<sup>84</sup>

Finally, a collection of family-related recommendations made by the Treaty Bodies were related to the **families, parents and close relatives of intersex children**, particularly with regards to counselling and support that should be provided to them.<sup>85</sup>

### c. Hate speech

Incitement of homophobic hatred or hate speech was also frequently discussed by the Treaty Bodies in 2016.

The committees were particularly concerned by hate speech<sup>86</sup>, especially by politicians, state officials, religious actors and the media<sup>87</sup>, and on the impunity of those who issue hate speech against LGBTI people.<sup>88</sup> The State parties were asked to: report on measures to address the problem effectively,<sup>89</sup> and to ensure the protection of victims and to address impunity for such acts<sup>90</sup>. In the review of **Slovakia**, the HRCtee pointed out that while sexual orientation was recently introduced in the country's hate crimes legislation, the hate speech provisions did not actually cover sexual orientation and gender identity<sup>91</sup>. An interesting development was the Treaty Bodies' references to "digital" forms of hate speech targeting LGBTI, including acts on hostility on social media, on the internet generally and in online forums<sup>92</sup>.

Responses suggested by the TBs in relation to homophobic hate speech included:

- adopting hate speech legislation;<sup>93</sup>

- conducting awareness-raising campaigns aimed at, inter alia, law enforcement officers, prosecutors and judges;<sup>94</sup>
- collecting data on cases of hate speech against LGBTI populations and encouraging reporting of such cases;<sup>95</sup>
- implementing measures to prevent and to swiftly and effectively respond to any incident of hate speech, including through the internet, through banning the operation of racist associations and facilitating civil lawsuits by victims;<sup>96</sup> and
- prosecuting serious cases of hate speech which amount to incitement to hostility or violence.<sup>97</sup>

### d. Hate crimes

Hate crimes and violence against LGBTI individuals remain a strong focus of the committees with issues raised on numerous occasions and various recommendations made.

One particular interesting case were the Concluding Observations by CEDAW on [Turkey](#). Here the Committee extensively analysed the problem and its particular dimensions and expressed concerns with regard to the practice of discrimination and violence targeting LBT women, including killings, exacerbated by the impunity of offenders and legislative protection gaps with references to "*unjust provocations*" defences that were accepted by judges. CEDAW provided the State party with a set of very particular guidelines aimed at solving the problem from different angles. The recommendations included exercising due diligence to protect LBT women against discrimination and violence, introducing "*sexual orientation and gender identity*" into the hate crime and anti-discrimination legislation, and ensuring that perpetrators of violence against LBT women do

<sup>82</sup> Concluding Observations on [Namibia](#) by HRCtee.

<sup>83</sup> List of Issues for [Sweden](#) by CESCR.

<sup>84</sup> List of Issues for [Mongolia](#) by HRCtee.

<sup>85</sup> See Concluding Observations on [France](#), the [Netherlands](#) and [Switzerland](#) by CEDAW, on [France](#), [Ireland](#), [Nepal](#), [New Zealand](#) and the [United Kingdom](#) by CRC, on [France](#) by CAT and on [Italy](#) by CRPD, as well as List of Issues for [Germany](#) by CEDAW.

<sup>86</sup> See e. g. Concluding Observations on [Poland](#) by HRCtee and on [Armenia](#) by CEDAW, as well as Concluding Observations on [Armenia](#) by CAT.

<sup>87</sup> See Concluding Observations on [Burkina Faso](#) and [Slovakia](#) and Lists of Issues for [Estonia](#) and [Ghana](#) by HRCtee.

<sup>88</sup> See List of Issues for [Estonia](#) by HRCtee.

<sup>89</sup> See List of Issues for [Serbia](#) by HRCtee.

<sup>90</sup> See List of Issues for [Ghana](#) by HRCtee.

<sup>91</sup> See List of Issues for [Slovakia](#) by HRCtee.

<sup>92</sup> See Concluding Observations on [Azerbaijan](#) and [Slovenia](#) and List of Issues for [Slovakia](#) by HRCtee, as well as [General Comments No. 20](#) on the implementation of the rights of the child during adolescence by CRC, para. 48.

<sup>93</sup> See [List of Issues](#) and [Concluding Observations](#) for [Slovakia](#) by HRCtee.

<sup>94</sup> See Concluding Observations on [Burkina Faso](#) and List of Issues for [Estonia](#) by HRCtee.

<sup>95</sup> See List of Issues for [Estonia](#) by HRCtee.

<sup>96</sup> See Concluding Observations on [Poland](#) by HRCtee.

<sup>97</sup> See Concluding Observations on [Slovenia](#) by HRCtee.

not benefit from the mitigating circumstances of the Penal Code.

#### e. Sex characteristics

2016 was also marked by further achievements regarding the protection of human rights of intersex persons. There were 14 intersex-specific references (compared to 8 in 2015 and none in 2014). The issue was addressed by the same four committees as in the previous year, namely CAT, CEDAW, CRPD and CRC, but the content of recommendations was extended to such areas as data collection and studies;<sup>98</sup> awareness-raising campaigns;<sup>99</sup> and education and trainings for medical and psychological professionals on the range of sexual, and related biological and physical, diversity and on the consequences of unnecessary surgical and other medical interventions on intersex children.<sup>100</sup>

#### f. Gender identity

A huge step forward has been made by the Treaty Bodies with regard to gender identity issues both qualitatively and quantitatively.

In 2016, the Committees made 20 GIE-specific references in their Concluding Observations: even more than the number of such references for the previous two years combined (7 in 2014; 10 in 2015).

The Treaty Bodies more often condemned **violence, including killings**, against trans persons and trans women in particular,<sup>101</sup> though recommendations made by the committees were of a more general nature and did not suggest explicitly any specific measures aimed at protecting trans persons as a targeted group.

In the review of [Namibia](#) by CAT, violence against trans women in **detention** was specifically referred to. The Committee was concerned that “*transgender women are placed together with male detainees, exposing them to a high*

*risk of sexual assault*” and made a recommendation to the State party to “*separate transgender women from male detainees.*”<sup>102</sup>

**Legal gender recognition** remained a focus of the Treaty Bodies, as in the previous two years. While CAT demonstrated its unwillingness to address the topic, CESCR looked at it from a new perspective. In its review of [Costa Rica](#), CESCR noted that the absence of legal gender recognition procedure prevented transgender persons from effective access to work, education and health services, and recommended that the State party therefore give effect to them to ensure effective access of transgender individuals to their economic, social and cultural rights. The review of [Switzerland](#) by CEDAW demonstrated another new approach towards legal gender recognition: that the State party review the decisions taken by civil courts requiring transgender persons to undergo surgical and/or hormonal treatment before legal gender recognition can be granted.

In the review of [Switzerland](#) CEDAW also addressed, for the first time among all the Treaty Bodies, the issue of **financial accessibility of gender reassignment treatment**. The Committee expressed its concerns on the costs associated with such treatment and recommended ensuring that they are reimbursed.

The committees noted **positive developments** related to gender identity with more frequency: while there were no such references in 2014, and only one in 2015,<sup>103</sup> in 2016 progressive gender identity laws were commended in the reviews of [Argentina](#) by both [HRCtee](#) and [CEDAW](#), [Denmark](#), [Ireland](#) and [Uruguay](#).

#### g. Intersections between SOGIESC and disability

Significant progress has been made in 2016 with regard to intersectional discrimination

<sup>98</sup> See Concluding Observations on [France](#) by CAT and on the [United Kingdom](#) by CRC.

<sup>99</sup> See Concluding Observations on [Nepal](#) and the [United Kingdom](#) by CRC.

<sup>100</sup> See Concluding Observations on [Switzerland](#) by CEDAW, and on [Ireland](#), [Nepal](#), [New Zealand](#) and the [United Kingdom](#) by CRC.

<sup>101</sup> For 2016 see Concluding Observations: on [Dominican Republic](#) by CESCR, on [Argentina](#) and [Uruguay](#) by CEDAW, and on [Ecuador](#) and [Honduras](#) by CAT, as well as Lists of Issues: for [New Zealand](#) by CESCR, and for the [United Kingdom](#) and [Uruguay](#) by CAT. For previous two years see Concluding Observations on [Colombia](#), [CAT/C/COL/CO/5](#), para 27 (2015) and [Uruguay](#), [CAT/C/URY/CO/3](#), para 21 (2014) by CAT.

<sup>102</sup> Even though such a solution is quite controversial, taking into account positions expressed by other international human rights bodies. For example, in the case [X v Turkey](#) (application no. 24626/09, judgment of 9 October 2012), where the placement of the applicant, a gay man, in long-term solitary confinement, taken as a measure to protect him from other prisoners, the European Court of Human Rights found a breach of Articles 3 (prohibition of torture) and 14 (prohibition of discrimination) of the Convention for the Protection of Human Rights and Fundamental Freedoms.

<sup>103</sup> See CEDAW Concluding Observations on [Portugal](#), [CEDAW/C/PRT/CO/8-9](#), para. 4.

based on disability and SOGIESC. CRPD started to address not only intersex-specific issues, as in 2015, but also broader intersecting forms of discrimination experienced by LGBTI persons with disabilities.

This problem was raised in the Committee's reviews of [Colombia](#), [Italy](#), [Lithuania](#) and [Uganda](#), and relevant data have been requested from States in the Lists of Issues for [Cyprus](#) and [Iran](#), States that have been reviewed in 2017.

Specific intersectional recommendations were: to include an explicit focus on prevention and eradication of discrimination against women and girls with disabilities, including on the basis of sexual orientation and gender identity, into national gender equality programs;<sup>104</sup> to create mechanisms of inclusion of persons with disabilities of different backgrounds, including with regards to sexual orientation, into decision-making processes;<sup>105</sup> to allocate resources to extend health care to LGBTI persons with disabilities;<sup>106</sup> and to provide for legal protection against multiple and intersectional forms of discrimination faced by persons with disabilities based of their gender identity or sexual orientation.<sup>107</sup> Apart from periodic country reviews, CRPD addressed discrimination of persons with disabilities on the ground of SOGIESC characteristics in both of its General Comments adopted in 2016.<sup>108</sup>

## Conclusion

Our study on SOGIESC-related work of the UN Treaty Bodies shows how exciting, promising and effective, but also sometimes unpredictable and discouraging, engagement with the committees can be.

2016 enriched us with significant quantitative increases in the engagement by the various committees. Crucially there were also overall improvements in the quality of their understanding of and reflections on issues related to SOGIESC issues. On this note, we saw especially improvements in approaches to sex characteristics and gender identity and expression,

especially as regards language and terminology. We also saw a more universal approach to LGBTI concerns incorporated in the Committees' General Comments.

We have seen once again that achieving targeted, specific recommendations is not easy, with an apparent preference by the committees to generally couch their opinions in broad terms. Civil society can continue to provide quality advocacy throughout the process to encourage more specific recommendations. Good advocacy covers a whole range of factors, such as the presentation of written information by CSOs, timing of submissions and interrelations between the committees' Lists of Issues and Concluding Observations, on-site advocacy in Geneva by the real voices of community representatives. Of course the individual approaches and views of the UN experts, as well as changes in the composition of the committees, are factors beyond our control.

We encourage LGBTI defenders to consider in their future advocacy strategies focusing on specific topics and identities, particular Treaty Bodies and the various tools within the Treaty Bodies that have not been widely explored by SOGIESC advocates so far, as well as strengthening advocacy demands by more systemic use of standards developed by different entities.

Recent developments, such as those in the committees' approaches towards "conversion therapy," family relations, hate crimes and hate speech, gender identity, sex characteristics and intersecting forms of discrimination faced by LGBTI persons, prove that positive shifts are achievable at least at the UN level, and underrepresented populations can be recognized and heard in this space. However, the next crucial step – encouraging implementation of the obtained recommendations and developing creative ways to change real lives of LGBTI persons on the ground – requires additional efforts. In 2018, ILGA's UN Team is planning to start more systematic work recording, supporting and promoting such follow-up and implementation strategies.

<sup>104</sup> See Concluding Observations on [Lithuania](#). Issue of inclusion of LGBTI persons with disabilities in public programs for the protection of persons with disabilities has also been raised with regards to [Iran](#).

<sup>105</sup> See Concluding Observations on [Italy](#).

<sup>106</sup> See Concluding Observations on [Colombia](#).

<sup>107</sup> See Concluding Observations on [Uganda](#).

<sup>108</sup> [General comment No. 3 \(2016\)](#) on women and girls with disabilities refers to LBT women and intersex persons addressing multidimensional discrimination and the diversity of women with disabilities, and [General comment No. 4 \(2016\)](#) on the right to inclusive education refers to issue of intersectional discrimination mentioning sexual orientation in the context of education and disability.

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- access to justice*, 67, 72, 86, 95, 98, 103, 106, 110, 113, 115, 116, 117, 119, 120, 121, 122, 123, 125, 127, 128, 129, 131, 133, 134, 135, 136, 139, 140, 142, 143, 146, 148, 149, 150, 151, 153, 154, 155, 156, 157, 158, 160, 161, 166, 168, 169, 170, 174, 175, 178, 180, 181, 183, 186, 187, 193, 196, 203, 205, 211, 216, 220, 222, 223, 224, 226, 227, 228, 231, 233, 234, 235, 237, 239, 240, 247
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## Countries with Lists of Issues and Concluding Observations

By clicking the country names below, you will be taken to the page on the website of the Office of the High Commissioner for Human Rights (OHCHR) that contains all of the Treaty Body information relating to that particular country. By clicking on the Treaty Body names below, you will be taken to the relevant reference within this document, where you will also find links to the full List of Issues (marked by *Italic*) and Concluding Observations on the OHCHR website.

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<b>Lebanon</b> CESCR CESCR	<b>Norway</b> HRCtee	<b>Switzerland</b> CEDAW CEDAW
<b>Liechtenstein</b> HRCtee	<b>Pakistan</b> CRC HRCtee	<b>Thailand</b> CEDAW HRCtee
<b>Luxembourg</b> CEDAW	<b>Paraguay</b> HRCtee	<b>Togo</b> HRCtee
<b>Lithuania</b> CRPD CRPD HRCtee	<b>Peru</b> CRC	<b>Tunisia</b> CAT CESCR CESCR
<b>Macedonia (the former Yugoslav Republic of)</b> CESCR	<b>Philippines</b> CEDAW CESCR CESCR	<b>Turkey</b> CAT CEDAW CEDAW
<b>Madagascar</b> HRCtee	<b>Poland</b> CESCR HRCtee HRCtee	<b>Turkmenistan</b> HRCtee
<b>Maldives</b> CRC CRC	<b>Republic of Moldova</b> HRCtee HRCtee	<b>Uganda</b> CRPD
<b>Mongolia</b> CAT CAT CEDAW CRC HRCtee	<b>Romania</b> CRC	<b>Ukraine</b> CEDAW
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<b>Nepal</b> CRC	<b>Slovenia</b> HRCtee	
<b>Netherlands</b> CEDAW	<b>South Africa</b> CRC CRC HRCtee HRCtee	
	<b>Sri Lanka</b> CEDAW CESCR	

## **I. Analysis of References**

# 1. Committee on Economic, Social and Cultural Rights

SOGIESC references were made in more than one-half of the Concluding Observations of the CESCR's country reviews in 2016 (9 out of 17 countries).<sup>109</sup> While this is a significant amount, it represents a decrease on 2015 when the same Committee referred to SOGIESC in 13 out of 17 countries (76%).<sup>110</sup>

In 2016, CESCR received CSO information on the situation of LGBTI persons for 12 countries, with nine out of the 12 countries providing comprehensive information.<sup>111</sup> SOGIESC recommendations were received by all of these nine countries, except for Canada and Sweden. At the same time, LGBTI references were made in the Concluding Observations on **Kenya** and **Lebanon** where the Committee was provided with limited information only.

In most of the reviews, CESCR made SOGIESC recommendations after issuing relevant List of Issues. For [Macedonia](#), LGBTI-inclusive recommendations were made in the absence of SOGIESC references in the List of Issues. However, for [Poland](#) and [Sweden](#), notwithstanding the inclusive Lists of Issues produced earlier by the pre-sessional working group, LGBTI recommendations were not covered in the Concluding Observations.

*Therefore, it seems that the Committee is open to discussing SOGIESC issues when it is provided with detailed information, especially in the form of a specific LGBTI submission. It is advisable to include a SOGIESC agenda into the List of Issues through submitting relevant information to the pre-sessional working group and, if possible, participation in its work in Geneva.*

## Themes

When it discussed SOGIESC issues, CESCR always raised the issue of **discrimination**, sometimes mentioning specific spheres such as health care,<sup>112</sup> work or education,<sup>113</sup>. It usually recommended adopting a comprehensive policy to combat discrimination<sup>114</sup> or anti-discrimination legislation,<sup>115</sup> removing any discriminatory legislative provisions<sup>116</sup> and organising awareness-raising campaigns<sup>117</sup> and trainings for professional groups.<sup>118</sup>

CESCR also addressed problems of **violence** and **harassment** against LGBTI persons<sup>119</sup> and lack of an adequate **response from police**.<sup>120</sup> In response to this, it recommended ensuring prompt, impartial and effective **investigation and prosecution** on such cases.<sup>121</sup>

The Committee mentioned the need for revision of SOGIESC-related negative **stereotypes** in university textbooks,<sup>122</sup> and called on the State parties to recognise the rights of **same-sex couples**.<sup>123</sup>

However, similar to previous years, most of the Committee's references remained quite general, and it rarely examined specific rights enjoyed by LGBTI persons in detail.

*Analysis of the Committee's work on SOGIESC issues demonstrates its openness to addressing this sphere and therefore advocates are encouraged to include activities related to CESCR in their advocacy plans. However, in order to achieve deeper understanding of SOGIESC problems by the Committee defenders should consider submitting more specific reports describing challenges faced by LGBTI communities, proposing particular recommendations, and explaining their demands in communications with the Committee members in Geneva.*

<sup>109</sup> No SOGIESC references were made in the Concluding Observations for Angola, Burkina Faso, Canada, Cyprus, France, Poland, Sweden and the United Kingdom.

<sup>110</sup> In 2014, CESCR mentioned SOGIESC issues in 7 out of 23 Concluding Observations (30%).

<sup>111</sup> Canada, Costa Rica, Dominican Republic, Honduras, Namibia, Philippines, Sweden, the former Yugoslav Republic of Macedonia and Tunisia.

<sup>112</sup> See Concluding Observations on [Costa Rica](#) and [Kenya](#).

<sup>113</sup> See Concluding Observations on [Costa Rica](#).

<sup>114</sup> See Concluding Observations on [Costa Rica](#) and [Dominican Republic](#).

<sup>115</sup> See Concluding Observations on [Honduras](#), [Namibia](#), [Philippines](#) and [Macedonia](#).

<sup>116</sup> See Concluding Observations on [Dominican Republic](#), [Honduras](#), [Namibia](#) and [Philippines](#).

<sup>117</sup> See Concluding Observations on [Honduras](#), [Lebanon](#) and [Macedonia](#).

<sup>118</sup> See Concluding Observations on [Macedonia](#) and [Tunisia](#).

<sup>119</sup> See Concluding Observations on [Dominican Republic](#), [Macedonia](#) and [Tunisia](#).

<sup>120</sup> See Concluding Observations on [Macedonia](#).

<sup>121</sup> See Concluding Observations on [Macedonia](#).

<sup>122</sup> See Concluding Observations on [Macedonia](#).

<sup>123</sup> See Concluding Observations on [Costa Rica](#) and [Macedonia](#).

## Criminalisation

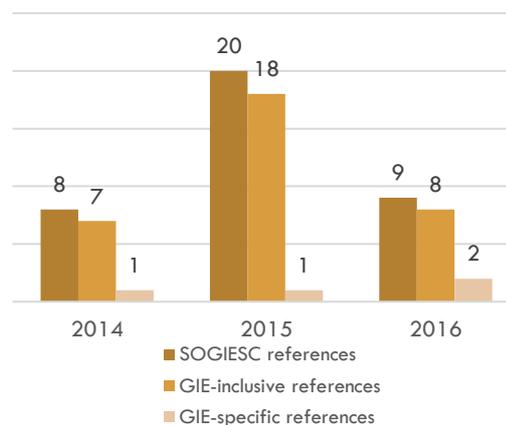
Five countries<sup>124</sup> reviewed in 2016 criminalised consensual same sex relations between adults. For four of these countries, CESCR issued SOGIESC-inclusive Lists of Issues and Concluding Observations, and received information on the topic from CSO, including a report on Namibia by the [ICJ](#) exclusively devoted to criminalisation. The Committee clearly urged [Kenya](#), [Namibia](#) and [Tunisia](#) to decriminalise sexual relations between consenting adults of the same sex. The only exception was **Angola**, where neither LGBTI issues in general nor criminalisation specifically have been raised by either human rights defenders or the Committee itself.

*Thus, it seems that CESCR addresses criminalisation when it receives information on the problem. Advocates should rely on this openness to encourage the Committee to discuss the impact of criminalisation on the enjoyment of specific rights, such as access to health.*

## Gender identity and expression

The Committee addressed gender identity issues in all but one of its Concluding Observations published in 2016 under more general SOGIESC-inclusive references.<sup>125</sup> In two country reviews CESCR specifically referred to transgender persons; in the Concluding Observations on [Costa Rica](#) the Committee looked at how shortcomings in legal gender recognition procedure affect access of trans persons to their economic, social and cultural rights; and, when reviewing [Dominican Republic](#), the Committee expressed its particular concerns on violence against trans persons. Additionally, the problem of violence against trans individuals was raised in the List of Issues for [New Zealand](#).

Figure 7: GIE references, CESCR



Similarly, most of the CSO submissions to CESCR mentioned trans persons/gender identity as part of more general LGBT(I)/SOGI(ESC) agenda. Only one report was devoted specifically to the situation of trans communities,<sup>126</sup> and other submissions included trans specific chapters, sections or paragraphs.<sup>127</sup>

*Looking at the Committee's Concluding Observations, as well as its recent General Comments referring to gender identity and expression, trans defenders could consider CESCR as an effective and promising advocacy space. However, it appears that in-depth information on the problems faced by trans and gender non-conforming people is needed in order to raise awareness among Committee members. For example, an interesting and important exercise would be to analyse how exactly the lack of appropriate legal gender recognition procedure affects access of trans persons to employment, education, health care and other services. ILGA's guide on gender identity and expression advocacy at CESCR published in 2016 in [English](#) and [Russian](#) could also serve as a helpful tool in this work.*

<sup>124</sup> Angola, Kenya, Lebanon, Namibia and Tunisia.

<sup>125</sup> The only exception was [Namibia](#) where CESCR addressed criminalisation of same-sex activity.

<sup>126</sup> Submission by [civil society coalition](#) for the List of Issues (Costa Rica).

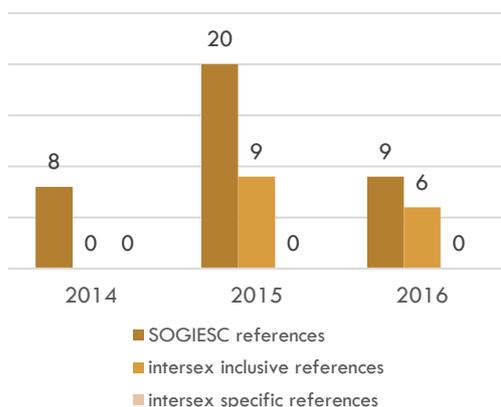
<sup>127</sup> See, e.g.: submission by Amnesty International for the [List of Issues](#) and [Session](#), submission by [Action Canada for Sexual](#)

[Health and Rights](#) for the Session and submission by the [Canadian Civil Liberties Association](#) for the Session (Canada); Submission by the [Coalition Sexual and Health Rights of Marginalized Communities](#) and by the [Helsinki Committee for Human Rights of the Republic of Macedonia \(MHC\)](#) and [LGBTI Support Centre](#) for the Session (Macedonia).

## Sex characteristics

While there were no specific mentions of the situation of intersex persons in the CESCR's Concluding Observations in 2016, the Committee mentioned intersex in its general SOGIESC references for six countries.<sup>128</sup> However, it is worth noting that CSOs did not provide CESCR with any in-depth information on the specific situation of intersex persons.<sup>129</sup>

Figure 8: Intersex references, CESCR



*As in previous years, the fact that CESCR did not mention intersex/sex characteristics in its Concluding Observations reflects the lack of CSO submissions to the Committee relating to sex characteristics specifically. However, advocates are strongly encouraged to engage with the Committee on this topic considering the General Comments issued by CESCR in 2016 not only expanded the scope of CESCR's work to include intersex issues, but also addressed particular violations faced by intersex individuals.*

## Individual Communications

The individual communications mechanism of CESCR is still relatively new, and the Committee has not yet dealt with SOGIESC issues in this context.<sup>130</sup> There were no references to SOGIESC in the six decisions made by CESCR in individual communications in 2016.

<sup>128</sup> [Costa Rica](#), [Kenya](#), [Lebanon](#), [Philippines](#), [the former Yugoslav Republic of Macedonia](#) and [Tunisia](#).

<sup>129</sup> Only a submission on Philippines by [Kaleidoscope Human Rights Foundation](#) mentioned a case related to an intersex person's documentation.

<sup>130</sup> A list of countries that have agreed, by ratifying the Optional Protocol, that Individual Communications can be brought against

*LGBTI advocates are encouraged to consider submitting individual complaints to CESCR, taking into consideration the Committee's position towards SOGIESC-related human rights violations expressed in its Concluding Observations and General Comments, and a small number of pending cases. A complaint will probably be considered within 1.5 years of being submitted.*

## General Comments

Two general comments were published by CESCR in 2016, namely [General Comment No. 22](#) on the right to sexual and reproductive health and the [General Comment No. 23](#) on the right to just and favourable conditions of work. Both of them contain numerous SOGIESC references; General Comment No. 22 explicitly condemns the criminalisation of sex between consenting adults of the same sex, the expression of one's gender identity, conversion therapies and involuntary medical treatment towards intersex persons.

The Committee continues to work on the draft [General Comment](#) on state obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities. The draft did not include any SOGIESC references, but CSOs have proposed relevant amendments.<sup>131</sup>

## Follow-up procedure

Since 1993, CESCR has included a reference to its procedures on follow-up in all its annual reports. However, no formally adopted follow-up procedure has taken place until 2017.<sup>132</sup>

## Sex work and HIV/AIDS

No references were made to **sex work** in CESCR's Concluding Observations of 2015. References to **HIV/AIDS**, that were not SOGIESC-related, were made in the Concluding Observations on [Costa Rica](#) (para 19), [Dominican Republic](#) (paras 4, 19 and 57-58), [Honduras](#) (para 21), [Kenya](#) (paras 55-56), [Lebanon](#) (para 19), [Namibia](#) (paras 22 and 67-68) and [Philippines](#) (para 53).

them is available by clicking 'underlying data' under the map available on this page: <http://indicators.ohchr.org/>.

<sup>131</sup> See the [submission](#) by Kaleidoscope Human Rights Foundation. The General Comments have been adopted by CESCR in 2017 without any SOGIESC references (see [E/C.12/GC/24](#)).

<sup>132</sup> See the [Note on the procedure for follow-up to concluding observations](#).

## 2. Human Rights Committee

The Committee made references to SOGIESC in its Concluding Observations on 19 out of 21 (90%) countries reviewed in 2016.<sup>133</sup> It also mentioned relevant issues in every Concluding Observation at the last two sessions of the year, thus proving to be the most inclusive Treaty Body for LGBTI issues.<sup>134</sup>

The Committee received CSO submissions that included SOGIESC references in all the countries reviewed during the year, although not all of them described the situation of LGBTI persons in depth.

Most of the SOGIESC-inclusive Concluding Observations made by HRCtee were preceded by a List of Issues which also covered LGBTI-related topics. The few exceptions were three countries<sup>135</sup> that received inclusive Concluding Observations in the absence of relevant mentions in the List of Issues. On the other hand, while the List of Issues and [oral dialogue](#) for [Rwanda](#) questioned measures to eradicate discrimination, harassment and other forms of abuse against LGBTI persons, no SOGIESC references appeared in the Concluding Observations. For **New Zealand**, no SOGIESC references were made in neither the List of Issues nor the Concluding Observations.<sup>136</sup>

*Presently, it seems that the HRCtee continues to be the most open towards SOGIESC issues among Treaty Bodies. It frequently includes relevant references in both its List of Issues and Concluding Observations following the country review. Therefore, defenders could, with high levels of probability, expect attention to LGBTI issues from the Committee even if they do not provide comprehensive information on the topic. However, if recommendations on especially controversial topics, rarely*

*covered topics or individual cases are sought, then more strategic engagement is advisable. For example, in 2016 activists from Slovakia submitted a specific report on legal gender recognition, then came to Geneva and were actively involved in the country review. As a result, while legal gender recognition and the sterilisation requirement had not been addressed in the List of Issues for Slovakia, the issue was raised in the course of the constructive dialogue, and HRCtee did include relevant concerns and recommendations in its Concluding Observations.*

### Themes

The Committee addressed a broad range of different SOGIESC issues in its country reviews in 2016.

Expressing its concerns on acts of **discrimination**,<sup>137</sup> HRCtee usually recommended that State parties adopt and implement comprehensive anti-discrimination policy<sup>138</sup> and anti-discrimination legislation that would explicitly mention sexual orientation and gender identity<sup>139</sup> and would define and prohibit direct, indirect and multi-layered discrimination.<sup>140</sup> On some occasions, the Committee specifically highlighted the need to ensure accessibility of remedies to victims.<sup>141</sup>

Another topic commonly covered was **violence** targeting LGBTI people. Here the Committee noted its concerns on cases of violence, including murder, sexual violence and torture,<sup>142</sup> identified different actors committing such violence, including family members, police and prison officials,<sup>143</sup> as well as condemning the impunity of such acts. Following its reviews of country reports, HRCtee recommended the adoption of inclusive hate

<sup>133</sup> No SOGIESC references were made in the Concluding Observations for New Zealand and Rwanda.

<sup>134</sup> To compare: HRCtee referred to SOGIESC in 13 out of 20 country reviews (66%) in 2015, and in 14 out of 18 country reviews (78%) in 2014.

<sup>135</sup> [Denmark](#), [Slovenia](#) and [Sweden](#).

<sup>136</sup> There was a single submission prepared by a [coalition](#) of organizations working on sexual orientation, gender identity and intersex issues. Moreover, the number of shadow reports published at the session's webpage suggests that the Committee was not overloaded with CSO written information for the review of New Zealand.

<sup>137</sup> See, e.g. Concluding Observations on [Burkina Faso](#), [Kazakhstan](#), [Namibia](#), [Poland](#), [Moldova](#) and [South Africa](#).

<sup>138</sup> See, e.g. Concluding Observations on [Costa Rica](#).

<sup>139</sup> See, e.g. Concluding Observations on [Azerbaijan](#), [Burkina Faso](#), [Denmark](#), [Jamaica](#), [Kazakhstan](#), [Namibia](#) and [Poland](#).

<sup>140</sup> See, e.g. Concluding Observations on [Kazakhstan](#).

<sup>141</sup> See, e.g. Concluding Observations on [Denmark](#), [Kazakhstan](#) and [Poland](#).

<sup>142</sup> See, e.g. Concluding Observations on [Colombia](#), [Costa Rica](#), [Ecuador](#), [Jamaica](#), [Kazakhstan](#), [Kuwait](#), [Namibia](#), [Poland](#) and [South Africa](#).

<sup>143</sup> See, e.g. Concluding Observations on [Azerbaijan](#), Ghana and [Jamaica](#).

## I. Analysis of references – HRCtee

crime legislation,<sup>144</sup> facilitation of reporting and data collection,<sup>145</sup> prevention measures,<sup>146</sup> proper investigation and accountability,<sup>147</sup> assistance and full reparation for victims,<sup>148</sup> including access to shelters,<sup>149</sup> and trainings for law enforcement and health service personnel.<sup>150</sup>

Notably, in 2016 HRCtee was the only Treaty Body which specifically mentioned the situation of lesbian women. In its review of [Namibia](#), the Committee expressed its concerns on cases of “corrective rape” committed in the country against lesbian women.

On top of that, particular attention was paid by HRCtee, in its List of Issues developed for [Azerbaijan](#), to honour killings and forced marriages of the LGBT population. However, the two issues were not then recalled in the Concluding Observations.

**Conversion therapy** was discussed by HRCtee, as well as other Treaty Bodies, in relation to [Ecuador](#). The Committee called on the State party to fully eliminate the practice, to investigate, prosecute and punish those responsible, and to provide full reparation for victims.

**Police misconduct** was a topic raised by HRCtee on several occasions, and in this regard the Committee mentioned blackmailing, arbitrary detention and violence and harassment.<sup>151</sup>

Particular references have been made by the Committee to homo- and transphobic **hate speech**,<sup>152</sup> including by politicians,<sup>153</sup> hostility in media, internet and online platforms,<sup>154</sup> and stereotyping of LGBTI persons.<sup>155</sup> Measures recommended by HRCtee to cure the problem included: providing protection to those targeted;<sup>156</sup> awareness raising campaigns;<sup>157</sup> efforts to combat stereotypes and prejudice;<sup>158</sup> and adoption of inclusive hate speech legislation.<sup>159</sup>

Several countries received recommendations on LGBTI **human rights defenders, freedom of expression, freedom of association and freedom of assembly**,<sup>160</sup> and the Committee’s Lists of Issues tackled these topics for many countries.<sup>161</sup>

In its review of [Namibia](#), the Committee addressed the issue of protection against **refoulement** for persons requesting asylum for persecution on grounds of sexual orientation or gender identity.<sup>162</sup> In the List of Issues for [Azerbaijan](#) the Committee requested information about **asylum seekers** who based their applications on persecutions on the grounds of sexual orientation.<sup>163</sup>

Specific references to **health issues** were contained in the Committee’s List of Issues for [Costa Rica](#) where relevant questions were raised with regard to HIV/AIDs. LGBT persons were mentioned as one of the vulnerable segments of the population in HIV-related recommendations for [Jamaica](#). For [Paraguay](#), in the List of Issues the Committee asked about accessibility of reproductive health services to LGBTI women and adolescents.

Importantly, the Committee also addressed **family issues**, including the rights to adopt children and parental rights. In doing this, it not only commended the efforts made by some progressive governments in this field,<sup>164</sup> as was the case in 2015 reviews, but also asked questions and proposed recommendations to governments.<sup>165</sup> Most countries which the Committee approached with questions and recommendations were countries that had already expressed their willingness to provide a certain level of recognition for same-sex families.

<sup>144</sup> See, e.g. Concluding Observations on [Namibia](#) and [Poland](#).

<sup>145</sup> See, e.g. Concluding Observations on [South Africa](#).

<sup>146</sup> See, e.g. Concluding Observations on [Colombia](#) and [Kazakhstan](#).

<sup>147</sup> See, e.g. Concluding Observations on [Azerbaijan](#), [Colombia](#), [Costa Rica](#), [Ecuador](#), [Jamaica](#), [Namibia](#), [Poland](#) and [South Africa](#).

<sup>148</sup> See, e.g. Concluding Observations on [Colombia](#), [Ecuador](#), [Namibia](#), [Poland](#) and [South Africa](#).

<sup>149</sup> See, e.g. Concluding Observations on [South Africa](#).

<sup>150</sup> See, e.g. Concluding Observations on [South Africa](#).

<sup>151</sup> See, e.g. Concluding Observations on [Azerbaijan](#), [Colombia](#), [Kuwait](#) and [Namibia](#).

<sup>152</sup> See, e.g. Concluding Observations on [Morocco](#) and [Poland](#).

<sup>153</sup> See, e.g. Concluding Observations on [Burkina Faso](#) and [Slovakia](#).

<sup>154</sup> See, e.g. Concluding Observations on [Azerbaijan](#), [Poland](#) and [Slovenia](#).

<sup>155</sup> See, e.g. Concluding Observations on [Azerbaijan](#), [Colombia](#), [Kuwait](#) and [Namibia](#).

<sup>156</sup> See, e.g. Concluding Observations on [Azerbaijan](#).

<sup>157</sup> See, e.g. Concluding Observations on [Burkina Faso](#), [Poland](#), [Moldova](#) and [Slovenia](#).

<sup>158</sup> See, e.g. Concluding Observations on [Ecuador](#), [Jamaica](#), [Kuwait](#), [Morocco](#), [Moldova](#) and [Slovenia](#).

<sup>159</sup> See, e.g. Concluding Observations on [Slovakia](#).

<sup>160</sup> See, e.g. Concluding Observations on [Azerbaijan](#) and [South Africa](#).

<sup>161</sup> See, e.g. Lists of Issues for [Honduras](#), [Mongolia](#) and [Poland](#).

<sup>162</sup> See also [M.K.H. v. Denmark](#).

<sup>163</sup> While the issue has not been then tackled in the Concluding Observations.

<sup>164</sup> Concluding Observations on [Colombia](#).

<sup>165</sup> See Lists of Issues for [Honduras](#), [Italy](#) and [Lithuania](#) and Concluding Observations on [Colombia](#), [Poland](#) and [Slovenia](#).

*HRCtee consistently demonstrates its commitment to raise various SOGIESC issues from hate crimes, hate speech or discrimination to much more “controversial” topics such as adoption and marriage. Therefore, defenders are encouraged to apply to the Committee providing it with information on various forms of violations faced by LGBTI communities. HRCtee also appears to be a good space for advocates wishing to concentrate on specific identities or communities, or deepen focus on particular types of violation. In this case, presentation of relevant data seems to be very important.*

### Criminalisation

HRCtee discussed criminalisation in its reviews of all five countries ([Ghana](#), [Jamaica](#), [Kuwait](#), [Morocco](#) and [Namibia](#)) that criminalised consensual same-sex relations among adults and were reviewed by the Committee in 2016. The Committee specifically linked criminalisation with the promotion of discrimination in its Concluding Observations on [Jamaica](#) and mentioned arrests based on relevant legal provisions in its Concluding Observations on [Kuwait](#). All five countries received recommendations to decriminalise consensual same-sex relations among adults, and in the case of [Namibia](#) the issue was also included in the list of recommendations for follow-up activities.

*The Committee continues to maintain its consistent approach towards criminalisation of consensual same-sex relations among adults; an approach which introduced more than twenty years ago in the first UN Treaty Bodies’ individual communication on sexual orientation in the Toonen case. These days, HRCtee considers criminalisation to be a grave violation of the International Covenant on Civil and Political Rights, and therefore defenders from countries criminalising same-sex relations are strongly encouraged to rely on engagement with HRCtee.*

<sup>166</sup> In 2015, there were 16 T/GI-inclusive references out of 18 SOGIESC-references (89%), and in 2014, there were 15 out of 17 (88%).

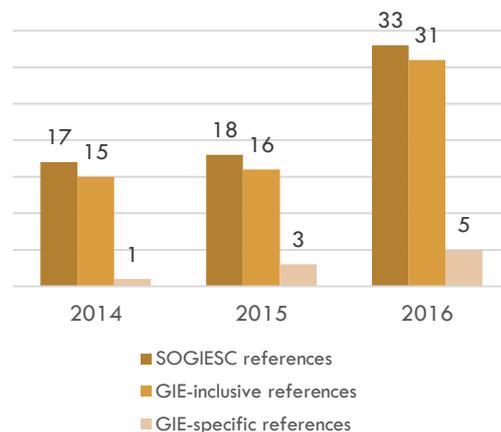
<sup>167</sup> In the review of [Argentina](#), the Committee highlighted two positive developments, legal gender recognition and hiring quota. In the review of [Denmark](#) it also commended legislation on gender recognition.

<sup>168</sup> Kazakhstan: Submission by [civil society coalition](#) for the Session; Slovakia: Submission by [TransFúzia](#) for the Session. The topic of both reports was legal gender recognition.

### Gender identity and expression

The Committee continued to mention trans/gender identity aspects in its SOGIESC-inclusive references in the Concluding Observations. In 2016, such references were contained in 31 out of 33 (94%) SOGIESC-inclusive paragraphs.<sup>166</sup>

Figure 9: GIE references, HRCtee



While encouraging, only five references addressed gender identity specifically, and just three of them proposed particular recommendations.<sup>167</sup> In the reviews of [Kazakhstan](#) and [Slovakia](#), where CSOs submitted specific reports on the situation of trans persons,<sup>168</sup> HRCtee addressed legal gender recognition procedures and gender reassignment surgeries, respectively and asked the State parties to ensure that national procedures were compatible with the Covenant.<sup>169</sup> Following the review of Kuwait, where defenders presented [information](#) about punishment for “cross-dressing” in public and its effect on trans people, the Committee recommended the State party “repeal the offence of imitating members of the opposite sex.”

More specific references to gender identity were made by the Committee in its Lists of Issues produced in 2016.<sup>170</sup> Among the issues raised by HRCtee were: legal gender recognition; gender

<sup>169</sup> HRCtee was concerned about the ‘stringent conditions for gender reassignment surgery and sex change’ in Kazakhstan, and about sterilization as a prerequisite for legal gender recognition in Slovakia. Notably, legal gender recognition was not referred to in the Committee’s Concluding Observations on Kazakhstan even though defenders highlighted this specific problem on numerous occasions in both their written submission and engagement with the Committee members in Geneva.

<sup>170</sup> See the List of Issues made for [Belgium](#), [Estonia](#), [Honduras](#), [Lithuania](#), [Norway](#) and [Serbia](#).

## I. Analysis of references – HRCtee

identity laws; protected characteristics in anti-discrimination; hate crimes and hate speech legislation; and detention of trans persons.

At the same time, submissions of detailed data on trans communities included in inter-identity reports and even reports comprehensively describing the situation of trans persons, did not lead to trans references in the Concluding Observations.<sup>171</sup>

Finally, in 2016 the Committee started to develop its language and began referring to gender expression alongside gender identity. Such references were contained in three sets of List of Issues<sup>172</sup> (while not in the following Concluding Observations<sup>173</sup>), and in one set of Concluding Observations<sup>174</sup> (in the positive aspects section only).

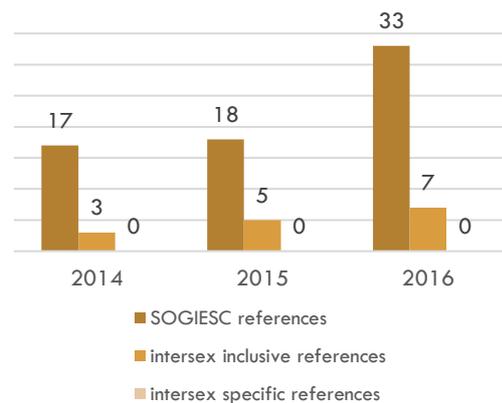
*It could be argued that the consistent inclusion of trans references in broader SOGIESC-inclusive paragraphs demonstrates, to some extent, the Committee's willingness to address human rights violations faced by trans communities in different countries. However, when it comes to trans specific situations, the HRCtee does not demonstrate the same level of commitment even when relevant information is provided by defenders. The most effective strategy here could be the preparation of separate submissions highlighting the situation of trans communities and trans specific demands accompanied by personal participation in the HRCtee's session. Defenders from countries that were asked about the situation of trans persons in the Committee's Lists of Issues in 2016 are especially encouraged to engage with HRCtee in the later stages. If advocates wish to work on gender expression issues, they also could consider approaching the Committee.*

<sup>171</sup> For instance, in the case of Argentina, the Committee welcomed new laws on gender identity and hiring quotas, while defenders provided [information](#) on the problems with implementation of the said laws. A report that included a chapter on trans pathologisation and access to health by [Colombia Diversa](#) did not lead to any trans-specific recommendations in the Committee's Concluding Observations. Defenders from Costa Rica submitted a [report](#) for the List of Issues that included a chapter on violations of trans persons' rights, and they also sent session [additional information](#) to the Committee's on the situation of trans persons specifically. However, only general LGBTI recommendations were produced by HRCtee as a result of the country review. A Submission on Moldova by [GENDERDOC-M Information Centre](#) included a specific chapter on legal gender recognition, but it was not reflected in the Committee's Concluding Observations. The HRCtee's Concluding Observations on South Africa also included only general LGBTI references, despite the Committee been provided with a specific [report](#) on the situation of transgender and intersex persons. Finally, in the case of New Zealand, the Committee did not issue any

### Sex characteristics

Regarding intersex persons, the HRCtee made no specific recommendations (as in 2014 and 2015), and in only seven sets of Concluding Observations intersex references were included in general LGBTI recommendations.<sup>175</sup> Notably, in its review of [South Africa](#), the Committee discussed discrimination and violence on the basis of "bodily diversity", alongside sexual orientation and gender identity.

Figure 10: Intersex references, HRCtee



In the same manner, intersex references were made under a more general LGBTI umbrella in several of the Lists of Issues produced by the Committee in 2016.<sup>176</sup>

HRCtee does not appear to have received any stand-alone reports addressing the situation of intersex persons, but submissions on **New Zealand**<sup>177</sup> and **South Africa**<sup>178</sup> extensively described the issue.

SOGIESC recommendations despite a report focusing particularly on trans and intersex issues been submitted by [Aotearoa/New Zealand Sexual Orientation, Gender Identity and Intersex \(SOGII\) UPR Coalition](#) for the Session.

<sup>172</sup> See the List of Issues made for Belgium, Morocco and Slovakia.

<sup>173</sup> Concluding Observations upon the reviews of Morocco and Slovakia, while mentioning gender identity, did not refer to gender expression. The review of Belgium has not been yet scheduled.

<sup>174</sup> Concluding Observations on [Sweden](#).

<sup>175</sup> See Concluding Observations on [Colombia](#), [Costa Rica](#), [Ecuador](#) and [South Africa](#).

<sup>176</sup> See List of Issues for [Honduras](#), [Lithuania](#), [Mongolia](#), [Paraguay](#), [Rwanda](#), [Serbia](#) and [Togo](#).

<sup>177</sup> Submission by [Aotearoa/New Zealand Sexual Orientation, Gender Identity and Intersex \(SOGII\) UPR Coalition](#) for the Session (*addressing mainly trans and intersex issues*).

<sup>178</sup> Submission by [civil society coalition](#) for the Session (*specific report on the situation of transgender and intersex persons*).

*As in the previous year, it appears that the lack of information put before the Committee on intersex people is reflected in its lack of exploration of the issue. As the HRCtee regularly discusses violence and torture and inhuman or degrading treatment, advocates working on issues around IGM, for example, are encouraged to engage with the Committee to bring greater attention to such violations.*

### Individual Communications

Out of 90 decisions made by the HRCtee on individual communications in 2016, only one<sup>179</sup> concerned an LGBTI public event (the issue of discrimination was not raised in this communication), and another one<sup>180</sup> concerned refoulement to Bangladesh and assessment of the complainant's risk of persecution based on his sexual orientation.

*HRCtee has already issued a number of views on individual communications on sexual orientation,<sup>181</sup> and more cases have been submitted to the Committee by local activists. Therefore, LGBTI defenders could rely on this mechanism in their advocacy strategies. Taking into account gaps existing in the HRCtee's jurisprudence so far, particular efforts could be made with regard to discrimination cases and gender identity, expression and sex characteristics. Notably, the length of the procedure (approximately three to six years to obtain the final views) could help advocates from those countries where other available international mechanisms do not exist at all or would require more time.*

<sup>179</sup> Communication No. 2092/2011, *Androsenko v. Belarus*, decision of 30 March 2016, [CCPR/C/116/D/2092/2011](#).

<sup>180</sup> Communication No. 2462/2014, *M.K.H. v. Denmark*, views of 12 July 2016, [CCPR/C/117/D/2462/2014](#).

<sup>181</sup> The following issues have been addressed in cases reviewed by the Committee so far: criminalisation of same-sex relations (*Toonen v Australia*, communication no. 488/1992, views of 31 March 1994, [CCPR/C/50/D/488/1992](#)); property rights in same-gender relations (*X v Colombia*, communication no. 1361/2005, views of 14 May 2007, [CCPR/C/89/D/1361/2005](#) and *Edward Young v Australia*, communication no. 941/2000, views of 15 September 2003, [CCPR/C/78/D/941/2000](#)); same-sex marriage (*Juliet Joslin et al. v New Zealand*, communication no. 902/1999, views of 17 July 2002, [CCPR/C/75/D/902/1999](#)); anti-propaganda legislation in the context of freedom of assembly (*Fedotova v Russian Federation*, communication no. 1932/2010, views of 31 October

### General Comments

No General Comments were published by HRCtee in 2016.

However, the Committee is in the process of discussing [draft General Comment No. 36](#) on Article 6, the right to life.<sup>182</sup> The draft mentions LGBTI persons as a vulnerable group and refers to criminalisation of same-sex relations.

### Follow-up procedure

According to the rule 71, paragraph 5, of the Committee's [rules of procedure](#), HRCtee may request the State party give priority to some specific aspects of its Concluding Observations. Relying on this rule, HRCtee identifies for each country two to four recommendations, implementation of which should be reported to the Committee by the State party within one year of the adoption of the Concluding Observations. The Committee has established two main criteria for the selection of recommendations for follow-up: the recommendation is implementable within one year of its adoption; and the recommendation requires immediate attention because of the level of gravity and recognised emergency of the referred situation. The Committee appoints a Special Rapporteur for follow-up on Concluding Observations and a Deputy Special Rapporteur.

CSOs are provided with the opportunity to participate in the follow-up process. Specifically, they could submit to the Committee their comments on implementation of prioritised recommendations. They could do it either by providing comments without taking into account the follow-up report of the State party (at any time before the expiration of the one-year deadline), or by providing specific comments to the reply submitted by the State party within one month from the posting of the State party's reply on the website.<sup>183</sup>

2012, [CCPR/C/106/D/1932/2010](#)); restrictions on freedom of LGBTI assembly (*Alekseev v Russian Federation*, communication no. 1873/2009, views of 25 October 2013, [CCPR/C/109/D/1873/2009](#), *Praded v Belarus*, communication no. 2029/2011, views of 10 October 2014, [CCPR/C/112/D/2029/2011](#) and *Androsenko v Belarus*, communication no. 2092/2011, views of 30 March 2016, [CCPR/C/116/D/2092/2011](#)), and deportation of "homosexual persons" to their countries of origin (*X v Sweden*, communication no. 1833/2008, views of 1 November 2011, [CCPR/C/103/D/1833/2008](#) and *M. I. v Sweden*, communication no. 2149/2012, views of 25 July 2013, [CCPR/C/108/D/2149/2012](#)).

<sup>182</sup> See more on this: <http://www.ohchr.org/EN/HRBodies/CCPR/Pages/GC36-Article6Righttolife.aspx>.

<sup>183</sup> See more details in the HRCtee's [Note on the procedure for follow-up to concluding observations](#). See also *Procedures of*

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In 2016, SOGIESC recommendations were included in the list for follow-up activities three times. Namely, in the Concluding Observations on [Colombia](#) (on the internal armed conflict), [Namibia](#) (with regards to non-discrimination and prohibition of torture and ill-treatment) and [Slovenia](#) (on racism and xenophobia, including hate speech).

*Taking into account that HRCtee has already included SOGIESC recommendations in its lists for follow-up on several occasions, defenders are encouraged to consider this opportunity in their advocacy plans. Usually, NGO representatives participating in the session have a chance to suggest specific issues to be covered by the Committee's follow-up procedure. Therefore, cooperation with other NGOs both before the session and in Geneva could be crucial to ensuring inclusion of a SOGIESC dimension into the agreed CSO proposal. If relevant topics are included in the list of priorities, it is important to update the Committee on any developments in the year following the adoption of Concluding Observations for its follow-up review.<sup>184</sup>*

### Sex work and HIV/AIDS

The HRCtee made references to **sex work** that were not SOGIESC-specific in the Concluding Observations on [Ghana](#) (paras. 13-14) and [Namibia](#) (paras. 21-22). The Committee addressed **HIV/AIDS** in its Concluding Observations for [Costa Rica](#) (paras. 13-14), [Jamaica](#) (paras. 19-20), [Namibia](#) (paras. 3, 9-10 and 11) and [South Africa](#) (paras. 16-17 and 40).

*the human rights treaty bodies for following up on concluding observations, decisions and Views, 29<sup>th</sup> session of the meeting of Chairs of the human rights treaty bodies, 8 May 2017, [HRI/MC/2017/4](#).*

<sup>184</sup> The CCPR Centre has designed a template of follow-up reports to the Committee. Get in touch with them at [info@ccprcentre.org](mailto:info@ccprcentre.org) for further info. An example of follow-up CSO report on LGBTI rights see [here](#) (Republic of Korea).

### 3. Committee on the Elimination of Discrimination against Women

SOGIESC recommendations were made in the Concluding Observations on 16 out of 27 countries (almost 60%) reviewed by the Committee in 2016,<sup>185</sup> showing a significant increase on both 2014 (36%) and 2015 (33%).

Despite those recommendations, CSOs provided information on SOGIESC issues for 22 countries, and therefore did not receive SOGIESC recommendations from the Committee for six countries (including three where in-depth information was provided).<sup>186</sup> CEDAW included L(G)BTI issues in its Concluding Observations only when they were raised in the alternative reports, and never on its own initiative.

SOGIESC references were made in the Lists of Issues on eight countries reviewed by the Committee in 2016.<sup>187</sup> In all of these cases relevant recommendations were included in the Concluding Observations later.

*It is clear that CEDAW is paying more and more attention to SOGIESC issues. However, the Committee still does not refer to them unless civil society provides relevant information. Defenders should take into account that submitting reports and sometimes even participation in the session cannot guarantee inclusion of LGBTI concerns and recommendations into the Committee's Concluding Observations at all, or at least in as detailed format as suggested by activists. It also seems that while inclusion of SOGIESC references in List of Issues is desirable, it is not necessary for obtaining relevant Concluding Observations.*

#### Themes

Conceptually, CEDAW puts LGBTI women into the category of “disadvantaged groups of women” usually including relevant paragraphs of

its Concluding Observations into the section under this title.<sup>188</sup>

Topics mostly covered by CEDAW in 2016 included **hate crimes** and lack of due investigation and prosecution for such acts.<sup>189</sup>

One of the best examples of more in-depth analysis of the problem could be found in the Concluding Observations on [Turkey](#). The Committee stressed that violence against LBT women was exacerbated by impunity for the perpetrators of hate crimes. Hate crimes included severe violence against, and killings of, LBT women. CEDAW emphasised that the lack of integration of “sexual orientation and gender identity” in anti-discrimination legislation was in violation of the Istanbul Convention. It also criticised the courts’ acceptance of the applicability of the Penal Code’s provision on “unjust provocation”, in cases of killings of LBT women, as providing mitigating circumstances to perpetrators of such crimes. CEDAW recommended that the Turkish authorities, in accordance with the Istanbul Convention and the Committee’s own General Recommendations, exercise due diligence to protect LBT women against discrimination and violence. To do this, it recommended including “sexual orientation and gender identity” in the legislation on hate crimes as well as into anti-discrimination legislation among the protected grounds, and ensure that perpetrators of violence against LBT women do not benefit from the mitigating circumstances of the Penal Code’s provisions on “unjust provocation”.

In the review of [Armenia](#), CEDAW also addressed the problem of **hate speech** against LGBTI women, while in general this topic has not been widely discussed in 2016 by the Committee.

In many cases, CEDAW examined problems related to **discrimination** against LGBTI women,<sup>190</sup>

<sup>185</sup> No SOGIESC references were made in the Concluding Observations for Bangladesh, Bhutan, Burundi, Czech Republic, Iceland, Mali, Myanmar, Sweden, Trinidad and Tobago, United Republic of Tanzania and Vanuatu.

<sup>186</sup> In 2014 CEDAW received CSO information on 13 countries making recommendations for 9 of them, and in 2015 submissions were made on 18 countries resulting in recommendations on 9 States.

<sup>187</sup> See Lists of Issues on [Argentina](#), [Armenia](#), [Belarus](#), [Estonia](#), [Honduras](#), [Switzerland](#), [Turkey](#) and [Uruguay](#), and Concluding Observations on [Argentina](#), [Armenia](#), [Belarus](#), [Estonia](#), [Honduras](#), [Switzerland](#), [Turkey](#) and [Uruguay](#).

<sup>188</sup> See Concluding Observations on [Albania](#), [Armenia](#), [Belarus](#), [Haiti](#) and [Japan](#).

<sup>189</sup> See Concluding Observations on [Albania](#), [Argentina](#), [Belarus](#), [Estonia](#) and the [Netherlands](#), and List of Issues for [Argentina](#) and [El Salvador](#).

<sup>190</sup> See List of Issues for [El Salvador](#) and Concluding Observations on [Honduras](#).

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including in areas such as education, employment, health care and housing<sup>191</sup> or through specific means such as “anti-propaganda” laws.<sup>192</sup> Recommendations made by CEDAW in this regard included developing a comprehensive national gender strategy and a policy and action plan to address the structural factors causing persistent inequalities, including intersecting forms of discrimination against women and girls, with a special focus on LGBTI women and girls, among other disadvantaged groups.<sup>193</sup>

Finally, CEDAW also addressed issues of **stereotypes**<sup>194</sup> and **access to justice**<sup>195</sup> in 2016.

*Although CEDAW usually raises problems of hate crimes and discrimination against LGBTI women, defenders may seek a more complex approach in terms of both diversity of themes addressed. This could lead to a deeper understanding of root causes of problems faced by different LGBTI communities. The Committee may still be reluctant to articulate specific needs of lesbian and bisexual women by showing understanding of their identities as both women and persons with non-heterosexual orientation. This can be seen in a lack of in-depth dialogue regarding legal gender recognition, specific experiences of trans people, or gender non-conforming people and local identities.*

*One way to fix this would be preparation of more extensive reports analysing specific needs and experiences of different communities and describing factors contributing to discrimination and violence against them.*

*Referring to thematic reports of Special Procedures particularly, the Special Rapporteur on violence against women, its causes and consequences, and the Working Group on the issue of discrimination against women in law and in practice,<sup>196</sup> could also be a good strategy. Even if the Committee members would not be able to describe challenges faced by LGBTI per-*

*sons extensively in the Concluding Observations, they will be provided with important authoritative data that could be used in their communications with Governments.*

### Criminalisation

Regarding criminalisation, out of 27 countries reviewed in 2016, same-sex relations between consenting adults were criminalised in six.<sup>197</sup> In half of them, the existing penal laws criminalised female-identified individuals as well, due to a broad, inclusive definition of the prohibited activities (Burundi and Trinidad and Tobago) or a specific reference to “lesbianism” (Zanzibar and Tanzania). However, the Committee did not make any recommendations for any of these six countries either on SOGIESC in general or on decriminalisation in particular, despite the fact that civil society mentioned criminalisation in their submissions on three of the mentioned States. Worryingly, this is a worse situation than in both 2014 and 2015.<sup>198</sup>

*The lack of the Committee’s attention towards criminalisation of same-sex activities is very disappointing. However, defenders wishing to engage with CEDAW could be advised to highlight this problem again and again presenting it, first and foremost, as a problem affecting lesbian and bisexual women and trans and intersex persons. For example, if the law explicitly prohibits lesbian relations, this should be reflected in the report. If the law criminalises only male-identified individuals, CSO submissions should clearly explain that this could affect trans people, and could impact the enjoyment of specific rights, such as access to employment or access to justice, by lesbian or bisexual women.*

<sup>191</sup> See Lists of Issues for [Argentina](#), [Estonia](#), [Honduras](#) and [Thailand](#), and Concluding Observations on [Estonia](#) and [Japan](#).

<sup>192</sup> See Concluding Observations on [Belarus](#).

<sup>193</sup> See Concluding Observations on [Canada](#).

<sup>194</sup> See Lists of Issues on [Armenia](#), [Turkey](#) and [Ukraine](#).

<sup>195</sup> See Concluding Observations on [Philippines](#) (discriminatory gender-stereotypes, lack of adequate support system and stigma pose barriers to access to justice and effective remedies for women, particularly those facing multiple forms of discrimination, such as LBT women; recommendation to ensure that justice systems, both formal and informal, do not discriminate against women and are secure, affordable and physically accessible for

women, including those who face intersecting forms of discrimination, and raise awareness among women about all available justice systems).

<sup>196</sup> See e. g. a thematic report on gender-related killings of women by the Special Rapporteur on violence against women, its causes and consequences, [A/HRC/20/16](#), paras 71-76.

<sup>197</sup> Bangladesh, Bhutan, Burundi, Myanmar, Trinidad and Tobago, and Tanzania.

<sup>198</sup> In 2014 the Committee mentioned criminalisation in reviews of two out of twelve countries that criminalised same-sex relations, and in 2015 in two out of ten.

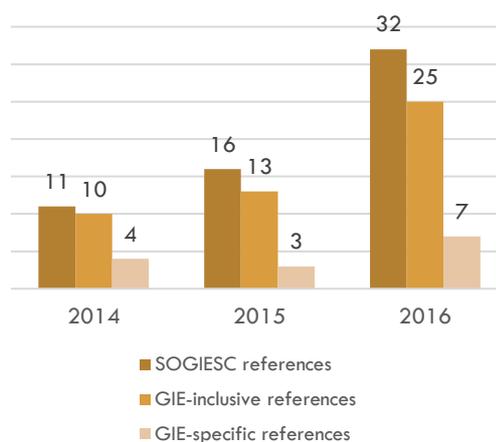
### Gender identity and expression

Specific challenges faced by trans persons were addressed by CEDAW in seven references,<sup>199</sup> more than by any other Treaty Bodies. In the reviews of [Argentina](#) and [Uruguay](#),<sup>200</sup> CEDAW mentioned murders of transgender women but did not give any separate recommendations. In the review of [Argentina](#), the Committee also made a recommendation regarding discrimination against transgender women in employment. Following the review of [France](#), CEDAW recommended “a simplification of the judicial procedure under which transgender persons can change their name, by allowing them to make a declaration to that effect before a registry officer or a notary.” For [Switzerland](#), issues of abusive medical requirements for legal gender recognition and the costs for gender reassignment treatment were raised. Additionally, questions on measures taken to address the stereotypes portrayal in the media of women, including transgender women, were included in the Lists of Issues for [Germany](#) and [Luxembourg](#).

It should be noted that for two of the countries reviewed in 2016 CEDAW received separate CSO submissions on gender identity.<sup>201</sup> Yet, for other countries, notwithstanding the fact that alternative reports described the situation of trans persons thoroughly and representatives of trans groups even participated in the Committee’s sessions in Geneva,<sup>202</sup> no trans-specific recommendations were made.

CEDAW continued to use the term “transgender women” in most of its Concluding Observations, however “transgender persons” were referred to in the recommendations for [Argentina](#), [France](#), [Haiti](#) and [Switzerland](#).

Figure 11: GIE references, CEDAW



While specific identities existing in local cultures, such as *Hijras* in Bangladesh or *Two Spirit People* in Canada, had been addressed in CSO reports,<sup>203</sup> the Committee did not refer to them in its Concluding Observations.

*Gender identity issues have already been recognised by CEDAW as part of a broader SOGIESC agenda. However, more work should be done to ensure the inclusion of trans and gender non-conforming persons into this narrative instead of limiting the scope to “transgender women” only. It should be recommended that defenders submit reports and provide information through personal participation in the Committee’s sessions, on particular needs and problems faced by trans communities. Specifically, there are still some gaps in the CEDAW’s practice concerning legal gender recognition and gender reassignment treatment, and other themes, such as depathologisation or economic justice, are still out of the Committee’s loop entirely.*

<sup>199</sup> In the review of Uruguay, the adoption of gender identity legislation, and in the review of Argentina, the adoption of a guide for the comprehensive health care of transgender persons were also noted by CEDAW as positive developments.

<sup>200</sup> In the review of [Uruguay](#), CEDAW also welcomed new legislation on legal gender recognition.

<sup>201</sup> The submission by [a civil society coalition](#) for Argentina and the submission by [TGNS](#) for Switzerland.

<sup>202</sup> For example, CEDAW did not cover issues of legal gender recognition addressed in the submissions by [Gay Japan News](#) and by [Kaleidoscope Australia Human Rights Foundation](#) on Japan or in the submission by [a civil society coalition](#) on Belarus.

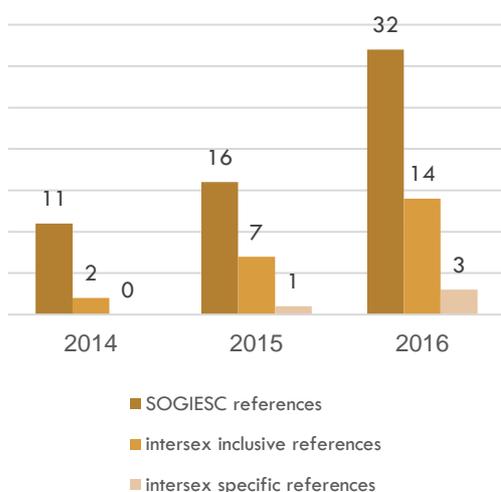
The submission by [COC Nederland, NNID and TNN](#) on the Netherlands contained a chapter on legal gender recognition, and the report was presented in Geneva by two activists, one from a trans organization, and another from an intersex group. However, while CEDAW issued intersex-specific recommendations for the Netherlands, trans issues were mentioned only when hate crimes against LGBTI women were raised.

<sup>203</sup> See the submission by [Human Rights Watch](#) (a paragraph on discrimination against *Hijras* in a chapter “*LGBT Rights*”) and a report “*Discrimination and Violence against Lesbian, Bisexual, and Transgender Women and Gender Diverse and Two Spirit People on the Basis of Sexual Orientation, Gender Identity and Gender Expression*” by [Egale Canada](#).

### Sex characteristics

In 2016, Concluding Observations produced by CEDAW contained 14 intersex-inclusive references (out of 29 SOGIESC-inclusive references, that is 48%). While only three of them addressed the situation of intersex persons specifically,<sup>204</sup> this shows significant progress compared to 2014 and 2015, where the number of such recommendations amounted to 2/0 and 7/1, respectively.

Figure 12: Intersex references, CEDAW



The content of intersex-specific references essentially reflected standards developed by other committees, and in the case of Switzerland, CEDAW referred directly to recommendations made previously by CRC.

For the three countries where the Committee made intersex-specific references, preceding CSO submissions had discussed intersex issues in-depth<sup>205</sup>

Interestingly, CEDAW settled intersex-specific recommendations into the “*Harmful practices*” sections, and never used the term “intersex women” referring instead to “intersex children” or, as in the case of [Switzerland](#), to “intersex persons” (while in broader LB(T)I terminology the Committee, in most cases, referred to intersex women only).

*As it was foretold in our previous report,<sup>206</sup> the Committee turned out to be quite open to intersex issues and addressed them under the framework of harmful practices, especially if children were those affected by such practices. Explanations for this shift could be found in the detailed submissions devoted exclusively to the problem of IGM, active participation of intersex activists in the sessions, and openness of particular Committee members to this agenda. However, these first victories should be supported by further efforts of intersex movement. Local activists and groups, and the discourse itself, if needed by intersex communities, could be extended beyond the medicalised approach and harmful practices methodology.*

### Individual Communications

Neither of the two Individual Communications<sup>207</sup> examined by CEDAW in 2016 concerned SOGIESC references.

*Human rights defenders are encouraged to demonstrate LGBTI dimensions of human rights violations through CEDAW’s mechanisms of individual complaints. However, because the Committee’s jurisprudence is still developing and intersectional discrimination has not been widely addressed yet, it would be important to prepare complaints for strategic litigation carefully. Particularly, lawyers and/or activists should clearly demonstrate different dimensions of discrimination and explain intersections between gender, sexual orientation, gender identity, gender expression or sex characteristics.*

### General Recommendations

CEDAW published one general recommendation in 2016, namely the [General recommendation No. 34](#) on the rights of rural women, that did not contain any SOGIESC references.

However, the Committee is working currently on two new drafts: the [draft update of General recommendation No. 19 \(1992\)](#) on gender based violence against women<sup>208</sup> and the [draft General recommendation](#) on gender-related dimensions of

<sup>204</sup> See Concluding Observations on [France](#), [Netherlands](#) and [Switzerland](#).

<sup>205</sup> See the submissions by StopIGM.org/Zwischengeslecht.org in cooperation with local activists or groups on [France](#) and on [Switzerland](#), as well as the submission by [COC Nederland, NNID and TNN](#) on the Netherlands.

<sup>206</sup> ILGA 2015 report, p. 54.

<sup>207</sup> A list of countries that have agreed, by ratifying the Optional Protocol, that Individual Communications can be brought against them is available by clicking ‘underlying data’ under the map available on this page: <http://indicators.ohchr.org/>.

<sup>208</sup> The draft contains only one brief reference to LGBTI even though SOGIESC-related proposals were submitted by CSOs. See more information [here](#).

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disaster risk reduction in a changing climate<sup>209</sup> in which LGBTI issues have been addressed briefly.

*When the Committee updates or drafts new General Comments, defenders are strongly encouraged to submit their reflections on SOGIESC issues by presenting examples of specific violations and barriers faced by LGBTI persons in different regions and proposing specific provisions to be included in the texts of General Comments.*

### Follow-up procedure

In 2008, CEDAW decided to introduce a [follow-up procedure](#) whereby it could request the State party to provide information within two years or, exceptionally, one year, on steps taken to implement specific recommendations. CEDAW selects a maximum of four issues or recommendations for follow-up and requests the State party to submit concise information on these recommendations. The recommendations for follow-up are selected because it is considered that the lack of implementation would constitute a major obstacle to the enjoyment of women's human rights and, therefore, to the implementation of the CEDAW Convention as a whole. The Committee has a Rapporteur committed to follow-up and an alternate Rapporteur who reviews and assesses the follow-up information with the help of CEDAW member who acted as the country Rapporteur when the State party presented its periodic report. Other Committee members can also assist in the follow-up.<sup>210</sup>

SOGIESC-related issues were covered in 2016 only once under this procedure. In the Concluding Observations on [Canada](#), CEDAW requested the State party to provide written information on the steps taken to implement the recommendations on the development of a comprehensive national

gender strategy, policy and action plan that would address the structural factors causing persistent gender inequalities. This included intersecting forms of discrimination, against women and girls, with a special focus on disadvantaged groups of women and girls, including LGBTI women and girls.

### Sex work and HIV/AIDS

CEDAW uses, in most cases, the terms “prostitution” and “exploitation in prostitution” rather than **sex work**. The only exception was made in the Concluding Observations on [Uruguay](#) (paras 25-26), probably because the alternative term (*el trabajo sexual*) was officially recognized by law there. References that were not SOGIESC-related were made in all the Concluding Observations of CEDAW in 2016. Of particular interest are the references on [Armenia](#) (paras 18(e) and 19(i)), [Belarus](#) (paras 26-27), [Burundi](#) (paras 28-29), [Canada](#) (paras 32-33) and [Philippines](#) (paras 29-30), where CEDAW discussed **decriminalisation**, as well as [Bangladesh](#) (paras 20-21 and 34-35)<sup>211</sup>, [France](#) (paras 26(f) and 37(e))<sup>212</sup>, [Honduras](#) (paras 24-25)<sup>213</sup>, [Mali](#) (paras 33 and 34(d))<sup>214</sup> and [the United Republic of Tanzania](#) (paras 24-25)<sup>215</sup> where CEDAW addressed issues of **discrimination and violence** against sex workers.

References to **HIV/AIDS** that were not SOGIESC-related were made in the Concluding Observations for [Albania](#) (paras 32-33), [Armenia](#) (paras 26-27 and 30-31), [Bangladesh](#) (paras 34-35), [Burundi](#) (paras 38-39), [Canada](#) (paras 42-43 and 48-49), [Haiti](#) (paras 35-36), [Honduras](#) (paras 38-39), [Myanmar](#) (paras 38-39), [Netherlands](#) (paras 37-38), [Philippines](#) (para 39), [Switzerland](#) (paras 38-39), [the United Republic of Tanzania](#) (paras 36-37), [Trinidad and Tobago](#) (paras 32-33) and [Turkey](#) (paras 47-48).

<sup>209</sup> The draft refers to LGBTI women and sexual orientation and gender identity when addressing intersectional discrimination. See more information [here](#).

<sup>210</sup> See also *Procedures of the human rights treaty bodies for following up on concluding observations, decisions and Views*, 29<sup>th</sup> session of the meeting of Chairs of the human rights treaty bodies, 8 May 2017, [HRI/MC/2017/4](#).

<sup>211</sup> The Committee was concerned about “discrimination and violence against women in prostitution and their children who face stigma, forced evictions and frequent police harassment and are often denied access to education and health care” and recommended that the State party, “Provide effective protection and prevent discrimination and violence against women in prostitution and their children, including police harassment and forced evictions, and ensure that they have adequate access to health care, education, accommodation and alternative livelihood opportunities.” It was concerned that, “women in prostitution have limited access to health services due to stigmatization and social ostracism” and recommended that the State party, “[e]nsure access to health services for [...] women in prostitution and provide them access to adequate health services [...] as well as take measures to combat their stigmatization and social ostracism.”

<sup>212</sup> CEDAW was concerned about “the risk that the criminalisation of clients may backfire and expose persons in prostitution to increased risks to their security and health without addressing the root causes of prostitution or diminishing its prevalence” and recommended that France “[e]nsure that the new law providing for the criminalization of clients of women engaged in prostitution does not prevent their access to high-quality sexual and reproductive health-care services and treatment for HIV/AIDS, including confidential services.”

<sup>213</sup> The Committee was concerned by “police harassment and client violence against [women in prostitution]” and recommended that the State party “adopt measures to stop client violence against women in prostitution.”

<sup>214</sup> The Committee expressed its concerns “about the persistently high rates of [...] HIV/AIDS prevalence among women in prostitution” and recommended that the State Party “[e]nsure that the review process of Act [...] establishing rules for the prevention, treatment and monitoring of HIV/AIDS [...] stipulates specific non-discriminatory protection for women in prostitution.”

<sup>215</sup> CEDAW was concerned at “[t]he various forms of discrimination and criminal sanctions faced by women in prostitution” and recommended that the State party “[r]epeal discriminatory provisions of the Penal Code and eliminate discriminatory practices faced by women in prostitution.”

## 4. Committee on the Rights of the Child

CRC made SOGIESC-specific references in its recommendations for 67% of country reviews (18 out of 27 Concluding Observations)<sup>216</sup> – a slight increase on the 58% of 2015 and the 31% of 2014.

Similarly to 2015, CRC made SOGIESC-inclusive references in its Concluding Observations on all but one country review where it received CSO submissions covering the topic.<sup>217</sup> For eight other countries it made references to SOGIESC in the absence of relevant shadow reports.<sup>218</sup>

While the CRC's various tools give more importance to pre-sessional work, it seems that mentioning LGBTI topics in the List of Issues is not always necessary for obtaining relevant Concluding Observations. In the review of eleven countries, SOGIESC-inclusive recommendations were produced without references in the Lists of Issues.<sup>219</sup> Only seven countries received both recommendations and questions on LGBTI topics in the Concluding Observations and Lists of Issues, respectively.<sup>220</sup> Nonetheless, in its review of two countries, the Committee did not make any recommendations despite the inclusion of SOGIESC references in the Lists of Issues.<sup>221</sup>

*Therefore, the Committee is clearly committed to systematically reviewing the situation of LGBTI children in its country reviews. Advocates should be encouraged to consider engaging with CRC in their advocacy strategies.*

### Themes

On numerous occasions, CRC expressed generalised concerns and made subsequent recommendations on **discrimination** against LGBTI children. In some cases, specific areas of discrimination were highlighted: lack of access to accurate

information about sexual orientation and gender identity, and the need to provide access to such information<sup>222</sup>; structural discrimination, in particular regarding LGBTI children's access to education and other basic services, such as health care<sup>223</sup>; and discrimination and social stigmatisation through the media<sup>224</sup>; and measures to eradicate such discrimination were recommended:

- to undertake awareness-raising programs, including campaigns, with a view to eliminate discrimination against and social exclusion of LGBTI children, protect them against all forms of attack and foster an inclusive and tolerant environment in society, particularly in schools and other spaces for children<sup>225</sup>;
- to conduct studies on discrimination against LGBTI children and strengthen efforts to combat negative attitudes and eliminate discrimination<sup>226</sup>;
- to take affirmative actions<sup>227</sup>;
- to adopt inclusive anti-discrimination legislation<sup>228</sup> or a proactive and comprehensive strategy to eliminate *de jure* and *de facto* discrimination against LGBT children<sup>229</sup>;
- to organise awareness-raising programs on the prohibition of discrimination and related sanctions, and to adopt legislative, policy and educational measures, including sensitisation and awareness-raising, to end stigmatisation<sup>230</sup>; and
- to ensure participation of LGBTI children in the Youth Parliament.<sup>231</sup>

Occasionally, CRC referred to discrimination against children of same-sex parents alongside discrimination of LGBTI children<sup>232</sup>.

<sup>216</sup> No SOGIESC references were made in the Concluding Observations on Benin, Bulgaria, Nauru, Oman, Pakistan, Samoa, Senegal, Sierra Leone and Zambia.

<sup>217</sup> The only exception was the review of Bulgaria where CRC did not make any SOGIESC references, but the only [SCO sub-mission](#) mentioning LGBTI contained only brief references to discrimination of children on ground of sexual orientation.

<sup>218</sup> See Concluding Observations on [Brunei Darussalam](#), [Gabon](#), [Haiti](#), [Maldives](#), [Peru](#), [Slovakia](#), [Suriname](#) and [Zimbabwe](#).

<sup>219</sup> Brunei Darussalam, Gabon, Haiti, Ireland, Nepal, New Zealand, Peru, Saudi Arabia, Suriname, the United Kingdom and Zimbabwe.

<sup>220</sup> France, Iran, Kenya, Latvia, Maldives, Slovakia and South Africa.

<sup>221</sup> Nauru and Pakistan.

<sup>222</sup> See Concluding Observations on [Iran](#) and the [United Kingdom](#).

<sup>223</sup> See Concluding Observations on [Peru](#) and the [United Kingdom](#).

<sup>224</sup> See Concluding Observations on the [United Kingdom](#).

<sup>225</sup> See Concluding Observations on [Gabon](#), [Haiti](#), [Slovakia](#) and [Suriname](#).

<sup>226</sup> See Concluding Observations on [Latvia](#).

<sup>227</sup> See Concluding Observations on [New Zealand](#).

<sup>228</sup> See Concluding Observations on [Peru](#).

<sup>229</sup> See Concluding Observations on [Saudi Arabia](#).

<sup>230</sup> See Concluding Observations on [Slovakia](#).

<sup>231</sup> See Concluding Observations on [Suriname](#).

<sup>232</sup> See Concluding Observations on [Nepal](#), [New Zealand](#) and [Slovakia](#).

## I. Analysis of references – CRC

In several instances, the Committee addressed **harassment and attacks** against LGBTI children. It noted that **bullying**, including cyberbullying<sup>233</sup> should be prevented<sup>234</sup>; and **hate speech** should be effectively investigated and perpetrators sanctioned<sup>235</sup>.

*Therefore, CRC could be a good space to highlight different forms of violation faced by LGBTI children, but also by children of LGBTI parents. Defenders are encouraged to approach the Committee with different demands and to identify problems specific to the situation in their country.*

### Criminalisation

In 2016, CRC reviewed twelve countries criminalising consensual same-sex relations.<sup>236</sup> Disappointingly, SOGIESC recommendations were produced only for half of them<sup>237</sup> with specific references to criminalisation made only to [Iran](#) and [Maldives](#). In both cases, the Committee expressed its concerns on criminalisation of same-sex relations and punishment of adolescents. However, Iran appeared to be the only country that was recommended to repeal relevant provisions. The CRC's recommendations on Maldives concerned the implementation of sanctions towards children, but not criminalisation as such.

Notably, out of the twelve countries where consensual same-sex relations were criminalised, the Committee received CSO information on this problem for only two, namely Iran, where comprehensive information was presented for both the List of Issues and the main session,<sup>238</sup> and Saudi Arabia where a report briefly mentioned criminalisation.<sup>239</sup>

<sup>233</sup> See Concluding Observations on [Latvia](#) and the [United Kingdom](#). On the United Kingdom, CRC formulated also quite extensive recommendation: "to intensify efforts to tackle bullying and violence in schools, including by teaching human rights, building the capacities of students and staff members to respect diversity at school, improving students' conflict-resolution skills, monitoring regularly the incidences of bullying at school and involving children in the initiatives and monitoring aimed at eliminating bullying; and train children, teachers and families on the safe use of information and communication technologies, raise awareness among children on the severe effects that online bullying can have on their peers and increase the involvement of social media outlets in the efforts to combat cyberbullying."

<sup>234</sup> See Concluding Observations on [Haiti](#), [Maldives](#) and [South Africa](#).

<sup>235</sup> See [List of Issues](#) and [Concluding Observations](#) for [Slovakia](#).

*It appears that CRC does not have a consistent approach to criminalisation of same-sex relations. However, if defenders discuss the problem with the Committee, their efforts may lead to relevant recommendations, as happened at the review of Iran in 2016. In this case, the Committee needs to receive more information on how criminalisation affects adolescents – for example, if it hampers their access to health information and services, if they are subjected to ill-treatment, or if this affects children in diverse families. It is worth noting, LGBTI defenders may wish to avoid approaching the problem of criminalisation through the lens of children's rights. As this is contentious, and in many cases dangerous work, challenging criminalisation from this perspective could have a pushback effect and create additional difficulties.*

### Gender identity and expression

In 2016, CRC referred to trans/gender identity in 70% of its SOGIESC-inclusive references (23 out of 33).<sup>240</sup> However, only three references in the Committee's Concluding Observations addressed specific trans experiences: persistent discrimination based on gender identity ([France](#)); forced surgeries ([Iran](#)); and for [Ireland](#), CRC briefly commended new legislation on gender recognition. The lack of attention paid by the Committee to particular challenges experienced by trans populations was matched by a low level of CSO involvement. Only submissions from CSOs in Ireland and Kenya addressed specific conditions for trans children.<sup>241</sup>

<sup>236</sup> Brunei Darussalam, Iran, Kenya, Maldives, Oman, Pakistan, Samoa, Saudi Arabia, Senegal, Sierra Leone, Zambia and Zimbabwe.

<sup>237</sup> Brunei Darussalam, Iran, Kenya, Maldives, Saudi Arabia and Zimbabwe.

<sup>238</sup> See submissions by 6Rang for the [List of Issues](#) and for the [Session](#), as well as a submission by [Amnesty International](#).

<sup>239</sup> Submission by [Repeive and ESOHR](#) for the List of Issues.

<sup>240</sup> There were 17 such references out of 20 in 2015 and 9 out of 9 in 2014.

<sup>241</sup> See on Ireland: Submission by [Children's Rights Alliance](#) for the Session (*a small section on trans and intersex children in the context of legal gender recognition*); on Kenya: Submission by [Kenya Alliance for Advancement of Children](#) for the Session (*mentioning problems of birth registration for trans and intersex children*).

## I. Analysis of references – CRC

Figure 13: GIE references, CRC

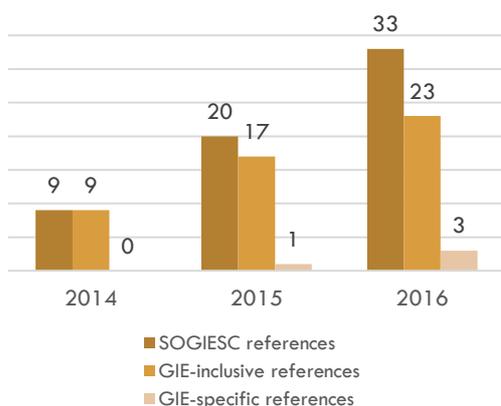
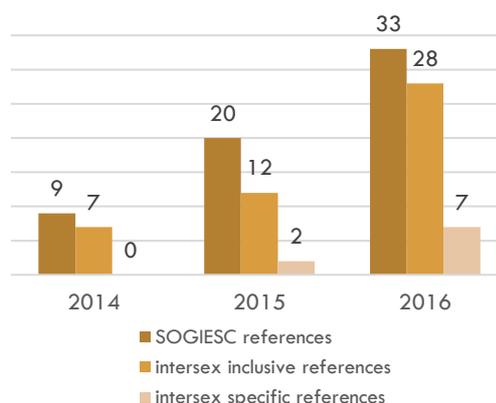


Figure 14: Intersex references, CRC



Aside from the country review process, a reference to gender identity was made by CRC in its [General Comment No. 20](#) on the implementation of the rights of the child during adolescence. It emphasised the rights of all adolescents to freedom of expression and respect for their physical and psychological integrity, gender identity and emerging autonomy.

*Advocates are encouraged to focus on the right to identity within the Convention on the Rights of the Child in order to raise issues of gender identity and expression. CRC is also very experienced in discussing questions of children's capacity to consent, as well as their right to health, which could be very useful in the context of accessing puberty blockers, for example.*

### Sex characteristics

In 2016, 28 out of 33 (85%) SOGIESC references made by CRC in its Concluding Observations, referred to intersex exclusively and/or under broader LGBTI abbreviation.<sup>242</sup> Stand-alone references to intersex children were made in the Committee's Concluding Observations on seven countries.<sup>243</sup> This is significant progress comparatively to previous years.<sup>244</sup> In 2016, the seven countries that received specific intersex recommendations were the countries in which intersex CSO reports were submitted.

<sup>242</sup> That is more than indications of both 2015 and 2014 years with 60% and 78%, respectively.

<sup>243</sup> See Concluding Observations on [France](#), [Ireland](#), [Kenya](#), [Nepal](#), [New Zealand](#), [South Africa](#) and the [United Kingdom](#).

The content of the references varied from barriers to birth registration ([Nepal](#)) to much more comprehensive ones targeting invasive medical treatments on children such as forced sterilization and other medical treatments categorised under "harmful practices". Other references included measures to improve the situation, including data gathering, trainings for professional groups, development and implementation of appropriate medical protocols, support for families, investigation of incidents of non-consensual treatment and redress for victims. Redress for victims encompassed adequate compensation and providing intersex children, between the age of 16 and 18, free access to medical treatment related to their intersex condition.

The Committee also condemned forced surgeries and treatment on intersex adolescents in its [General Comment No. 20](#) on the implementation of the rights of the child during adolescence.

In terms of language, the Committee occasionally referred to both "intersex status"<sup>245</sup> and "sex characteristics".<sup>246</sup>

*Intersex advocates are strongly recommended to engage with CRC to raise issues regarding forced surgeries and treatments towards intersex children and adolescents. Providing the Committee with specific information on the topic will likely lead to specific recommendations in the Concluding Observations. Defenders could monitor solutions and activities previously recommended by CRC in previous periodic reviews. Defenders*

<sup>244</sup> There were two intersex-specific recommendations in 2015, and no one in 2014.

<sup>245</sup> [CRC/C/GC/20](#).

<sup>246</sup> See Concluding Observations on [Latvia](#).

## I. Analysis of references – CRC

*could analyse which recommendation best solves problems regarding invasive and unnecessary medical intervention, apply them to situations in their own country, and suggest them to Committee members.*

### Individual Communications

The **Individual Communications** mechanism of CRC<sup>247</sup> came into force in 2014. The only decision made by the Committee in 2016 did not address any SOGIESC topics – the situation, analogous to those in 2015.

*It is possible that the Committee will attempt to avoid more sensitive topics, such as SOGIESC issues, in its early decisions. However, it is encouraging that the Committee has developed quite a broad practice in its Concluding Observations on LGBTI children which it could rely on in examining a complaint.*

### General Comments

In 2016, the Committee adopted two General Comments. One did not refer to any SOGIESC issues,<sup>248</sup> while the other referred to number of them.<sup>249</sup> References included problems faced by LGBTI children such as abuse, violence, stigmatisation, discrimination, bullying, exclusion from education and training, a lack of family and social support and access to sexual and reproductive health services and information. It also found that these problems resulted in low self-esteem, high rates of depression, suicide and homelessness.

Soon, CRC will adopt two more General Comments. A new Joint General Comment on the human rights of children in the context of international migration is being developed by CRC together with the Committee on Migrant Workers (CMW). The [draft](#) refers to, inter alia, sexual orientation and gender identity applying the non-discrimination principle.<sup>250</sup> CRC is also working on the draft General Comment on children in street situations. The [outline](#) is published on the CRC's webpage but does not yet contain any references to SOGIESC.<sup>251</sup>

*Advocates should continue to work with the Committee to build on language in its previous General Comments. Defenders should ensure that SOGIESC issues are included explicitly in provisions addressing non-discrimination in all documents and that the particular situation of LGBTI children is examined where relevant.*

### Follow-up procedure

CRC does not currently have a written follow-up procedure, nor does it identify priority issues for follow-up in its Concluding Observations. However, the Committee has emphasized that it is open to discussion on follow-up procedures but that the establishment of such a procedure is linked to the general problem of lack of human and financial resources.<sup>252</sup>

### Sex work and HIV/AIDS

References to **HIV/AIDS**<sup>253</sup> that were not SOGIESC-related were made in the Concluding Observations on [Benin](#) (paras 54-55), [Bulgaria](#) (para 60), [France](#) (paras 61-62), [Gabon](#) (paras 22-23 and 49-50), [Haiti](#) (paras 35 and 50), [Iran](#) (para 87), [Kenya](#) (paras 21, 47-48, 50 and 51-52), [Nepal](#) (para 53), [Oman](#) (paras 53-54), [Pakistan](#) (paras 53-54), [Peru](#) (paras 57-58), [Samoa](#) (paras 42-43), [Senegal](#) (paras 24 and 53), [Sierra Leone](#) (paras 13, 32 and 33), [South Africa](#) (paras 5, 23-24, 28, 41, 49, 51-52 and 54), [Suriname](#) (paras 14, 23, 28 and 30-31), the [United Kingdom](#) (para 58), [Zambia](#) (paras 15, 25-26, 50 and 51-52) and [Zimbabwe](#) (paras 6, 26, 58, 61, 62-63 and 64).

<sup>247</sup> A list of countries that have agreed, by ratifying the Optional Protocol, that Individual Communications can be brought against them is available by clicking 'underlying data' under the map available on this page: <http://indicators.ohchr.org/>.

<sup>248</sup> General comment No. 19 (2016) on public budgeting for the realization of children's rights (art. 4), [CRC/C/GC/19](#).

<sup>249</sup> [General Comment No. 20 \(2016\)](#) on the implementation of the rights of the child during adolescence.

<sup>250</sup> In 2017, a set of regional consultation will be held to discuss the draft. See more information [here](#).

<sup>251</sup> See more information [here](#).

<sup>252</sup> See *Procedures of the human rights treaty bodies for following up on concluding observations, decisions and Views*, 29<sup>th</sup> session of the meeting of Chairs of the human rights treaty bodies, 8 May 2017, [HRI/MC/2017/4](#).

<sup>253</sup> The CRC does not use the term "sex work" in the context of children, referring instead to "child prostitution". Mentions of **child prostitution** that were not SOGIESC-related were consistently made in the CRC's Concluding Observations in 2016.

## 5. Committee against Torture

The Committee made references to SOGIESC in its Concluding Observations on 7 out of 18 countries (39%) reviewed in 2016.<sup>254</sup> This is a tangible decrease on 2015, where the topics were raised in 10 out of 19 country reviews (53%).<sup>255</sup>

In 2016, the Committee received SOGIESC information from civil society on 13 countries. However, relevant references were made in only seven of the Concluding Observations. Six countries did not receive SOGIESC recommendations, notwithstanding the fact that CSO reports included relevant information, and for three out of these six SOGIESC questions were also raised in the Lists of Issues.<sup>256</sup>

*It appears that the Committee are reluctant to raise SOGIESC issues unless they are addressed by CSO submissions. Even so, where LGBTI defenders manage to submit a report to CAT, it does not necessarily mean that the pursuing references will be made in the Concluding Observations. While presenting relevant data in advance of the List of Issues could strengthen the advocacy strategy, this doesn't seem crucial, as the Committee has made SOGIESC recommendations in the absence of such references.*<sup>257</sup>

### Themes

In 2016, the Committee widely addressed issues related to **hate crimes and violence** against LGBTI people. This included crimes committed by state officials. Recommendations almost always insisted State parties ensure prompt, thorough and impartial **investigation** and to bring perpetrators to justice.<sup>258</sup> In one case, CAT recommended providing **redress**, including compensation and rehabilitation, to victims of attacks against LGBTI persons.<sup>259</sup>

The Committee referred to the vulnerable situation of **LGBTI people in detention** in several instances.<sup>260</sup> It specifically mentioned the involuntary segregation from other inmates<sup>261</sup> and placement of trans women together with male detainees.<sup>262</sup>

Occasionally, CAT raised issues related to “**conversion therapy**”<sup>263</sup> and recommended **awareness-raising activities** for the general public to combat stigmatization of LGBT persons.<sup>264</sup>

The Committee's position on SOGIESC issues were reflected in a statement devoted to the International Day for the Victims of Torture.<sup>265</sup> The statement recognised the need to address problems faced by **LGBTI persons in detention**, as well as the implementation of the “**non-refoulement**” **principle** for those who are persecuted in the country of origin because of their SOGIESC status.

*Thus, it seems that CAT could be a very good space for defenders working on issues such as hate crimes, the situation of LGBTI persons in detention or practices of “conversion therapy.” Other topics also could be brought to the Committee's attention, for example, hate speech, persecution of LGBTI asylum seekers in their home countries in the light of “non-refoulement” principle, or more specific topics relevant for LGBTI detainees, such as access to transition-related health care for trans individuals.*

### Criminalisation

Consenting adult same-sex sexual acts were criminalised in 7 countries reviewed by CAT in 2016.<sup>266</sup> However, the Committee referred to SOGIESC issues in its Concluding Observations on only two of these countries. In both cases,

<sup>254</sup> No SOGIESC references were made in the Concluding Observations for Burundi, Cape Verde, Finland, Israel, Kuwait, Monaco, Philippines, Saudi Arabia, Sri Lanka, Turkey and Turkmenistan.

<sup>255</sup> In 2014, CAT made references to SOGIESC issues for a third (six) of 16 reviewed countries.

<sup>256</sup> See Concluding Observations on [Israel](#), [Kuwait](#) and [Turkey](#).

<sup>257</sup> As was the case with France, Namibia and Tunisia.

<sup>258</sup> See Concluding Observations on [Ecuador](#), [Honduras](#), [Mongolia](#) and [Namibia](#).

<sup>259</sup> See Concluding Observations on [Mongolia](#).

<sup>260</sup> See Concluding Observations on [Armenia](#), [Honduras](#) and [Namibia](#).

<sup>261</sup> See Concluding Observations on [Armenia](#).

<sup>262</sup> See Concluding Observations on [Namibia](#).

<sup>263</sup> See Concluding Observations on [Ecuador](#).

<sup>264</sup> See Concluding Observations on [Ecuador](#).

<sup>265</sup> *Targeted and tortured: UN experts urge greater protection for LGBTI people in detention*, the joint statement (23 June 2016).

<sup>266</sup> Burundi, Kuwait, Namibia, Saudi Arabia, Sri Lanka, Tunisia and Turkmenistan.

## I. Analysis of references – CAT

CAT produced relevant recommendations: to repeal Criminal Code provisions in the case of [Tunisia](#) (here the Committee also addressed the practice of forced forensic anal examinations), and moderate suggestions “to consider decriminalisation” for [Namibia](#).

*Defenders from countries where same-sex relations are criminalised could use CAT as one of the important fora to address the problem. The Committee could look into criminalisation, but also at related practices, for example, detention of LGBTI persons suspected of being involved in same-sex relations, or coercive medical examinations ordered to prove the offence. However, submitting a written report may not be enough to obtain relevant recommendations in the Committee’s Concluding Observations, and therefore coming to Geneva for on-site advocacy would be recommended as well.*

### Gender identity and expression

Concerning issues of gender identity and gender expression, CAT mostly addressed them with regard to hate violence affecting the trans population disproportionately,<sup>267</sup> including in detention facilities.<sup>268</sup> While previously topics such as legal gender recognition and/or forced medical treatment towards trans persons were covered by CAT,<sup>269</sup> in 2016 they were not addressed in either of the Committee’s Concluding Observations or the Lists of Issues.

One especially worrying review was of [Finland](#). Specific trans issues were comprehensively described in CSO submissions, including one by [Amnesty International](#) and another by a [local trans activists](#) who also came to Geneva for the session and participated in NGO meetings. The situation of trans people was addressed by the Country Rapporteur at the constructive dialogue with the State delegation.<sup>270</sup> However, neither gender identity nor general SOGIESC references have been made in CAT’s Concluding Observations on Finland as a result. One of the

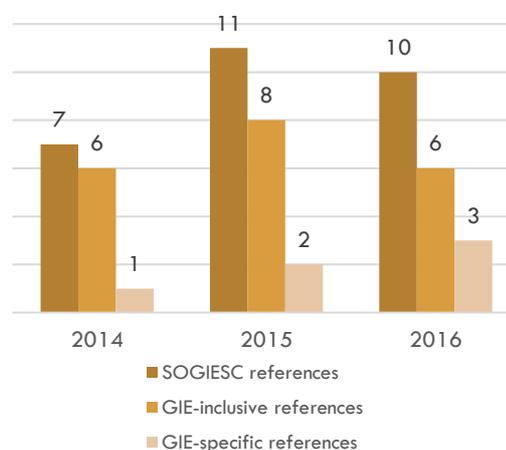
<sup>267</sup> See Concluding Observations on [Ecuador](#), [Honduras](#) and [Namibia](#). See also List of Issues prior to reporting for the [United Kingdom](#) and [Uruguay](#).

<sup>268</sup> See Concluding Observations on [Namibia](#) and the List of Issues for the [United States](#).

<sup>269</sup> See e. g. [China \(Hong Kong\)](#) – Concluding Observations – 56<sup>th</sup> session, 3 February 2016, [CAT/C/CHN-HKG/CO/5](#), paras 28–29.

reasons for this could be the lack of SOGIESC references in the List of Issues Prior to Reporting. However, this did not preclude the Committee from making SOGIESC-inclusive recommendations for France, Namibia and Tunisia.

Figure 15: GIE references, CAT



Other than Finland, national CSO submissions did not address legal gender recognition in depth. A report on Namibia referred to trans sex workers,<sup>271</sup> and some submissions mentioned cases of violence against trans individuals.<sup>272</sup>

*It seems that CAT is open to addressing specific experiences of violence faced by trans, and possibly gender non-conforming people, as well as the state’s response to this problem. However, it is still not clear whether the Committee welcomes other demands such as those related to abusive requirements for legal gender recognition or access to gender re-assignment services. Trans advocates could be encouraged to provide CAT with more in-depth information on this, taking into account the limitations mentioned.*

### Sex characteristics

The Committee referred to intersex in its Concluding Observations four times only (out of 9 SOGIESC-inclusive references). In three cases, intersex was folded into the LGBTI acronym,<sup>273</sup> and only once did CAT address the situation of

<sup>270</sup> [CAT/C/SR.1464](#), para 27; [CAT/C/SR.1467](#), para 40.

<sup>271</sup> Submission on sex worker’s situation by [civil society coalition](#) for the Session.

<sup>272</sup> See, e. g.: submission by [LGBT Centre](#) for the Session (Mongolia); submission by [civil society coalition](#) for the Session (Honduras); submission by [civil society coalition](#) for the Session (Ecuador).

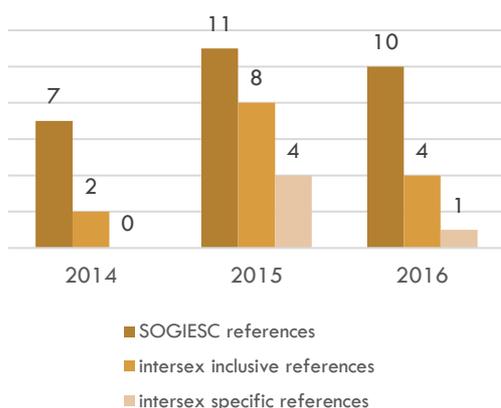
<sup>273</sup> [Ecuador](#), [Mongolia](#) and [Namibia](#).

## I. Analysis of references – CAT

intersex persons exclusively.<sup>274</sup> However, the Committee did include specific intersex questions into its List of Issues for two other countries ([Australia](#) and the [United States](#)).

At the same time, out of all the countries reviewed in 2016, CAT received specific CSO information on intersex from France,<sup>275</sup> and in two other countries intersex issues were described generically.<sup>276</sup>

Figure 16: Intersex references, CAT



The Committee's position was also expressed when, in collaboration with other human rights mechanisms, it released a joint statement devoted to Intersex Awareness Day. The statement urged governments to prohibit harmful medical practices on intersex children, including sterilisation and unnecessary surgery and treatment without informed consent.<sup>277</sup>

*It seems that where the Committee receives specific information on intersex issues, it will, most probably, make relevant recommendations. The Committee continues to issue fairly detailed recommendations based on standards developed earlier. Intersex advocates may also consider whether they want to see intersex aspects included in more general SOGIESC*

<sup>274</sup> See Concluding Observations on [France](#). The Committee issued comprehensive recommendations covering different aspects such as counselling and assistance, informed consent principle, investigation into cases of involuntary treatment towards intersex persons, studies, etc.

<sup>275</sup> Submission by [StopIGM/Zwischengeschlecht](#) for the Session.

<sup>276</sup> See, submissions by [Amnesty International](#) and [Trasek & Seta](#) for the Session (for Finland); submission by [LGBT Centre](#) for the Session (for Mongolia);

<sup>277</sup> [End violence and harmful medical practices on intersex children and adults, UN and regional experts urge](#), the joint statement (24 October 2016).

*recommendations, such as those on hate crimes or detention situations. If so, it would be advisable to stress in the communications with the Committee, that these problems are relevant not only for LGBT, but also for intersex people.*

### Individual Communications

There were no references to SOGIESC in any of the 36 decisions made by CAT in individual communications in 2016.

*However, given the wide range of issues raised by CAT in its Concluding Observations, the individual communications mechanism could be explored further by LGBTI defenders whose work includes, for example, hate crimes, ill-treatment by state or non-state actors, or the situation of LGBTI asylum seekers.<sup>278</sup>*

### General Comments

The Committee very rarely prepares General Comments, and did not publish any of them in 2016. However, a [draft revised General Comment](#) on the implementation of article 3 of the Convention (establishing the principle of “non-refoulement” of persons in danger of being tortured in the State to which they are to be expelled, returned or extradited) in the context of article 22 (individual communications) is being discussed, and is going to be adopted in 2017.<sup>279</sup>

*Taking into account that CAT has already issued decisions on individual cases where complainants face risk of torture because of their sexual orientation upon return to countries of origin,<sup>280</sup> the process of updating the General Comment could be particularly interesting for LGBTI defenders.*

<sup>278</sup> See Communication No. 338/2008, [Uttam Mondal v. Sweden](#), decision of 23 May 2011, [CAT/C/46/D/338/2008](#) (deportation of complainant to Bangladesh, a homosexual person; prohibition of refoulement); Communication No. 562/2013, [J.K. v. Canada](#), decision of 23 November 2015, [CAT/C/56/D/562/2013](#) (extradition to Uganda of a gay man; risk of torture upon return to country of origin).

<sup>279</sup> See more information [here](#). The draft referred to sexual orientation and gender identity among indications of personal risk faced by a concerned person in their country of origin. In 2017, ILGA submitted its [comments](#) to the draft and delivered an [oral statement](#) at the Committee's General Discussion Day.

<sup>280</sup> See footnote 277 above.

### Follow-up procedure

According to rule 71, para 2 of the [Rules of Procedure](#), CAT identifies a limited number of recommendations that warrant: a request for additional information following the review; discussion with the State party concerning its periodic report; and requests for follow-up reports within the specified period. “Follow up” recommendations are identified on the basis that they are serious, protective, and are viable within a limited time frame. A rapporteur is appointed by the Committee to monitor the State party’s compliance with these requests and presents progress reports to the Committee on the results of the procedure.<sup>281</sup>

In 2016, no SOGIESC-related recommendations have been chosen by the Committee for the follow-up procedure.

*Taking into account that CAT has chosen SOGIESC-related recommendations for its follow-up procedure previously,<sup>282</sup> defenders could consider proposing SOGIESC issues for this process.*

### Sex work and HIV/AIDs

In 2016, CAT referred to **sex work** twice. In the Concluding Observations on [Tunisia](#) (paras 41 and 42) it noted concerns similar to those related same-sexual practices (i.e. vaginal examinations, sometimes performed without consent, to prove “acts of prostitution”). In the Concluding Observations on [Namibia](#) (paras 38 and 39) CAT expressed its concerns and made recommendations for violence against “persons selling sexual services.” CAT also addressed “child prostitution” in its Concluding Observations on [Cape Verde](#) (paras 44 and 45).

The Committee made **HIV/AIDS** references in its Concluding Observations on [Namibia](#) (paras 16, 17, 34 and 35). It looked at HIV issues in detention, as well as forced sterilization of people with HIV.

<sup>281</sup> See *Procedures of the human rights treaty bodies for following up on concluding observations, decisions and Views*, 29<sup>th</sup> session of the meeting of Chairs of the human rights treaty bodies, 8 May 2017, [HRI/MC/2017/4](#).

<sup>282</sup> In 2015, CAT requested that Serbia provide follow-up information on publicly condemning and investigating threats to and

attacks on human rights defenders, journalists, LGBTI persons and members of the Roma community. See: **Serbia** – Concluding Observations – 54<sup>th</sup> Session, 29 April – 30 April 2015, 3<sup>rd</sup> review, [CAT/C/SRB/CO/2](#), para. 23.

## 6. Committee on the Rights of Persons with Disabilities

In 2016, CRPD made seven recommendations regarding SOGIESC issues for six countries (43%) out of 14 reviewed.<sup>283</sup> This was a remarkable improvement on both 2015, when there was only a single recommendation, and 2014, when there were no SOGIESC-related recommendations. SOGIESC aspects were also included in the Committee's Lists of Issues for two countries.<sup>284</sup>

Notably, there were no specific LGBTI submissions from CSOs that addressed SOGIESC issues exclusively and comprehensively. For three countries (half of the countries who received SOGIESC-inclusive recommendations) CSO submissions referred to the situation of LGBTI persons briefly.<sup>285</sup>

Of the six countries who received SOGIESC-inclusive recommendations from the Committee, only two were asked about LGBTI issues in the CRPD's Lists of Issues. When the Committee included relevant references in the Lists of Issues, it always resulted in SOGIESC-inclusive recommendations.

*It seems that when the Committee receives CSO information on LGBTI topics, it raises relevant issues in the Concluding Observations. This is the case even where they were not addressed in the List of Issues. Moreover, some of the Committee members could raise SOGIESC issues even when CSOs do not provide relevant information. However, the upcoming elections and change of the composition of CRPD could change this approach drastically.*

### Themes

While intersex issues remain the focus of SOGIESC-related topics covered by CRPD, in 2016, the Committee started to unpack the

broader issue of **intersectional discrimination** faced by LGBTI persons with disabilities.

This problem was addressed in the Committee's reviews of [Colombia](#), [Italy](#), [Lithuania](#) and [Uganda](#). Relevant data has also been referenced in the Lists of Issues for [Cyprus](#) and in [Iran's](#) review in 2017. Accordingly, the Committee relied on article 5 of the CRPD Convention (equality and non-discrimination), article 6 (women with disabilities) and article 25 (health).

Specific recommendations made by the Committee on intersecting issues were:

- to include an explicit focus on prevention and eradication of discrimination against women and girls with disabilities, including on the basis of sexual orientation and gender identity, into national gender equality programs;<sup>286</sup>
- to create mechanisms of inclusion of persons with disabilities of different backgrounds, including with regards to sexual orientation, into decision-making processes;<sup>287</sup>
- to allocate resources to extend health care to LGBTI persons with disabilities;<sup>288</sup> and
- to provide for legal protection against multiple and intersectional forms of discrimination faced by persons with disabilities based of their gender identity or sexual orientation.<sup>289</sup>

CRPD addressed discrimination of persons with disabilities on ground of SOGIESC characteristics in both of its General Comments adopted in 2016.<sup>290</sup>

<sup>283</sup> No SOGIESC references were made in the Concluding Observations for Bolivia, Ethiopia, Guatemala, Portugal, Serbia, Slovakia, Thailand and the United Arab Emirates.

<sup>284</sup> See Lists of Issues for [Cyprus](#) and [Iran](#).

<sup>285</sup> See: submission by [Corporación Circulo Emancipador de Mujeres y Niñas con Discapacidad de Chile-Ingles \(CIMUNIDIS\)](#) for the Session (Chile); submission by the Colombian Coalition for the Implementation of the Convention on the Rights of People with Disability for the [List of Issues](#) and for the [Session](#) and submission by [Saldarriaga-Concha Foundation](#) for the Session (Colombia); and submission by [Alianza de Organizaciones por los derechos de las Personas con Discapacidad](#) for the Session (Uruguay).

<sup>286</sup> See Concluding Observations on [Lithuania](#). Issue of inclusion of LGBTI persons with disabilities in public programs for the protection of persons with disabilities has also been raised with regards to [Iran](#).

<sup>287</sup> See Concluding Observations on [Italy](#).

<sup>288</sup> See Concluding Observations on [Colombia](#).

<sup>289</sup> See Concluding Observations on [Uganda](#).

<sup>290</sup> [General comment No. 3 \(2016\)](#) on women and girls with disabilities refers to LBT women and intersex persons addressing multidimensional discrimination and the diversity of women with disabilities, and [General comment No. 4 \(2016\)](#) on the right to inclusive education refers to issue of intersectional discrimination mentioning sexual orientation in the context of education and disability.

## I. Analysis of references – CRPD

*The attention to SOGIESC topics already demonstrated by CRPD could encourage LGBTI advocates to further develop their engagement with this Committee. It could be particularly promising space for organisations and groups working on intersections between SOGIESC and disabilities. However, it is clear that more in-depth information on the topic needs to be provided to the Committee members. Obviously, the Committee is open to addressing violations and specific barriers faced by LGBTI persons who consider themselves as persons with disabilities. More challenging topics appear to be ones that address disability as a result of SOGIESC-related violations (for example, conversion therapies). Several Committee members clearly indicated that the prevention of disabilities does not fall into the CRPD Convention's scope.*

### Criminalisation

Regarding criminalisation, the Committee received no CSO information on the problem. CRPD reviewed three countries where adult consenting same-sex sexual acts are criminalised but mentioned criminalisation in none.<sup>291</sup> The Committee made SOGIESC-related recommendations for [Uganda](#), and referred to LGBTI people in a [constructive dialogue](#) on the United Arab Emirates.

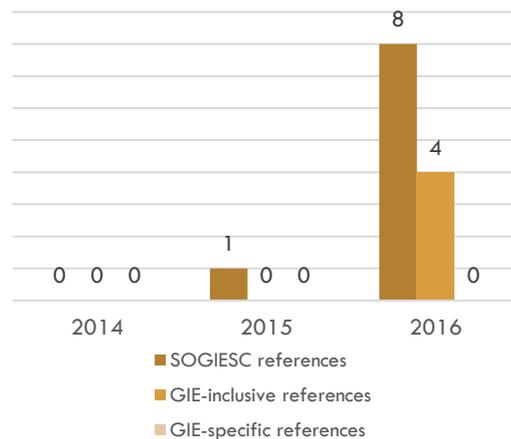
*While the Committee has not addressed the problem of criminalisation so far, LGBTI advocates may consider being more creative when presenting these topics under the CRPD Convention's framework. For example, defenders could rely on studies proving that criminalisation, discrimination, societal ignorance and prejudice about same-sex relations place lesbian and gay people at risk of serious distress and poor mental health including psychosocial disability.*

### Gender identity and expression

Five recommendations were made by the Committee that were not stand-alone intersex

paragraphs. Four of these referred to trans/gender identity under the broader SOGI/LGBTI umbrella (and another reference was contained in the Committee's List of Issues for [Iran](#)). However, no trans-specific references have been made by CRPD so far, even though some aspects were raised in CSO submissions<sup>292</sup> and during the oral communications with the State parties.<sup>293</sup>

Figure 17: GIE references, CRPD



*The fact that CRPD has not yet addressed the specific situation of trans people does not imply that the Committee will not do so in the future. Theoretically, trans advocates could refer to recommendations made by the Committee on intersex surgeries when demanding abolishment of sterilisation requirements for legal gender recognition. However, such an approach could be a double-edged sword; associating gender identity per se with disability could collide with depathologisation demands. In this regard, other issues, for example, problems of differential diagnostics, seem to be less controversial.*

### Sex characteristics

The first SOGIESC-related reference made by CRPD in 2015 was a stand-alone recommendation on intersex issues. In 2016, three<sup>294</sup> out of eight SOGIESC-inclusive references addressed intersex specifically and

<sup>291</sup> Ethiopia, the United Arab Emirates and Uganda.

<sup>292</sup> See: submission by *Coalición Colombiana por la Implementación de la Convención sobre los Derechos de las Personas con Discapacidad* for the [List of Issue](#) and for the [Session](#) (paragraphs on pathologization of trans persons and its relevance for legal gender recognition).

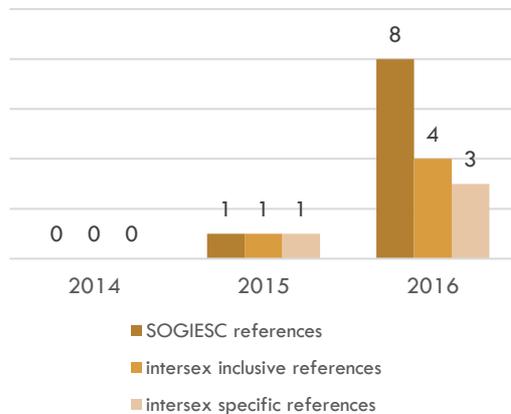
<sup>293</sup> For example, at the review of [Lithuania](#) the State pronounced their plans to carry out research on the social status of trans persons residing in Lithuania.

<sup>294</sup> See Concluding Observations on [Chile](#), [Italy](#) and [Uruguay](#).

## I. Analysis of references – CRPD

exclusively. Another recommendation on [Colombia](#), as well as the List of Issues on [Iran](#), folded intersex to the general LGBTI cluster.

Figure 18: Intersex references, CRPD



CRPD made comprehensive recommendations on intersex issues for [Italy](#). The Committee asked the State party to ensure that no one is subjected to scientific, undocumented medical or surgical treatment during infancy or childhood; to guarantee bodily integrity, autonomy and self-determination to the children concerned; and to provide families with intersex children with adequate counselling and support. The references to intersex made by the Committee for [Chile](#) and [Uruguay](#) addressed surgeries towards intersex children briefly.

In its recommendations, CRPD did not refer to intersex persons as persons with disabilities, but framed the issues of forced sterilisation, surgery and medical treatments towards intersex persons under the “bodily integrity” concept. In all the cases where the Committee addressed a particular intersex situation, it referred to article 17 of the CRPD Convention (protecting the integrity of the person).

Notably, CRPD received almost no written CSO information on intersex issues, the exception being [Chile](#) where the problem was addressed briefly.<sup>295</sup>

Aside from intersex references in the documentation produced under the periodic country review process, the Committee included the topic (under the LGBTI umbrella and as a stand-alone issue)

<sup>295</sup> See a submission by [Corporación Círculo Emancipador de Mujeres y Niñas con Discapacidad de Chile-Ingles \(CIMUNIDIS\)](#) for the Session (mentioning that intersex people are not protected against discrimination, and intersex children subjected to surgeries).

in its [General comment No. 3](#). It also joined a [statement](#) made by a number of Treaty Bodies devoted to Intersex Awareness Day. The statement called for an end to violence and harmful medical practices on intersex children and adults.

*As can be seen from the Committee’s recent practice, it is open to raising intersex specific violations, such as forced sterilization and other medical treatments. Therefore, defenders working on these problems, are strongly encouraged to approach the Committee. More detailed recommendations made by other Treaty Bodies in this regard could serve as a reference to strengthen intersex activists’ demands.*

### Follow-up procedure

Relying on article 35 (2) of the CRPD Convention, the Committee may request that the State party provides information on implementation measures, within one year of the adoption of the Concluding Observations. The criteria for selecting recommendations for follow-up review are:

- whether the recommendation can be implemented in the short, medium or long term;
- whether the issues identified in the recommendation constitute major obstacles to the enjoyment of human right by persons with disabilities;
- whether the issues identified in the recommendation constitute a major obstacle to the implementation of the CRPD Convention as a whole;
- whether the implementation of the recommendation is feasible and measurable;
- the seriousness of the issues and the feasibility of adopting implementation measures within a calendar year; and
- the feasibility of adopting short-term policies to overcome the selected concerns.

The Committee appoints one of its members to serve as Rapporteur on follow-up. The Rapporteur submits a report to the Committee within two months of receiving the information from the State party.<sup>296</sup>

<sup>296</sup> See *Procedures of the human rights treaty bodies for following up on concluding observations, decisions and Views*, 29<sup>th</sup> session of the meeting of Chairs of the human rights treaty bodies, 8 May 2017, [HRI/MC/2017/4](#).

## I. Analysis of references – CRPD

In 2016, CRPD included SOGIESC recommendations in its list for follow-up observation only once, in the review of [Uganda](#). The Committee requested the State party provide information on the measures taken to implement the Committee's recommendations contained, in particular, in para 8 (equality and non-discrimination).

*Defenders planning to engage with CRPD could also consider asking the Committee to include recommendations related to SOGIESC-issues in the list for follow-up review. If that happens, it is also very important to provide the Committee with the information regarding implementation of the recommendations.*

### Individual Communications

There were no references to SOGIESC in three decisions made by CRPD on individual communications in 2016.

*CRPD has not yet developed its jurisprudence. Therefore, taking a controversial topic to this forum could be a weak tactic. However, issues focused on by the Committee in its country-specific reviews, such as forced surgeries towards intersex children, could probably lead to useful and positive results.*

### General Comments

CRPD adopted two general comments in 2016, namely [General Comment No. 3](#) on women and girls with disabilities (article 6) and [General Comment No. 4](#) on the right to inclusive education (article 24). Both contained SOGIESC references. The former referred to LBT women and intersex persons when addressing multidimensional discrimination and the diversity of women with disabilities. The latter mentioned sexual orientation in the context of education and disability in its explanations regarding intersectional discrimination.

SOGIESC references were also included in two draft General Comments: the [outline](#) of the General Comment on the rights of persons with disabilities to equality and non-discrimination (where sexual orientation/ gender identity/ trans/ intersex were mentioned on several occasions, primarily regarding the protected grounds and multiple discrimination);<sup>297</sup> and the [draft](#) General Comment on the rights of persons with disabilities to live independently and be included in the community (where “sexual identity” was referred to in the context of availability of support services).<sup>298</sup>

*Taking into consideration the emerging practice of CRPD on SOGIESC issues, defenders are encouraged to gear their inputs to issues currently been developed in the Committee's General Comments. This could strengthen positions already expressed by CRPD in its Concluding Observations and give the Committee members SOGIESC-specific data on the situation of persons with disabilities. For example, the Committee is currently calling on CSO submissions on its new draft General Comments on non-discrimination.*<sup>299</sup>

### Sex work and HIV/AIDS

References to [HIV/AIDS](#) that were not SOGIESC-related were made in reviews of **Colombia**, in both the [List of Issues](#) (para 19) and the [Concluding Observations](#) (paras 56b and 57a), **Ethiopia**, in both the [List of Issues](#) (para 24) and the [Concluding Observations](#) (paras 55–56), **Guatemala**, in the [List of Issues](#) (para 25), **Portugal**, in both the [List of Issues](#) (para 21) and the [Concluding Observations](#) (para 48), **Uganda**, in the [Concluding Observations](#) (paras 32 and 51d) and the **United Arab Emirates** in the [Concluding Observations](#) (paras 45b and 46b).

There were no references to [sex work](#).

<sup>297</sup> See more information [here](#).

<sup>298</sup> See more information [here](#).

<sup>299</sup> Deadline for comments is on 15 November 2017.

## 7. Committee on the Elimination of Racial Discrimination

In 2016, SOGIESC references were made in two sets of the Concluding Observations out of 20 countries (10%) reviewed by CERD.<sup>300</sup> While SOGIESC agenda has never been a priority for the Committee (for example, no references were made on the topic in 2014), the number of recommendations made in 2016 has slightly decreased from 2015. In 2015, CERD's Concluding Observations made three SOGIESC-inclusive recommendations for two countries out of 20 reviewed (10%).<sup>301</sup>

It should be noted that, like in 2014 and 2015, CSOs did not provide the Committee with stand-alone SOGIESC reports in 2016. Detailed references, paragraphs or even chapters on LGBTI issues were included in general and coalition reports. In 2016 there were 17 reports on eight countries, compared with nine reports on seven countries in 2015 and 19 reports on five countries in 2014. In most cases, SOGIESC mentions were made in passing, but some of the submissions included more detailed descriptions of the situation of LGBTI persons and sometimes proposed relevant recommendations.<sup>302</sup>

The best example of advocacy on LGBTI issues before CERD was by *Ovejas Negras* from **Uruguay**. Being a part of a coalition of CSOs, they secured the inclusion of a SOGIESC agenda into both a [submission](#) for the List of Themes before the session (addressing particular difficulties faced by LGBTI persons of African and indigenous descent and exclusion of transgender women from the education system) and the [main report](#) (preparing a specific chapter on LGBT persons of African descent). A representative of the organisation came to Geneva for on-site advocacy with the sup-

port of ILGA. As a result, the issues were discussed during the constructive dialogue with the State Party,<sup>303</sup> and Uruguay turned out to be one of the two countries which received [LGBTI-specific recommendations](#) in 2016. CERD put their concerns under article 5 umbrella and recommended that Uruguay take necessary measures to combat the multiple forms of discrimination faced by LGBTI persons. This included incorporating an ethnic-racial perspective into the measures taken to combat discrimination based on sexual orientation and gender identity.

*LGBTI advocates are encouraged to include engagement with CERD into their advocacy strategies and to submit more in-depth information to the Committee. Preferably, these should be in the form of specific reports devoted to SOGIESC dimensions of racial discrimination, or at least in the form of particular chapters on LGBTI issues, interlined with racial discrimination, in more general coalition submissions. When crafting a CSO report, it is crucial to make clear linkage of SOGIESC issues with racial discrimination, as the Committee cannot take up LGBTI issues without intersectionality with racial discrimination.*

*It would be also important to come to Geneva to brief Committee members and to provide them with information about intersections between racial discrimination and discrimination based on SOGIESC in the specific country. While submitting information for the development of List of Themes does not appear to be*

<sup>300</sup> SOGIESC references were made in the Concluding Observations for [Uruguay](#) and [Argentina](#). No references were made for Azerbaijan, Georgia, Greece, Italy, Lebanon, Namibia, Oman, Pakistan, Paraguay, Portugal, Rwanda, South Africa, Spain, Sri Lanka, Togo, Turkmenistan, Ukraine and the United Kingdom.

<sup>301</sup> See: **Germany** – Concluding Observations – 86<sup>th</sup> Session, 5–6 May 2015, 22<sup>nd</sup> review, [CERD/C/DEU/CO/19-22](#), para 16; and **Netherlands** – Concluding Observations – 87<sup>th</sup> Session, 18–19 August 2015, 21<sup>st</sup> review, [CERD/C/NLD/CO/19-21](#), paras 25-26 and 33-34.

<sup>302</sup> For example, a report on Argentina submitted by [civil society coalition](#) described police abuses and transphobic profiling towards migrant trans persons and proposed relevant questions and recommendations. A submission on Pakistan prepared by the [Asian Legal Resource Centre](#) addressed a problem of discrimination on grounds of sexual orientation and described specific situation of 'third-gender' people. A report on Ukraine made by [civil society coalition](#) identified gaps in anti-discrimination legislation in relation to sexual orientation and gender identity, addressed hate crimes against LGBT persons and proposed relevant recommendations for both themes.

<sup>303</sup> See summary records: [CERD/C/SR.2494](#) and [CERD/C/SR.2495](#).

## I. Analysis of references – CERD

crucial personal participation in the CERD session proved to be an effective strategy.<sup>304</sup>

CSOs approaching CERD could address issues and topics such as intersections between SOGIESC and race in discrimination faced by LGBTI persons. Defenders could ask for:

- efforts to raise public awareness and knowledge about multiple discrimination;
- information on how to recognize and react to discriminatory practices;
- the inclusion of a SOGIESC dimension into general programmes aimed at combating racism or integration;
- the inclusion of racial dimension into programmes promoting tolerance towards LGBTI persons;
- the situation of LGBTI asylum seekers and refugees (for example, homophobic, biphobic and transphobic behaviour by employees or harassment by fellow detainees at asylum facilities, or specific discriminatory practices such as questioning by civil servants about sexual acts, or refoulement of asylum seekers fearing persecution because of their sexual orientation); or
- the situation and particular barriers faced by specific communities, such as migrant trans sex workers, lesbian women of colour or LGBTI persons from indigenous communities.

Defenders wishing to engage with the Committee could take advantage of a broad nature of definition of “racial discrimination” embodied in the CERD Convention. It explicitly covers five grounds of discrimination: race, colour, descent (that includes discrimination against members of communities based on forms of social stratification such as caste and analogous systems of inherited status), nationality and ethnic origin. The interpretation of the Convention by CERD includes in this definition also

includes groups such as indigenous people, stateless people and non-citizens. While religion is not included in the grounds of discrimination set out in the Convention, advocates can apply to CERD if they could draw a clear line between ethnic/national origin and religion.<sup>305</sup>

### Criminalisation

Regarding criminalisation, the Committee did not make any recommendations for any of seven countries where same-sex relations between consenting adults is criminalised.<sup>306</sup> The problem was mentioned briefly in a CSO [submission](#) on Sri Lanka.

Defenders from countries where same-sex relations are criminalised could consider engaging with CERD. However, in this case the problem should be analysed through the lens of racial discrimination. For example, a good case for a CERD submission could be the practice of racial profiling if people affected are charged with illegal same-sex activities, or if criminalising provisions are used to blackmail gay men from ethnic minority communities.

### Gender identity and expression and sex characteristics

Both of the SOGIESC-inclusive recommendations made by the Committee in 2016 addressed trans and intersex persons under a general reference to LGBTI individuals. CERD received CSO information on specific challenges faced by trans communities for Argentina,<sup>307</sup> Pakistan<sup>308</sup> and Uruguay.<sup>309</sup>

<sup>304</sup> For example, in the case of Argentina, LGBTI issues have been raised in CSO submissions, and were tackled by the Committee members during the [constructive dialogue](#). However, the Government delegation did not provide any explanations on the topic, and the Concluding Observations did not refer to SOGIESC. At the review of Italy, CERD also posed SOGIESC-related questions, and received answers from the Government. However, the issued Concluding Observations did not include relevant references, perhaps due to the fact that the Committee was satisfied by the answers provided by the State delegation. It could be assumed that in both cases, would the LGBTI advocates participated in the session, more consistent emphasizing of LGBTI issues could probably affect the final result.

<sup>305</sup> See for more detail: The International Movement Against All Forms of Discrimination and Racism (IMADR): Shirane D., [ICERD and CERD: A Guide for Civil Society Actors](#) (Geneva, 2011).

<sup>306</sup> Lebanon, Namibia, Oman, Pakistan, Sri Lanka, Togo and Turkmenistan.

<sup>307</sup> See the submission of [civil society coalition](#).

<sup>308</sup> See the submissions of the [Asian Legal Resource Centre](#) and [civil society coalition](#).

<sup>309</sup> See the submissions of civil society coalition for the [List of Themes](#) and for the [session](#).

## I. Analysis of references – CERD

Figure 19: GIE references, CERD

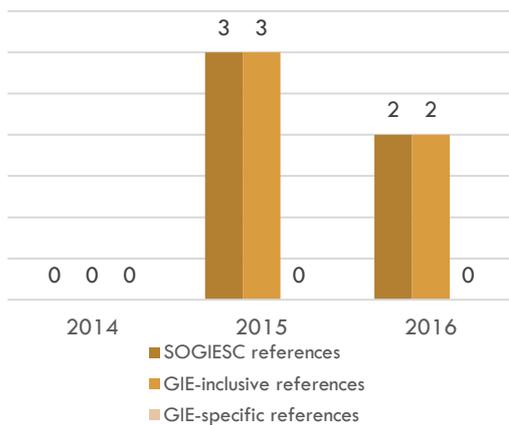
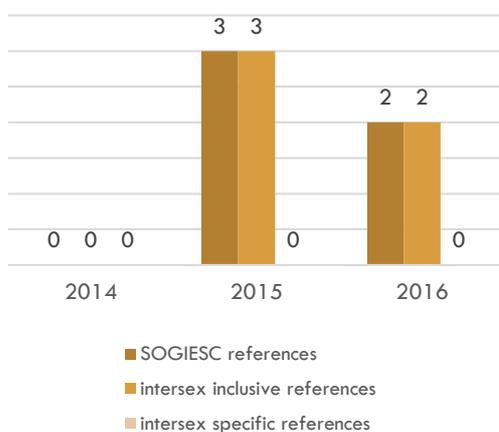


Figure 20: Intersex references, CERD



*Again, defenders could think about CERD as a forum appropriate for raising particular issues faced by trans or intersex individuals and communities. The “racial dimension” of the problem should be clearly shown in the demands, for example, violence specifically affecting trans women of colour, or the situation of specific identities existing in local cultures, such as Hijras.*

### Follow-up procedure

CERD has a long-standing procedure, set out in rule 65 of its [Rules of Procedure](#). The Committee may request further information or an additional report concerning, inter alia, action taken by State parties to implement the Committee's recommendations. This is supplemented with

<sup>310</sup> See *Procedures of the human rights treaty bodies for following up on concluding observations, decisions and Views*, 29<sup>th</sup> session of the meeting of Chairs of the human rights treaty bodies, 8 May 2017, [HRI/MC/2017/4](#).

the appointment of a coordinator on follow-up. The coordinator is appointed for a period of two years and works in cooperation with the country rapporteurs.<sup>310</sup>

CSOs could participate in this process providing the Committee with information about implementation of follow-up recommendations by State. A template for such reports could be found [here](#).<sup>311</sup>

The Committee identified specific recommendations for follow-up procedure, but this did not include 2016's SOGIESC reference in the Concluding Observations on Argentina and Uruguay.

*The follow-up mechanisms available at CERD could give defenders more opportunities for work on the ground. This needs to be developed in future, as so far, the Committee has not assigned SOGIESC recommendations for follow-up process.*

### General Comments

No General Comments were published by CERD in 2016, and none of its General Comments published in the last seven years have included SOGIESC references. This may be explained by the lack of in-depth information provided to the Committee under periodic review and individual communication mechanisms.

However, the Committee organised a consultation with civil society entitled, “[Joining hands to end racial discrimination](#)”. During the consultation, the particular vulnerability of LGBTI persons of African descent was addressed by a representative of *Ovejas Negras* from Uruguay.

*As LGBTI issues are still looking for their place within CERD's work, defenders are strongly encouraged to deepen Committee members understanding of interactions between race and SOGIESC. Defenders could do this by not only using opportunities given under the periodic review process, but also by participation in the development of general comments and statements at general discussion days.*

<sup>311</sup> By the International Movement Against All Forms of Discrimination and Racism (IMADR) and the US Human Rights Network (USHRN). Available also in [Spanish](#) and [Italian](#).

## I. Analysis of references – CERD

### Individual Complaints

The Individual Complaint mechanism, which allows the Committee to examine individual cases or situations, is still an under-utilised tool.<sup>312</sup> CERD receives few cases every year and so is able to consider them quickly. CERD has not yet issued views on a complaint concerning LGBTI individuals. There were no views adopted by CERD on individual communications in 2016.

*Given the fact that the Committee has rarely examined SOGIESC issues, an Individual Complaint could be a very useful way to provide the Committee with in-depth understanding of mechanisms of intersectional discrimination faced by LGBTI persons.*

### Sex work and HIV/AIDS

References to **HIV/AIDS** that were not SOGIESC-related were made only to **Namibia**, in both the [List of Themes](#) (paras 4 and 15) and the [Concluding Observations](#) (para 3(d)). While CERD did not discuss **sex work** issues, it did address ‘forced prostitution’ in its review of **Oman**, in the [List of Themes](#) (para 4(a)) and later in the [Concluding Observations](#) (para 23).

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<sup>312</sup> A list of countries that have agreed that Individual Communications can be brought against them is available by clicking ‘underlying data’ under the map available on this page: <http://indicators.ohchr.org/>.

[indicators.ohchr.org/](http://indicators.ohchr.org/). This agreement is made by making a declaration under Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination.

## **II. Communications**

## Human Rights Committee

**Sergei Androsenko v. Belarus**, communication No. 2092/2011, views of 30 March 2016<sup>313</sup>

*Keywords: access to justice, arrest, criminalisation (decriminalisation), FOE/FOAA, follow-up, HRD, jurisprudence, killings, legislation, remedy, reparation*

*Subject matter:* Imposition of a fine for holding a peaceful assembly without prior authorization

*Substantive issues:* Right to freedom of expression; right of peaceful assembly

*Articles of the Covenant:* 19 and 21

*Articles of the Optional Protocol:* 5 (2) (b)

1. The author of the communication is Sergei Androsenko, a national of Belarus born in 1988. He claims that the State party violated his rights under articles 19 (2) and 21 of the Covenant. [...]

### **The facts as submitted by the author**

2.1 On 16 December 2009, the author, together with other activists, handed a petition to representatives of the embassy of the Islamic Republic of Iran in Minsk calling for an end to punishment of homosexuals in that country. After the petition was delivered, the author, together with others, held a peaceful assembly (demonstration) during which he held up a poster that read "Stop killings of gays in Iran". In about 15 minutes, the author was apprehended by the police and taken to the Department of Internal Affairs of the Soviet District, where he was charged with an administrative offence under article 23.34, paragraph 2, of the Code of Administrative Offences of Belarus (conduct of a public gathering), accused of being in violation of the established procedure on the organization of gatherings under the Law on mass events in the Republic of Belarus of 1997. Under that law, organizers of public events are required to obtain permission to conduct a gathering from the local executive authorities 15 days before the holding of the event. The author had failed to request such permission.

2.2 On 23 December 2009, the Court of the Soviet District in Minsk found the author guilty of an administrative offence under article 23.34 of the Code of Administrative Offences and fined him 875,000 Belarusian roubles. The court found that the author and the other participants had taken part in an unauthorized mass event without obtaining prior authorization as required by article 5 of the Law on mass events.

2.3 On 30 December 2009, the author filed a cassation appeal against the decision of the Court of the Soviet District before the City Court of Minsk. On 19 January 2010, the City Court of Minsk confirmed the district court's decision and rejected the author's appeal.

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<sup>313</sup> [CCPR/C/116/D/2092/2011](#).

## II. Communications

2.4 On 17 February 2010, the author applied for a supervisory review of the lower courts' decisions to the Supreme Court of Belarus. By letter of 7 April 2010, the Deputy Chair of the Supreme Court informed the author that his application was dismissed. The author submits that he has thus exhausted all available domestic remedies.

### **The complaint**

3.1 The author claims that the facts as presented amount to a violation of his rights under article 21 of the Covenant, as the authorities did not provide any justification for the restriction of his rights and for his apprehension. He further claims that the imposed restrictions are not necessary in a democratic society in the interest of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedom of others. While he admits that he did not request prior authorization to participate in the demonstration, he claims that the legal regime in Belarus, under which prior permission is required before holding such a demonstration, imposes unacceptable restrictions on the freedoms guaranteed under article 21. According to article 5 of the Law on mass events, organizers of demonstrations are required to establish a contract with the Department of the Interior of the District Administration to ensure that public order is maintained during the demonstration; a contract with the Health Department to ensure that medical care is provided; and a contract with the Utilities Department to ensure that the area where the demonstration is to take place is cleaned following the event. Demonstrations are also forbidden within 50 meters of diplomatic premises, which the author considers unacceptable in his case, since holding the demonstration at any other location would have defeated its purpose.

3.2 The author also claims that his arrest and conviction amount to a violation of his right to freedom of expression under article 19 of the Covenant. He refers to the Committee's Views in which it found a violation of article 19 despite the fact that the national courts in question had acted in accordance with domestic legislation, and its Views in which it found it incompatible with the Covenant that the State party had given priority to the application of its national law over its obligations under the Covenant. The author further submits that Belarus has not submitted a notification under article 4 (3) of the Covenant to avail itself of the right to derogate from certain rights on the grounds of a public emergency.

### **State party's observations on admissibility and the merits**

4.1 In a communication dated 14 February 2012, the State party challenged the registration of the communication and its admissibility. It argues that the author failed to exhaust all available domestic remedies as he did not apply for supervisory review of the domestic courts' decisions. In particular, the State party states that the author did not apply to the Chair of the Supreme Court after having received the answer from the Deputy Chair under article 12.11 of the Procedural Executive Code on Administrative Offences. The State party submits that there are no legal grounds for the consideration by the State party of the communication either on admissibility or on the merits.

4.2 By a note verbale dated 4 January 2013, the State party reiterated its position regarding the admissibility of the communication.

### **Authors' comments on the State party's observations**

5. In a communication dated 6 September 2012, the author stated that the decision on cassation of the Minsk City Court had become executory. He argues that the supervisory review procedure cannot be considered an effective domestic remedy because an appeal submitted under the procedure would not automatically result in the repeal of the court decision. Public officials would consider such an appeal unilaterally and in the absence of the individual who was the subject of the administrative procedures in question. The author refers to the Committee's jurisprudence, in which it stated that the supervisory review was a discretionary review process common in former Soviet Republics, which the Committee had previously considered not to constitute an effective remedy for the purposes of exhaustion of domestic remedies. He recalls in this regard that his appeals to the Chair of the Minsk City Court and the Chair of the Supreme Court under the supervisory review procedure were rejected. He notes in particular that the reply from the Supreme Court was signed by the Deputy Chair, despite the fact that the appeal had been addressed specifically to the Chair. The author considers that in these circumstances, repeated appeals to the Chair of the Court would stand little chance of success. As to the State party's reference to article 12.11 of the Procedural Executive Code on Administrative Offences, the author states that the provision does not establish a requirement of a consecutive appeal first to the Deputy Chair and then to the Chair of the Court. He concludes that all available and effective domestic remedies have been exhausted in his case.

### **Issues and proceedings before the Committee**

#### **Consideration of admissibility**

- 6.1 Before considering any claim contained in a communication, the Committee must decide, in accordance with rule 93 of its rules of procedure, whether the communication is admissible under the Optional Protocol [hereinafter – OP].
- 6.2 The Committee has ascertained, as required under article 5 (2) (a) of the [OP], that the same matter is not being examined under another procedure of international investigation or settlement.
- 6.3 The Committee takes note that the State party has challenged the admissibility of the communication, claiming that under the supervisory review proceedings before the Supreme Court, the author should have requested a review by the Chair of the Court after he had received an answer from the Deputy Chair. From the documents on file, however, it transpires that the author did indeed address his application for supervisory review to the Chair of the Supreme Court, although the letter dismissing his application was signed by the Deputy Chair. In the circumstances, the Committee considers that it is not precluded by article 5 (2) (b) of the [OP] from examining the present communication.
- 6.4 The Committee considers that the author has sufficiently substantiated his claims under articles 19 (2) and 21 of the Covenant for purposes of admissibility. It therefore declares them admissible and proceeds with its examination of the merits.

#### **Consideration of the merits**

- 7.1 The Committee has considered the communication in the light of all the information made available to it by the parties, as provided under article 5 (1) of the [OP].

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- 7.2 The Committee notes the author's claim that his apprehension and conviction for his participation in a peaceful demonstration held without prior authorization constitute an unjustified restriction on his rights to freedom of expression and to freedom of assembly as protected by articles 19 (2) and 21 of the Covenant. The Committee must therefore consider whether the restriction imposed on the author's rights in the present case are justified under any of the criteria set out in article 19 (3) and in the second sentence of article 21 of the Covenant.
- 7.3 The Committee recalls that article 19 (3) of the Covenant allows certain restrictions only as provided by law and necessary for the respect of the rights and reputation of others and for the protection of national security or public order (*ordre public*) or public health or morals. The Committee refers to its general comment No. 34 (2011) on the freedoms of opinion and expression, in which it stated that those freedoms were indispensable conditions for the full development of the person and were essential for any society. They constituted the foundation stone for every free and democratic society. Any restriction on the exercise of those freedoms must conform to the strict tests of necessity and proportionality. Restrictions must be applied only for those purposes for which they were prescribed and must be directly related to the specific need on which they were predicated. The Committee recalls that it is for the State party to demonstrate that the restrictions on the author's rights under article 19 were necessary and proportionate.
- 7.4 The Committee also recalls that the right of peaceful assembly, as guaranteed under article 21 of the Covenant, is a fundamental human right that is essential for the public expression of one's views and opinions and is indispensable in a democratic society. This right entails the possibility of organizing and participating in a peaceful assembly, including the right to a stationary assembly (such as a picket) in a public location. The organizers of an assembly generally have the right to choose a location within sight and hearing of their target audience; no restriction to this right is permissible unless it is imposed in conformity with the law and is necessary in a democratic society, in the interests of national security or public safety, public order, protection of public health or morals or protection of the rights and freedoms of others. The State party is thus under the obligation to justify the limitation of the right protected by article 21 of the Covenant.
- 7.5 The Committee notes the author's allegations that he was apprehended and brought to a police station for participating in a peaceful but unauthorized demonstration and for holding a poster that read "Stop killings of gays in Iran" in front of the embassy of the Islamic Republic of Iran in Minsk. He later received an administrative fine for the violation of article 23.34, paragraph 1, of the Belarus Code of Administrative Offences.
- 7.6 The Committee notes the author's claim that he was unable to request prior authorization to participate in the demonstration owing to the stringent regime of the Law on mass events, which imposes unreasonable restrictions on the right guaranteed by article 21 of the Covenant. The Committee recalls that, while imposing restrictions on the right of freedom of peaceful assembly, the State party should be guided by the aim of facilitating the right, rather than seeking unnecessary or disproportionate limitations to it. In that regard, the Committee notes that, while the restrictions imposed in the author's case were in accordance with the law, the State party has not attempted to explain why such restrictions were necessary and whether they were proportionate for

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one of the legitimate purposes set out in the second sentence of article 21 of the Covenant. Nor did the State party explain how, in practice in the present case, the author's participation in a peaceful demonstration in which only a few persons participated could have violated the rights and freedoms of others or posed a threat to the protection of public safety or public order or of public health or morals. The Committee observes that, while ensuring the security and safety of the embassy of a foreign State may be regarded as a legitimate purpose for restricting the right to peaceful assembly, the State party must justify that the apprehension of the author and the imposition on him of an administrative fine were necessary and proportionate to that purpose. Therefore, in the absence of any pertinent explanation from the State party, the Committee considers that due weight must be given to the author's allegations.

- 7.7 The Committee notes that the author was apprehended and given an administrative fine in accordance with article 23.34, paragraph 1, of the Code of Administrative Offences of Belarus because of his participation in an unauthorized demonstration. The Committee notes that the State party has failed to demonstrate that the apprehension and fine imposed on the author, although based in law, were necessary and proportionate to achieve one of the legitimate purposes under the second sentence of article 21 of the Covenant. The Committee therefore concludes that the facts as submitted reveal a violation by the State party of the author's rights under article 21 of the Covenant.
- 7.8 Likewise, in the absence of any pertinent information from the State party to justify the restrictions imposed contrary to the provisions of article 19 (3) of the Covenant, the Committee concludes that the author's rights under article 19 (2) of the Covenant have been violated.
8. The Committee, acting under article 5 (4) of the [OP], is of the view that the State party has violated the author's rights under articles 19 (2) and 21 of the Covenant.
9. In accordance with article 2 (3) (a) of the Covenant, the State party is under an obligation to provide the author with an effective remedy. This requires it to make full reparation to individuals whose Covenant rights have been violated. Accordingly, the State party is obligated, *inter alia*, to provide the author with adequate compensation. The State party is also under an obligation to take steps to prevent similar violations in the future. In this connection, the Committee reiterates that the State party should review its legislation, in particular the Law on mass events of 30 December 1997, as it was applied in the present case, with a view to ensuring that the rights under articles 19 and 21 of the Covenant can be fully enjoyed in the State party.
10. Bearing in mind that, by becoming a party to the [OP], the State party has recognized the competence of the Committee to determine whether there has been a violation of the Covenant and that, pursuant to article 2 of the Covenant, the State party has undertaken to ensure to all individuals within its territory or subject to its jurisdiction the rights recognized in the Covenant and to provide an effective and enforceable remedy when it has been determined that a violation has occurred, the Committee wishes to receive from the State party, within 180 days, information about the measures taken to give effect to the Committee's Views. The State party is also requested to publish the present Views and to have them widely disseminated in the State party in Belarusian and Russian.

**M.K.H. v. Denmark, communication No. 2462/2014, views of 12 July 2016**<sup>314</sup>

Keywords: *LGBT; SO, SOGI; access to justice, adolescents, asylum-seekers/refugees, court, criminalisation (decriminalisation), discrimination, follow-up, GC/GR, jurisprudence, hate speech, legislation, police misconduct, refoulement, remedy, stigmatisation, violence*

*Subject matter:* Deportation to Bangladesh

*Substantive issues:* Risk of torture and ill-treatment

*Articles of the Covenant:* 7

*Articles of the Optional Protocol:* 2 and 5 (2) (b)

1.1 The author of the communication is M.K.H., a national of Bangladesh, of Bengal ethnicity and a Muslim, allegedly born on 21 December 1994. He is a failed asylum seeker in Denmark and faces deportation. He claims that in case of return to Bangladesh, he would be a victim of a violation by Denmark of his rights under article 7 of the Covenant. The police have contacted him several times and requested his cooperation to facilitate his return. The risk of the author's deportation was imminent at the time of submission of the initial communication. The [OP] entered into force for Denmark on 23 March 1976. The author is represented by counsel, Helle Holm Thomsen.

1.2 When registering the communication on 29 September 2014, the Committee, acting through its Special Rapporteur on new communications and interim measures pursuant to rule 92 of its rules of procedure, requested the State party to refrain from deporting the author to Bangladesh, while his case was under consideration by the Committee. The Committee also indicated that it might review the necessity of maintaining this request upon receipt of the State party's observations. On 29 September 2014, the Refugee Appeals Board suspended the time limit for the author's departure from Denmark until further notice in accordance with the Committee's request. On 30 March 2015, the State party requested that the Committee review its request for interim measures in the present case. On 4 June 2015, the Committee, acting through the Special Rapporteur decided to deny the request to lift interim measures. On 26 February 2016, the State party again requested that the Committee review its request for interim measures. On the same date, the Committee, acting through the Special Rapporteur, rejected the new request.

**The facts as submitted by the author**

2.1 From July 2010 to July 2011, the author maintained a homosexual relationship with a childhood friend. They were caught one evening at a rice field, following which they were brought to a village council where they were beaten and tortured, including by being hung from a tree, having hot water poured over them and being beaten on the soles of their feet. The author was expelled from his family and village and was threatened with death if he returned. He first went to Rangpur, where he was recognized by one of the villagers. He then went to Dhaka and on 5 January 2012, he moved to India, from where he left for Europe. On 3 February 2012, the author arrived in Denmark without valid travel documents and applied for asylum.

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<sup>314</sup> [CCPR/C/117/D/2462/2014](#).

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- 2.2 On 15 February 2012, the police interrogated the author about his identity and travel route. He explained that he had been born on 21 December 1994 in Rangalibosh in the Nagashre region and that he went to school until the ninth grade but did not finish it owing to personal circumstances. On 17 February 2012, the author submitted a request for asylum in Denmark, alleging that he had left his home country because citizens in his village had found out that he was a homosexual and he feared for his life if he returned to Bangladesh. The author has not been a member of any political or religious association or organization, nor has he been politically active in any other way. He was considered to be older than 18 by the police because of his physical appearance, even though he claimed he was a minor. On 7 March 2012, the Section of Forensic Pathology of the Danish National Police carried out an examination to determine his age. He was estimated to be 19 years old or more. However, the Section considered that “a certain probability existed” that he might be as young as 17. On 11 April 2012, the author was confronted by the police. He maintained his explanation with respect to his age on the basis of the information that he had always been provided by his parents. On 4 June 2012, the Danish Immigration Service decided to consider the author as not a minor. It set his date of birth as 21 December 1992 and amended his application accordingly.
- 2.3 On 31 July 2012, the author had an interview with the Immigration Service, during which he referred to his homosexual relationship with a friend and maintained that he was 17 years old. On 28 August 2012, the Immigration Service rejected the author’s asylum claim as not credible, considering that several aspects of his explanations were unreliable. On an unspecified date, the author appealed to the Refugee Appeals Board, claiming that the information he had provided was accurate, that he was at risk of persecution from the local community and that he would not be able to seek protection in Bangladesh where homosexuality is illegal. He further submitted that he could not be forced to hide his homosexuality to avoid persecution and that as a member of a particular social group exposed to persecution, he was in need of protection in accordance with article 1A (2) of the 1951 Convention relating to the Status of Refugees. On 4 December 2012, the Board upheld the rejection of the author’s asylum application, finding his allegations to be not credible.
- 2.4 On 12 April 2013, the author requested the Refugee Appeals Board to reopen the asylum proceedings and submitted new documents in support of his claim: a newspaper article alleging that the author’s mother had committed suicide because of problems related to the homosexuality of her son and a copy of his birth certificate, stating that he was born on 21 December 1994. In that connection, the author submits that his age has not been reassessed since the production of his birth certificate and that the Board failed to take into account that he was a minor at the time of the initial asylum proceedings. He further submits that it is difficult for a minor who has grown up in a country in which homosexuality is linked to stigma and shame to talk openly and elaborate on the grounds of his asylum application when they are linked to his sexual orientation. On 4 March 2014, a statement from a non-governmental organization, LGBT Asylum, confirmed that the author had been a member of the organization since October 2013 and had been taking part in their meetings. On 19 September 2014, the Refugee Appeals Board confirmed its decision of 4 December 2012, refusing to reopen the asylum proceedings, without examining the new documents submitted by the author. The Board considered that it was not plausible that the author would be at risk of persecution only because of his homosexuality since, even if homosexuality is illegal

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in Bangladesh, the relevant legislation is not enforced. The author asserts that the Board should have followed the procedure as applied in other countries. In that connection, he refers to the jurisprudence of the Supreme Court of the United Kingdom of Great Britain and Northern Ireland when determining whether an asylum seeker is a homosexual and whether, if returned to his country of origin, he risks persecution or abuse that would make him entitled to asylum.

- 2.5 As part of the asylum procedure, the applicant stated that the authorities in his country of origin were unable to protect him from the people of his village. The author admitted he did not know about the law, but that he was clear that homosexuality was unacceptable from a religious and social perspective. He also feared starvation in case of his return to his country of origin, as he had no home and no clothing.
- 2.6 Since the decisions of the Board cannot be appealed before the Danish courts, the author maintains that he has exhausted all available and effective domestic remedies.
- 2.7 The author has not submitted his communication to any other procedure of international investigation or settlement.

### **The complaint**

- 3.1 The author claims that by returning him to Bangladesh, the State party would put him at risk of torture and other forms of inhuman or degrading treatment or punishment, contrary to article 7 of the Covenant, owing to the risk of persecution he would face there because of his homosexuality.
- 3.2 The author submits reports on homosexuality in Bangladesh, which indicate that homosexuality is illegal in that country, and that the police use the law to discriminate and exercise violence against, and constantly threaten homosexual persons.
- 3.3 He considers that he could not avoid persecution through the concealment of his sexual orientation, as that would be incompatible with his rights under the provisions of the Covenant. Finally, the author maintains that the State party's authorities, including the police and the Immigration Service, did not take into consideration the fact that he was a minor when they initially interviewed him.

### **State party's observations on admissibility and the merits**

- 4.1 On 30 March 2015, the State party submitted its observations on the admissibility and merits of the communication and requested the Committee to lift the interim measures. It considers that the communication should be held inadmissible, as the author has failed to establish a prima facie case. In that connection, the State party argues that the author has not provided substantial grounds to demonstrate that he would be at risk of torture or other cruel, inhuman or degrading treatment or punishment if returned to Bangladesh. The State party also considers that the author has failed to provide specific details about his personal situation; that the Refugee Appeals Board made a thorough assessment of the author's credibility, of the background information available and of the author's specific circumstances; and that the national authorities are best placed to assess the facts and credibility in asylum cases. The State party further argues that the asylum procedure that has been applied fully complies with the principles of due process.

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- 4.2 The State party further submits that in case the Committee holds the author's complaint admissible, it should consider it unsubstantiated, as the author failed to establish that his deportation to Bangladesh would constitute a violation of article 7 of the Covenant. In that connection, the State party submits that the Refugee Appeals Board generally considers that the conditions for granting a residence permit under section 7 (1) of the Aliens Act are met when the relevant asylum seeker has a well-founded fear of being subjected to specific, individual persecution of a certain severity, if returned to his country of origin. When the Board finds that an asylum seeker's statements on his ethnicity, religion, political views or membership of a particular social group can be found to be facts, but his activities or the measures taken against him in his country of origin do not constitute sufficient grounds for him to fall within the scope of article 1A (2) of the Convention relating to the Status of Refugees, his application for residence under section 7 of the Aliens Act will be refused.
- 4.3 The State party observes that according to the case law of the Refugee Appeals Board, homosexuals are considered to belong to a particular social group and that, depending on circumstances, they may fall within the Convention relating to the Status of Refugees. In the present case, the Board took into account the information provided on persecution prior to the author's departure from his country of origin and based itself on the assessment of his situation if he returned to his country of origin. In its decision of 4 December 2012, the majority of the members of the Board considered that the author's allegations lacked credibility and appeared fabricated for the occasion. The Board found it peculiar that the applicant had not himself contacted his mother, who had obtained valuables worth approximately 600,000 taka, which was paid to the agent who arranged for the author's departure. The author allegedly made contact through a person whom he had met at random. The Board also considered it suspicious that the author had dared to have sexual intercourse with a friend in a paddy field several times. Finally, the Board considered that the applicant had given inconsistent statements: he had stated to the Danish Immigration Service that he was sitting at a café when the person from the village spotted him in Rangpur, whereas he had stated before the Board that he was recognized by a village citizen who was sitting in a tea-house, while he was in the street. Based on an overall assessment, the majority of the Board found that the author had failed to render his grounds for asylum credible. It concluded that the author would not be at a real risk of persecution under section 7 (1), or abuse falling within section 7 (2), of the Aliens Act if he returned to his country of origin. For those reasons, the Board upheld the decision of the Immigration Service.
- 4.4 On 12 April 2013, the author requested the reopening of the asylum proceedings. As a reason for reopening them, he submitted that it appeared from the decision of the Board that it had not considered the fact that he was a homosexual. The author claimed that he would risk persecution simply because of his sexual orientation, regardless of whether he had had a homosexual relationship or not. He also objected to a wrongful assessment of his credibility, arguing that crops in paddy fields could be so tall that a person could hide there. On 19 September 2014, the Board ruled on three documents produced by the author (annexes A, B and C to his request for the reopening of the asylum procedure), which were also provided to the Committee, and found that no new information rendered the risk of persecution probable or substantiated if the author returned to Bangladesh. The State party observes that the author did not provide any new information to the Committee that would justify a revision of its assessment of the

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author's case by the authorities in the State party. The State party further submits that even when a person makes consistent statements, they are not necessarily true and cannot necessarily be considered as facts when their content is unlikely and do not seem to reflect a personal experience.

4.5 In that connection, the State party observes that the author's educational and personal skills enabled him to repeat the same narration several times without any essential discrepancies. It further argues that the author's statement alleging that the Immigration Service and the Refugee Appeals Board based their decisions on the fact of his homosexuality is suspicious, insofar as in none of the decisions was it concluded that it could be assumed that the author was homosexual. The State party observes that the author consistently stated that his homosexual relationship with his friend Tuhin had been discovered; that he had therefore been subjected to abuse and persecution prior to his departure; and that he feared that he would again be subjected to treatment falling within section 7 of the Aliens Act if he returned to Bangladesh. In the Board decision of 4 December 2012, the author was found not to have rendered probable that he had been subjected to abuse and persecution prior to his departure in the way he described. Consequently, the Board dismissed the author's statements as unlikely and apparently fabricated. In its decision of 19 September 2014, the Board concluded that the reasons given by the author as to the risk of persecution he would face upon his return were closely connected to those events and no other reason was provided. It therefore concluded that the author had failed to substantiate his claim that his possible homosexuality had resulted in a conflict with the authorities or private individuals in Bangladesh that would justify granting him asylum.

4.6 On the contrary, the State party considers as a fact that the author was not subjected to persecution, abuse or similar treatment prior to his departure, because he was able to live in Bangladesh as a homosexual until his departure in 2011/2012 without coming into conflict with the authorities of the State party or with private individuals. The State party agrees with the assessment of the Refugee Appeals Board that the mere reference to the general background information available on the condition of lesbian, gay, bisexual and transgender people in Bangladesh is not sufficient to substantiate the claim that the author would be at risk of persecution or abuse upon his return to Bangladesh. In its decision of 19 September 2014, the Board noted that the situation of homosexuals in Bangladesh had improved considerably in recent years and that although homosexuality was illegal pursuant to section 337 of the Criminal Code, the act was not enforced in practice. The State party further notes that numerous support networks for homosexual men have been established in the country. As regards the author's membership of LGBT Asylum, the Board was not able to take it into account in its decision of 4 December 2012 because, as indicated by the author himself and by the letter of the association, he only became a member in October 2013.

4.7 The State party takes note of the newspaper article from the Daily Banglar Manush of 24 March 2013, which was submitted by the author to the Refugee Appeals Board on 12 April 2013 after he had obtained it through friends of a friend. According to the article, an elderly lady named Rokeya Begum had hanged herself on 22 March 2012 in the village of Rangarlirbosh. During the investigation, it was allegedly discovered that two boys, one of them being the author, had had a homosexual relationship in July 2011, that they had been apprehended and brought to a member of the village council, and

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had spent the night with their hands tied behind their backs. The article also stated that the boys were banished from the village and that one of them had come back there two months later to see his sister and that on this occasion, he was captured and tortured, including through the removal of his genitals, following which he died. The article also reported that the author's family now led an isolated life because of his homosexuality and that his father had died from a heart attack on 2 March 2012. The Board assessed that it could not verify the authenticity of the newspaper article, considering the time of its appearance, the lack of clarity of its sources in Bangladesh and its procurement through the author's friends in Saudi Arabia. The Board also found that the article lacked credibility as to its content, considering the amount of specific details, which corresponded exactly to the author's statements on his grounds for seeking asylum. It appeared therefore to have been fabricated for the occasion, considering that false documents are common in Bangladesh, according to the information provided by the Ministry of Foreign Affairs. In that respect, the Board, despite the confirmation provided by the Bangladesh office of the United Nations Educational, Scientific and Cultural Organization that a newspaper of the relevant name did exist, did not find it necessary to have the authenticity of the news article verified. Against that background, the State party cannot give any evidential value to the document produced by the author.

- 4.8 The State party observes that the author fails to substantiate his reasons for considering that the submissions concerning his age entail a violation of article 7 of the Covenant. It submits that the Danish Immigration Service is the authority in charge of determining the age of asylum seekers, whenever necessary. The Section of Forensic Pathology examined the author and determined that he was 19 years old or more. On 4 July 2012, the Immigration Service decided to fix the author's date of birth as 21 December 1992. The author appealed against this decision to the Ministry of Justice, which upheld it on 9 March 2015. The Refugee Appeals Board also assessed positively that the author had the procedural capacity and the necessary maturity to undergo the asylum procedure. The State party also submits that in cases where the asylum seeker refers to his sexuality or gender identity, the Board assesses whether the person is in a particularly vulnerable situation, taking into account the relevant guidelines of the Office of the United Nations High Commissioner for Refugees (UNHCR). The State party considers it strange that the author did not provide any information as to how he had obtained his purported birth certificate, which was issued on 18 February 2013, while his parents had passed away almost a year before that date and, according to his own statements, he had not had any contact with his family since he left Bangladesh. In that connection, the State party adds that the author did not disclose the identity of the person who purportedly requested the issuance of the birth certificate and the basis on which it was issued.
- 4.9 The State party maintains that the author merely disagrees with the assessment of his credibility and of the background information made by the Refugee Appeals Board in his case. However, it considers that the author has failed to identify any irregularity in the decision-making process or in the assessment of the risk factors by the Board. The State party therefore considers that the author is trying to use the Committee as an appellate body to have the factual circumstances of his case reassessed. It further submits that the Committee must give considerable weight to the facts found by the Board, which is better placed to assess the factual circumstances of the author's case. The State party considers that there is no basis for questioning or setting aside the

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assessment made by the Board in the author's case and therefore submits that the author's return to Bangladesh will not constitute a breach of article 7 of the Covenant.

### **Author's comments on the State party's observations**

- 5.1 On 29 May 2015, the author submitted his comments on the State party's observations. He claims that he provided sufficient information to indicate that, as a homosexual, he would face the danger of treatment contrary to article 7 of the Covenant, if returned to Bangladesh. He claims that his communication should be held admissible as it has been sufficiently substantiated and all available domestic remedies have been exhausted, and that the request to lift the interim measures should be denied.
- 5.2 On the merits, the author claims that the State party erred in the assessment of his age and that it did not provide him with the assistance he was entitled to as a minor throughout the asylum procedure (such as the appointment of a legal guardian). The author further submits that the State party did not take into account the fact that he was a minor when assessing the facts and his credibility.
- 5.3 The author considers that the same attention should be given to the fact that he is a young homosexual man who was ostracized from local society and from his family shortly before his arrival in Denmark. The vulnerability of his situation, which justifies his request for asylum, rests in his youth and the fact that homosexuality is a stigma in his society, family and religion. The Refugee Appeals Board failed to take into account the specific circumstances and vulnerability of the author. He also submits that the State party erred in the conclusion of 19 September 2014 that the newspaper article he had provided was fake: he states that he has a full authentic copy of the newspaper, which has existed since 2005 and is listed on the website of the Bangladesh Digital Media Database as a regional newspaper. The author therefore submits that the State party has not made a thorough evaluation of the facts and the documents in the decision-making process.
- 5.4 The author also submits that the in its first decision, the Refugee Appeals Board did not consider whether being a homosexual would in itself constitute a risk of persecution if he returned to Bangladesh. Furthermore, in its second decision, the board suggested that the situation of homosexuals in Bangladesh had improved, despite the background information he had submitted to the contrary. He finally submits that the one inconsistent statement that the Board has found, whether it was actually him who was in a café, is likely the result of an error of interpretation and cannot be the basis for rejecting his statement.
- 5.5 The author also challenges the Board's conclusion that the situation of homosexuals has improved considerably in recent years in Bangladesh. In that connection, he submits that the United States of America Department of State report on human rights practices for 2013 and the United Kingdom Home Office country of origin information report of 2013 on Bangladesh do not give any basis for such a conclusion. The author further submits that even though section 377 of the Criminal Code is not enforced in practice, the act is still used by the police, together with section 54 of the Code of Criminal Procedure, to threaten and harass lesbian, gay, bisexual and transgender persons. The use of section 54 does not lead to criminal charges or prosecution but rather to abuses such as extortion and physical assaults, which the victims do not dare

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to report. Finally, the author refers to the Committee's jurisprudence in *M.I. v. Sweden*, where it considered that the deportation to Bangladesh of the author, a homosexual person, would constitute a violation of article 7 of the Covenant.

### **State party's additional observations**

- 6.1 On 26 February 2016, the State party presented a further submission. It maintains that the author has failed to establish a prima facie case for the purpose of admissibility of his communication under article 7 of the Covenant, and that the communication should be held inadmissible.
- 6.2 Should the Committee find the communication admissible, the State party maintains that there are no substantial grounds for believing that the author's deportation to Bangladesh would constitute a violation of article 7 of the Covenant. The State party reiterates that there is no basis for doubting, let alone setting aside, the assessment made by the Refugee Appeals Board in its decisions of 4 December 2012 and 19 September 2014. It further draws attention to the jurisprudence of the Committee, according to which important weight should be given to the assessment conducted by the State party, unless it is found that the evaluation was "clearly arbitrary" or amounted to "a denial of justice". The State party considers that the author does not explain why the assessment would be arbitrary or otherwise amount to a manifest error or denial of justice in his case. It also recalls that it is generally for the organs of the State party to examine the facts and evidence of the case in order to determine whether a risk exists. It further submits that even though the author has been found to be less than 18 years of age, the Board carried out the necessary assessments to conclude that the author had the procedural capacity and the necessary maturity to undergo an asylum procedure. The State party maintains that the Board took the author's cultural difference, age, maturity and alleged sexual orientation into account.
- 6.3 The State party further contests the author's reference to the views of the Committee in *M.I. v. Sweden*, as this case differs from the present case on essential points. In *M.I. v. Sweden*, the author's sexual orientation and her allegations of rape by Bangladeshi policemen while in detention were not challenged by the State party and the authorities of the State party had considered it a fact that the author had been subjected to abuse in her country of origin. In the present case, the State party's authorities carried out a thorough assessment of the author's statements and of the documents provided by the author (see the decisions of the Refugee Appeals Board of 4 December 2012 and 19 September 2014) and the Board rejected crucial elements of the author's statements as being non-credible and fabricated for the occasion. Accordingly, the Board could not accept as a fact the author's statement of his grounds for asylum. In the attached addendum, the State party's Ministry of Foreign Affairs confirms that the *Daily Banglar Manush* appears on the information portal of the Government of Bangladesh and operates as a local newspaper primarily based on first-hand sources. However, in its decision of 19 September 2014, the Board considered only whether the newspaper article produced was deemed to be fabricated for the occasion and not whether the relevant newspaper existed. The State party considers that the publication of the article in the *Daily Banglar Manush* must be considered a fact, but that the publication would not expose the author to such a level of persecution or abuse that would justify granting him asylum, because of the limited circulation of the referred newspaper.

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### Issues and proceedings before the Committee

#### *Consideration of admissibility*

- 7.1 Before considering any claim contained in a communication, the Committee must decide, in accordance with rule 93 of its rules of procedure, whether the case is admissible under the [OP].
- 7.2 The Committee has ascertained, as required under article 5 (2) (a) of the [OP], that the same matter is not being examined under another procedure of international investigation or settlement.
- 7.3 The Committee further recalls its jurisprudence to the effect that authors must avail themselves of all domestic remedies in order to fulfil the requirement of article 5 (2) (b) of the [OP], insofar as such remedies appear to be effective in the given case and are de facto available to the author. The Committee takes note of the author's submission that he has exhausted all available domestic remedies as the decisions of the Refugee Appeals Board cannot be appealed. The Committee also notes that the State party has not contested the author's submission in that regard.
- 7.4 The Committee also notes that the State party considers that the author's claim under article 7 should be held inadmissible for lack of substantiation. Nonetheless, the Committee considers that the author has provided sufficient details and documentary evidence for the purpose of admissibility. As no other obstacles to admissibility exist, the Committee declares the communication admissible and proceeds to its examination on the merits.

#### *Consideration of the merits*

- 8.1 The Committee has considered the communication in the light of all the information made available to it by the parties, as provided for under article 5 (1) of the [OP].
- 8.2 The Committee notes the author's claim that his return to Bangladesh would expose him to a risk of torture and persecution on account of his homosexuality. In that connection, the Committee notes that, according to the author, he maintained a homosexual relationship with a friend from July 2010 to July 2011, and that they were caught at a rice field and brought to a village council, where they were beaten and tortured. The Committee also notes that the author was expelled from his family and village and threatened with death if he ever returned, and that when the author's partner returned to the village to visit his sister, he was tortured and consequently died. The Committee further notes that according to the reports submitted by the author, (a) Bangladeshi law forbids homosexual acts and lesbian, gay, bisexual and transgender individuals lack protection from the authorities; (b) the police use the law to discriminate and exercise violence against homosexuals; (c) and the law serves as a constant threat even if it is not systematically applied.
- 8.3 The Committee further notes the author's submission that in the decision process, the State party's authorities did not give due weight to the evidence he had provided. In particular, the Committee notes that when the author presented a birth certificate indicating that he was born on 21 December 1994, and was therefore 17 when he arrived in Denmark, the State party questioned the credibility of the author, but did not take any further measures to verify the information provided as to his actual age. The Committee also notes that when the author provided a copy of an article published in the

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newspaper the Daily Banglar Manush, which made reference to the events that occurred after his homosexual relationship was discovered, the State party first questioned the existence of the referred newspaper and then the genuineness of the article. In the author's view, the State party did not carry out a thorough evaluation of the facts and documents he submitted. He argues that in its first decision, the Refugee Appeals Board did not assess whether being homosexual would constitute a risk of persecution and that in its second decision, it suggested that the situation of homosexuals had improved in Bangladesh, despite the background information provided to the contrary.

- 8.4 The Committee also notes the State party's assessment that the information provided by the author did not enable it to conclude that, even if he were homosexual, he would be at risk of persecution upon his return to Bangladesh; that section 337 of Penal Code 1860 which criminalizes homosexual acts is not applied in practice; and that the situation of homosexuals has improved considerably in recent years.
- 8.5 The Committee recalls its general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant, in which it refers to the obligation of States parties not to extradite, deport, expel or otherwise remove a person from their territory when there are substantial grounds for believing that there is a real risk of irreparable harm such as that contemplated by article 7 of the Covenant. The Committee has also indicated that the risk must be personal and that there is a high threshold for providing substantial grounds to establish that a real risk of irreparable harm exists. Thus, all relevant facts and circumstances must be considered, including the general situation of human rights in the author's country of origin.
- 8.6 The Committee further recalls its jurisprudence that important weight should be given to the assessment conducted by the State party, unless it is found that the evaluation was clearly arbitrary or amounted to a denial of justice, and that it is generally for the organs of States parties to the Covenant to review or evaluate facts and evidence in order to determine whether such a risk exists.
- 8.7 In the present communication, the Committee notes that the State party considered that the author was older than 18, while the Section of Forensic Pathology had concluded that "a certain probability existed" that the author might be as young as 17. It also notes the State party's arguments that the author's age has been properly assessed by the Danish Immigration Service and upheld by the Ministry of Justice; that the Refugee Appeals Board assessed the author's procedural capacity even if he was over 18, and that the author's vulnerability was properly assessed in accordance with the relevant UNHCR guidelines. It notes that the State party did not question the authenticity of the birth certificate that the author provided, but questioned the way in which it was obtained. The Committee notes that, in this context, the State party did not consider that the author could be a minor; it did not provide him with any of the assistance he was entitled to as a minor during the asylum procedure; and it did not take into account the fact that the author could be a minor likely to face a personal risk when assessing whether his return to Bangladesh would constitute a violation of article 7 of the Covenant. The Committee considers that this practice amounts to a procedural defect in the examination of the author's request for asylum.
- 8.8 The Committee further notes that the Danish Immigration Service and the Refugee Appeals Board concluded that the author's homosexuality was suspicious and that he had

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not demonstrated that his alleged homosexuality would put him at risk in case of return to Bangladesh. The Committee also notes that, to reach this conclusion, the State party focused on the assessment of the credibility of the author throughout the procedure, without further evaluating the statements before it. The Committee in particular notes that in its decision of 4 December 2012, the Board did not explain on which grounds it had disregarded the author's self-identification as homosexual and his allegations of a real risk of persecution or abuse if he was returned to Bangladesh. Furthermore, since the Immigration Service and the Board found the author's homosexuality suspicious, they did not take into account the author's allegations that (a) he and his partner were tortured and expelled from their village upon discovery of their homosexual relationship; (b) he was told that he would be killed if he tried to come back to the village and his family; (c) his partner was tortured and consequently died when he tried to return to their village for a visit; and (d) no protection could be expected from the national authorities against this form of repression of homosexuality, which is widely practised in Bangladesh. In the same way, the State party did not take into account the information provided by the author, according to which homosexuality is stigmatized in Bangladesh and remains criminalized by section 377 of the Criminal Code, which in itself constitutes an obstacle to the investigation and sanction of acts of persecution against lesbian, gay, bisexual and transgender persons. In addition, the Committee notes that the author is Muslim, and that at the date of the present decision, such people in Bangladesh are frequently the victims of threats of violence, particularly after homophobic public comments by Islamic leaders. In view of the above, the Committee considers that, when assessing the risk faced by the author, the State party failed to take adequately into account his version of the events he faced in Bangladesh, the documents he provided and the available background information about the risks faced by lesbian, gay, bisexual and transgender people in Bangladesh, thereby arbitrarily dismissing the author's claims. In such circumstances, the Committee considers that the author's deportation to Bangladesh would amount to a violation of article 7 of the Covenant.

9. The Committee, acting under article 5 (4), of the [OP], is of the view that deportation to Bangladesh would, if implemented, violate the author's rights under article 7 of the Covenant.
10. In accordance with article 2 (1) of the Covenant, which establishes that States parties undertake to respect and to ensure to all individuals within their territory and subject to their jurisdiction the rights recognized in the Covenant, the State party is under an obligation to proceed to a review of the author's claim, taking into account the State party's obligations under the Covenant and the Committee's present Views. The State party is also requested to refrain from expelling the author while his request for asylum is being reconsidered.
11. Bearing in mind that, by becoming a party to the [OP], the State party has recognized the competence of the Committee to determine whether there has been a violation of the Covenant and that, pursuant to article 2 of the Covenant, the State party has undertaken to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant and to provide an effective and enforceable remedy when it has been determined that a violation has occurred, the Committee wishes to receive from the State party, within 180 days, information about the measures taken to give effect to the Committee's Views. The State party is also requested to publish the Committee's Views.

### **III. General Comments**

## 1. Committee on Economic, Social and Cultural Rights

General Comment No. 22 (2016) on the right to sexual and reproductive health (article 12 of the International Covenant on Economic, Social and Cultural Rights)<sup>315</sup>

Keywords: *I, LGBTI; SOGI, SOGI; adolescents, children, conversion therapy, criminalisation (decriminalisation), discrimination, domestic violence, education, employment, free and informed consent, GC/GR, gender impersonation laws, harassment, health, HIV/AIDS, IGM, intersectionality, measures, prevention, privacy, service provision, sexual violence, sexuality education, SRHR, sterilisation, surgical/medical intervention, violence, women*

2. Due to numerous legal, procedural, practical and social barriers, access to the full range of sexual and reproductive health facilities, services, goods and information is seriously restricted. In fact, the full enjoyment of the right to sexual and reproductive health remains a distant goal for millions of people, especially for women and girls, throughout the world. Certain individuals and population groups that experience multiple and intersecting forms of discrimination that exacerbate exclusion in both law and practice, such as lesbian, gay, bisexual, transgender and intersex persons<sup>316</sup> and persons with disabilities, the full enjoyment of the right to sexual and reproductive health is further restricted.
9. The realization of the right to sexual and reproductive health requires that States parties also meet their obligations under other provisions of the Covenant. For example, the right to sexual and reproductive health, combined with the right to education (articles 13 and 14) and the right to non-discrimination and equality between men and women (articles 2 (2) and 3), entails a right to education on sexuality and reproduction that is comprehensive, non-discriminatory, evidence-based, scientifically accurate and age appropriate.<sup>317</sup> The right to sexual and reproductive health, combined with the right to work (article 6) and just and favourable working conditions (article 7), as well as the right to non-discrimination and equality between men and women, also requires States to ensure employment with maternity protection and parental leave for workers, including workers in vulnerable situations, such as migrant workers or women with disabilities, as well as protection from sexual harassment in the workplace and prohibition of discrimination based on pregnancy, childbirth, parenthood,<sup>318</sup> sexual orientation, gender identity or intersex status.
18. Information accessibility includes the right to seek, receive and disseminate information and ideas concerning sexual and reproductive health issues generally, and also

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<sup>315</sup> [E/C.12/GC/22](#).

<sup>316</sup> For the purpose of the present general comment, references to lesbian, gay, bisexual, transgender and intersex persons include other persons who face violations of their rights on the basis of their actual or perceived sexual orientation, gender identity and sex characteristics, including those who may identify with other terms. For intersex persons, see fact sheet available from [https://unfe.org/system/unfe-65-Intersex\\_Factsheet\\_ENGLISH.pdf](https://unfe.org/system/unfe-65-Intersex_Factsheet_ENGLISH.pdf).

<sup>317</sup> A/65/162.

<sup>318</sup> See Convention on the Elimination of All Forms of Discrimination against Women, art. 11 (1) (f) and 11 (2).

### III. General Comments

for individuals to receive specific information on their particular health status. All individuals and groups, including adolescents and youth, have the right to evidence-based information on all aspects of sexual and reproductive health, including maternal health, contraceptives, family planning, sexually transmitted infections, HIV prevention, safe abortion and post-abortion care, infertility and fertility options, and reproductive cancer.

19. Such information must be provided in a manner consistent with the needs of the individual and the community, taking into consideration, for example, age, gender, language ability, educational level, disability, sexual orientation, gender identity and intersex status.<sup>319</sup> Information accessibility should not impair the right to have personal health data and information treated with privacy and confidentiality.
23. Non-discrimination, in the context of the right to sexual and reproductive health, also encompasses the right of all persons, including lesbian, gay, bisexual, transgender and intersex persons, to be fully respected for their sexual orientation, gender identity and intersex status. Criminalization of sex between consenting adults of the same gender or the expression of one's gender identity is a clear violation of human rights. Likewise, regulations requiring that lesbian, gay, bisexual transgender and intersex persons be treated as mental or psychiatric patients, or requiring that they be "cured" by so-called "treatment", are a clear violation of their right to sexual and reproductive health. State parties also have an obligation to combat homophobia and transphobia, which lead to discrimination, including violation of the right to sexual and reproductive health.
30. Individuals belonging to particular groups may be disproportionately affected by intersectional discrimination in the context of sexual and reproductive health. As identified by the Committee, groups such as, but not limited to, poor women, persons with disabilities, migrants, indigenous or other ethnic minorities, adolescents, lesbian, gay, bisexual, transgender and intersex persons, and people living with HIV/AIDS are more likely to experience multiple discrimination. Trafficked and sexually exploited women, girls and boys are subject to violence, coercion and discrimination in their everyday lives, with their sexual and reproductive health at great risk. Also, women and girls living in conflict situations are disproportionately exposed to a high risk of violation of their rights, including through systematic rape, sexual slavery, forced pregnancy and forced sterilization. Measures to guarantee non-discrimination and substantive equality should be cognizant of and seek to overcome the often exacerbated impact that intersectional discrimination has on the realization of the right to sexual and reproductive health.
40. The obligation to respect requires States to refrain from directly or indirectly interfering with the exercise by individuals of the right to sexual and reproductive health. States must not limit or deny anyone access to sexual and reproductive health, including through laws criminalising sexual and reproductive health services and information, while confidentiality of health data should be maintained. States must reform laws that impede the exercise of the right to sexual and reproductive health. Examples include laws criminalising abortion, non-disclosure of HIV status, exposure to and transmission of HIV, consensual sexual activities between adults, and transgender identity or expression.

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<sup>319</sup> Council of Europe Commissioner for Human Rights, "Human rights and intersex people", issue paper (2015).

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59. Violations of the obligation to protect occur when a State fails to take effective steps to prevent third parties from undermining the enjoyment of the right to sexual and reproductive health. This includes the failure to prohibit and take measures to prevent all forms of violence and coercion committed by private individuals and entities, including domestic violence, rape (including marital rape), sexual assault, abuse and harassment, including during conflict, post-conflict and transition situations; violence targeting lesbian, gay, bisexual, transgender and intersex persons or women seeking abortion or post-abortion care; harmful practices such as female genital mutilation, child and forced marriage, forced sterilization, forced abortion and forced pregnancy; and medically unnecessary, irreversible and involuntary surgery and treatment performed on intersex infants or children.

#### General Comment No. 23 (2016) on the right to just and favourable conditions of work (article 7 of the International Covenant on Economic, Social and Cultural Rights)<sup>320</sup>

Keywords: *LGBTI; SOGI, SOGI; access to justice, anti-discrimination legislation, consultation, criminalisation (decriminalisation), decision-making process, discrimination, employment, GC/GR, harassment, intersectionality, legislation, policy, prevention, professional groups, remedy, reparation, trainings, women*

11. Not only should workers receive equal remuneration when they perform the same or similar jobs, but their remuneration should also be equal even when their work is completely different but nonetheless of equal value when assessed by objective criteria. This requirement goes beyond only wages or pay to include other payments or benefits paid directly or indirectly to workers. Although equality between men and women is particularly important in this context and even merits a specific reference in article 7 (a) (i), the Committee reiterates that equality applies to all workers without distinction based on race, ethnicity, nationality, migration or health status, disability, age, sexual orientation, gender identity or any other ground.

31. All workers have the right to equal opportunity for promotion through fair, merit-based and transparent processes that respect human rights. The applicable criteria of seniority and competence should also include an assessment of individual circumstances, as well as the different roles and experiences of men and women, in order to ensure equal opportunities for all. There should be no place for irrelevant criteria such as personal preference or family, political and social links. Similarly, workers must have the opportunity for promotion free from reprisals related to trade union or political activity. The reference to equal opportunity requires that hiring, promotion and termination not be discriminatory. This is highly relevant for women and other workers, such as workers with disabilities, workers from certain ethnic, national and other minorities, lesbian, gay, bisexual, transgender and intersex workers, older workers and indigenous workers.

48. All workers should be free from physical and mental harassment, including sexual harassment. Legislation, such as anti-discrimination laws, the penal code and labour legislation, should define harassment broadly, with explicit reference to sexual and other forms of harassment, such as on the basis of sex, disability, race, sexual

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<sup>320</sup> [E/C.12/GC/23](#).

### III. General Comments

orientation, gender identity and intersex status. A specific definition of sexual harassment in the workplace is appropriate, and legislation should criminalize and punish sexual harassment as appropriate. A national policy to be applied in the workplace, in both the public and private sectors, should include at least the following elements: (a) explicit coverage of harassment by and against any worker; (b) prohibition of certain acts that constitute harassment, including sexual harassment; (c) identification of specific duties of employers, managers, supervisors and workers to prevent and, where relevant, resolve and remedy harassment cases; (d) access to justice for victims, including through free legal aid; (e) compulsory training for all staff, including for managers and supervisors; (f) protection of victims, including the provision of focal points to assist them, as well as avenues of complaint and redress; (g) explicit prohibition of reprisals; (h) procedures for notification and reporting to a central public authority of claims of sexual harassment and their resolution; (i) provision of a clearly visible workplace-specific policy, developed in consultation with workers, employers and their representative organizations, and other relevant stakeholders such as civil society organizations.

56. The Committee underlines the importance of consultation in formulating, implementing, reviewing and monitoring laws and policies related to the right to just and favourable conditions of work, not only with traditional social partners such as workers and employers and their representative organizations, but also with other relevant organizations, such as those representing persons with disabilities, younger and older persons, women, workers in the informal economy, migrants and lesbian, gay, bisexual, transgender and intersex persons, as well as representatives of ethnic groups and indigenous communities.
65. States parties have a core obligation to ensure the satisfaction of, at the very least, minimum essential levels of the right to just and favourable conditions of work. Specifically, this requires States parties to:
- (a) Guarantee through law the exercise of the right without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability, age, sexual orientation, gender identity, intersex status, health, nationality or any other status; [...]

## 2. Committee on the Rights of the Child

General Comment No. 20 (2016) on the implementation of the rights of the child during adolescence<sup>321</sup>

Keywords: *I, LGBT, LGBTI; GI, SO, SOGI; adolescents, awareness-raising campaign, bullying, children, criminalisation (decriminalisation), consultation, conversion therapy, decision-making process, discrimination, education, family, FOE/FOAA, free and informed consent, GC/GR, hate speech, health, HIV/AIDS, housing, internet, killings, legislation, measures, prevention, privacy, professional groups, protected grounds, service provision, sexual violence, SRHR, stigmatisation, suicide, support services, surgical/medical intervention, trainings, violence*

### **Lesbian, gay, bisexual, transgender and intersex adolescents**

33. Adolescents who are lesbian, gay, bisexual, transgender and intersex commonly face persecution, including abuse and violence, stigmatization, discrimination, bullying, exclusion from education and training, as well as a lack of family and social support, or access to sexual and reproductive health services and information. In extreme cases, they face sexual assault, rape and even death. These experiences have been linked to low self-esteem, higher rates of depression, suicide and homelessness.
34. The Committee emphasizes the rights of all adolescents to freedom of expression and respect for their physical and psychological integrity, gender identity and emerging autonomy. It condemns the imposition of so-called “treatments” to try to change sexual orientation and forced surgeries or treatments on intersex adolescents. It urges States to eliminate such practices, repeal all laws criminalizing or otherwise discriminating against individuals on the basis of their sexual orientation, gender identity or intersex status and adopt laws prohibiting discrimination on those grounds. States should also take effective action to protect all lesbian, gay, bisexual, transgender and intersex adolescents from all forms of violence, discrimination or bullying by raising public awareness and implementing safety and support measures.
48. The digital environment can also expose adolescents to risks, such as online fraud, violence and hate speech, sexist speech against girls and lesbian, gay, bisexual, transgender and intersex adolescents, cyberbullying, grooming for sexual exploitation, trafficking and child pornography, over-sexualization and targeting by armed or extremist groups. This should not however restrict adolescents’ access to the digital environment. Instead, their safety should be promoted through holistic strategies, including digital literacy with regard to online risks and strategies for keeping them safe, strengthened legislation and law enforcement mechanisms to tackle abuse online and fight impunity, and training parents and professionals who work with children. States are urged to ensure the active engagement of adolescents in the design and implementation of initiatives aimed at fostering online safety, including through peer mentoring. Investment is needed in the development of technological solutions on prevention and protection and the availability of assistance and support. States are

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<sup>321</sup> [CRC/C/GC/20](#).

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encouraged to require businesses to undertake child-rights due diligence with a view to identifying, preventing and mitigating the impact of risks on children's rights when using digital media and information and communications technology.

60. There should be no barriers to commodities, information and counselling on sexual and reproductive health and rights, such as requirements for third-party consent or authorization. In addition, particular efforts need to be made to overcome barriers of stigma and fear experienced by, for example, adolescent girls, girls with disabilities and lesbian, gay, bisexual, transgender and intersex adolescents, in gaining access to such services. The Committee urges States to decriminalize abortion to ensure that girls have access to safe abortion and post-abortion services, review legislation with a view to guaranteeing the best interests of pregnant adolescents and ensure that their views are always heard and respected in abortion-related decisions.
62. Adolescents are the only age group in which death due to AIDS is increasing. Adolescents may face challenges in gaining access to antiretroviral treatment and remaining in treatment; the need to gain the consent of guardians in order to access HIV-related services, disclosure and stigma are some barriers. Adolescent girls are disproportionately affected, representing two thirds of new infections. Lesbian, gay, bisexual and transgender adolescents, adolescents who exchange sex for money, goods or favours and adolescents who inject drugs are also at a higher risk of HIV infection.
70. The Committee notes with concern the numbers of adolescents in marginalized situations who are not given the opportunity to make the transition to secondary education, such as adolescents living in poverty; lesbian, gay, bisexual, transgender and intersex adolescents; adolescents belonging to minorities; adolescents with psychosocial, sensory or physical disabilities; adolescents who are migrating; adolescents in situations of armed conflict or natural disasters; and adolescents in street situations or working. Proactive measures are necessary to end discrimination of marginalized groups in gaining access to education, including by establishing cash transfer programmes, respecting minority and indigenous cultures and children from all religious communities, promoting inclusive education for children with disabilities, combating bullying and discriminatory attitudes within the education system and providing education in refugee camps.

### 3. Committee on the Rights of Persons with Disabilities

#### General comment No. 3 (2016) Article 6: Women and girls with disabilities<sup>322</sup>

Keywords: *I, LGBTI; SOGI; children, decision-making process, discrimination, family, free and informed consent, GC/GR, health, IGM, intersectionality, professional groups, protected grounds, SRHR, sterilisation, support services, surgical/medical intervention, torture/ill-treatment, violence, women*

4. Terminology used in this general comment includes:
  - a. 'Women with disabilities' refers to all adult women, girls and adolescents.
  - b. Sex and gender: Where sex refers to biological differences and gender refers to the characteristics that a society or culture delineates as masculine or feminine.
  - c. Multiple discrimination is a situation where a person can experience discrimination on two or several grounds, in the sense that discrimination is compounded or aggravated<sup>323</sup>. Intersectional discrimination refers to a situation where several grounds operate and interact with each other at the same time in such a way that they are inseparable<sup>324</sup>. Grounds for discrimination include, but are not limited to: age, disability, ethnic, indigenous, national or social origin, gender identity, political or other opinion, race, refugee, migrant or asylum status, religion, sex, or sexual orientation.
5. Women with disabilities are not a homogenous group. They include: indigenous women; refugee, migrant, asylum seeker and internally displaced women; women in detention (hospitals, residential institutions, juvenile or correctional facilities and prisons); women living in poverty; women from different ethnic, religious and racial backgrounds; women with multiple disabilities and high levels of support; women with albinism; and lesbian, bisexual, transgender women, and intersex persons. The diversity of women with disabilities also includes all types of impairments which is understood as physical, psychosocial, intellectual or sensory conditions which may or may not come with functional limitations. Disability is understood as the social effect of the interaction between individual impairment and the social and material environment, as described in article 1.
32. Certain forms of violence, exploitation or abuse may be considered as cruel, inhuman, degrading treatment or punishment and breaches a number of international human rights treaties. Among these are forced, coerced and otherwise involuntary pregnancy or sterilisation<sup>325</sup>; as well as any other medical procedure or intervention performed without free and informed consent, including those related to contraception and abortion; the invasive and irreversible surgical practises including psychosurgery, female genital mutilation or surgery or treatment performed on intersex children

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<sup>322</sup> [CRPD/C/GC/3](#).

<sup>323</sup> CEDAW General recommendation No. 25, on article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on temporary special measures para. 12.

<sup>324</sup> CEDAW/C/2010/47/GC.2, para. 18.

<sup>325</sup> CRPD/C/MEX/CO/1, para. 37.

### III. General Comments

without their informed consent; the administration of electroshocks, chemical, physical or mechanical restraints; isolation or seclusion.

44. In practice, the choices of women with disabilities, especially women with psychosocial or intellectual disabilities are often ignored, their decisions are often substituted by third parties, including legal representatives, service providers, guardians and family members, thus violating their rights under article 12<sup>326</sup>. All women with disabilities must be able to exercise their legal capacity by taking their own decisions, with support when desired with regard to medical and/or therapeutic treatment, including decisions on: retaining their fertility, reproductive autonomy, their right to choose the number and spacing of children, to consent and accept a statement of fatherhood, and the right to establish relationships. Restricting or removing legal capacity can facilitate forced interventions, such as: sterilisation, abortion, contraception, female genital mutilation, or surgery, or treatment performed on intersex children without their informed consent and forced detention in institutions.

#### General comment No. 4 (2016) Article 24: Right to inclusive education<sup>327</sup>

Keywords: *SO; discrimination, education, family, GC/GR, intersectionality, legislation, measures*

13. Consistent with the UNESCO Convention against Discrimination in Education, paragraph 1 affirms that the right to education must be assured without discrimination and on the basis of equality of opportunity. States parties must prohibit all discrimination on the basis of disability and guarantee to all persons with disabilities equal and effective protection against discrimination on all grounds. Persons with disabilities can experience intersectional discrimination based on disability, gender, religion, legal status, ethnic origin, age, sexual orientation or language. Additionally, parents, siblings, and other relatives can also experience discrimination on grounds of disability by association. The measures needed to address all forms of discrimination include identifying and removing legal, physical, communication and language, social, financial and attitudinal barriers within the educational institutions and the community. The right to non-discrimination includes the right not to be segregated and to be provided with reasonable accommodation and must be understood in the context of the duty to provide accessible learning environments and reasonable accommodation.

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<sup>326</sup> See World Health Organization: Eliminating forced, coercive and otherwise involuntary sterilization. An interagency statement OHCHR, UN Women, UNAIDS, UNDP, UNFPA, UNICEF and WHO (2014).

<sup>327</sup> [CRPD/C/GC/4](#).

**IV. Lists of Issues and Concluding Observations**

## 1. Committee on Economic, Social and Cultural Rights

**Costa Rica** – List of Issues – 57<sup>th</sup> PSWG, 22 March 2016, 5<sup>th</sup> review<sup>328</sup>

Keywords: *SOGI; discrimination, measures*

### **Article 2, paragraph 2: non-discrimination**

8. Please provide information on the impact of the measures taken to combat discrimination against persons with disabilities, persons with HIV/AIDS and discrimination on the grounds of gender identity and/or sexual orientation, particularly with respect to the exercise of economic, social and cultural rights.

**Costa Rica** – Concluding Observations – 59<sup>th</sup> session, 19–20 September 2016, 5<sup>th</sup> review<sup>329</sup>

Keywords: *LGBTI, T; SOGI; discrimination, education, employment, family, health, legislation, LGR, measures, policy, same-sex couples, service provision*

### **Discrimination on grounds of sexual orientation and gender identity**

20. While the Committee takes note of the various steps taken to combat discrimination on grounds of sexual orientation and gender identity, it is concerned that lesbian, gay, bisexual, transgender and intersex persons continue to experience discrimination. It is also concerned that the absence of legal recognition of their gender identity is a barrier to transgender persons having effective access to work, education and health services (art. 2).
21. **The Committee recommends that the State party adopt a policy that comprehensively addresses discrimination on grounds of sexual orientation and gender identity. The Committee also recommends that the State party take the necessary legislative and administrative measures to recognize the rights of same-sex couples and to ensure that transgender persons have effective access to economic, social and cultural rights.**

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<sup>328</sup> 5<sup>th</sup> reporting cycle, [E/C.12/CRI/Q/5](#).

<sup>329</sup> 5<sup>th</sup> reporting cycle, [E/C.12/CRI/CO/5](#).

**Dominican Republic** – List of Issues – 57<sup>th</sup> PSWG, 22 March 2016, 4<sup>th</sup> review<sup>330</sup>

Keywords: *SOGI; discrimination, measures*

**Article 2, paragraph 2: non-discrimination**

9. Please provide information on the impact of the measures taken by the State party to combat discrimination against persons with disabilities and persons living with HIV/AIDS, as well as discrimination on the grounds of gender identity and/or sexual orientation, particularly with respect to the exercise of economic, social and cultural rights.

**Dominican Republic** – Concluding Observations – 59<sup>th</sup> session, 27–28 September 2016, 4<sup>th</sup> review<sup>331</sup>

Keywords: *LGBT, T; SOGI; discrimination, law enforcement officials, legislation, police misconduct, policy, violence, women*

**Discrimination on grounds of sexual orientation and gender identity**

25. The Committee is concerned at the persistence of discrimination on the grounds of sexual orientation and gender identity, which prevents lesbian, gay, bisexual and transgender persons from effectively enjoying their economic, social and cultural rights. In particular, the Committee is concerned by the fact that transgender women are subjected to violence, including by law enforcement officials (art. 2).
26. **The Committee recommends that the State party adopt a policy that fully addresses discrimination on the grounds of sexual orientation and gender identity and that it remove any provision from its legal order that may have a discriminatory effect on the basis of sexual orientation or gender identity and may prevent the full enjoyment of economic, social and cultural rights by lesbian, gay, bisexual and transgender persons.**

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<sup>330</sup> 4<sup>th</sup> reporting cycle, [E/C.12/DOM/Q/4](#).

<sup>331</sup> 4<sup>th</sup> reporting cycle, [E/C.12/DOM/CO/4](#).

**Honduras – List of Issues – 56<sup>th</sup> PSWG, 4 November 2015, 2<sup>nd</sup> review<sup>332</sup>**

Keywords: *SOGI; anti-discrimination legislation, discrimination, education, employment, health, legislation, measures, service provision*

**Article 2, paragraph 2: Non-discrimination**

6. Please indicate whether the State party plans to adopt a comprehensive anti-discrimination law in line with article 2 of the Covenant. Please also provide further information about the measures adopted to combat discrimination, in particular discrimination against indigenous peoples, persons of African descent, persons with disabilities or persons with HIV/AIDS, and also discrimination based on gender identity and/or sexual orientation, with specific regard to the exercise of economic, social and cultural rights and especially in terms of access to employment, education and health services.

**Honduras – Concluding Observations – 58<sup>th</sup> session, 8–9 June 2016, 2<sup>nd</sup> review<sup>333</sup>**

Keywords: *LGBT; SOGI; access to justice, anti-discrimination legislation, awareness-raising campaign, discrimination, GC/GR, legislation, measures, prevention, protected grounds, reparation*

**Discrimination**

21. The Committee is concerned that the State party does not yet have a comprehensive anti-discrimination framework reflecting all the criteria stipulated in the Covenant. It is further concerned by the lack of comprehensive and effective measures for fighting discrimination against indigenous peoples, Hondurans of African descent and persons living with HIV/AIDS and discrimination on grounds of sexual orientation or gender identity (art. 2).
22. **The Committee recommends that the State party expedite the adoption of comprehensive anti-discrimination legislation that ensures adequate protection against discrimination consistent with article 2 of the Covenant, bearing in mind as well the Committee's general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights, and that in particular it should:**
  - (a) **Explicitly include all the prohibited grounds for discrimination listed in article 2 of the Covenant and in the Committee's general comment No. 20 (2009);**
  - (b) **Eliminate from its domestic legal order any provision that might be discriminatory on grounds of sexual orientation or gender identity or impede the full enjoyment of economic, social and cultural rights by lesbian, gay, bisexual or transgender persons;**
  - (c) **Define direct and indirect discrimination in a manner that is consistent with its obligations under the Covenant;**
  - (d) **Prohibit discrimination in both the public and the private spheres;**

<sup>332</sup> 2<sup>nd</sup> reporting cycle, [E/C.12/HND/Q/2](#).

<sup>333</sup> 2<sup>nd</sup> reporting cycle, [E/C.12/HND/CO/2](#).

#### IV. List of Issues and Concluding Observations – CESCR

**(e) Implement effective legal and administrative arrangements to provide protection against discrimination, including by establishing provisions that allow for reparation in cases of discrimination;**

**(f) Take all steps necessary to prevent and combat ongoing discrimination against all disadvantaged or marginalized persons or groups, including through awareness campaigns, so that those persons and groups may fully exercise their Covenant rights.**

**Kenya – List of Issues – 56<sup>th</sup> PSWG, 4 November 2015, 2<sup>nd</sup>–5<sup>th</sup> review<sup>334</sup>**

Keywords: *SOGI; awareness-raising campaign, criminalisation (decriminalisation), discrimination, measures, prevention*

**Article 2 (2) – Non-discrimination**

12. Please provide information on the measures taken to raise awareness of, prevent and combat discrimination based on sexual orientation and gender identity. Please also provide information on the measures contemplated to decriminalize same-sex relations between consenting adults.

**Kenya – Concluding Observations – 57<sup>th</sup> session, 25–26 March 2016, 2<sup>nd</sup>–5<sup>th</sup> review<sup>335</sup>**

Keywords: *LGBTI; SOGI; criminalisation (decriminalisation), discrimination, health, measures, stigmatisation, service provision*

**Lesbian, gay, bisexual, transgender and intersex persons**

21. The Committee is concerned that sexual relations between consenting adults of the same sex are criminalized in the Penal Code and that lesbian, gay, bisexual, transgender and intersex persons are stigmatized and socially excluded, as well as discriminated in gaining access to social services, particularly health-care services (art. 2 (2)).
22. **The Committee calls upon the State party to decriminalize sexual relations between consenting adults of the same sex. It also recommends that the State party take the steps necessary to put an end to the social stigmatization of homosexuality and ensure that no one is discriminated in accessing health care and other social services owing to their sexual orientation or gender identity.**

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<sup>334</sup> 5<sup>th</sup> reporting cycle, [E/C.12/KEN/Q/2-5](#).

<sup>335</sup> 5<sup>th</sup> reporting cycle, [E/C.12/KEN/CO/2-5](#).

**Lebanon** – List of Issues – 57<sup>th</sup> PSWG, 24 March 2016, 2<sup>nd</sup> review<sup>336</sup>

Keywords: *LGBT; discrimination, measures, prevention, stigmatisation*

**Article 2 (2) – Non-discrimination**

8. Please provide information on steps taken, and their impact, to combat and prevent stigma and discrimination against marginalized individuals and groups, including persons living with or affected by HIV and AIDS, persons with disabilities, lesbian, gay, bisexual and transgender persons, and refugees and migrants.

**Lebanon** – Concluding Observations – 59<sup>th</sup> session, 26–27 September 2016, 2<sup>nd</sup> review<sup>337</sup>

Keywords: *LGBTI; access to justice, anti-discrimination legislation, awareness-raising campaign, discrimination, remedy, stigmatisation, TSM*

**Discrimination**

18. The Committee is concerned at discrimination experienced by marginalized groups. The Committee is also concerned at the lack of effective remedies, legal or otherwise, available to victims of discrimination (art. 2 (2)).
19. **The Committee recommends that the State party:**
  - a) **Adopt a comprehensive legal framework for combating discrimination that prohibits both direct and indirect discrimination and provides for temporary special measures;**
  - b) **Enshrine in the Constitution the principle of non-discrimination on the full list of grounds specified in article 2 (2) of the Covenant;**
  - c) **Conduct campaigns to combat prejudice and stigma against members of marginalized groups, such as persons with disabilities, persons living with HIV, lesbian, gay, bisexual, transgender and intersex persons and refugees; and**
  - d) **Establish mechanisms to ensure that victims of discrimination can seek effective remedies.**

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<sup>336</sup> 5<sup>th</sup> reporting cycle, [E/C.12/LBN/Q/2](#).

<sup>337</sup> 2<sup>nd</sup> reporting cycle, [E/C.12/LBN/CO/2](#).

**Namibia** – List of Issues – 56<sup>th</sup> PSWG, 9 November 2015, initial review<sup>338</sup>

Keywords: *LGBTI; anti-discrimination legislation, discrimination, education, employment, housing, health, legislation, measures, prevention*

**Article 2 (2) – Non-discrimination**

4. Please indicate whether the State party intends to adopt comprehensive anti-discrimination legislation. Please also indicate what measures have been taken to combat and prevent discrimination against indigenous peoples, persons with albinism, persons with disabilities and lesbian, gay, bisexual, transgender and intersex persons, in particular with respect to the right to education, health, employment and housing.

Keywords: *LGBTI; employment, measures*

**Article 6 – Right to work**

7. Please provide updated information on unemployment in the State party, disaggregated by sex, age and geographic location. Please also provide information on the measures taken to combat unemployment among the groups most vulnerable to unemployment, including women, persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons and young people. Please also report on the impact of measures aimed at reducing unemployment, including additional information on the projects mentioned in paragraph 154 of the report (E/C.12/NAM/1), and the budget allocated to them.

**Namibia** – Concluding Observations – 57<sup>th</sup> session, 23–24 March 2016, initial review<sup>339</sup>

Keywords: *SO; anti-discrimination legislation, criminalisation (decriminalisation), discrimination, legislation, protected grounds, remedy, TSM*

**Non-discrimination**

21. The Committee notes with concern that the State party, in its Constitution, prohibits discrimination based on only a limited number of grounds. The Committee is also concerned at the lack of comprehensive legislation that addresses discrimination in all economic, social and cultural rights as, for instance, affirmative actions are permitted only in areas such as employment and land allocation. Moreover, the Committee is concerned that discriminatory provisions are still enforced in the State party, such as the criminalization of sexual relations between consenting adult men (art. 2 (2)).

**22. The Committee recommends that the State party:**

- (a) **Expand the grounds for discrimination prohibited in the Constitution to include, among others, marital status, political or other opinion, HIV status, disability, sexual orientation, language, property and birth;**

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<sup>338</sup> 1<sup>st</sup> reporting cycle, [E/C.12/NAM/Q/1](#).

<sup>339</sup> 1<sup>st</sup> reporting cycle, [E/C.12/NAM/CO/1](#).

- (b) Adopt comprehensive anti-discrimination legislation that prohibits both direct and indirect discrimination and provides for the possibility of temporary special measures and remedies for victims;**
- (c) Abrogate all discriminatory legal provisions and, in that regard, decriminalize sexual relations between consenting individuals of the same sex.**

**New Zealand** – List of Issues prior to reporting – 57<sup>th</sup> session, 12 April 2016, 4<sup>th</sup> review<sup>340</sup>

Keywords: *T; measures, violence*

**A. Issues of particular relevance**

4. Please provide an assessment of how measures to combat different types of violence for groups such as women and girls, persons with disabilities, children and transgender persons have been effective.

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<sup>340</sup> 4<sup>th</sup> reporting cycle, [E/C.12/NZL/QPR/4](#).

**Philippines** – List of Issues – 57<sup>th</sup> PSWG, 27 April 2016, 5<sup>th</sup>–6<sup>th</sup> review<sup>341</sup>

Keywords: *LGBT; anti-discrimination legislation, arrest, criminalisation (decriminalisation), discrimination, legislation, prosecution*

**Article 2 (2) – Non-discrimination**

9. Please provide information on the steps taken to expedite the adoption of a comprehensive anti-discrimination law. Please also provide information on the steps taken to review existing provisions that may result in discrimination in the enjoyment of economic, social and cultural rights of certain individuals and groups: specifically, does the Philippines intend to re-examine section 29(a)(2) of the Immigration Act, which allows the prohibition of entry or expulsion of migrant workers on the grounds of health status (an infection or illness) and pregnancy; sections 269 and 272(b) of the Labour Code, restricting the trade union rights of migrant workers; and article 200 of the Revised Penal Code, making lesbian, gay, bisexual and transgender persons subject to arrest and prosecution by means of the “grave scandal” provision?

**Philippines** – Concluding Observations – 59<sup>th</sup> session, 28–29 September 2016, 5<sup>th</sup>–6<sup>th</sup> review<sup>342</sup>

Keywords: *LGBTI; anti-discrimination legislation, court, criminalisation (decriminalisation), discrimination, GC/GR, intersectionality, legislation, measures, remedy*

**Non-discrimination**

19. The Committee is concerned at the delay in adopting a comprehensive anti-discrimination law, as proposed in the Senate Bill No. 2475, which is awaiting adoption since 2014. It is also concerned at the discriminatory provisions in the existing laws, including Section 29(a) of the Immigration Act and Sections 269 and 272(b) of the Labour Code, as well as at the discriminatory application of law, such as article 200 of the Revised Penal Code against lesbian, gay, bisexual, transgender and intersex persons (art. 2(2)).
20. **The Committee recommends that the State party review its legislation with a view to removing all discriminatory provisions and take measures necessary to ensure that laws are not applied in a discriminatory manner. It urges the State party to expedite the adoption of a comprehensive anti-discrimination law prohibiting, in line with its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights, all direct, indirect and multiple forms of discrimination on any grounds and providing for effective remedies for victims of discrimination, including within judicial and administrative proceedings.**

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<sup>341</sup> 6<sup>th</sup> reporting cycle, [E/C.12/PHL/Q/5-6](#).

<sup>342</sup> 6<sup>th</sup> reporting cycle, [E/C.12/PHL/CO/5-6](#).

**Poland** – List of Issues – 57<sup>th</sup> PSWG, 26 April 2016, 6<sup>th</sup> review<sup>343</sup>

Keywords: *SOGI; access to justice, anti-discrimination legislation, court, data collection, discrimination, education, employment, health, jurisprudence, legislation, protected grounds*

**Article 2 (2) – Non-discrimination**

5. Please clarify whether the Equal Treatment Act has been amended to ensure comprehensive protection against discrimination on all the grounds prohibited under the Covenant, including colour, social origin, sexual orientation and gender identity, and in such areas as employment, education and health care. Please also provide data on cases of discrimination in relation to the enjoyment of economic, social and cultural rights examined by domestic courts, and their outcome.

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<sup>343</sup> 6<sup>th</sup> reporting cycle, [E/C.12/POL/Q/6](#).

**Sri Lanka** – List of Issues – 59<sup>th</sup> PSWG, 7 November 2016, 5<sup>th</sup> review<sup>344</sup>

Keywords: *LGBTI; discrimination, legislation, measures, policy*

**Article 2 (2) – Non-discrimination**

9. Please provide information on the measures taken by the State party to repeal all legal and regulatory provisions that discriminate or have discriminatory effects on lesbian, gay, bisexual, transgender and intersex persons, and on policies adopted to protect them against discrimination.

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<sup>344</sup> 5<sup>th</sup> reporting cycle, [E/C.12/LKA/Q/5](#).

**Sweden** – List of Issues – 56<sup>th</sup> PSWG, 14 November 2015, 6<sup>th</sup> review<sup>345</sup>

Keywords: *action plan, domestic violence, measures, partnership, same-sex couples, violence*

**Article 10 – Protection of the family, mothers and children**

19. Please provide more information on “honour”-based crimes against women and girls and the impact of measures taken to combat the incidence of such crimes, including the action plan to combat men’s violence against women, violence and oppression in the name of honour and violence in same-sex relations.

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<sup>345</sup> 6<sup>th</sup> reporting cycle, [E/C.12/SWE/Q/6](#).

**The former Yugoslav Republic of Macedonia – Concluding Observations – 58<sup>th</sup> session, 13–14 June 2016, 2<sup>nd</sup>–4<sup>th</sup> review<sup>346</sup>**

*Keywords: LGBTI; SOGI; access to justice, anti-discrimination legislation, awareness-raising campaign, bullying, discrimination, education, GC/GR, investigation, law enforcement officials, legislation, marriage, measures, medical professionals, family, partnership, prevention, professional groups, prosecution, protected grounds, same-sex couples, stereotypes, stigmatisation, trainings, violence*

**Lesbian, gay, bisexual, transgender and intersex persons**

25. The Committee is concerned that the Law on the Prevention of and Protection against Discrimination does not include sexual orientation or gender identity as prohibited grounds of discrimination and that article 14 (6) of the Law maintains discrimination between opposite-sex unions, for which the concept of “family” is reserved, and same-sex unions. It is also concerned that university textbooks convey negative stereotypes of lesbian, gay, bisexual, transgender and intersex persons. It is further concerned that such persons are bullied, physically attacked, socially stigmatized and discriminated against and that law enforcement officials do not always take action in cases of violence against them (art. 2 (2)).
26. **The Committee recommends that the State party take all measures necessary to ensure that discrimination based on sexual orientation or gender identity is explicitly prohibited in anti-discrimination legislation and that same-sex couples have access to advantages now reserved for married couples; eradicate negative stereotypes about and stigmatization of lesbian, gay, bisexual, transgender and intersex persons, including by revising textbooks and conducting awareness-raising campaigns for the public, health-care providers, social workers and law enforcement and other public officials; and ensure prompt, impartial and effective investigation and prosecution of cases of violence against lesbian, gay, bisexual, transgender and intersex persons. The Committee draws the attention of the State party to its general comments No. 20 (2009) on non-discrimination and No. 22 (2016) on sexual and reproductive health, in particular paragraph 23.**

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<sup>346</sup> 4<sup>th</sup> reporting cycle, [E/C.12/MKD/CO/2-4](#).

**Tunisia – List of Issues – 57<sup>th</sup> PSWG, 31 March 2016, 3<sup>rd</sup> review<sup>347</sup>**

Keywords: *SO; awareness-raising campaign, criminalisation (decriminalisation), discrimination, measures, prevention*

**Article 2 (2) – Non-discrimination**

11. Specify what steps have been taken to decriminalize homosexual practices and to prevent any discrimination based on sexual orientation in the exercise of economic, social and cultural rights, including awareness campaigns aimed at preventing any de facto discrimination.

**Tunisia – Concluding Observations – 59<sup>th</sup> session, 22–23 September 2016, 3<sup>rd</sup> review<sup>348</sup>**

Keywords: *LGBTI, SM; SOGI; criminalisation (decriminalisation), discrimination, FOE/FOAA, law enforcement officials, legislation, privacy, trainings*

**Discriminations basées sur l'orientation sexuelle et l'identité de genre**

24. Bien que la Constitution consacre le droit à la vie privée et la liberté d'expression, de pensée et d'opinion, le Comité note avec inquiétude que la discrimination envers les lesbiennes, gays, bisexuels, transgenres ou intersexués (LGBTI) persiste dans la loi et la pratique. Le Comité relève avec préoccupation que les relations consenties entre personnes du même sexe sont incriminées par l'article 230 du Code pénal sous l'appellation de sodomie, et que l'article 226 du Code pénal réprimant l'outrage public à la pudeur est régulièrement prétexte au harcèlement des minorités sexuelles (art. 2, para. 2).
25. **Le Comité recommande à l'Etat partie d'abroger sans délai l'article 230 du Code pénal, et de former les agents responsables de l'application des lois à la nécessité de respecter la diversité des orientations sexuelles et les identités de genre.**

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<sup>347</sup> 3<sup>rd</sup> reporting cycle, [E/C.12/TUN/Q/3](#).

<sup>348</sup> 3<sup>rd</sup> reporting cycle, [E/C.12/TUN/CO/3](#).

**Uruguay** – List of Issues – 59<sup>th</sup> PSWG, 7 November 2016, 5<sup>th</sup> review<sup>349</sup>

Keywords: *SOGI; data collection, discrimination, education, employment, health, measures, service provision, SRHR*

**Article 2 (2) – Non-discrimination**

7. Please provide information and statistical data on the impact taken to combat discrimination against persons with disabilities. Please also provide information on the impact of measures taken to combat discrimination on the grounds of sexual orientation and/or gender identity, particularly with respect to access to employment, education and health services, including sexual and reproductive health services.

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<sup>349</sup> 5<sup>th</sup> reporting cycle, [E/C.12/URY/Q/5](#).

## 2. Human Rights Committee

**Argentina** – List of Issues Prior to Reporting – 110th session, 28 April 2014, 5th review<sup>350</sup>

Keywords: *SOGI; discrimination, measures*

### **Equality and non-discrimination (arts. 2 and 26)**

5. Please describe the measures taken by the State party to address: (a) wage disparities between men and women and the occupational segregation of women in low-paid jobs in the public and private sectors; and (b) discrimination against persons with disabilities, particularly in the workplace, against migrants and against persons based on their sexual orientation or gender identity.

**Argentina** – Concluding Observations – 117<sup>th</sup> session, 29–30 June 2016, 5<sup>th</sup> review<sup>351</sup>

Keywords: *T; GI; employment, legislation, LGR, TSM*

### **B. Positive aspects**

3. The Committee welcomes the following legislative and other measures taken by the State party: [...]
  - (b) The adoption of the Gender Identity Act (Act No. 26.743) in 2012;
  - (c) The adoption of the Hiring Quota Act for Transvestites, Transsexuals and Transgender Persons of the Province of Buenos Aires (Act No. 14.783) in 2015;

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<sup>350</sup> 5<sup>th</sup> reporting cycle, [CCPR/C/ARG/QPR/5](#).

<sup>351</sup> 5<sup>th</sup> reporting cycle, [CCPR/C/ARG/CO/5](#).

**Azerbaijan – List of Issues – 116<sup>th</sup> session, 26 April 2016, 6<sup>th</sup> review<sup>352</sup>**

Keywords: *LGBT; SOGI; access to justice, anti-discrimination legislation, court, detention, domestic violence, family, forced marriage, harassment, honour crimes, HRD, killings, law enforcement officials, legislation, measures, police, protected grounds, remedy, violence*

**Non-discrimination and prohibition of advocacy of national, racial or religious hatred (arts. 2, 3, 20 and 26)**

4. Please indicate whether the State party has taken any steps to adopt comprehensive anti-discrimination legislation that also includes disability, sexual orientation and gender identity as grounds of discrimination, addresses all spheres of life, and provides effective remedies in judicial and administrative proceedings. With reference to paragraph 359 of the report (CCPR/C/AZE/4), please provide detailed information on steps taken to prevent all forms of racial discrimination. Please describe measures taken to ensure the full inclusion of persons with disabilities in society and to eliminate discrimination against them, particularly against women with disabilities. Furthermore, please indicate whether the State party has put in place accessible awareness-raising programmes to inform persons with disabilities about their rights and how to claim them.
5. Please provide information on measures taken to eliminate discrimination, harassment and violence against lesbian, gay, bisexual and transgender persons and activists, including by police and prison officials. In this regard, please also describe measures taken to protect those persons against discrimination within their families, including by being disowned, expelled, subjected to violence and forced into marriage. Please also indicate whether there have been any killings in the name of so-called “honour” against lesbian, gay, bisexual and transgender persons.

Keywords: *SO; asylum-seekers/refugees*

**Refugees, asylum seekers, internally displaced persons and stateless persons (arts. 2, 7, 12, 24 and 26)**

15. [...] With reference to paragraph 220 of the State party’s report, please clarify whether a person who is a victim of domestic violence or who is persecuted because of his or her sexual orientation may also apply for asylum in the State party. [...]

**Azerbaijan – Concluding Observations – 118<sup>th</sup> session, 20–21 October 2016, 4<sup>th</sup> review<sup>353</sup>**

Keywords: *LGBT; SOGI; access to justice, anti-discrimination legislation, blackmailing, detention, discrimination, domestic violence, family, FOE/FOAA, harassment, hate crimes, hate speech, HRD, internet, investigation, law enforcement officials, legislation, measures, police misconduct, prosecution, protected grounds, punishment, violence*

**Discrimination on grounds of sexual orientation and gender identity**

8. The Committee is concerned that the existing anti-discrimination legal framework does not explicitly prohibit discrimination on the basis of sexual orientation and gender

<sup>352</sup> 4<sup>th</sup> reporting cycle, [CCPR/C/AZE/Q/4](#).

<sup>353</sup> 4<sup>th</sup> reporting cycle, [CCPR/C/AZE/CO/4](#).

identity. It is also concerned about impunity for reported acts of: (a) discrimination and violence against persons on the basis of their sexual orientation and gender identity, including within the family and by police and prison officials; (b) extortion of money from lesbian, gay, bisexual and transgender persons in some police stations in return for not disclosing their sexual orientation or gender identity; (c) hostility on social media targeting lesbian, gay, bisexual and transgender persons; and (d) violations of the rights of lesbian, gay, bisexual and transgender persons to freedom of expression and peaceful assembly (arts. 2, 19, 21 and 26).

9. **The State party should ensure that discrimination on the basis of sexual orientation and gender identity is included in its anti-discrimination legal framework, that adequate and effective protection against all forms of discrimination, hate speech or violence on the basis of sexual orientation or gender identity is afforded to persons both in law and in practice, that such cases are properly investigated and that perpetrators are held accountable. It should also take all measures necessary to guarantee in practice the effective enjoyment of the rights to freedom of expression and peaceful assembly of lesbian, gay, bisexual and transgender persons and to defenders of those rights.**

**Bangladesh** – List of Issues – 116<sup>th</sup> session, 3 May 2016, initial review<sup>354</sup>

Keywords: *criminalisation (decriminalisation), legislation*

**Non-discrimination and equality between men and women (arts. 2, 3 and 26)**

4. Please provide information on the measures taken to implement the legal prohibition of harmful traditional practices such as early marriage of girls and dowry practice, which are both prevalent in the country, and in particular initiatives to change the social perception of early marriage (see CCPR/C/BGD/1, para. 49). Please respond to the allegation that the Government is currently taking steps to decrease the minimum age of marriage from 18 to 16 years. Please clarify the status under domestic law of same-sex relationships between consenting adults and about the possibility in law to terminate a pregnancy with the consent of the woman (ibid., para. 46).

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<sup>354</sup> 1<sup>st</sup> reporting cycle, [CCPR/C/BGD/Q/1](#).

**Belgium** – List of Issues Prior to Reporting – 117<sup>th</sup> session, 29 July 2016, 6<sup>th</sup> review<sup>355</sup>

Keywords: *T; GIE, SOGI; anti-discrimination legislation, access to justice, discrimination, health, legislation, LGR, measures, prevention, protected grounds, psychiatric assessment, punishment, remedy, sterilisation, surgical/medical intervention*

**Non-discrimination and the rights of persons belonging to ethnic, religious, linguistic or sexual minorities (arts. 2, 20, 22 and 24–27)**

10. Please describe the measures adopted to prevent and punish discrimination based on gender identity and sexual orientation, and the remedies available to victims of such discrimination. Please indicate whether the State party plans to include gender expression and gender identity as explicit grounds of discrimination in the various anti-discrimination laws at the federal, regional and community levels. Please explain whether any steps have been taken to amend the Act of 10 May 2007 on transsexuality in order to abolish the requirement that transgender persons who wish to obtain legal recognition of their gender undergo a psychiatric assessment, sterilization and surgery.

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<sup>355</sup> 6<sup>th</sup> reporting cycle, [CCPR/C/BEL/QPR/6](#).

**Burkina Faso** – List of Issues – 115<sup>th</sup> session, 4 December 2015, initial review<sup>356</sup>

Keywords: *LGBT; SOGI; anti-discrimination legislation, data collection, discrimination, court, jurisprudence, legislation, measures, prevention, protected grounds, stigmatisation*

**Non-discrimination and equality between men and women (arts. 2, 3, 23, 25 and 26)**

5. Does the State party plan to adopt comprehensive legislation prohibiting discrimination and containing a comprehensive list of prohibited grounds for discrimination, including discrimination based on sexual orientation and gender identity? Please list any recent court rulings handed down to protect against discrimination in all areas, whether motivated by race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability, sexual orientation, gender identity or any other circumstance.
6. Please describe the measures taken by the State party to combat and prevent the stigmatization of and discrimination against (a) persons infected or affected by HIV/AIDS, (b) persons with disabilities and (c) the lesbian, gay, bisexual and transgender community.

**Burkina Faso** – Concluding Observations – 117<sup>th</sup> session, 28–29 June 2016, initial review<sup>357</sup>

Keywords: *LGBT; SOGI; anti-discrimination legislation, awareness-raising campaign, discrimination, hate speech, legislation, protected grounds, stereotypes, violence*

**Discrimination based on sexual orientation or gender identity**

13. The Committee is concerned about the stereotyping of lesbians, gays, bisexuals and transgender persons, and about reports of discriminatory acts and hate speech aimed at them, including by politicians. It also notes with concern the absence of legislation expressly prohibiting discrimination based on sexual orientation or gender identity (arts. 2 and 26).
14. **The State party should organize awareness campaigns and redouble its efforts to combat and condemn stereotyping, hate speech and violence in relation to homosexuality, bisexuality or transsexuality. It should also review its legislation to ensure that discrimination based on sexual orientation or gender identity is prohibited.**

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<sup>356</sup> 1<sup>st</sup> reporting cycle, [CCPR/C/BFA/Q/1](#).

<sup>357</sup> 1<sup>st</sup> reporting cycle, [CCPR/C/BFA/CO/1](#).

**Colombia** – List of Issues – 116<sup>th</sup> session, 26 April 2016, 7<sup>th</sup> review<sup>358</sup>

Keywords: *SOGI; awareness-raising campaign, discrimination, law enforcement officials, family, legislation, measures, police, prevention, prosecution, punishment, same-sex couples, stigmatisation, violence*

**Non-discrimination, equal rights for men and women (arts. 2, 3 and 26)**

7. Please provide further information on the nature and impact of measures taken, including awareness-raising campaigns carried out, to prevent and combat violence and discrimination based on sexual orientation or gender identity and to prosecute and punish those responsible, including when they are members of the police or the Armed Forces. Please inform the Committee of any progress made on the rights of same-sex couples and efforts to ensure that those rights are observed in practice.

Keywords: *SOGI; detention, measures*

**Treatment of persons deprived of their liberty (art. 10)**

20. With reference to the information provided by the State party in paragraphs 96 to 105 of its report and taking into consideration the Committee's previous recommendations (para. 21), please provide updated information on: [...]

(f) Measures taken, including the resources allocated, to guarantee the rights and meet the specific needs of minors, women, persons with diverse sexual orientations or gender identities and persons with psychosocial or intellectual disabilities who are deprived of their liberty, and the results of these measures.

**Colombia** – Concluding Observations – 118<sup>th</sup> session, 19–20 October 2016, 7<sup>th</sup> review<sup>359</sup>

Keywords: *LGBTI; access to justice, reparation, security*

**Internal armed conflict**

8. Although the Committee notes that peace negotiations with the Revolutionary Armed Forces of Colombia-People's Army (FARC-EP) have led to a considerable reduction in the impact of the armed conflict on the civilian population, it is concerned by reports that violations of the Covenant rights, including the arbitrary deprivation of life, enforced disappearances and torture, continued to be committed during the period under review. [...]

9. **The State party should continue and intensify its effort to prevent violations of Covenant rights and to give effect to the rights of victims of the armed conflict to truth, justice and full reparation. It should, in particular, ensure that: [...]**

(c) **Effective protection and care is afforded to the most vulnerable persons and communities, in particular women, children, older adults, persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons, Afro-Colombians and indigenous peoples.**

<sup>358</sup> 7<sup>th</sup> reporting cycle, [CCPR/C/COL/Q/7](#).

<sup>359</sup> 7<sup>th</sup> reporting cycle, [CCPR/C/COL/CO/7](#).

Keywords: *LGBTI; SOGI; access to justice, adoption, court, discrimination, hate crimes, investigation, jurisprudence, killings, law enforcement officials, marriage, measures, police misconduct, prevention, prosecution, punishment, reparation, same-sex couples, stereotypes, violence*

**Discrimination and violence based on sexual orientation or gender identity**

16. The Committee recognizes the efforts made by the State party to protect the rights of lesbian, gay, bisexual, transgender and intersex persons, including the decisions of the Constitutional Court that guarantee the rights of same-sex couples to enter into civil marriages and to adopt children, and its efforts to combat discrimination and violence directed at them. The Committee is concerned, however, by reports that such persons have been the target of acts of violence, including murder, and police misconduct because of their sexual orientation or gender identity (arts. 2, 6, 7 and 26).
17. **The State party should continue and step up its efforts to combat stereotypes regarding, and prejudice against, lesbian, gay, bisexual, transgender and intersex persons, and to ensure that acts of discrimination and violence directed against them are prevented, that acts of violence against them are investigated, that the persons who commit such acts stand trial and are punished, and that victims are provided with assistance and full reparation. It should also adopt stronger measures to prevent members of the security forces from committing acts of discrimination or violence and to punish them if they do so. The Committee recommends that the State party continue its efforts to uphold the rights of same-sex couples in practice.**

Keywords: *LGBTI; access to justice, follow-up, reparation, security*

**D. Dissemination and follow-up**

45. In accordance with rule 71 (5) of the Committee's rules of procedures, the State party should provide, within one year following the adoption of the present concluding observations, relevant information on its implementation on the Committee's recommendations made in paragraphs 9 (internal armed conflict), 29 (conditions of detention) and 39 (alleged act of intimidation, threats or attacks targeting human rights defenders, journalists, trade unionists, judicial officials, lawyers or social or human rights activists) above.

**Costa Rica – List of Issues – 114<sup>th</sup> session, 19 August 2015, 6<sup>th</sup> review<sup>360</sup>**

Keywords: *LGBT; SOGI; access to justice, awareness-raising campaign, anti-discrimination legislation, data collection, discrimination, health, HIV/AIDS, investigation, legislation, measures, prevention, prosecution, punishment, reparation, stigmatisation, violence*

**Non-discrimination, equal rights for men and women (arts. 2, 3 and 26)**

4. Please provide information on the measures adopted, including awareness-raising campaigns, and their impact, to prevent and provide effective protection against violence and discrimination based on sexual orientation or gender identity. Please specify whether legislative provisions are in place which explicitly prohibit discrimination based on sexual orientation or gender identity. Please provide information on the number of complaints received of acts of violence against members of the lesbian, gay, bisexual and transgender (LGBT) community, the corresponding investigations carried out and their outcomes, including the convictions handed down and the reparation measures granted to the victims.
7. Please provide detailed information on the legislative and administrative provisions adopted to enable all persons infected with HIV/AIDS to enjoy equal access to treatment, including members of the LGBT community, persons living subject to addiction and irregular migrants affected by HIV/AIDS. Furthermore, please indicate any other measures taken to end the stigmatization of and discrimination against persons infected with HIV/AIDS.

**Costa Rica – Concluding Observations – 116<sup>th</sup> session, 16–17 March 2016, 6<sup>th</sup> review<sup>361</sup>**

Keywords: *LGBTI; SOGI; access to justice, data collection, discrimination, harassment, hate crimes, investigation, measures, policy, prosecution, punishment, stigmatisation, violence*

**Discrimination on grounds of sexual orientation or gender identity**

11. The Committee notes the various steps taken to combat discrimination on grounds of sexual orientation and gender identity. It is nevertheless concerned at the lack of a policy that comprehensively addresses this type of discrimination. It is also concerned at reports of cases of abuse and violence, including by officials, against lesbian, gay, bisexual, transgender and intersex (LGBTI) persons and regrets that the State party did not provide any information on the relevant investigations (arts. 2, 7 and 26).
12. **The State party should take tangible steps to put an end to discrimination against and the social stigmatization of LGBTI persons in order to send an unequivocal message that no form of harassment, discrimination or violence on grounds of sexual orientation or gender identity will be tolerated. All cases of violence should be investigated and the perpetrators brought to justice and punished appropriately.**

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<sup>360</sup> 6<sup>th</sup> reporting cycle, [CCPR/C/CRI/Q/6](#).

<sup>361</sup> 6<sup>th</sup> reporting cycle, [CCPR/C/CRI/CO/6](#).

Keywords: *court, family, same-sex couples*

**Judicial independence**

31. The Committee is concerned by the information provided by the delegation about the disciplinary proceedings initiated against a family court judge for having recognized a de facto union between two young people of the same sex, inasmuch as that represents a serious concern with regard to judicial independence (arts 14 and 17).
- 32. The State party should ensure and protect the independence and impartiality of judges and guarantee that judicial decisions are taken from any types of pressure or interference.**

**Denmark** – Concluding Observations – 117<sup>th</sup> session, 20–21 June 2016, 6<sup>th</sup> review<sup>362</sup>

Keywords: *T; GI; family, LGR, legislation, measures, marriage, same-sex couples*

**B. Positive aspects**

3. The Committee welcomes the following legislative and institutional measures taken by the State party: [...]
  - (b) The adoption of Act No. 7522 of 25 June 2014 concerning transgender persons seeking gender identity recognition;
  - (c) The adoption of legislation on same-sex marriage in 2012 and its extension to Greenland in April 2016.

Keywords: *LGBT; access to justice, anti-discrimination legislation, discrimination, employment, legislation, protected grounds, remedy*

**Anti-discrimination legislation**

13. The Committee is concerned that the State party's anti-discrimination legislation does not cover discrimination on all the grounds set forth in the Covenant, thus preventing some individuals or groups from fully exercising their rights. In particular, the Committee is concerned that lesbian, gay, bisexual and transgender persons and persons with disabilities cannot report to, or lodge complaints before, the Board of Equal Treatment in matters not related to the labour market. The Committee is also concerned at the lack of comprehensive anti-discrimination legislation in the Faroe Islands (arts. 2 and 26).
14. **The State party should revise its anti-discrimination legislation to ensure that it covers all grounds set forth in the Covenant and all areas of life. The State party should improve the accessibility of effective remedies for any form of discrimination, including by considering expanding the mandate of the Board of Equal Treatment to all forms of discrimination and to all groups and individuals, in particular lesbian, gay, bisexual and transgender persons and persons with disabilities, for matters not related to the labour market. The State party should expand the anti-discrimination legislation in the Faroe Islands.**

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<sup>362</sup> 6<sup>th</sup> reporting cycle, [CCPR/C/DNK/CO/6](#).

**Ecuador – List of Issues Prior to Reporting – 110<sup>th</sup> session, 24 April 2014, 6<sup>th</sup> review<sup>363</sup>**

Keywords: *LGBT; SOGI; conversion therapy, court, data collection, discrimination, health, jurisprudence, legislation, measures, medical professionals, punishment, surgical/medical intervention*

**Non-discrimination and equality (art. 2, para. 1, and arts. 3, 25 and 26)**

8. Please describe the legislative or administrative measures, including any recent court decisions, on protection against discrimination on the grounds of sexual orientation or identity. Please indicate what action the State party has taken to deal with the complaints concerning LGBT persons being held in clinics or rehabilitation centres to undergo “sexual reorientation treatment”. How many public or private health centres have been punished or closed down for that reason?

**Ecuador – Concluding Observations – 117<sup>th</sup> session, 27–28 June 2016, 6<sup>th</sup> review<sup>364</sup>**

Keywords: *LGBTI; SOGI; access to justice, conversion therapy, data collection, discrimination, hate crimes, health, investigation, killings, measures, prevention, prosecution, protected grounds, punishment, remedy, reparation, stereotypes, surgical/medical intervention, violence*

**Discrimination and violence on the grounds of sexual orientation or gender identity**

11. The Committee notes with satisfaction the measures adopted by the State party with regard to lesbian, gay, bisexual, transgender and intersex (LGBTI) persons and commends the inclusion in the Constitution of the prohibition of discrimination on the grounds of gender identity and sexual orientation, among others. It is, however, concerned at allegations relating to a number of acts of discrimination and violence, including murders, that such persons have reportedly suffered during the reporting period owing to their sexual orientation or gender identity. The Committee also takes note of the action taken by the State party to rescue many people who had been placed in addiction rehabilitation clinics for treatment to “cure sexual orientation or gender identity” and to close down some of the clinics. Recalling its previous concluding observations (CCPR/C/ECU/CO/5, para. 12), however, the Committee is concerned at allegations that cases of such “treatment” continued to be reported during the period under review and, in view of the State party’s information that it has mounted four prosecutions, it regrets not having received details of the criminal prosecutions of persons responsible for such “treatment” and their results (arts. 2, 6, 7 and 26).
12. **The State party should redouble its efforts to combat stereotypes of and prejudice against LGBTI persons and ensure that acts of discrimination are prevented; that persons responsible for acts of violence against LGBTI persons are properly investigated, prosecuted and punished; and that victims are provided with comprehensive redress. It should also redouble its efforts to eliminate fully the practice of placing such persons in institutions for treatment to “cure their sexual orientation or gender identity”; adopt the necessary measures to investigate, prosecute and ensure suitable punishment for persons responsible for such “treatment”; and provide full reparation for victims, including rehabilitation and compensation.**

<sup>363</sup> 6<sup>th</sup> reporting cycle, [CCPR/C/ECU/QPR/6](#).

<sup>364</sup> 6<sup>th</sup> reporting cycle, [CCPR/C/ECU/CO/6](#).

**Estonia** – List of Issues Prior to Reporting – 116<sup>th</sup> session, 26 April 2016, 4<sup>th</sup> review<sup>365</sup>

Keywords: *LGBT; GI, SOGI; access to justice, aggravating circumstance, awareness-raising campaign, data collection, discrimination, harassment, hate crimes, hate speech, law enforcement officials, legislation, measures, professional groups, protected grounds, punishment, violence*

**Non-discrimination and prohibition of advocacy of national, racial or religious hatred (arts. 2, 3, 20 and 26)**

7. Please clarify whether the Criminal Code has been amended to: (a) include citizenship and gender identity among the prohibited grounds for racially motivated offences; (b) recognize hatred on the basis of sexual orientation, gender identity and racism as aggravating circumstances for all offences and crimes; and (c) remove or ease the restrictions in article 151 limiting the criminal offences of incitement to racial hatred, racial violence and racial discrimination to cases posing a threat to the health, life or property of the victim. Please also indicate whether measures have been taken to prohibit by law the promotion in public of an ideology that claims the superiority of a certain group of persons and the public denial, justification or condoning of crimes of genocide, crimes against humanity or war crimes, and to outlaw organizations and propaganda activities, organized or otherwise, that promote and incite racial discrimination and hate speech.
8. Please provide information on measures taken to combat: (a) xenophobic and racist statements, including by politicians, in the media and on the Internet, targeting minorities, migrants, asylum seekers and refugees, as well as violent attacks against asylum seekers; and (b) discrimination against and the harassment of lesbian, gay, bisexual and transgender individuals, homophobic and transphobic discourse by politicians and impunity for such acts. Please report on steps taken to ensure the collection of data on cases of racist, homophobic and transphobic hate speech and violence, encourage reporting of such cases and raise awareness of the criminal nature of such acts, including among law enforcement officers, prosecutors and judges.

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<sup>365</sup> 4<sup>th</sup> reporting cycle, [CCPR/C/EST/QPR/4](#).

**Ghana** – List of Issues – 115<sup>th</sup> session, 4 December 2015, initial review<sup>366</sup>

Keywords: *LGBT; access to justice, criminalisation (decriminalisation), discrimination, hate speech, HRD, legislation, measures, media, punishment, stigmatisation, violence*

**Non-discrimination and equality between men and women (arts. 2, 3 and 26)**

4. Please clarify whether sexual relations between consenting adults of the same sex are criminalized by virtue of section 104 of the Criminal Offences Act, 1960 (“unnatural carnal knowledge”). Please comment on reports of discrimination, stigmatization, hate speech and homophobic discourse, including by State officials, religious actors and the media, as well as violence against lesbian, gay, bisexual and transgender individuals and activists, and report on the measures taken to ensure the protection of victims and address impunity for such acts.

**Ghana** – Concluding Observations – 117<sup>th</sup> session, 24 June 2016, initial review<sup>367</sup>

Keywords: *LGBT; criminalisation (decriminalisation), discrimination, harassment, legislation, punishment, violence*

**Discrimination based on sexual orientation**

43. The Committee is concerned about reports that lesbian, gay, bisexual and transgender persons are subjected to discrimination, intimidation and harassment and about the impunity enjoyed by the perpetrators of such acts. The Committee notes with concern the explanation provided by the State party that same-sex sexual activity falls within the definition of “unnatural carnal knowledge, under section 104 of the Criminal Offences Act, 1960, and is considered a misdemeanour if it is between two consenting adults”.
44. **The State party should take the steps necessary to protect lesbian, gay, bisexual and transgender persons against all forms of discrimination, intimidation and violence. Furthermore, the State party should amend section 104 of the Criminal Offences Act, 1960, to ensure that sexual relations between consenting adults of the same sex are not considered a misdemeanour and not punishable by law.**

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<sup>366</sup> 1<sup>st</sup> reporting cycle, [CCPR/C/GHA/Q/1](#).

<sup>367</sup> 1<sup>st</sup> reporting cycle, [CCPR/C/GHA/CO/1](#).

**Honduras – List of Issues – 118<sup>th</sup> session, 24 November 2016, 2<sup>nd</sup> review<sup>368</sup>**

Keywords: *T; GI; adoption, detention, family, hate crimes, legislation, LGR, measures, same-sex couples*

**Non-discrimination and equality (arts. 2, 3, 9, 17, 26 and 27)**

6. Please report on measures taken to ensure respect for the rights of same-sex couples, and on any steps taken towards the legal recognition of same-sex couples, including with respect to adoption rights. Please provide information on proposals to revoke or amend article 321 of the Criminal Code. Please provide information on detentions, particularly of transgender persons, based on the Act on Policing and Harmonious Social Relations. Please also provide information on efforts to adopt a gender identity law.

Keywords: *LGBTI; access to justice, consultation, data collection, domestic violence, family, investigation, killings, legislation, measures, prosecution, punishment, remedy, reparation, service provision, sexual violence, shelters, stereotypes, stigmatisation, violence, women*

**Violence against women (arts. 3 and 7)**

7. In the light of the Committee's previous concluding observations (see CCPR/C/HND/CO/1, para. 7), please comment on the steps taken to address femicide, domestic violence, sexual abuse and other forms of violence against women, and include information on the measures taken at the family, community and State levels. Please provide disaggregated data on the number of deaths resulting from each type of crime, complaints, investigations and prosecutions and the sentences imposed and the compensation received by victims or relatives. Please also disaggregate that information by women of African descent, indigenous women, lesbian, gay, bisexual, transgender and intersex persons and sex workers. Please provide information on the measures adopted to: (a) ensure that victims overcome stigma and fear of reprisals when lodging a complaint; (b) ensure that protection measures, including shelters, counselling centres and assistance, are available to victims and witnesses of violence; (c) guarantee access to justice, including compensation; (d) ensure that those responsible are prosecuted and punished; (e) change social and cultural patterns and stereotypes; and (f) ensure the effective implementation of article 118-A of the Criminal Code on femicide.

Keywords: *LGBTI; access to justice, criminalisation (decriminalisation), data collection, FOE/FOAA, HRD, measures, prevention, violence*

**Right to privacy, freedom of expression and association and peaceful assembly (arts. 9, 17, 19, 21, 22 and 25)**

20. In the light of the Committee's previous concluding observations (see CCPR/C/HND/CO/1, para. 17), please provide information on the measures taken to: (a) prevent acts of violence against human rights defenders, journalists, media and legal professionals, persons responsible for the administration of justice, leaders of indigenous communities, persons of African descent, peasant leaders, environmentalists, members of the lesbian, gay, bisexual, transgender and intersex community and other activists; (b) prevent anti-union discrimination by the State party

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<sup>368</sup> 2<sup>nd</sup> reporting cycle, [CCPR/C/HND/Q/2](#).

#### IV. Lists of Issues and Concluding Observations – HRCtee

and by employers, including efforts to suppress freedom of association and collective bargaining; (c) implement the law on the protection of human rights defenders, journalists, social communicators and justice officials; (d) effectively decriminalize defamation, slander and libel; and (e) ensure that journalists and human rights defenders can carry out their activities without fear of reprisals and without being criminalized. Please also provide information on the process of registering non-governmental organizations, and on the number of organizations that have been refused registration, particularly organizations that protect the rights of lesbian, gay, bisexual, transgender and intersex persons. [...].

**Italy** – List of Issues – 117<sup>th</sup> session, 26 July 2016, 6<sup>th</sup> review<sup>369</sup>

*Keywords: SOGI; adoption, access to justice, aggravating circumstance, anti-discrimination legislation, children, court, data collection, discrimination, family, hate crimes, intersectionality, investigation, law enforcement officials, legislation, measures, partnership, police, professional groups, prosecution, protected grounds, punishment, remedy, same-sex couples, stereotypes, stigmatisation, violence*

**Non-discrimination, equality between men and women, rights of minorities and prohibition of advocacy of national, racial or religious hatred (arts. 2, 3, 20, 23, 25, 26 and 27)**

3. Please clarify whether the anti-discrimination provisions of article 3 of the Constitution cover all the prohibited grounds of discrimination in articles 2 (1), 3 and 26 of the Covenant. Please indicate what legislation has been put in place to ensure that non-citizens enjoy equal protection and recognition before the law. Please also indicate what measures the State party plans to take to recognize the adoption rights of same-sex couples and to protect the rights of children living in same-sex parent families, which are not covered by the recently adopted civil unions law. Please indicate whether steps have been or are being taken to adopt comprehensive anti-discrimination legislation that, inter alia, addresses discrimination in the private sphere; prohibits all direct, indirect and multiple forms of discrimination; contains a comprehensive list of prohibited grounds of discrimination, including sexual orientation and gender identity; and provides for effective remedies in judicial and administrative proceedings.
6. Please provide information on the measures taken to combat the persistent stigmatization, stereotyping and racially pejorative discourse against Roma, Sinti, Caminanti and non-citizens, including asylum seekers, by politicians and public officials, as well as in the media. Please indicate the steps taken to increase convictions and prosecutions for racially motivated crimes, including racist hate speech, racial discrimination and hate crimes on grounds of sexual orientation and gender identity, and provide information on the number of cases investigated and the number of prosecutions and convictions, particularly in cases involving politicians and public officials, including police officers. Please clarify whether article 3 of Act No. 205/1993, which provides for racial motives to be considered aggravating circumstances for ordinary crimes, is applied to all hate crimes, either as the sole motivation or not, and whether the provision is applied by courts of all levels in a consistent manner.

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<sup>369</sup> 6<sup>th</sup> reporting cycle, [CCPR/C/ITA/Q/6](#).

**Jamaica – List of Issues – 116<sup>th</sup> session, 9 May 2016, 4<sup>th</sup> review<sup>370</sup>**

Keywords: *LGBT; SOGI; anti-discrimination legislation, criminalisation (decriminalisation), discrimination, education, employment, harassment, hate crimes, hate speech, health, housing, investigation, legislation, policy, protected grounds, violence*

**Non-discrimination and equality between men and women (arts. 2, 3 and 26)**

6. Please indicate steps taken to amend the laws to prohibit discrimination on the basis of sex, sexual orientation and gender identity and decriminalize sexual relations between consenting adults of the same sex. Please provide information on the specific outcome of the Diversity Policy developed by the Jamaica Constabulary Force (see State party report, paras. 73-79) and what steps will be taken to prevent acts of violence and hate crimes that reportedly occur against the lesbian, gay, bisexual and transgender population. Please indicate what has been done to put an end to incitement to violence and mob violence against that population. In line with the Committee's previous concluding observations, please indicate the steps taken to investigate reported cases of harassment, discrimination or violence against persons on the basis of the person's sexual orientation and gender identity in the fields of health, education, employment and housing (see CCPR/C/JAM/CO/3, para 8).

**Jamaica – Concluding Observations – 118<sup>th</sup> session, 18–19 October 2016, 4<sup>th</sup> review<sup>371</sup>**

Keywords: *SOGI; anti-discrimination legislation, criminalisation (decriminalisation), discrimination, legislation, protected grounds, stigmatisation*

**Prohibition of discrimination**

15. The Committee is concerned that the Charter of Fundamental Rights and Freedoms does not protect all persons against all forms of discrimination and contains saving clauses contrary to provisions of the Covenant. It regrets that the right to freedom from discrimination is based only on the grounds of "being male or female", failing to prohibit discrimination on other grounds, such as sexual orientation, gender identity, marital status, disability and health status. The Committee also reiterates its concern that the State party continues to retain provisions under the Offences against the Person Act that criminalizes consensual same-sex relationships, thus promoting discrimination against homosexuals (arts. 2, 3 and 17, 26).
16. **The State party should amend its laws and enact comprehensive anti-discrimination legislation to prohibit all forms of discrimination. It should also decriminalize sexual relations between consenting adults of the same sex to bring its legislation in compliance with the Covenant and put an end to prejudices and social stigmatization of homosexuality. Saving clauses in the Charter of Fundamental Rights and Freedoms relating to the Offences of the Persons Act and Sexual Offences Act should be removed where they obstruct the amendment of legislation that enhances the rights of women or any other group.**

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<sup>370</sup> 4<sup>th</sup> reporting cycle, [CCPR/C/JAM/Q/4](#).

<sup>371</sup> 4<sup>th</sup> reporting cycle, [CCPR/C/JAM/CO/4](#).

Keywords: *LGBT; access to justice, awareness-raising campaign, discrimination, harassment, hate crimes, investigation, policy, prevention, prosecution, punishment, remedy, violence*

**Attacks against lesbian, gay, bisexual and transgender persons**

17. Despite some positive developments, such as the Diversity Policy issued by the Jamaica Constabulary Force in 2011 and reported increase in the level of tolerance within the Jamaican society, the Committee notes with concern reports of incidents of discrimination, harassment and violent attacks against lesbian, gay, bisexual and transgender (LGBT) persons and alleged failure of the State party to prevent and investigate such attacks (arts. 2, 6 and 26).

**18. The State party should ensure that cases of violence against LGBT persons are thoroughly investigated and that the perpetrators are prosecuted, and if convicted, punished with appropriate sanctions, and that the victims have access to effective remedies. The State party should conduct a national campaign to disseminate information about human rights and promote respect for diversity and the rights of all persons, especially LGBT persons.**

Keywords: *LGBT; awareness-raising campaign, discrimination, health, HIV/AIDS, intersectionality, legislation, policy, stigmatisation*

**People living with HIV/AIDS**

19. The Committee is concerned at the persistence of discrimination and stigmatization of people living with HIV/AIDS and the high proportion of girls aged 15 to 19 years infected with the virus. While welcoming the adoption of the National Integrated Strategic Plan for Sexual Health and HIV (2014-2019) and the National Workplace Policy on HIV/AIDS, the Committee is concerned with the lack of an enabling legislative framework to ensure their effective implementation (arts. 2 and 26).

**20. The State party should amend its legislation to include protection against discrimination based on health status and to ensure better protection of people living with HIV/AIDS, including vulnerable segments of the population, such as lesbian, gay, bisexual and transgender persons, and women and girls who have contracted HIV, especially as a result of sexual violence. The State party should intensify its work with stakeholders and allocate adequate financial and human resources to implement the National Workplace Policy on HIV/AIDS and to ensure the adequate functioning of the National HIV-related Discrimination Reporting and Redress System. It should also continue its awareness-raising efforts to combat stigmatization and discrimination of people living with HIV/AIDS.**

**Kazakhstan – List of Issues – 115<sup>th</sup> session, 4 December 2015, 2<sup>nd</sup> review<sup>372</sup>**

Keywords: *SOGI; access to justice, anti-discrimination legislation, measures, court, discrimination, intersectionality, legislation, protected grounds, remedy*

**Non-discrimination and prohibition of advocacy of national, racial or religious hatred (arts. 2, 3, 20 and 26)**

3. Please indicate whether steps have been or are being taken to adopt comprehensive anti-discrimination legislation that addresses discrimination, including in the private sphere; prohibits direct, indirect and multiple discrimination; contains a comprehensive list of prohibited grounds for discrimination, including sexual orientation and gender identity; and provides for effective remedies in judicial and administrative proceedings.
4. Please provide information on measures taken: (a) to address discrimination against, and social exclusion of, persons with disabilities, including limited access to inclusive education, delays and interruptions in the provision of social assistance and institutionalization of persons with mental disabilities; (b) to combat discrimination against persons based on their sexual orientation and gender identity; and (c) to combat social stigmatization of HIV-positive women.

**Kazakhstan – Concluding Observations – 117<sup>th</sup> session, 22–23 June 2016, 2<sup>nd</sup> review<sup>373</sup>**

Keywords: *LGBT, T; SOGI; access to justice, anti-discrimination legislation, discrimination, gender reassignment surgeries, gender reassignment treatment, intersectionality, investigation, legislation, LGR, prosecution, protected grounds, punishment, remedy, violence*

**Equality and non-discrimination**

9. The Committee is concerned that the existing anti-discrimination legal framework does not properly define discrimination or provide for effective remedies to victims of discrimination. It is further concerned about reports of discrimination and violence against persons based on their sexual orientation and gender identity, about the insufficient protection afforded to lesbian, gay, bisexual and transgender persons under the existing legal framework, and about the stringent conditions for gender reassignment surgery and sex change (arts. 2 and 26).
10. **The State party should ensure that its anti-discrimination legal framework: (a) explicitly lists sexual orientation and gender identity among the prohibited grounds for discrimination; (b) provides adequate and effective protection against all forms of discrimination, including in the private sphere; (c) prohibits direct, indirect and multiple discrimination, in line with the Covenant and other international human rights standards; and (d) provides for access to effective and appropriate remedies to victims of discrimination. The State party should also ensure that no form of discrimination or violence against persons based on their sexual orientation or gender identity is tolerated and that such cases are properly investigated and sanctioned. It should review the procedures for gender-reassignment surgery and sex change with a view to ensuring their compatibility with the Covenant.**

<sup>372</sup> 2<sup>nd</sup> reporting cycle, [CCPR/C/KAZ/Q/2](#).

<sup>373</sup> 2<sup>nd</sup> reporting cycle, [CCPR/C/KAZ/CO/2](#).

**Kuwait – List of Issues – 115<sup>th</sup> session, 4 December 2015, 3<sup>rd</sup> review<sup>374</sup>**

Keywords: *SOGI; access to justice, anti-discrimination legislation, arrest, court, criminalisation (decriminalisation), detention, discrimination, gender impersonation laws, harassment, hate crimes, intersectionality, legislation, measures, protected grounds, remedy, violence*

**Non-discrimination, equality between men and women, and the rights of minorities (arts. 2, 3, 23, 26 and 27)**

4. Please indicate whether steps have been or are being taken to adopt comprehensive anti-discrimination legislation that addresses discrimination in all spheres, including in the private sphere, prohibits direct, indirect and multiple discrimination, contains a comprehensive list of grounds of non-discrimination, including colour, sex, political or other opinion, property, birth, sexual orientation and gender identity, and provides for effective remedies in judicial and administrative proceedings.
6. Please provide information on measures taken to decriminalize same-sex relations and to address discrimination, harassment and violence on the grounds of sexual orientation and gender identity. Please respond to reports of arbitrary arrests and detention, violence and other abuses perpetrated on the basis of sexual orientation and gender identity.

**Kuwait – Concluding Observations – 117<sup>th</sup> session, 21–22 June 2016, 3<sup>rd</sup> review<sup>375</sup>**

Keywords: *SOGI; arrest, detention, discrimination, gender impersonation laws, criminalisation (decriminalisation), harassment, legislation, measures, sexual violence, stigmatisation, torture/ill-treatment, violence*

**Discrimination and violence on the grounds of sexual orientation and gender identity**

12. While the Committee respects the diversity of views on morality held by different cultures, it recalls that State laws and practices must always be subject to the principles of the universality of human rights and of non-discrimination. Bearing that in mind, the Committee expresses its concern about the criminalization of same-sex sexual activity among consenting adults and about the vague offence of “imitating members of the opposite sex”. It is also concerned about reports of harassment, arbitrary arrest and detention and about acts of violence, abuse, torture and sexual assault against persons on the basis of their real or perceived sexual orientation or gender identity (arts. 2, 6, 7, 9, 17 and 26).
13. **The State party should take the measures necessary to decriminalize sexual relations between consenting adults of the same sex and repeal the offence of imitating members of the opposite sex, in order to bring its legislation into line with the Covenant. It should also take measures to put an end to the social stigmatization of homosexuality and the harassment, discrimination and violence perpetrated against persons based on their real or perceived sexual orientation or gender identity.**

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<sup>374</sup> 3<sup>rd</sup> reporting cycle, [CCPR/C/KWT/Q/3](#).

<sup>375</sup> 3<sup>rd</sup> reporting cycle, [CCPR/C/KWT/CO/3](#).

**Liechtenstein** – List of Issues – 118<sup>th</sup> session, 22 November 2016, 2<sup>nd</sup> review<sup>376</sup>

Keywords: *SO, SOGI; anti-discrimination legislation, awareness-raising campaign, court, criminalisation (decriminalisation), discrimination, hate speech, intersectionality, law enforcement officials, legislation, measures, partnership, professional groups, same-sex couples, trainings*

**Non-discrimination and equality between men and women (arts. 2, 3, 25 and 26)**

5. Please indicate whether steps have been or are being taken to adopt comprehensive anti-discrimination legislation that addresses discrimination in all spheres, including in the private sphere, and that prohibits direct, indirect and multiple discrimination. In this respect, please also indicate whether the State party plans to amend article 283 of the Criminal Code so that it covers other prohibited grounds of discrimination, in line with article 2 (2) of the Covenant, such as language, nationality, sexual orientation and gender identity, and so that it addresses all forms of hate speech. Please provide information about measures taken to train judges, prosecutors and lawyers on articles 33 (5) and 283 of the Criminal Code, to raise awareness about those provisions among the general public and to encourage reporting. With reference to paragraphs 139 and 140 of the State party's report, please provide information on other measures taken, besides the adoption of the law on registered partnerships for same-sex couples, to combat prejudice on the basis of sexual orientation.

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<sup>376</sup> 2<sup>nd</sup> reporting cycle, [CCPR/C/LIE/Q/2](#).

**Lithuania** – List of Issues Prior to Reporting – 117<sup>th</sup> session, 16 August 2016, 4<sup>th</sup> review<sup>377</sup>

Keywords: *LGBTI, T; SO; access to justice, court, data collection, discrimination, family, legislation, jurisprudence, LGR, measures, prevention, same-sex couples*

**Non-discrimination, equal rights of men and women, incitement to national, racial or religious hatred, equality before the law and rights of persons belonging to minorities (arts. 2 (1), 3, 19, 20, 26 and 27)**

8. Please provide an update on measures taken with the aim of preventing discrimination on the basis of sexual orientation (para. 8, [CCPR/C/LTU/CO/3]), including any legislative developments concerning same-sex partnerships. Please provide an update on the implementation of legislation concerning legal recognition of gender reassignment and the issuing of identity documents to transgender people, including on whether there have been any complaints from transgender people on its practical application. Please provide information on any court cases concerning the rights of lesbian, gay, bisexual, transgender and intersex people.

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<sup>377</sup> 4<sup>th</sup> reporting cycle, [CCPR/C/LTU/QPR/4](#).

**Madagascar** – List of Issues – 118<sup>th</sup> session, 2 December 2016, 4<sup>th</sup> review<sup>378</sup>

Keywords: *LGBT; SOGI; anti-discrimination legislation, discrimination, legislation, measures, prevention, protected grounds, stigmatisation*

**Non-discrimination and equality between men and women (arts. 2, 3, 23, 25 and 26)**

5. Does the State party plan to adopt comprehensive legislation prohibiting discrimination and containing a comprehensive list of prohibited grounds for discrimination, including discrimination based on sexual orientation and gender identity? Please provide information on discrimination based on ethnicity and caste in the State party. Please describe the measures taken by the State party to combat and prevent the stigmatization of and discrimination against (a) persons living with or affected by HIV/AIDS and (b) the lesbian, gay, bisexual and transgender (LGBT) community.

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<sup>378</sup> 4<sup>th</sup> reporting cycle, [CCPR/C/MDG/Q/4](#).

**Mongolia** – List of Issues – 118<sup>th</sup> session, 21 November 2016, 6<sup>th</sup> review<sup>379</sup>

Keywords: *SOGI; access to justice, anti-discrimination legislation, court, discrimination, intersectionality, legislation, protected grounds, remedy, stigmatisation*

**Non-discrimination and equality between men and women (arts. 2, 3 and 26)**

3. In reference to the Committee's previous recommendation (see CCPR/C/MNG/CO/5, para. 7), please indicate whether steps have been or are being taken to adopt comprehensive anti-discrimination legislation that addresses discrimination, including in the private sphere; prohibits direct, indirect and multiple discrimination; contains a comprehensive list of prohibited grounds for discrimination, including colour, political or other opinion, sexual orientation, gender identity, birth and other status; and provides for effective remedies in judicial and administrative proceedings.

Keywords: *LGBTI; SOGI; access to justice, adolescents, discrimination, domestic violence, harassment, family, hate crimes, investigation, law enforcement officials, legislation, measures, partnership, police, police misconduct, prosecution, punishment, same-sex couples, violence*

**Discrimination on grounds of sexual orientation and gender identity (arts. 2 and 26)**

5. With reference to the Committee's previous recommendation (see CCPR/C/MNG/CO/5, para. 9), please report on measures taken to effectively address the prevalent discrimination and violence on the grounds of sexual orientation and gender identity. Please respond to allegations of verbal abuse, harassment and physical attacks against lesbian, gay, bisexual, transgender and intersex persons, including by police officers; domestic violence against young lesbian, gay, bisexual, transgender and intersex persons perpetrated by their parents and siblings; and reported impunity for such acts owing to fear of reporting on the part of the persons concerned and failure to register and investigate such complaints by the competent authorities. Please report on the measures taken to ensure respect for the rights of same-sex couples and whether any steps have been taken towards the legal recognition of same-sex couples.

Keywords: *LGBTI; FOE/FOAA, HRD, police misconduct*

**Freedoms of expression, peaceful assembly and association (arts. 19, 21 and 22)**

21. Please respond to reports of violation of the freedoms of expression, association and peaceful assembly by lesbian, gay, bisexual, transgender and intersex persons and activists in connection with the annual Equality and Pride Days from 28 August to 6 September 2015 when authorities denied and obstructed access to Chinggis Square on 28 and 29 August 2015 and forcibly removed walkers for equality from the Square.

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<sup>379</sup> 6<sup>th</sup> reporting cycle, [CCPR/C/MNG/Q/6](#).

**Morocco** – List of Issues – 116<sup>th</sup> session, 9 May 2016, 6<sup>th</sup> review<sup>380</sup>

Keywords: *SOGIE; access to justice, anti-discrimination legislation, court, criminalisation (decriminalisation), discrimination, harassment, hate crimes, intersectionality, legislation, measures, protected grounds, remedy, violence*

**Non-discrimination, gender equality, protection of the family and children (arts. 2, 3, 17, 23, 24 and 26)**

5. Please indicate whether any measures have been adopted or are planned to enact comprehensive anti-discrimination legislation that addresses discrimination in all spheres, including in the private sphere, prohibits direct, indirect and multiple discrimination, contains an exhaustive list of prohibited grounds for discrimination, including sexual orientation and gender identity or expression, and provides for effective administrative and judicial remedies. Please specify whether the entity provided for in the Constitution to handle issues of equality and combat all forms of discrimination has been established.
8. Please provide information on the steps taken to combat discrimination against persons with disabilities and their social exclusion and on the bill on persons with disabilities, and explain what is being done to take account of criticisms formulated by civil society. Please describe the measures taken to combat discrimination against children born out of wedlock, asylum seekers, refugees, migrants and Saharans. Please indicate whether the State party intends to decriminalize consensual sexual relations between persons of the same sex, specifying the steps taken to combat discrimination, harassment and violence on the grounds of sexual orientation or actual or presumed gender identity or expression. [...]

**Morocco** – Concluding Observations – 118<sup>th</sup> session, 24–25 October 2016, 6<sup>th</sup> review<sup>381</sup>

Keywords: *SOGI; arrest, criminalisation (decriminalisation), detention, discrimination, hate crimes, hate speech, legislation, punishment, stigmatisation, violence*

**Discrimination and violence based on sexual orientation and gender identity**

11. The Committee is concerned at the criminalization of homosexuality, the fact that it is punishable by a term of imprisonment of up to 3 years and the arrests that have been made on that basis. It is also concerned by reports of the advocacy of hatred, discrimination and violence against people because of their sexual orientation or gender identity (arts. 2, 9 and 26).
12. **The State party should take steps to: (a) abrogate article 489 of the Criminal Code in order to decriminalize homosexuality and sexual relations between consenting adults of the same sex; (b) free anyone who is in detention solely for having had consensual sexual relations with a member of the same sex; and (c) put an end to the social stigmatization of homosexuality, incitement to hate, discrimination and violence directed at persons because of their sexual orientation or actual or presumed gender identity.**

<sup>380</sup> 3<sup>rd</sup> reporting cycle, [CCPR/C/MAR/Q/6](#).

<sup>381</sup> 6<sup>th</sup> reporting cycle, [CCPR/C/MAR/CO/6](#).

**Namibia** – List of Issues – 114<sup>th</sup> session, 21 August 2015, 2<sup>nd</sup> review<sup>382</sup>

Keywords: *L, LGBT, T; SO, SOGI; access to justice, anti-discrimination legislation, children, corrective rape, criminalisation (decriminalisation), discrimination, domestic violence, employment, family, hate crimes, law enforcement officials, legislation, police, police misconduct, prosecution, same-sex couples, sexual violence, stigmatisation, women*

**Non-discrimination, equal rights of men and women and the right to life (arts. 2, 3, 6 and 26)**

8. With reference to the Committee's previous concluding observations (para. 22), please indicate whether any legal amendments are intended to provide for protection against discrimination for lesbian, gay, bisexual and transgender persons. In particular, please indicate whether there is any intention to remove the "anti-sodomy" law, to reintroduce the prohibition of discrimination in employment based on sexual orientation or to include the protection of persons living in same-sex relationships in the Combating of Domestic Violence Act. Please respond to allegations that same-sex relationships are explicitly excluded from important legal provisions. Please also comment on allegations according to which many human rights violations against lesbian, gay, bisexual and transgender persons go unrecorded or are not prosecuted, such as the use of "corrective rape" against lesbian women, the disowning of lesbian, gay, bisexual and transgender children by their families and the beating of lesbian, gay, bisexual and transgender persons. In this regard, please also respond to allegations that, in the northern area of Oshiwambo, police have refused to prosecute the assault of a transgender woman by a group of men. Please describe which laws are in place to protect lesbian, gay, bisexual and transgender persons against hate crimes and which efforts the State party has taken to combat social stigmatization of persons on the basis of sexual orientation or gender identity.

**Namibia** – Concluding Observations – 116<sup>th</sup> session, 8–9 March 2016, 2<sup>nd</sup> review<sup>383</sup>

Keywords: *L, LGBT; SO; anti-discrimination legislation, awareness-raising campaign, children, corrective rape, criminalisation (decriminalisation), discrimination, domestic violence, education, employment, family, harassment, hate crimes, protected grounds, same-sex couples, sexual violence, violence*

**Non-discrimination**

9. While noting the measures taken to eliminate discrimination, the Committee is concerned that protection against discrimination is insufficient. It is particularly concerned about: [...]
  - (b) Discrimination, harassment and violence against lesbian, gay, bisexual and transgender persons, including cases of so-called "corrective rape" against lesbians;
  - (c) Discrimination on the basis of sexual orientation not being explicitly prohibited, exclusion of sexual orientation as a prohibited ground for discrimination from the Labour Act (Act No.11 of 2007), the maintenance of the common law crime of sodomy,

<sup>382</sup> 2<sup>nd</sup> reporting cycle, [CCPR/C/NAM/Q/2](#).

<sup>383</sup> 2<sup>nd</sup> reporting cycle, [CCPR/C/NAM/CO/2](#).

the exclusion of same-sex partnerships from the Combating of Domestic Violence Act (Act No. 4 of 2003);

(d) The continuing discrimination against persons with disabilities, as well as against persons who are HIV-positive, including in employment (arts. 2, 3, 7 and 26).

**10. The State party should conduct extensive education and awareness-raising campaigns involving and targeting traditional leaders and the general public, both children and adults, to eliminate all forms of discrimination. It should:**

**(a) Repeal all laws that discriminate on the basis of race and finalize and adopt legislation on intestate succession so as to apply the same rules to all persons without discrimination;**

**(b) Adopt legislation explicitly prohibiting discrimination based on sexual orientation, including in the Labour Act (Act No. 11 of 2007), and adopt hate crime legislation punishing homophobic and transphobic violence and vigorously enforce it;**

**(c) Abolish the common law crime of sodomy and include same-sex relationships in the Combating of Domestic Violence Act (Act No. 4 of 2003) so as to protect same-sex partners;**

**(d) Intensify efforts to combat discrimination against persons with disabilities and against persons who are HIV-positive, and ensure their full integration into all spheres of public life.**

*Keywords: LGBT; access to justice, court, detention, harassment, investigation, law enforcement officials, legislation, police, police misconduct, prevention, prosecution, professional groups, punishment, remedy, reparation, torture/ill-treatment, trainings, violence*

**Prohibition of torture and ill-treatment**

21. The Committee is concerned at reports of torture and ill-treatment in police cells and detention facilities, of the use of excessive force against suspects and at:

(a) Reported cases of violence and harassment against lesbian, gay, bisexual and transgender persons by members of the police;

(b) Reports that members of the police force regularly detain and rape sex workers; [...]

**22. The Committee encourages the State party to adopt legislation on prevention and combating of torture, and provide training to all relevant professionals, including police and prison guards on its provisions. It should furthermore:**

**(a) Ensure that perpetrators of torture and ill-treatment are identified, prosecuted and tried before ordinary courts, and, if found guilty, punished and victims adequately compensated;**

**(b) Ensure that all cases of torture and ill-treatment are properly investigated by an independent mechanism;**

**(c) Ensure that sex workers can report crimes without risking being prosecuted for their occupation and that they can participate in opt-out schemes.**

Keywords: *SOGI; asylum-seekers/refugees, protected grounds, refoulement*

**Expulsion and detention of asylum seekers**

35. The Committee notes with concern that asylum seekers and refugees are required to reside in the Osire refugee settlement, which they may leave only after obtaining a permit, thereby infringing on their ability to, inter alia, pursue education and employment. It also notes with concern that persons requesting asylum on the basis of persecution for sexual orientation or gender identity may not be sufficiently protected against refoulement. [...].
36. **The State party should remove restrictions on the ability of refugees and asylum seekers to move freely within the State party. It should also include persecution based on sexual orientation and gender identity among the grounds for protection against refoulement. [...]**

Keywords: *SO; anti-discrimination legislation, criminalisation (decriminalisation), detention, discrimination, domestic violence, employment, family, follow-up, hate crimes, investigation, law enforcement officials, legislation, police, prevention, professional groups, prosecution, protected grounds, punishment, remedy, reparation, same-sex couples, torture/ill-treatment, trainings, violence*

**D. Dissemination of information relating to the Covenant**

46. In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party is requested to provide, within one year of the adoption of the present concluding observations, information on the implementation of the recommendations made by the Committee in paragraphs 10 (non-discrimination), 22 (prohibition of torture and ill-treatment) and 24 (torture, violence, including sexual violence against women, and the right to life) above.

**Norway** – List of Issues Prior to Reporting – 117<sup>th</sup> session, [August] 2016, 7<sup>th</sup> review<sup>384</sup>

Keywords: *SOGI; anti-discrimination legislation, discrimination, education, employment, gender reassignment treatment, legislation, LGR, service provision*

**Non-discrimination, equality between men and women (arts. 2, para.1, 3, 20 and 26)**

8. Please provide information on the existing legislation and strategies to combat discrimination based on sexual orientation and gender identity, and their compatibility with the Covenant. Please comment on reports that persons belonging to gender minorities face diverse forms of discrimination, inter alia, in the area of the labour market, education, the provision of services, and in the gender reassignment process.

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<sup>384</sup> 7<sup>th</sup> reporting cycle, [CCPR/C/NOR/QPR/7](#).

**Pakistan** – List of Issues – 118<sup>th</sup> session, 15 November 2016, initial review<sup>385</sup>

Keywords: *SOGI; access to justice, anti-discrimination legislation, court, criminalisation (decriminalisation), discrimination, intersectionality, legislation, protected grounds, remedy*

**Non-discrimination and equality between men and women (arts. 2, 3 and 26)**

3. Please clarify whether the anti-discrimination provisions of articles 25-27 of the Constitution cover all prohibited grounds of discrimination in line with articles 2 (1), 3 and 26 of the Covenant. Please also indicate what efforts have been made by the State party to adopt comprehensive anti-discrimination legislation that, inter alia, addresses discrimination in the private sphere; prohibits all direct, indirect and multiple forms of discrimination; contains a comprehensive list of prohibited grounds for discrimination, including religion, sexual orientation and gender identity; and provides for effective remedies in judicial and administrative proceedings. Please indicate whether the State party intends to decriminalize same-sex relations between consenting adults.

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<sup>385</sup> 1<sup>st</sup> reporting cycle, [CCPR/C/PAK/Q/1](#).

**Paraguay** – List of Issues Prior to Reporting – 118<sup>th</sup> session, [November] 2016, 4<sup>th</sup> review<sup>386</sup>

Keywords: *LGBTI; access to justice, anti-discrimination legislation, discrimination, legislation, measures, service provision, stereotypes, violence*

**No discriminación (arts. 2, 3, 25, 26 y 27)**

7. En relación a las observaciones finales de la sesión anterior (párr. 9), sírvanse informar sobre las medidas legislativas y de otra índole adoptadas para luchar contra la discriminación, incluyendo los programas para erradicar estereotipos y discriminación. Describan también las medidas adoptadas para promover la igualdad de oportunidades y de acceso a los servicios para, entre otros, las mujeres, personas con discapacidad, las personas indígenas, afrodescendientes, apátridas, LGBTI, trabajadores sexuales y las personas que viven con VIH/SIDA en todas las regiones del Estado parte; así como para combatir la violencia contra dichas personas. En particular, comuniquen los progresos realizados para la adopción de una ley contra toda forma de discriminación, y para el establecimiento de mecanismos de monitoreo y protección contra la discriminación. Asimismo, sírvanse proveer información respecto a las medidas adoptadas respecto a las observaciones finales de la sesión anterior relativas al párrafo undécimo, y en particular sobre las medidas relacionadas con la eliminación de la discriminación en contra de las personas con discapacidad en el Código Electoral.

Keywords: *LGBTI; access to justice, criminalisation (decriminalisation), discrimination, legislation, measures, prevention, punishment, sexual violence, violence*

**Violencia contra la mujer, incluida la violencia doméstica (arts. 6, 7, 14 y 26)**

9. Teniendo en cuenta las observaciones finales de la sesión anterior (párr. 12) sírvanse informar sobre las medidas adoptadas, incluyendo las relativas a la adopción de legislación específica (conforme a estándares internacionales), dirigidas a prevenir, sancionar y erradicar la violencia sexual y de género, ofrecer apoyo integral a las víctimas y alentarlas a denunciar los casos. Sírvase especificar entre otras cuestiones: a) el número de denuncias recibidas por hechos de violencia contra las mujeres; b) las investigaciones realizadas; c) el porcentaje de personas con resoluciones finales en casos de violencia contra las mujeres del total de investigaciones realizadas; d) los tipos de penas impuestas; e) las indemnizaciones concedidas a las víctimas; f) el tipo de asistencia integral a las víctimas que se ha promovido en todas las jurisdicciones del Estado parte, incluyendo la asistencia jurídica gratuita ante los tribunales; y g) el número de casas de acogida para víctimas de violencia. Asimismo, tengan a bien informar sobre la adopción e implementación de una Ley Integral contra la Violencia hacia las Mujeres. Sírvanse aportar información sobre la inclusión de la protección de las mujeres respecto a la violencia en los programas de educación, describir las campañas de sensibilización realizadas y detallar los recursos otorgados para ese fin. Sírvanse también ofrecer información sobre las medidas adoptadas para prevenir, sancionar y penalizar la violencia y discriminación hacia la población LGBTI.

<sup>386</sup> 4<sup>th</sup> reporting cycle, [CCPR/C/QPR/PRY/4](#).

Keywords: *LGBTI; health, SRHR*

**Derecho a la vida, prohibición de la tortura y otros tratos y penas crueles, inhumanos o degradantes (arts. 3, 6, 7, 9 y 14)**

10. A la luz de las observaciones finales de la sesión anterior (párr. 13), sírvanse describir las reformas adoptadas en la legislación sobre el aborto, incluyendo la inclusión de excepciones adicionales a la prohibición del aborto. Sírvanse informar sobre las medidas adoptadas para asegurar que los servicios de salud reproductiva sean accesibles para todas las mujeres y adolescentes, personas LGBTI, en todas las regiones del país; así como sobre la implementación de programas de educación y sensibilización sobre el uso de anticonceptivos y los derechos a la salud sexual y reproductiva; especialmente entre las personas adolescentes. Sírvanse proveer información sobre la tasa de embarazos en adolescentes y su tasa de mortalidad.

**Poland – List of Issues Prior to Reporting – 111<sup>st</sup> session, [July] 2014, 7<sup>th</sup> review<sup>387</sup>**

Keywords: *SO; action plan, anti-discrimination legislation, legislation, protected grounds*

**Constitutional and legal framework within which the Covenant is implemented (arts. 2, 3, and 26)**

4. Please indicate if the Act of 3 December 2010 Implementing Certain European Union Provisions on Equal Treatment covers discrimination based on all grounds specified in articles 2, 3 and 26 of the Covenant, including discrimination based on sexual orientation, disability and religion. Please provide information on the National Action Plan on Equal Treatment 2013-2016 and report on its implementation.

Keywords: *SOGI; access to justice, awareness-raising campaign, anti-discrimination legislation, criminalisation (decriminalisation), discrimination, hate crimes, law enforcement officials, legislation, measures, police, protected grounds*

**Non-discrimination, incitement to national, racial or religious hatred, equality before the law and rights of persons belonging to minorities (arts. 2, para. 1, 20, 26 and 27)**

8. In light of the previous concluding observations (CCPR/C/POL/CO/6, para. 8), please provide information on measures taken to combat discrimination on the ground of sexual orientation or gender identity and to intensify awareness raising activities aimed at the police force and wider public. Please provide information on any steps taken to legally prohibit discrimination on the grounds of sexual orientation or gender identity, including amending the Penal Code to define hate crimes based on sexual orientation or gender identity among the categories of punishable offences.

Keywords: *LGBT; FOE/FOAA, legislation, measures*

**Freedom of thought, conscience, freedom of opinion and expression, freedom of association and right of peaceful assembly (arts. 19 and 21)**

25. Please indicate if the State party envisages amending the Assemblies Act of July 1990 and reviewing the amendment introduced in 2012, to fully guarantee the right of peaceful assembly, in accordance with the Covenant. Please also indicate measures taken to ensure that the right of peaceful assembly is guaranteed in practice, including in events organized by lesbian, gay, bisexual or transgender (LGBT).

**Poland – Concluding Observations – 118<sup>th</sup> session, 17–18 October 2016, 7<sup>th</sup> review<sup>388</sup>**

Keywords: *SO; access to justice, anti-discrimination legislation, court, discrimination, education, housing, health, legislation, protected grounds, remedy, reparation, social security*

**Non-discrimination**

13. The Committee remains concerned that the Act on Equal Treatment does not afford protection against discrimination in all areas on all the grounds prohibited under the Covenant, including sexual orientation, disability, religion, age, and political opinion.

<sup>387</sup> 7<sup>th</sup> reporting cycle, [CCPR/C/POL/QPR/7](#).

<sup>388</sup> 7<sup>th</sup> reporting cycle, [CCPR/C/POL/CO/7](#).

The Committee is also concerned that claiming and obtaining compensation for acts of discrimination in court is difficult in practice. (arts. 2, 3 and 26)

- 14. The State party should further amend the Act on Equal Treatment to prohibit discrimination comprehensively on all grounds prohibited under article 2 and 26 of the Covenant, and in all spheres and sectors, including education, health care, social protection and housing. It should also improve accessibility of effective remedies against any such form of discrimination.**

*Keywords: SO, SOGI; access to justice, action plan, aggravating circumstance, awareness-raising campaign, children, court, criminalisation (decriminalisation), discrimination, education, family, hate crimes, hate speech, internet, investigation, prevention, prosecution, punishment, remedy, reparation, same-sex couples, violence*

**Hate crime, hate speech, incitement to national, racial or religious hatred**

15. The Committee is concerned about the reported increase in the number of incidents of violence, hate speech and discrimination based on race, nationality, ethnicity, religion and sexual orientation and the insufficient response by the authorities to such incidents. The Committee is further concerned about the fact that the Penal Code does not refer to disability, age, sexual orientation and gender identity as grounds for hate crimes. (arts. 2, 3, 18, 20, 26 and 27)

- 16. The State party should continue strengthening its efforts to prevent and eradicate all acts of, among others, racism, xenophobia, Islamophobia, anti-Semitism and homophobia, by, inter alia:**

**(a) Amending the Penal Code so that crimes motivated by discrimination on any grounds under the Covenant are investigated and prosecuted as aggravated forms of criminal conduct;**

**(b) Taking measures to prevent and to swiftly and effectively respond to any incident of hate speech, discrimination, violence, or alleged hate crimes, including through the internet, through banning the operation of racist associations and facilitating civil lawsuits by victims pursuant to article 24(1) of the Civil Code;**

**(c) Thoroughly investigating alleged hate crimes, prosecuting perpetrators and, if convicted, punishing them, and providing victims with adequate remedies;**

**(d) Renewing the National Action Plan for Equal Treatment which is set to expire soon;**

**e) Reviewing the legal status of same-sex couples and parents, with a view to ensuring their enjoyment of the right to non-discrimination in law and in fact; and**

**(f) Continue working on awareness-raising and educational campaigns aimed at promoting respect for human rights and tolerance for diversity.**

**Republic of Moldova** – List of Issues Prior to Reporting – 103<sup>rd</sup> session, 28 November 2011, 3<sup>rd</sup> review<sup>389</sup>

Keywords: *SO; discrimination, legislation, measures*

**Non-discrimination and equal rights of men and women (arts. 2, para. 1, 3 and 26)**

14. Please indicate which legislative and other measures have been taken to combat discrimination based on sexual orientation.

**Republic of Moldova** – Concluding Observations – 118<sup>th</sup> session, 31 October 2016, 3<sup>rd</sup> review<sup>390</sup>

Keywords: *LGBT; awareness-raising campaign, anti-discrimination legislation, discrimination, legislation, measures, stereotypes*

**Non-discrimination**

11. While welcoming the measures adopted by the State party to combat discrimination, including the adoption of Law No. 121 and the Strategy on Inclusive Diversity 2016-2026, the Committee remains concerned about reports that individuals belonging to certain groups continue to face de facto discrimination, including lesbian, gay, bisexual and transgender (LGBT) persons, Roma, and Muslims (art. 2 and 26).
12. **The State party should ensure that all individuals belonging to groups which have faced discrimination in the past are effectively protected from violations of their rights under the Covenant, including by:**
- (a) **Ensuring that the rights of LGBT persons are effectively protected under Law No. 121, and combating stereotypes and prejudice against LGBT persons through awareness-raising campaigns;**
  - (b) **Strengthening its efforts to combat discrimination and marginalization of Roma, including by allocating sufficient human and financial resources to effectively implement the new Roma Action Plan 2016-2020, and ensuring that all Roma have access to identity documents; and**
  - (c) **Ensuring that all law enforcement personnel and immigration officials are trained on the inadmissibility of ethnic and religious profiling.**

<sup>389</sup> 3<sup>rd</sup> reporting cycle, [CCPR/C/MDA/Q/3](#).

<sup>390</sup> 3<sup>rd</sup> reporting cycle, [CCPR/C/MDA/CO/3](#).

**Rwanda** – List of Issues – 114<sup>th</sup> session, 21 August 2015, 4<sup>th</sup> review<sup>391</sup>

Keywords: *LGBTI; discrimination, harassment, measures*

**Non-discrimination and equality between men and women (arts. 2, 3 and 26)**

5. Please provide information on measures taken to eradicate discrimination, harassment and other forms of abuse against lesbian, gay, bisexual, transsexual and intersex persons.

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<sup>391</sup> 4<sup>th</sup> reporting cycle, [CCPR/C/RWA/Q/4](#).

**Serbia** – List of Issues – 117<sup>th</sup> session, 29 July 2016, 3<sup>rd</sup> review<sup>392</sup>

Keywords: *LGBTI, T; access to justice, data collection, discrimination, follow-up, hate crimes, hate speech, investigation, legislation, measures, prosecution, violence*

**Non-discrimination and prohibition of advocacy of national, racial or religious hatred (arts. 2, 3, 20 and 26)**

3. Please provide information on measures taken, and their impact, to address effectively: (a) discrimination against women, persons with disabilities, older persons, and migrants and asylum seekers; and (b) discrimination, hate speech and violence against lesbian, gay, bisexual, transgender and intersex persons, and discrimination against persons with HIV and social stigma associated therewith. Please indicate whether there has been any follow-up to the recommendations made by the Commissioner for the Protection of Equality in June 2013 with respect to legislation pertaining to the rights of transgender persons. Please also report on measures taken to ensure effective investigation of and prosecution for offences motivated by hatred, and provide information on the number of cases reported, investigations and prosecutions initiated, and their outcome.

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<sup>392</sup> 3<sup>rd</sup> reporting cycle, [CCPR/C/SRB/Q/3](#).

**Slovakia** – List of Issues – 116<sup>th</sup> session, 22 April 2016, 4<sup>th</sup> review<sup>393</sup>

Keywords: *SOGIE; data collection, hate crimes, hate speech, internet, legislation, media, violence*

**Non-discrimination and prohibition of advocacy of national, racial or religious hatred (arts. 2, 3, 20 and 26)**

7. Please provide statistical data on cases of violence against persons on the basis of their actual or perceived sexual orientation, gender identity or expression. Please comment on reports of hostile discourse by political figures, in the media and on the Internet, against these persons, and indicate whether the State party envisages extending the scope of its hate speech legislation to cover sexual orientation, gender identity and gender expression.

**Slovakia** – Concluding Observations – 118<sup>th</sup> session, 17–18 October 2016, 4<sup>th</sup> review<sup>394</sup>

Keywords: *T; SOGI, SOGIE; aggravating circumstance, discrimination, hate crimes, hate speech, LGR, legislation, measures, protected grounds, sterilisation, stigmatisation, violence*

**Discrimination against lesbian, gay, bisexual and transgender persons**

14. While the Committee welcomes the amendment to the Criminal Code introducing sexual orientation among the aggravating grounds of a criminal offence, it notes that hate speech legislation does not cover sexual orientation and gender identity. It is concerned about the increasingly hostile environment against persons on the basis of their actual or perceived sexual orientation, gender identity or expression, which is exacerbated by hostile discourse from political figures. It is concerned that sterilization for both transgender women and men is a requirement for legal gender recognition (arts. 2, 17 and 26).
15. **The State party should: (a) adopt measures to tackle hate speech on the grounds of sexual orientation and gender identity; (b) take measures to eradicate all forms of social stigmatization of homosexuality, bisexuality or transsexuality and discrimination or violence against persons based on their sexual orientation or gender identity; and (c) develop and implement a procedure for legal gender recognition that is compatible with the provisions of the Covenant.**

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<sup>393</sup> 6<sup>th</sup> reporting cycle, [CCPR/C/SVK/Q/4](#).

<sup>394</sup> 6<sup>th</sup> reporting cycle, [CCPR/C/SVK/CO/4](#).

**Slovenia – Concluding Observations – 116<sup>th</sup> session, 15–16 March 2016, 3<sup>rd</sup> review<sup>395</sup>**

Keywords: *LGBT; access to justice, awareness-raising campaign, consultation, discrimination, hate speech, internet, legislation, prevention, remedy*

**Racism and xenophobia, including hate speech**

7. While noting the legislative measures taken to prohibit hate speech, the Committee is concerned at the use of racist and xenophobic rhetoric by political figures towards persons belonging to minority groups, including migrants and refugees. It also expresses concern that hate speech on the Internet and online forums is on the rise, particularly against migrants, Roma, lesbian, gay, bisexual and transgender (LGBT) persons and Muslims. The Committee also regrets the low rates of reporting of and legal responses to cases of racial discrimination, including prosecution of serious cases of hate speech which amount to incitement to hostility or violence (arts. 2, 18, 20 and 26).
8. **The State party should strengthen its efforts to prevent and eradicate all forms of racism and xenophobia, including by:**
  - (a) **Establishing an independent and effective body to respond to cases of discrimination, including reforming the Advocate for the Principle of Equality to this end;**
  - (b) **Adopting a clear strategy on the prevention and elimination of discrimination, in consultation with civil society representatives;**
  - (c) **Ensuring that there is an easily-accessible system of transparent and effective legal remedies for victims of discrimination and improving the reporting of and legal responses to cases of racial discrimination, including prosecution of serious cases of hate speech which amount to incitement to hostility or violence;**
  - (d) **Condemning racial discrimination and adopting awareness-raising campaigns aimed at promoting respect for human rights and tolerance for diversity, as well as promoting awareness that hate speech is prohibited under law.**

Keywords: *LGBT; adoption, assisted reproduction, awareness-raising campaign, children, consultation, family, legislation, same-sex couples, stereotypes*

**Discrimination on the grounds of sexual orientation and gender identity**

9. While commending the efforts made by the State party to guarantee the equal rights of LGBT persons under domestic law, the Committee regrets that the amendments to the Law on Marriage and Family Relations granting, on an equal basis, the rights of same-sex couples to inheritance, to access reproductive treatments and to adopt children, were made subject to a referendum in December 2015 notwithstanding the provisions of the Constitution to the contrary, and were rejected (arts. 2 and 26).
10. **The State party should ensure that all LGBT persons are guaranteed equal rights under the Covenant and the Constitution, and intensify its efforts to combat**

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<sup>395</sup> 3<sup>rd</sup> reporting cycle, [CCPR/C/SVN/CO/3](#).

**stereotypes and prejudice against LGBT persons, including by launching a nationwide awareness-raising campaign, in cooperation with civil society organizations working in this field.**

*Keywords: access to justice, awareness-raising campaign, consultation, discrimination, follow-up, hate speech, internet, legislation, prevention, remedy*

**D. Dissemination of information relating to the Covenant**

34. In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations made by the Committee in paragraphs 8 (racism and xenophobia, including hate speech), 16 (asylum seekers, migrants and refugees) and 20 (persons in vulnerable situations in the migration flow) above.

**South Africa – List of Issues – 114<sup>th</sup> session, 19 August 2015, initial review<sup>396</sup>**

Keywords: *SOGI; access to justice, anti-discrimination legislation, court, education, employment, hate speech, internet, intersectionality, legislation, measures, prevention, protected grounds, remedy*

**Non-discrimination, equality between men and women and prohibition of advocacy of national, racial or religious hatred (arts. 2, 3, 20 and 26)**

3. Please provide information on: (a) the expected timeline for the Prohibition of Racism, Hate Speech, Xenophobia and Related Intolerance Bill to be introduced to Parliament and become law; (b) further steps taken to prevent and combat xenophobia and hate speech in the workplace and in education centres, as well as on social media sites; and (c) measures taken to ensure that the comprehensive anti-discrimination legislation already in force in the State party addresses discrimination in all spheres, including in the private sphere, that it prohibits direct, indirect and multiple discrimination, that it contains a comprehensive list of grounds for discrimination—including national origin, sexual orientation and gender identity—and that it provides for effective administrative and judicial remedies.

Keywords: *LGBTI; measures, violence*

**Violence against women, children and lesbian, gay, bisexual, transgender and intersex persons, including domestic violence (arts. 2, 7 and 24)**

8. With reference to the information provided in the State party report (see CCPR/C/ZAF/1, para. 99), please provide further information on the measures taken to combat violence against lesbian, gay, bisexual, transgender and intersex persons and on strategies and results obtained to ensure full operationalization of the National Task Team on Gender and Sexual Orientation-Based Violence.

**South Africa – Concluding Observations – 116<sup>th</sup> session, 7–8 March 2016, initial review<sup>397</sup>**

Keywords: *LGBTI; SOGIE; action plan, discrimination, legislation, violence*

**B. Positive aspects**

3. The Committee welcomes the following legislative and institutional measures taken by the State party: [...]
  - (e) The establishment in 2011 of the national task team to counter discrimination and violence against persons based on their actual or perceived sexual orientation and gender identity and expression, and the launch in 2014 of the National Intervention Strategy for Lesbian, Gay, Bisexual, Transgender and Intersex Sector;

Keywords: *SOGI, SOGIBD; access to justice, action plan, data collection, discrimination, domestic violence, harassment, hate crimes, health, investigation, law enforcement officials,*

<sup>396</sup> 1<sup>st</sup> reporting cycle, [CCPR/C/ZAF/Q/1](#).

<sup>397</sup> 1<sup>st</sup> reporting cycle, [CCPR/C/ZAF/CO/1](#).

*medical professionals, prevention, professional groups, prosecution, punishment, remedy, reparation, sexual violence, shelters, stigmatisation, trainings, violence*

**Violence based on sex, gender, sexual orientation and gender identity**

20. While acknowledging the considerable efforts invested by the State party in this field, the Committee is concerned that gender-based and domestic violence remains a serious problem in the State party, that the conviction rate for such acts is low and that there is a lack of disaggregated data on the phenomenon. It is also concerned about the persistence of stigma against persons based on their real or perceived sexual or gender orientation, gender identity or bodily diversity, and that such persons are subject to harassment, acts of discrimination and sexual and physical violence (arts. 2, 3, 6, 7 and 26).
21. **The State party should redouble its efforts to prevent and combat sexual, gender-based and domestic violence and to eradicate discrimination and violence against persons based on their real or perceived sexual or gender orientation, gender identity or bodily diversity, including through implementation of the National Intervention Strategy. The State party should also facilitate reporting, and collecting data on, sexual and gender-based crimes and ensure that all such crimes are promptly and thoroughly investigated, that perpetrators are brought to justice and that victims have access to full reparation and means of protection, including access to shelters or centres run by the State and non-governmental organizations throughout the State party's territory. The State party should also ensure adequate training for law enforcement and health service personnel regarding domestic and gender-based violence, and violence based on sexual orientation and gender identity.**

*Keywords: LGBTI; access to justice, FOE/FOAA, harassment, hate crimes, HRD, investigation, law enforcement officials, measures, police, police misconduct, prosecution, punishment, remedy, reparation, trainings, violence*

**Protection of human rights defenders**

40. The Committee is concerned about reports of threats, intimidation, harassment, excessive use of force and physical attacks, some resulting in deaths, by private individuals and police forces against human rights defenders, in particular those working on corporate accountability, land rights and transparency issues, as well as lesbian, gay, bisexual, transgender and intersex persons and HIV activists. It also notes with concern reports about the lack of due diligence of law enforcement officers in protecting human rights defenders, including registering and investigating allegations of human rights violations, and in securing accountability for such violations (arts. 2, 6, 9, 19, 21 and 22).
41. **The State party should take all measures necessary to protect the rights of human rights defenders to freedom of expression, association and peaceful assembly. It should ensure that police officials receive adequate training regarding the protection of human rights defenders. The State party should also thoroughly investigate all attacks on the life, physical integrity and dignity of these persons, bring perpetrators to justice and provide victims with appropriate remedies.**

**Sweden** – Concluding Observations – 116<sup>th</sup> session, 9–10 March 2016, 7<sup>th</sup> review<sup>398</sup>

Keywords: *SO, SOGIE; action plan, anti-discrimination legislation, discrimination, legislation, measures*

**B. Positive aspects**

3. The Committee welcomes the following legislative and other measures taken by the State party:

(a) The entry into force on 1 January 2011 of amendments to the Swedish constitution (the Instrument of Government), inter alia, incorporating the protection against discrimination based on sexual orientation;

[...]

(e) The adoption in December 2013 of the first comprehensive strategy for equal rights and opportunities regardless of sexual orientation, gender identity or gender expression.

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<sup>398</sup> 7<sup>th</sup> reporting cycle, [CCPR/C/SWE/CO/7](#).

**Thailand** – List of Issues – 117<sup>th</sup> session, 12 August 2016, 2<sup>nd</sup> review<sup>399</sup>

Keywords: *SOGI; access to justice, court, discrimination, education, employment, jurisprudence, legislation, measures*

**Non-discrimination and equality (arts. 2 (1), 3, 26 and 27)**

7. Please describe the legislative or administrative measures and any recent court decisions taken to protect against discrimination on the grounds of sexual orientation or gender identity, including discrimination in employment and accessing education.

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<sup>399</sup> 2<sup>nd</sup> reporting cycle, [CCPR/C/THA/Q/2](#).

**Togo** – List of Issues Prior to Reporting – 118<sup>th</sup> session, [November] 2016, 5<sup>th</sup> review<sup>400</sup>

Keywords: *LGBTI; SOGI; access to justice, anti-discrimination legislation, arrest, criminalisation (decriminalisation), data collection, detention, education, employment, FOE/FOAA, harassment, housing, HRD, investigation, legislation, police misconduct, prosecution, protected grounds, punishment, service provision, stigmatisation, torture/ill-treatment, violence*

**Non-discrimination et droits des personnes appartenant à des minorités ethniques, religieuses, linguistiques ou sexuelles (art. 2, 20, 22 et 26 à 27)**

5. À la lumière des précédentes observations finales du Comité (par. 14), et compte tenu de la révision du Code pénal du 2 novembre 2015, qui continue à criminaliser les relations sexuelles entre adultes consentants du même sexe et aggrave les peines applicables, indiquer si l'État partie envisage d'abroger ces dispositions de manière à mettre sa législation en conformité avec le Pacte. Clarifier les informations faisant état d'actes de harcèlement, de mauvais traitements et de détentions arbitraires de personnes en raison de leur orientation sexuelle ou de leur identité de genre, réelles ou présumées, de la part des forces de sécurité et exposer les mesures prises pour assurer la protection des victimes de ces actes et mettre fin à l'impunité de leurs auteurs. Fournir également des statistiques depuis 2011 sur le nombre d'allégations d'agression, d'arrestation et de détention arbitraires de personnes en raison de leur orientation sexuelle ou de leur identité de genre, réelles ou présumées, ainsi que sur les enquêtes menées et les poursuites engagées, en indiquant les résultats. Décrire les efforts entrepris par l'État partie pour lutter contre la stigmatisation sociale des lesbiennes, gays, bisexuels, transgenres et intersexués (LGBTI) s'agissant de l'accès à l'emploi, au logement, à l'éducation et aux services de santé, et contre les restrictions imposées aux organisations de défense de ces personnes, et indiquer si l'État partie envisage de modifier la législation interne interdisant la discrimination dans l'emploi afin d'inclure l'interdiction de la discrimination fondée sur l'orientation sexuelle ou l'identité de genre. Veuillez aussi indiquer les mesures prises pour une meilleure représentation des différents groupes ethniques dans la fonction publique et dans les forces de sécurité.

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<sup>400</sup> 5<sup>th</sup> reporting cycle, [CCPR/C/TGO/QPR/5](#).

**Turkmenistan** – List of Issues – 117<sup>th</sup> session, 29 July 2016, 2<sup>nd</sup> review<sup>401</sup>

Keywords: *SOGI; access to justice, anti-discrimination legislation, arrest, court, criminalisation (decriminalisation), detention, discrimination, intersectionality, legislation, measures, protected grounds, remedy*

**Non-discrimination and equality between men and women (arts. 2, 3 and 26)**

3. Please indicate whether steps have been or are being taken to adopt comprehensive anti-discrimination legislation that addresses discrimination, including in the private sphere; prohibits direct, indirect and multiple discrimination; contains a comprehensive list of prohibited grounds for discrimination, including colour and sexual orientation and gender identity; and provides for effective remedies in judicial and administrative proceedings.
4. With reference to the Committee's previous recommendation (see CCPR/C/TKM/CO/1, para. 21), please provide information on measures taken to decriminalize sexual relations between consenting adults of the same sex and to combat discrimination on the grounds of sexual orientation and gender identity. Please respond to allegations of arbitrary arrests and detention, threats and other abuses perpetrated on the basis of sexual orientation and gender identity.

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<sup>401</sup> 2<sup>nd</sup> reporting cycle, [CCPR/C/TKM/Q/2](#).

### 3. Committee on the Elimination of Discrimination against Women

**Albania** – Concluding Observations – 64<sup>th</sup> session, 12 July 2016, 4<sup>th</sup> review<sup>402</sup>

Keywords: *LBT; access to justice, anti-discrimination legislation, criminalisation (decriminalisation), data collection, discrimination, education, employment, hate crimes, health, housing, intersectionality, legislation, policy, women*

#### **Disadvantaged groups of women**

38. The Committee is concerned about the continuous discrimination against and lack of appropriate legislation or measures for protection of women and girls belonging to disadvantaged and marginalized groups, such as older women, Roma and Egyptian women, women with disabilities, migrant women, lesbian, bisexual and transgender women, women in detention, secluded women, and asylum seeking women, in particular as regards their access to education, health, employment, housing and participation in public and political life as well as lack of appropriate legislation.
39. **The Committee recommends that the State party adopt targeted laws, policies and programmes to ensure equal rights to women belonging to disadvantaged and marginalized groups such as: [...]**
- (e) **Lesbian, bisexual and transgender women by harmonizing the Criminal Code with the anti-discrimination laws and introducing the definition of hate crimes;**
40. **The Committee also requests the State party to include in its next periodic report information on the enjoyment by those women of their rights under the Convention, disaggregated by age, national or ethnic origin, and rural/urban areas.**

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<sup>402</sup> 4<sup>th</sup> reporting cycle, [CEDAW/C/ALB/CO/4](#).

**Argentina** – List of Issues – 65<sup>th</sup> PSWG, 16 March 2016, 7<sup>th</sup> review<sup>403</sup>

Keywords: *GI; legislation, LGR*

**Legislative and institutional framework**

2. Please provide information on the status of the discussions in Congress on the bills on the voluntary interruption of pregnancy and on establishing gender parity in electoral lists. Please provide further information on legislation and public policies aimed at combating multiple forms of discrimination against women, considering the sociodemographic composition of the population of the State party. Please report on mechanisms to enforce Act No. 26.743 on gender identity and the amendments to the Civil Code.

Keywords: *LBT; access to justice, data collection, hate crimes, prevention, prosecution, punishment, violence, women*

**Violence against Women**

10. Please provide data disaggregated by age and ethnicity, as well as data on the geographical location of shelters for women who are victims of violence. Please describe the measures that have been adopted to ensure that women with disabilities have access to temporary shelters. Please inform the Committee about measures taken to provide counselling and psychological redress for all women who are victims of violence. Please report on the scope of the mediation in criminal procedures and its impact on women who have been victims of any form of violence. Please also provide information on the incidence of hate crimes against lesbians and bisexual and transgender women, prevention mechanisms and data on reported cases, prosecutions and convictions of perpetrators of such crimes.

Keywords: *LBT; employment, measures, women*

**Employment**

15. The State party acknowledges that women continue to face vertical and horizontal segregation in employment (para. 84). Please provide information on the strategies to ensure equal access by women to employment opportunities, in particular to the formal labour market, and measures taken to overcome the gap in average income between women and men. In paragraph 87, it is indicated that, historically, domestic work and care activities have been associated with women; it is also indicated that the State party adopted Act No. 26.844 on the rights of women domestic workers in 2013. Please provide information on measures taken to recognize and protect women in care work, including plans to ensure social security protection, and on measures taken to monitor the implementation of the duties of employers in the area of domestic work. Please report on measures taken to ensure that all women benefit from paid maternity leave. Please provide information on girls who are victims of child labour, in particular migrant girls engaged in domestic work. Please report on measures taken to promote the rights of lesbian, bisexual and transgender women in the employment domain.

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<sup>403</sup> 7<sup>th</sup> reporting cycle, [CEDAW/C/ARG/Q/7](#).

**Argentina – Concluding Observations – 65<sup>th</sup> session, 1 November 2016, 7<sup>th</sup> review<sup>404</sup>**

Keywords: *family, legislation, marriage, same-sex couples*

**B. Positive aspects**

4. The Committee welcomes the progress achieved since the consideration in 2010 of the State party's sixth periodic report (CEDAW/C/ARG/6), in particular the adoption of the following: [...]

- (i) Law 26.618 of 15 July 2010 Egalitarian Matrimony Act, recognizing equal rights to marriage for same-sex couples.

Keywords: *LBTI, T; access to justice, awareness-raising campaign, consultation, data collection, decision-making process, harassment, hate crimes, HRD, investigation, killings, law enforcement officials, police, police misconduct, prevention, prosecution, punishment, remedy, reparation, support services, violence, women*

**Gender-based violence against women**

20. The Committee welcomes the National Action Plan for the Prevention and Eradication of Violence against Women and Assistance to Victims (2017-2019). It also welcomes the measures taken by the State party to enhance data collection on gender-based violence through its National Institute of Statistics and Censuses, as well as the establishment of shelters for women victims of gender-based violence and their families by virtue of the Framework Protocol for Shelter Facilities. However, the Committee is concerned at the: [...]

- (e) Hate crimes against lesbian, bisexual, transgender and intersex persons (LBTI), including reports of harassment by the police, murders of transgender women, and the killing of LBTI activists, as well as the absence of statistical data on the number of complaints about such crimes, investigations, prosecutions and convictions of perpetrators, as well as on redress provided to victims.

21. **The Committee recommends that the State party: [...]**

- (g) Denounce attacks on the human dignity and integrity of LBTI persons, including by raising public awareness of their rights in partnership with civil society. Adopt measures to prevent hate crimes and ensure investigations, prosecutions, convictions and reparations.**

Keywords: *T; action plan, discrimination, employment, intersectionality, stigmatisation, TSM, women*

**Employment**

30. The Committee is concerned about: [...]

- (f) The limited access to employment opportunities for women experiencing intersecting discrimination and social stigmatization, such as transgender women.

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<sup>404</sup> 7<sup>th</sup> reporting cycle, [CEDAW/C/ARG/CO/7](#).

**31. The Committee recommends that the State party:**

**(f) Accelerate the adoption of programmes at the national, provincial and municipal levels to promote access to employment opportunities for women who experience intersecting social stigma and discrimination;**

**(g) Spread to other provinces and municipal areas the good practice on employment of transgender women carried out in the Province of Buenos Aires.**

Keywords: *T; gender reassignment treatment, health, service provision*

**Health**

32. The Committee acknowledges the measures adopted by the State party in the framework of the National Sexual Health and Responsible Parenthood Programme and welcomes the adoption in 2013 of Act No. 26.862 on assisted fertilization and the adoption in 2015 of a guide for the comprehensive health care of transgender persons.

Keywords: *SOGI; data collection, discrimination, education, employment, health, intersectionality, policy, women*

**Data collection and analysis**

48. The Committee notes with concern the insufficient updated disaggregated information and data on the situation of women facing intersecting forms of discrimination based on their sex and age, ethnic origin or socio-economic, migrant, asylum-seeking, refugee or disability-related status as well as sexual orientation and gender identity.

**49. The Committee recommends that the State party collect statistical data disaggregated by sex, age, ethnic origin, and migrant, asylum-seeking, refugee and disability status as well as by sexual orientation and gender identity in all areas of the Convention, including education, employment and health, and in the public and private spheres. The State party should use the findings on disaggregated data collection to identify areas of discrimination as a base-line for developing its policies.**

**Armenia – List of Issues – 65<sup>th</sup> PSWG, 16 March 2016, 5<sup>th</sup>–6<sup>th</sup> review<sup>405</sup>**

Keywords: *LBTI; discrimination, intersectionality, measures, stereotypes, women*

**Stereotypes**

6. The State party acknowledges the persistence of gender stereotypes and provides some information on measures taken to improve the situation, in particular with regard to overcoming those stereotypes in the media and in educational programmes (paras. 45 and 46). Please provide information on the existence of clear policies and programmes for eradicating gender stereotypes, the implementation and the monitoring of existing policies and programmes, and any other measures taken since the submission of the combined report. Please also provide information on measures taken to counter stereotypical attitudes towards women and girls, who experience multiple forms of discrimination on account of their ethnicity, age or disability, for being lesbian, bisexual, transgender or intersex women and girls, or for any other characteristic.

**Armenia – Concluding Observations – 65<sup>th</sup> session, 4 November 2016, 5<sup>th</sup>–6<sup>th</sup> review<sup>406</sup>**

Keywords: *LBTI; access to justice, criminalisation (decriminalisation), discrimination, hate speech, women*

**Disadvantaged groups of women**

*LBTI women*

44. The Committee notes discriminatory declarations, hate speech and acts against LBTI women.
45. **The Committee invites the State party to criminalize hate speech and acts against LBTI women and provide victims with effective access to justice.**

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<sup>405</sup> 6<sup>th</sup> reporting cycle, [CEDAW/C/ARM/Q/5-6](#).

<sup>406</sup> 6<sup>th</sup> reporting cycle, [CEDAW/C/ARM/CO/5-6](#).

**Belarus – List of Issues Prior to Reporting – 65<sup>th</sup> PSWG, 27 November 2015, 8<sup>th</sup> review<sup>407</sup>**

Keywords: *L; education, employment, health, service provision, violence, women*

**Disadvantages groups of women**

22. With reference to the Committee's previous concluding observations (para. 41), please provide updated information and data on the human rights situation of older women, widows, migrant women, Roma women, women with disabilities, women belonging to minorities and lesbians with respect to education, employment, health-related issues and access to health services, as well as protection from violence.

**Belarus – Concluding Observations – 65<sup>th</sup> session, 28 October 2016, 8<sup>th</sup> review<sup>408</sup>**

Keywords: *LBT; access to justice, discrimination, family, FOE/FOAA, harassment, hate crimes, HRD, investigation, law enforcement officials, legislation, marriage, police, police misconduct, propaganda, prosecution, punishment, stigmatisation, violence, women*

**Disadvantages groups of women**

*Lesbian, bisexual and transgender women*

46. The Committee is concerned about significant societal discrimination, stigmatization and violence, including by the police, experienced by lesbian, bisexual and transgender (LBT) women. It also notes with concern that discrimination and hate crimes against LBT women are frequently not prosecuted. It is furthermore concerned that the recently adopted Law of the Republic of Belarus No. 362-Z providing for amendments to normative acts for the protection of children from harmful information, which is inter alia defined as information discrediting the traditional family and marriage institute, might be used to discriminate against LBT women.

**47. The Committee recommends that the State party adequately combat discrimination, harassment and violence against LBT women and/or LBT human rights defenders, and ensure that every crime against them is promptly investigated, prosecuted and adequately punished. It also recommends that the State party ensure an interpretation of Law 362-Z, that will not restrict the dissemination of information on LBT women.**

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<sup>407</sup> 8<sup>th</sup> reporting cycle, [CEDAW/C/BLR/QPR/8](#).

<sup>408</sup> 8<sup>th</sup> reporting cycle, [CEDAW/C/BLR/CO/8](#).

**Canada – Concluding Observations – 65<sup>th</sup> session, 25 October 2016, 8<sup>th</sup>–9<sup>th</sup> review<sup>409</sup>**

Keywords: *LBTI; action plan, discrimination, intersectionality, policy, women*

**National machinery for the advancement of women and gender mainstreaming**

20. The Committee welcomes the creation, within the newly appointed Federal Government, of a full-fledged Minister of Status of Women. The Committee is, nevertheless, concerned about: [...]

(b) The absence of a comprehensive national gender equality strategy, policy and action plan that address the structural factors causing persistent gender inequalities;

21. **The Committee recommends that the State party: [...]**

**(b) Develop a comprehensive national gender strategy, policy and action plan that addresses the structural factors causing persistent inequalities, including intersecting forms of discrimination, against women and girls, with a special focus on disadvantaged groups of women and girls, including First Nations, Inuit, Métis, Afro-Canadian, disabled, migrant, refugee, asylum-seeking, single parent, lesbian, bisexual, transsexual and intersex women and girls;**

Keywords: *LBTI; action plan, discrimination, follow-up, intersectionality, policy, women*

**Follow-up to the concluding observations**

59. **The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 21 (a), (b), (d) and 27 (a) above.**

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<sup>409</sup> 9<sup>th</sup> reporting cycle, [CEDAW/C/CAN/CO/8-9](#).

**Costa Rica – List of Issues – 67<sup>th</sup> PSWG, 25 November 2016, 7<sup>th</sup> review<sup>410</sup>**

Keywords: *family, legislation, same-sex couples*

**Stereotypes and harmful practices**

5. Please provide information about the current status of the draft legislation to confront gender stereotypes listed in paragraph 71 of the report, in particular the draft law to eradicate child marriage, and the draft law for recognising *de facto* unions between same sex couples. Please also indicate whether discrimination on the basis of sex and gender has been included as form of discrimination in the Draft Law (Process 19.062) intended to recognise discrimination as a criminal offense. Please inform the Committee about strategies set up to implement the Law 9220 of 2014, which recognises child care as a social responsibility and on awareness raising campaigns to sensitize women and men on how to overcome attribution of traditional gender roles for women and men. Please report about measures taken to mainstream the gender perspective in the educational curriculum, both formal and non-formal education. The State party reports about educational campaigns in the traditional and non-traditional mass media against detrimental stereotypes (paras. 74 and 76). Please provide additional information about the timeframe and population targeted through such campaigns.

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<sup>410</sup> 7<sup>th</sup> reporting cycle, [CEDAW/C/CRI/Q/7](#).

**El Salvador** – List of Issues – 66<sup>th</sup> PSWG, 29 July 2016, 8<sup>th</sup>–9<sup>th</sup> review<sup>411</sup>

Keywords: *LBTI; discrimination, intersectionality, legislation, policy, women*

**Equality and non-discrimination against women and intersecting forms of discrimination**

3. Please indicate how the State party addresses intersecting forms of discrimination against women, such as through legislation and public policies designed to ensure the equality of women with men, including indigenous women, women of African descent, women with disabilities, asylum-seeking and refugee women, women living in precarious urban settlements and lesbian, bisexual, transgender and intersex women.

Keywords: *LBTI; SO; criminalisation (decriminalisation), harassment, hate crimes, IDP, measures, stereotypes, women*

**Stereotypes and harmful practices**

7. [...] The Committee further wishes to be informed about measures to sanction hate crimes against lesbian, bisexual, transgender and intersex women, including harassment by public officials, threats and other human rights violations in the context of internal displacement, as well as the measures being taken to confront gender-based stereotypes that encourage harm on the basis of sexual orientation.

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<sup>411</sup> 9<sup>th</sup> reporting cycle, [CEDAW/C/SLV/Q/8-9](#).

**Estonia – List of Issues – 65<sup>th</sup> PSWG, 16 March 2016, 5<sup>th</sup>–6<sup>th</sup> review<sup>412</sup>**

Keywords: *LBTI; data collection, discrimination, education, employment, health, housing, intersectionality, women*

**Disadvantages groups of women**

19. Please provide data and information on the situation of disadvantaged groups of women, such as women with disabilities, ethnic minorities, including Roma women, lesbian, bisexual, transgender and intersex women, migrant, asylum-seeking and refugee women and older women, notably with regard to any discrimination experienced in gaining access to education, employment, health care and adequate housing. [...]

**Estonia – Concluding Observations – 65<sup>th</sup> session, 9 November 2016, 5<sup>th</sup>–6<sup>th</sup> review<sup>413</sup>**

Keywords: *SO; anti-discrimination legislation, discrimination, family, legislation, marriage, partnership, protected grounds, same-sex couples*

**B. Positive aspects**

4. The Committee welcomes the progress achieved since the consideration in 2007 of the State party's fourth periodic report (CEDAW/C/EST/4) in undertaking legislative reforms, in particular the adoption of:
- (a) The 2014 Registered Partnership Law which entered into force on 1 January 2016, granting persons in civil union nearly identical rights to those of married couples and legalizing same-sex partnerships; [...]
- (d) The Equal Treatment Law which entered into force on 1 January 2009, ensuring protection against discrimination on grounds of nationality (ethnic origin), race, colour, religion or belief, age, disability and sexual orientation.

Keywords: *LBTI; data collection, discrimination, employment, stigmatisation, women*

**Employment**

28. The Committee welcomes the amendments to the Gender Equality Law and Equal Treatment Law which further defined discrimination in labour disputes and sexual harassment in the workplace and introduced a shared burden of proof in civil and administrative proceedings in such cases. However, the Committee regrets the absence of statistical data from the Labour Disputes Committees and the courts that would make it possible to evaluate the impact of these measures and of specific sanctions for employers who are violating the relevant provisions of the Gender Equality Law, including the principle of equal pay for work of equal value. The Committee is also concerned about: [...]

<sup>412</sup> 6<sup>th</sup> reporting cycle, [CEDAW/C/EST/Q/5-6](#).

<sup>413</sup> 6<sup>th</sup> reporting cycle, [CEDAW/C/EST/CO/5-6](#).

(g) The lack of information on the employment rates and working conditions of women belonging to the Russian speaking minority, women with disabilities, and lesbian, bisexual, transgender and intersex women.

**29. The Committee recommends that the State party: [...]**

**(i) Promote access to the labour market for women belonging to the Russian speaking minority, women with disabilities, and lesbian, bisexual, transgender and intersex women, by addressing discrimination and social stigma against them.**

*Keywords: LGBTI; access to justice, awareness-raising campaign, data collection, discrimination, employment, hate crimes, law enforcement officials, legislation, prosecution, punishment, women*

**Disadvantaged groups of women**

**36. The Committee is concerned about: [...]**

(b) Discrimination against lesbian, bisexual, transgender and intersex women, especially in the workplace;

(c) The absence of criminal proceedings in cases of hate crimes committed against lesbian, bisexual, transgender and intersex women and the lack of statistical data on such crimes.

**37. The Committee recommends that the State party: [...]**

**(c) Address discrimination against lesbian, bisexual, transgender and intersex women in the workplace, through awareness raising campaigns and prosecution and punishment of offenders;**

**(d) Develop and adopt legislation to explicitly criminalize hatred against lesbian, bisexual, transgender and intersex women;**

**(e) Instruct relevant law enforcement agencies, such as the Ministry of Interior, to collect disaggregated data on homophobic and transphobic crimes.**

**France – Concluding Observations – 64<sup>th</sup> session, 8 July 2016, 7<sup>th</sup>–8<sup>th</sup>review<sup>414</sup>**

Keywords: *LBT; legislation, marriage, same-sex couples, women*

**B. Positive aspects**

6. [...] The Committee takes note of Act No. 2013-404 of 17 May 2013 and its recognition of the rights of lesbian, bisexual and transgender women to enter into marriage.

Keywords: *I; children, decision-making process, free and informed consent, health, IGM, surgical/medical intervention*

**Stereotypes and harmful practices**

18. The Committee welcomes the State party's efforts to combat discriminatory gender stereotypes [...] The Committee also welcomes the legislative and other measures taken to combat harmful practices, including child and forced marriage, female genital mutilation and crimes in the name of so-called honour. The Committee is, however, concerned: [...]

(f) That medically unnecessary and irreversible surgery and other treatment are routinely performed on intersex children, as noted by the Committee on the Rights of the Child and the Committee against Torture.

19. **The Committee recommends that the State party: [...]**

**(f) Develop and implement a rights-based health-care protocol for intersex children, ensuring that children and their parents are appropriately informed of all options; that children are involved, to the greatest extent possible, in decision-making about medical interventions and that their choices are respected; and that no child is subjected to unnecessary surgery or treatment, as recommended recently by the Committee against Torture (see CAT/C/FRA/CO/7, para. 35) and the Committee on the Rights of the Child (see CRC/C/FRA/CO/5, para. 48).**

Keywords: *T; court, LGR*

**Marriage and family relations**

46. [...] The Committee is concerned about the conditions that must be met by transgender persons wishing to change their name.

47. **The Committee recommends that the State party take measures to inform parents of the equal right of women and men to transmit their family names to their children, to eliminate the patriarchal priority given to men's family names. It also recommends a simplification of the judicial procedure under which transgender persons can change their name, by allowing them to make a declaration to that effect before a registry officer or a notary.**

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<sup>414</sup> 8<sup>th</sup> reporting cycle, [CEDAW/C/FRA/CO/7-8](#).

**Germany** – List of Issues – 66<sup>th</sup> PSWG, 2 August 2016, 7<sup>th</sup>–8<sup>th</sup> review<sup>415</sup>

Keywords: *T; media, stereotypes, women*

**Stereotypes and harmful practices**

7. [...] Please specify the measures taken to address the stereotypes portrayal in the media of women, including women belonging to minority groups and migrant women, as well as transgender women (paras. 32–36).

Keywords: *I, T; access to justice, children, education, free and informed consent, IGM, investigation, legislation, LGR, medical professionals, remedy, reparation, surgical/medical intervention, trainings*

9. Reference is made to the amendment of 2013 to the Civil Status Act under which parents do not need to enter the sex of the child when registering a birth if it cannot be unequivocally established (para. 202). It is also indicated that that amendment will be evaluated and possibly extended (para. 203), on the basis of the work of the interministerial working group on intersexuality/transsexuality (para. 204). Please indicate whether the State party is planning: (a) to ensure the effective application of legal and medical standards following the best practice of the people concerned or their legal representatives granting informed consent to medical and surgical treatment of intersex people; (b) to investigate incidents of surgical and other medical treatment of intersex people without their effective consent and adopt legal provisions in order to provide redress to the victims of such treatment, including adequate compensation; (c) to educate and train medical and psychological professionals on the range of sexual, and related biological and physical, diversity; and (d) to properly inform patients and their parents of the consequences of unnecessary surgical and other medical interventions for intersex people.

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<sup>415</sup> 8<sup>th</sup> reporting cycle, [CEDAW/C/DEU/Q/7-8](#).

**Haiti** – Concluding Observations – 63<sup>rd</sup> session, 29 February – 1 March 2016, 8<sup>th</sup>–9<sup>th</sup> review<sup>416</sup>

Keywords: *LBT, LGBT; access to justice, discrimination, hate crimes, HRD, punishment, remedy, reparation, stereotypes, violence*

**Disadvantaged groups of women**

*Lesbian, bisexual and transgender women*

47. The Committee notes the concern expressed by the Human Rights Committee regarding “a significant number of displays of hostility towards LGBT [lesbian, gays, bisexuals and transgender] persons and other actions including acts of violence and attacks on the institutions that defend their rights, all of which are closely bound up with the persistence of stereotypes with respect to these groups” (CCPR/C/HTI/CO/1 (2014), para. 9).
48. **The Committee recommends the State party to effectively protect lesbian, bisexual and transgender persons from violence and discrimination and ensure their access to justice, through the appropriate handling of their complaints, punishment of perpetrators and awarding of compensation.**

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<sup>416</sup> 9<sup>th</sup> reporting cycle, [CEDAW/C/HTI/CO/8-9](#).

**Honduras – List of Issues – 65<sup>th</sup> PSWG, 16 March 2016, 7<sup>th</sup>–8<sup>th</sup> review<sup>417</sup>**

Keywords: *SO; aggravating circumstance, criminalisation (decriminalisation), hate crimes, legislation, violence*

**Constitutional, legislative and policy framework**

1. Please provide information on the steps taken to expedite the adoption of the draft bill on compensation for victims of human rights violations (CEDAW/C/HND/7-8, para. 13). Please also provide information about the amendments to the Penal Code of article 333, on the crime of enforced disappearance of persons, and article 117, relating to the crime of murder, which would add a series of aggravating circumstances, including “based on gender, sexual orientation and civil status”. Please explain how these amendments address the gender specificity relating to these offences.

Keywords: *LBTI; access to justice, discrimination, education, employment, health, policy, social security, violence, women*

**Disadvantages groups of women**

17. Please provide information about the policies and programmes existing in the State party for women with disabilities, women in detention and lesbian, bisexual, transgender or intersex women, with regard to their access to justice, health and social services, education, employment and protection against violence and discrimination [...].

**Honduras – Concluding Observations – 65<sup>th</sup> session, 3 November 2016, 7<sup>th</sup>–8<sup>th</sup> review<sup>418</sup>**

Keywords: *LBTI; discrimination, intersectionality, measures, stereotypes, violence, women*

**Stereotypes and harmful practices**

20. The Committee is concerned by the ineffectiveness of measures to eliminate patriarchal attitudes and entrenched discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and society which impede the implementation of the Convention and are a root cause of violence against women. The Committee is further concerned that these measures do not address intersecting forms of discrimination against women. [...]
21. **The Committee recommends that the State party adopt coordinated and adequately-funded measures to eliminate patriarchal attitudes and discriminatory stereotypes on the roles and responsibilities of women and men in society and in the family. It also recommends that the State party address intersecting forms of discrimination against women, based on their age, ethnic or indigenous origin, socioeconomic or other status, rural or urban location, or being LBTI.**

<sup>417</sup> 8<sup>th</sup> reporting cycle, [CEDAW/C/HND/Q/7-8](#).

<sup>418</sup> 8<sup>th</sup> reporting cycle, [CEDAW/C/HND/CO/7-8](#).

Keywords: *family, GC/GR, partnership, same-sex couples*

**Marriage and family relations**

48. The Committee notes amendments to the Family Code regarding the economic regime of marriage. However, it is concerned that provisions in the same Code continue to allow for child marriage of girls below the age of 16 years, and notes that such marriages have serious consequences for girls, including as regards their health and education. It notes with concern that same-sex couples have no possibility to register their partnerships in the State party [...].

49. **Recalling the Committee’s General Recommendation No. 29 (2013) on article 16 of the Convention, the Committee recommends that the State party: [...]**

**(d) Consider practices from countries in the region that allow the registration of same sex partnerships;**

**Japan – Concluding Observations – 63<sup>rd</sup> session, 16 February 2016, 7<sup>th</sup>–8<sup>th</sup> review<sup>419</sup>**

Keywords: *LBT; discrimination, education, employment, health, intersectionality, service provision, women*

**Disadvantaged groups of women**

46. The Committee is concerned at reports that indigenous and ethnic minorities, such as Ainu, Buraku and Zainichi Korean women, and women with disabilities, lesbian, bisexual and transgender women and migrant women, continue to experience multiple and intersecting forms of discrimination. The Committee is particularly concerned that these women continue to have limited access to health, education and employment.

**47. The Committee calls upon the State party to vigorously pursue efforts aimed at eliminating multiple and intersecting forms of discrimination experienced by indigenous and ethnic minority women, such as Ainu, Buraku and Zainichi Korean women, and women with disabilities, lesbian, bisexual and transgender women and migrant women, which affect their access to health, education and employment and their participation in public life, as well as their experiences with health and education services and at the workplace.**

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<sup>419</sup> 8<sup>th</sup> reporting cycle, [CEDAW/C/JPN/CO/7-8](#).

**Luxembourg** – List of Issues Prior to Reporting – 67<sup>th</sup> PSWG – 6 March 2017, 6<sup>th</sup>–7<sup>th</sup> review<sup>420</sup>

Keywords: *T; measures, stereotypes, women*

**Stereotypes and harmful practices**

10. In its previous concluding observations (para. 15), the Committee reiterated its concern about the persistence of stereotypes concerning the traditional roles and responsibilities of women and men in the family and in society, namely as caregivers and breadwinners, respectively, and the impact of these stereotypes on the educational and professional choices of women. Please provide information on the implementation and monitoring of measures taken since the Committee's consideration of the previous report of the State party to changing attitudes concerning the traditional sex-based dichotomy of roles and responsibilities in child and family care. Please specify the measures taken to address the stereotyped portrayal of women, including women belonging to minority groups and migrant women, and transgender women, in society. [...].

Keywords: *family, jurisprudence, legislation, same-sex couples*

**Marriage and family relations**

24. In the light of the Committee's previous concluding observations (para. 34), please provide an update on all changes to the legislative framework regulating marriage and family relations, including on marital property regimes (A/HRC/WG.6/15/LUX/1, para. 31). [...] Please also provide information on the present legal regulations (statutory and case law) in place governing the distribution of property upon divorce or dissolution of a de facto union (opposite or same-sex).

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<sup>420</sup> 7<sup>th</sup> reporting cycle, [CEDAW/C/LUX/QPR/6-7](#).

**Mongolia** – Concluding Observations – 63<sup>rd</sup> session, 19 February 2016, 8<sup>th</sup>–9<sup>th</sup> review<sup>421</sup>

Keywords: *SM; access to justice, criminalisation (decriminalisation)s, domestic violence, legislation, punishment, sexual violence, violence, women*

**Violence against women**

18. The Committee notes with appreciation the adoption in 2015 of the revised Criminal Code, which criminalizes domestic violence and other forms of violence, such as stalking, threats and sexual exploitation, against women and girls, including those belonging to sexual minorities, and appreciates that perpetrators can no longer avoid penalties by reconciling with victims.

Keywords: *LBTI; data collection, GC/GR, health, medical professionals, SRHR, trainings, women*

**Health**

28. The Committee welcomes the progress made in reducing child and maternal mortality rates, but it is concerned: [...]

(c) At the lack of information on sexual and reproductive health and rights available to women and girls with disabilities and to lesbian, bisexual, transgender and intersex women, as well as the lack of training of medical personnel with regard to the special needs of those women;

29. **In line with its general recommendation No. 24 (1999) on women and health, the Committee calls upon the State party: [...]**

(c) **To improve the information on health, especially sexual and reproductive health and rights, provided to women and girls with disabilities and to lesbian, bisexual, transgender and intersex women, and train medical personnel to respond to their needs;**

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<sup>421</sup> 9<sup>th</sup> reporting cycle, [CEDAW/C/MNG/CO/8-9](https://www.ohchr.org/en/hrbodies/cedaw/countries/mongolia).

**Montenegro** – List of Issues – 67<sup>th</sup> PSWG, 25 November 2016, 2<sup>nd</sup> review<sup>422</sup>

Keywords: *SOGI; access to justice, discrimination, legislation*

**Constitutional and institutional mechanisms**

1. In response to the Committee's previous concluding observations, please provide information on measures taken to implement the provision preventing direct and indirect discrimination based on sex, sexual orientation and gender identity of the Law on the Prohibition of Discrimination (2010) (CEDAW/C/MNE/CO/1, para. 4 (b)) [...].

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<sup>422</sup> 2<sup>nd</sup> reporting cycle, [CEDAW/C/MNE/Q/2](#).

**Netherlands** – Concluding Observations – 65<sup>th</sup> session, 10 November 2016, 6<sup>th</sup> review<sup>423</sup>

Keywords: *I; children, decision-making process, free and informed consent, health, IGM, surgical/medical intervention*

**Stereotypes and harmful practices**

21. The Committee welcomes the State party's efforts to combat discriminatory gender stereotypes and harmful practices such as female genital mutilation and crimes in the name of so-called honour, as well as the adoption of the Forced Marriages (Countermeasures) Act, which entered into force in December 2015. The Committee is, however, concerned that: [...]

(e) Medically irreversible sex-assignment surgery and other treatments are performed on intersex children.

22. **The Committee recommends that the State party: [...]**

**(f) Develop and implement a rights-based health-care protocol for intersex children which ensures that children and their parents are properly informed of all options and that children are, to the greatest extent possible, involved in decision-making about medical interventions and that their choices are fully respected.**

Keywords: *LBTI; GC/GR, hate crimes, Istanbul Convention, violence, women*

**Gender-based violence against women**

23. The Committee commends the State party on its efforts to address gender-based violence against women such as the adoption of the Social Support Act (2015) which broadened the concept of social support to include safety in the domestic setting and the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) in 2015. However, the Committee remains concerned at: [...]

(f) Reports of hate crimes against lesbian, bisexual, transgender and intersex women.

24. **In line with its general recommendation No. 19 (1992) on violence against women, the Committee recommends that the State party: [...]**

**(f) Intensify efforts to combat hate crimes against lesbian, bisexual, transgender and intersex women.**

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<sup>423</sup> 6<sup>h</sup> reporting cycle, [CEDAW/C/NLD/CO/6](#).

**Niger** – List of Issues – 67<sup>th</sup> PSWG, 25 November 2016, 3<sup>rd</sup>–4<sup>th</sup> review<sup>424</sup>

Keywords: *SOGI; anti-discrimination legislation, discrimination, GC/GR, legislation, protected grounds, women*

**Legislative and institutional framework**

3. [...] Please inform the Committee on any steps taken with a view to adopting comprehensive anti-discrimination legislation that specifically prohibits all forms of discrimination against women, in all fields of life and addressed to State and private actors, in accordance with articles 1 and 2 of the Convention, including direct and indirect discrimination, on all grounds as referred to in general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention. Furthermore, please inform on any steps taken to prohibit discrimination based on sexual orientation and gender identity. Please also inform on the efforts made towards adoption of the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa.

Keywords: *LBT; discrimination, intersectionality, measures, prevention, women*

**Disadvantaged groups of women**

21. Please provide information on measures taken to prevent discrimination against and provide support to women in disadvantaged and vulnerable situations, including women with disabilities, lesbian, bisexual and transsexual women, older women, women affected by HIV/AIDS, women descending from victims of slavery and former victims of slavery, and single mothers.

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<sup>424</sup> 4<sup>th</sup> reporting cycle, [CEDAW/C/NER/Q/3-4](#).

**Philippines** – Concluding Observations – 64<sup>th</sup> session, 5 July 2016, 7<sup>th</sup>–8<sup>th</sup>review<sup>425</sup>

Keywords: *LBT; access to justice, awareness-raising campaign, court, discrimination, GC/GR, intersectionality, measures, remedy, stereotypes, stigmatisation, support services, trainings, women*

**Access to justice**

14. The Committee notes with concern that: [...]

(b) Discriminatory gender stereotypes, lack of adequate support system and stigma pose barriers to access to justice and effective remedies for women, particularly those facing multiple forms of discrimination, such as women in poverty, women with disabilities, indigenous and Muslim women, women living in geographically inaccessible areas, and lesbian, bisexual and transgender women;

**16. With reference to its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:**

(a) **Ensure that justice systems, both formal and informal, do not discriminate against women and are secure, affordable and physically accessible for women, including those who face intersecting forms of discrimination, such as by institutionalizing accessibility for women with all forms of disabilities, and raise awareness among women about all available justice systems;**

(b) **Take measures, including the development of capacity-building programmes for justice system personnel, in order to strengthen gender responsiveness and gender sensitivity and ensure that the various religious, customary and indigenous justice systems harmonize their norms, procedures and practices with the Convention;**

Keywords: *LBT; access to justice, consultation, decision-making process, discrimination, education, employment, family, health, intersectionality, measures, violence, women*

**Disadvantaged groups of women**

45. The Committee is concerned that:

(a) Muslim women, indigenous women, women with disabilities, women migrant workers working and returning from abroad, internally displaced persons and lesbian, bisexual and transgender women face a heightened risk of violence, exploitation and abuse as well as discrimination in political and public life, marriage and family relations, employment, education, access to justice and health care;

**46. The Committee recommends that the State party:**

(a) **Take measures to ensure equal rights, opportunities and protection for women facing multiple and intersecting forms of discrimination, taking into consideration the specific risks and particular needs of different groups and assuring full and meaningful participation of women representing such groups;**

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<sup>425</sup> 8<sup>th</sup> reporting cycle, [CEDAW/C/PHL/CO/7-8](#).

**Sri Lanka** – List of Issues – 66<sup>th</sup> PSWG, 29 July 2016, 8<sup>th</sup> review<sup>426</sup>

Keywords: *LBT; SO, SOGI; criminalisation (decriminalisation), discrimination, intersectionality, violence, women*

**Gender-based violence against women**

16. Please clarify the statement that “the provisions of the Penal Code (sections 365 and 365A) which criminalize sexual activity between two consenting adults of the same sex does not detract from the Constitutional guarantee under Article 12 of the Constitution on protection from discrimination on the grounds of sexual orientation or sexual identity” (para. 36). Please provide a detailed account of the measures in place to guarantee the protection of lesbian, bisexual and transgender women who are subject to gender-based violence against women and intersecting forms of discrimination on the basis of their sexual orientation and gender identity ([CEDAW/C/LKA/CO/7](#), para. 25 (g)).

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<sup>426</sup> 8<sup>th</sup> reporting cycle, [CEDAW/C/LKA/Q/8](#).

**Switzerland – List of Issues – 65<sup>th</sup> PSWG, 16 March 2016, 4<sup>th</sup>–5<sup>th</sup> review<sup>427</sup>**

Keywords: *T; intersectionality, media, stereotypes, women*

**Stereotypes and harmful practices**

9. Please elaborate on the measures taken to eliminate stereotypical images and attitudes regarding the roles of women and men in the family and in society and how those efforts are coordinated among the cantons, as previously recommended by the Committee (see CEDAW/C/CHE/CO/3, para. 26). [...] Please specify the measures taken to address the stereotyped portrayal of women, including women belonging to minority groups and migrant women, and transgender persons in the media.

Keywords: *T; free and informed consent, gender reassignment surgeries, gender reassignment treatment, health, LGR, sterilisation, surgical/medical intervention*

**Health**

17. [P]lease provide information on the measures taken to ensure that transgender persons are not forced to undergo involuntary medical treatment, such as hormonal or surgical sterilization, as a requirement for legal gender recognition and on the costs and reimbursement scheme for gender reassignment treatment.

**Switzerland – Concluding Observations – 65<sup>th</sup> session, 2 November 2016, 4<sup>th</sup>–5<sup>th</sup> review<sup>428</sup>**

Keywords: *I; access to justice, children, consultation, court, decision-making process, education, family, free and informed consent, GC/GR, health, IGM, legislation, media, medical professionals, remedy, reparation, support services, surgical/medical intervention, trainings*

**Harmful practices**

24. The Committee welcomes the adoption of legislative and other measures to combat harmful practices, including female genital mutilation (FGM), intersex mutilation (IGM), child marriage and forced marriage. However, the Committee is concerned about: [...]

(c) Insufficient support for intersex persons, who have undergone involuntary and medically unnecessary disfiguring surgical procedures when they were babies and children, often with irreversible consequences, resulting in significant physical and psychological suffering;

(d) The pressure placed on parents of intersex children by medical professionals, the media and society at large, often forces them to give their consent for so called “medical procedures” justified by psychosocial indications; intersex children and adults are often unaware of the procedures they have been subjected to while access to legal remedies for intersex persons affected by unnecessary medical procedures is extremely limited with the statute of limitations often expiring by the time intersex children reach adulthood; and

<sup>427</sup> 5<sup>th</sup> reporting cycle, [CEDAW/C/CHE/Q/4-5](#).

<sup>428</sup> 5<sup>th</sup> reporting cycle, [CEDAW/C/CHE/CO/4-5](#).

(e) Lack of integration of intersex persons and their families in interdisciplinary working groups and failure to consult with those directly affected by these procedures in decisions that affect their lives.

**25. In light of the joint recommendation/general comment No. 31 of the Committee and No. 18 of the Committee of the Rights of the Child on harmful practices (2014), the Committee recommends that the State party: [...]**

(c) **Ensure that, in line with recommendations from the Swiss Ethics Commission, that no child is subjected to unnecessary medical or surgical treatment during infancy or childhood; adopt legislation to protect the bodily integrity, autonomy and self-determination of intersex persons and provide families with intersex children with adequate counselling and support;**

(d) **Adopt legal provisions in order to provide redress to intersex persons affected by cases of surgical or other medical treatment without free, prior and informed consent by the intersex person or his/her parents under the guidance of the court; and**

(e) **Educate and train medical professionals on the harmful impact of unnecessary surgical or other medical interventions for intersex children, and ensure that the views of intersex persons are fully considered by the interdisciplinary working groups established to review these procedures.**

*Keywords: LBI, LGBTI, T; access to justice, court, data collection, free and informed consent, GC/GR, gender reassignment surgeries, gender reassignment treatment, health, jurisprudence, LGR, support services, sterilisation, surgical/medical intervention*

#### **Health**

38. The Committee welcomes measures adopted by the State party to address disparities in accessing health services between cantons, and in particular, between Swiss nationals and migrants. However, the Committee remains concerned about: [...]

(c) Disparities in the availability of cantonal support services and the lack of inclusion of lesbian, bisexual and intersex persons in health surveys and registers;

(d) The persistence of gender reassignment treatment targeting transgender persons including involuntary medical treatment, such as hormonal or surgical sterilisation, and the costs associated with such treatment;

**39. In line with its general recommendation No. 24 (1999) on women and health, the Committee recommends that the State party: [...]**

(c) **Include reference to, and documentation on, LGBTI persons in national health surveys and registers;**

(d) **Review the decisions taken by civil courts requiring transgender persons to undergo surgical and/or hormonal treatment before legal gender recognition can be granted, and ensure that the costs for such interventions is reimbursed;**

**Thailand** – List of Issues – 67<sup>th</sup> PSWG, 25 November 2016, 6<sup>th</sup>–7<sup>th</sup> review<sup>429</sup>

Keywords: *LBTI; discrimination, education, employment, health, housing, intersectionality, measures, stigmatisation, TSM, violence, women*

**Disadvantaged groups of women**

19. Please provide information on the measures taken to eliminate discrimination against women belonging to disadvantaged groups, such as women with disabilities, older women, indigenous women, ethnic or religious minority women (including ethnic Muslim women from Southern Border Provinces), women migrant workers, refugee and asylum-seeking women and LBTI women, and what specific measures are in place, including temporary special measure, to ensure that women of disadvantaged groups have access to education, health services, employment, housing and legal status and are protected from social stigma and gender based violence.

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<sup>429</sup> 7<sup>th</sup> reporting cycle, [CEDAW/C/THA/Q/6-7](#).

**Turkey – List of Issues – 64<sup>th</sup> PSWG, 27 November 2015, 7<sup>th</sup> review<sup>430</sup>**

Keywords: *SOGI; discrimination, legislation, protected grounds, UPR*

**Constitutional and legislative framework**

1. In paragraph 44 of the report submitted to the Human Rights Council under the universal periodic review (A/HRC/WG.6/21/TUR/1), the State party indicated that a bill on anti-discrimination and equality had been submitted to the parliament. Please provide updated information on its current status, the time frame for its enactment and its content, in particular whether discrimination on the grounds of sexual orientation and gender identity is included therein. Please also indicate whether the monitoring bodies envisaged have been put in place and are effective [...].

Keywords: *SOGI; intersectionality, discrimination, education, intersectionality, measures, media, stereotypes, women*

**Stereotypes and harmful practices**

5. Please provide information on measures taken to combat stereotypical attitudes and stereotypes concerning the roles and responsibilities of women and men in the family and in society, expressed in public speeches by high-level representatives of State authorities, the media and sports federations, who question the principle of equality between women and men by using derogatory language about women and/or relegating them to the exclusive role of mothers and caregivers, refusing them the agency to take the decision as to whether to have children and, if so, how many. Please provide information on efforts made to tackle stereotypical attitudes towards women who experience multiple forms of discrimination on the grounds of ethnicity, age, disability, religion, sexual orientation, gender identity or other characteristic, in particular in the media and in school textbooks [...].

Keywords: *LBTI; discrimination, education, employment, health, intersectionality, measures, social security, violence, women*

**Disadvantaged groups of women**

16. Please provide information on measures taken or envisaged to overcome the disadvantages faced by women and girls belonging to diverse ethnic groups, in particular Kurdish women and girls, and whose mother tongue is not Turkish, as well as by women with disabilities and lesbian, bisexual, transgender and intersex women, with regard to their access to health, social services, education, employment and protection against violence and discrimination [...].

**Turkey – Concluding Observations – 64<sup>th</sup> session, 13 July 2016, 7<sup>th</sup> review<sup>431</sup>**

Keywords: *LBT; SOGI; access to justice, anti-discrimination legislation, court, discrimination, GC/GR, hate crimes, Istanbul Convention, killings, legislation, protected grounds, punishment, SDGs, violence, women*

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<sup>430</sup> 7<sup>th</sup> reporting cycle, [CEDAW/C/TUR/Q/7](#).

<sup>431</sup> 7<sup>th</sup> reporting cycle, [CEDAW/C/TUR/CO/7](#).

**Gender-based violence against women**

32. The Committee notes the adoption in 2012 of Law No. 6284 on the Prevention of Violence against Women and the Protection of the Family. It notes with concern, however, that the Law does not criminalize domestic violence as such, and does not include any provision relating to the prosecution and punishment of perpetrators. It is also concerned about the continuous persistence of systematic and widespread gender-based violence against women in the State party, including sexual violence, psychological violence as well as deprivation of access to essential goods against women in the private sphere, and further notes with concern that: [...]

(f) Despite the welcomed ratification without reservation of the Council of Europe Convention on preventing and combatting violence against women and domestic violence (Istanbul Convention), discrimination and violence targeted at lesbian, bisexual and transgender (LBT) women continues. This violence is exacerbated by impunity for the perpetrators of hate crimes, including severe violence against and killings of LBT women and by the lack of integration of “sexual orientation and gender identity” in legislation on hate crimes as well as among the prohibited grounds of discrimination in law No 6701, which is in violation of article 4 (3) of the Istanbul Convention; and by courts’ acceptance of the applicability of article 29 of the Penal Code on “unjust provocation” to cases of killings of LBT women, thus providing mitigating circumstances to perpetrators of such crimes.

**33. In line with general recommendation No. 19 (1992) on violence against women and Sustainable Development Goal 5, target 5.2 to eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, the Committee recommends that the State party strengthen its efforts to combat gender-based violence against women, including its underlying causes. It also recommends that the State party: [...]**

(h) **In line with General Recommendation 19 (1992) on violence against women and General Recommendation 28 (2010) on the core obligations of State parties under article 2 as well as in accordance with the Istanbul Convention, exercise due diligence to protect LBT women against discrimination and violence, by including “sexual orientation and gender identity” in the legislation on hate crimes as well as into Law 6701 among the grounds for prohibited discrimination, and ensure that perpetrators of violence against LBT women do not benefit from the mitigating circumstances of article 29 of the Penal Code.**

**Ukraine** – List of Issues – 66<sup>th</sup> PSWG, 2 August 2016, 8<sup>th</sup> review<sup>432</sup>

Keywords: *SO; discrimination, intersectionality, stereotypes, women*

**Stereotypes**

7. [...] Please provide information on the efforts made and envisaged since the submission of the report to counter the persistent patriarchal attitudes and deep-rooted stereotypes regarding the roles of women and men in the family and in society, together with stereotypical attitudes towards those women and girls who experience multiple forms of discrimination on account of their ethnicity, age, disability, sexual orientation and other characteristics, such as internally displaced women, older women and women living with HIV/AIDS.

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<sup>432</sup> 8<sup>th</sup> reporting cycle, [CEDAW/C/UKR/Q/8](#).

**Uruguay – List of Issues – 64<sup>th</sup> PSWG, 27 November 2015, 8<sup>th</sup>–9<sup>th</sup> review<sup>433</sup>**

Keywords: *LT; SOGI; access to justice, awareness-raising campaign, discrimination, harassment, measures, media, policy, prevention, punishment, stereotypes, violence, women*

**Stereotypes and cultural practices**

5. It is indicated in the report (paras. 30-38 and 163) that a standing advisory council on sexual diversity was created to deliberate and provide advice on and propose public policies aimed at eliminating discrimination based on sexual orientation and gender identity and introduce awareness-raising programmes within various ministries. The development by the national television channel of a code of ethics relating to gender identity and sexual orientation is also mentioned. Please indicate the impact of those efforts to eliminate social stereotypes against lesbian and transgender women. Please provide information on measures taken or planned to prevent violence and harassment against them, provide protection for them against all forms of discrimination and ensure that perpetrators are held accountable.

Keywords: *SOGI; asylum-seekers/refugees, professional groups, women*

**Disadvantaged women**

19. *Women refugees, asylum seekers and stateless persons.* [...] Please indicate steps being taken to ensure that refugee status determination procedures are fully gender-sensitive, including the assignment of female officers and interpreters to women and girl asylum seekers and the adoption of guidelines on gender-based persecution and persecution based on sexual orientation and gender identity for first-instance asylum officials [...].

**Uruguay – Concluding Observations – 64<sup>th</sup> session, 14 July 2016, 8<sup>th</sup>–9<sup>th</sup> review<sup>434</sup>**

Keywords: *GI; adoption, family, legislation, LGR, marriage, same-sex couples*

**B. Positive aspects**

4. The Committee welcomes the progress achieved since its consideration in 2008 of the State party's combined fourth to seventh periodic reports (CEDAW/C/URY/7), in particular the adoption of the following legislation: [...]
  - (h) Act No. 18.620 of 25 October 2009, on the right to a gender identity and to change one's name and sex in identity documents; [...]
  - (j) Act No. 18.590 of 18 September 2009, providing for adoption by same-sex couples;
5. The Committee takes notes of the adoption of Act No. 19.075 of 3 May 2013, authorizing same-sex marriages. [...]

<sup>433</sup> 9<sup>th</sup> reporting cycle, [CEDAW/C/URY/Q/8-9](#).

<sup>434</sup> 9<sup>th</sup> reporting cycle, [CEDAW/C/URY/CO/8-9](#).

Keywords: *LTI; anti-discrimination legislation, discrimination, legislation, stereotypes*

**Stereotypes and discriminatory practices**

17. The Committee welcomes the measures taken by the State party to eliminate discriminatory gender stereotypes, including legislation to combat discrimination against lesbian, transgender, transsexual and intersex persons and homophobia [...]

Keywords: *T; action plan, access to justice, law enforcement officials, prosecution, punishment, trainings, killings, police, violence, women*

**Gender-based violence against women**

19. The Committee notes the measures taken by the State party under the action plan for a life free of gender-based violence, covering the period 2016-2019, in addition to the comprehensive programme to combat gender-based violence. It also welcomes the creation of a national domestic and gender-based violence office within the Ministry of the Interior and the establishment of 47 units specialized in combating such violence. It commends the State party on the implementation of the electronic ankle bracelet as a measure for protection of women. The Committee remains concerned, however, about: [...]

(c) The low number of prosecutions and convictions in cases of violence against women, including in cases of femicide and killings of transgender women, and the delay in prosecuting gender-based violence;

20. **The Committee calls upon the State party: [...]**

**(c) To design a strategy to simplify criminal proceedings for the prosecution of gender-based violence as a matter of priority, establish reasonable time frames for substantiating cases of gender-based violence to hold perpetrators accountable and provide guidelines for prosecutors and police officers on gender-sensitive investigation techniques and the proper use of women's testimony in cases involving violence against women and girls;**

## 4. Committee on the Rights of the Child

**Brunei Darussalam** – Concluding Observations – 71<sup>st</sup> session, 21 January 2016, 2<sup>nd</sup>–3<sup>rd</sup> review<sup>435</sup>

Keywords: *LGBTI; action plan, awareness-raising campaign, children, discrimination, intersectionality, legislation*

### **Non-discrimination**

25. While noting the State party's efforts to combat discrimination, the Committee reiterates its previous concern (see CRC/C/15/Add.219, para. 24) that discrimination against certain groups of children, particularly girls, children with disabilities, children belonging to ethnic and religious minorities, lesbian, gay, bisexual, transgender and intersex children and stateless children, still exists in practice.
26. **The Committee urges the State party to adopt a comprehensive strategy, including awareness-raising, for the elimination of gender stereotypes and of de jure and de facto discrimination against all groups of children in marginalized and disadvantaged situations, as well as girls, and ensure the implementation of all legal provisions in full compliance with article 2 of the Convention.**

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<sup>435</sup> 3<sup>rd</sup> reporting cycle, [CRC/C/BRN/CO/2-3](#).

**Cameroon** – List of Issues – 75<sup>th</sup> PSWG, 8 November 2016, 3<sup>rd</sup>–5<sup>th</sup> review<sup>436</sup>

Keywords: *LGBTI; anti-discrimination legislation, children, discrimination, legislation, measures*

3. Please inform the Committee of any legislative and practical measures taken or under consideration to eliminate discrimination against girls, children born out of wedlock, children with disabilities, lesbian, gay, bisexual, transsexual and intersex children, refugee or asylum-seeking children, internally displaced children, albino children and indigenous children.

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<sup>436</sup> 5<sup>th</sup> reporting cycle, [CRC/C/CMR/Q/3-5](#).

**France** – List of Issues – 71<sup>st</sup> PSWG, 23 July 2015, 5<sup>th</sup> review<sup>437</sup>

Keywords: *LGBTI; adolescents, children, discrimination, harassment, stigmatisation*

3. [...] Please indicate the steps taken to combat stigma and harassment against lesbian, gay, bisexual, transgender and intersex (LGBTI) children and adolescents.

**France** – Concluding Observations – 71<sup>st</sup> session, 13–14 January 2016, 5<sup>th</sup> review<sup>438</sup>

Keywords: *GI; action plan, children, discrimination, education, prevention, professional groups, stereotypes, trainings*

**Non-discrimination**

23. The Committee welcomes the efforts made by the State party to combat discrimination. The Committee is concerned, however, about the persistence of discrimination on the grounds of sex, gender identity, disability, national origin, social and economic origin or other grounds. [...].
24. **The Committee reiterates its previous recommendation and urges the State party to strengthen its efforts to foster a culture of equality, tolerance and mutual respect, to prevent and combat persistent discrimination and to ensure that all cases of discrimination against children in all sectors of society are effectively addressed (see CRC/C/FRA/CO/4 and Corr.1, para. 31). The Committee also recommends that the State party strengthen its efforts to challenge gender stereotypes, including within the framework of the action plan for equality, with measurable objectives and a time frame, aimed specifically at children in all levels of education, and to make relevant training for educators compulsory.**

Keywords: *I; children, data collection, decision-making process, free and informed consent, GC/GR, health, IGM, prevention, surgical/medical intervention*

**Harmful practices**

47. While noting with appreciation the progress made by the State party in eradicating female genital mutilation, the Committee is nevertheless concerned by the many young girls still at risk and the possible resurgence of the phenomenon. The Committee is also concerned that medically unnecessary and irreversible surgery and other treatment are routinely performed on intersex children.
48. **Recalling the joint general recommendation/general comment No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices, the Committee recommends that the State party gather data with a view to understanding the extent of these harmful practices so that children at risk can be more easily identified and their abuse prevented. It recommends that the State party:**

<sup>437</sup> 5<sup>th</sup> reporting cycle, [CRC/C/FRA/Q/5](#).

<sup>438</sup> 5<sup>th</sup> reporting cycle, [CRC/C/FRA/CO/5](#).

#### IV. Lists of Issues and Concluding Observations – CRC

- (a) Increase awareness of female genital mutilation in the State party among girls at risk, medical professionals, social workers, police officers, gendarmes, and magistrates;**
- (b) Develop and implement a rights-based health-care protocol for intersex children, ensuring that children and their parents are appropriately informed of all options; that children are involved, to the greatest extent possible, in decision-making about their treatment and care; and that no child is subjected to unnecessary surgery or treatment.**

**Gabon** – Concluding Observations – 72<sup>st</sup> session, 26–27 May 2016, 2<sup>nd</sup> review<sup>439</sup>

Keywords: *LGBT; SOGI; awareness-raising campaign, children, discrimination, education, health, intersectionality, service provision, social security*

**Non-discrimination**

22. The Committee is seriously concerned about the continuing de facto discrimination in access to basic services, such as health, education and social services, against children from poor communities, children from pygmy communities, orphans, children in street situations, children with HIV/AIDS, children with disabilities, child victims of trafficking and asylum-seeking and refugee children. The Committee is also concerned about discrimination against lesbian, gay, bisexual, transgender and intersex children.
23. **The Committee recommends that the State party prioritize investment in education, health and social services, taking into account the rights of children in vulnerable situations, including those living in remote and indigenous areas, and pay particular attention to guaranteeing effective access to health, education and social services to children from poor communities, children from indigenous pygmy communities, orphans, children in street situations, children infected with HIV/AIDS, children with disabilities, child victims of trafficking and asylum-seeking and refugee children. The Committee also recommends that the State party raise awareness of equality and non-discrimination based on sexual orientation and gender identity to foster a culture of tolerance and mutual respect.**

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<sup>439</sup> 2<sup>nd</sup> reporting cycle, [CRC/C/GAB/CO/2](#).

**Haiti – Concluding Observations – 71<sup>st</sup> session, 15 January 2016, 2<sup>nd</sup>–3<sup>rd</sup> review<sup>440</sup>**

Keywords: *LGBTI; access to justice, HRD, investigation, prosecution, punishment, sexual violence, violence*

**Cooperation with civil society**

18. [...] The Committee is furthermore deeply concerned about cases of violent attacks, including rape, and death threats carried out against human rights defenders, and in particular human rights defenders working on girls' rights as well as lesbian, gay, bisexual, transgender and intersex rights, and failure to investigate these crimes by the authorities.

**19. The Committee urges the State party to ensure that all cases of violent attacks and death threats carried out against human rights defenders are promptly and independently investigated and that those responsible for such abuses are held accountable and subject to commensurate sanctions [...].**

Keywords: *LGBTI; awareness-raising campaign, children, discrimination, education, violence*

**Non-discrimination**

22. While welcoming the adoption in 2014 of the Law on paternity, maternity and filiation, which guarantees equal treatment of children born out of wedlock, the Committee notes with concern that the law is not retroactive thereby excluding children born outside wedlock before 2014 and that insufficient measures have been taken to implement the law, in particular regarding DNA testing. Furthermore, the Committee is concerned about: [...]

(b) Ongoing de facto discrimination against children with disabilities, children in street situations, children engaged in child labour and children born out of wedlock or abandoned by their father, and discrimination, threats and attacks against lesbian, gay, bisexual, transgender and intersex children.

**23. The Committee recommends that the State party take all necessary measures to: [...]**

**(d) Undertake awareness-raising programmes, including campaigns, with a view to eliminating discrimination against and social exclusion of children with disabilities, children in street situations, children engaged in child labour, children born out of wedlock or abandoned by their father and lesbian, gay, bisexual, transgender and intersex children, protect them against all forms of attack and foster an inclusive and tolerant environment in society, particularly in schools and other spaces for children.**

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<sup>440</sup> 3<sup>rd</sup> reporting cycle, [CRC/C/HTI/CO/2-3](#).

**Iran (Islamic Republic of) – List of Issues – 71<sup>st</sup> PSWG, 15 July 2015, 3<sup>rd</sup>–4<sup>th</sup> review<sup>441</sup>**

Keywords: *LGBTI; children, discrimination, measures*

8. Please indicate the measures taken to eliminate persistent discrimination in law and practice against girls, children with disabilities, children born out of wedlock, unregistered children, refugee and migrant children as well as lesbian, gay, bisexual, transgender and intersex children.

**Iran (Islamic Republic of) – Concluding Observations – 71<sup>st</sup> session, 11–12 January 2016, 3<sup>rd</sup> – 4<sup>th</sup> review<sup>442</sup>**

Keywords: *LGBTI; SOGI; children, criminalisation (decriminalisation), death penalty, discrimination, measures, punishment*

**Non-discrimination**

31. The Committee is also concerned about the continued discrimination against children belonging to religious minorities, especially Baha'i children and Sunni children, as well as children who belong to minority ethnic and linguistic groups, children born out of wedlock, and to a certain extent, asylum-seeking and refugee children. Furthermore, it is concerned that lesbian, gay, bisexual, transgender and intersex (LGBTI) children continue to face discrimination because of their real or perceived sexual orientation or identity and that the same-sex sexual behaviour of adolescents above the current age of criminal responsibility is criminalized and punished with penalties ranging from flogging to the death penalty.
32. **The Committee recommends that the State party take effective measures, including accountability, to put an end to discrimination against religious, ethnic and linguistic minorities, children born out of wedlock and asylum-seeking and refugee children, and that it ensure that those responsible for any forms of discrimination against such groups are held accountable. Furthermore, the Committee recommends that the State party decriminalize same-sex relations and take measures to eliminate discrimination against LGBTI children.**

Keywords: *LGBTI, T; SOGI; adolescents, children, education, free and informed consent, GC/GR, health, measures, policy, sexuality education, SRHR, surgical/medical intervention*

**Adolescent health**

71. The Committee notes that the State party advised, during the dialogue, that sexual and reproductive health information was included in school curricula in some parts of the country, but it is concerned that this information is not sufficient. The Committee is also concerned that LGBTI children have no access to information about gender identity or sexual orientation and that transgender persons are forced to undergo surgical treatment.

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<sup>441</sup> 4<sup>th</sup> reporting cycle, [CRC/C/IRN/Q/3-4](#).

<sup>442</sup> 4<sup>th</sup> reporting cycle, [CRC/C/IRN/CO/3-4](#).

72. In the light of its general comment No. 4 (2003) on adolescent health and development, the Committee recommends that the State party adopt a comprehensive sexual and reproductive health policy for adolescents throughout the country and ensure that sexual and reproductive health education is part of the mandatory school curriculum and is targeted at adolescent girls and boys, with special attention to preventing early pregnancy and sexually transmitted infections. It also urges the State party to take measures to provide LGBTI children with access to information on gender identity and sexual orientation. Furthermore, it urges the State party to put an end to forcible surgical treatment of transgender persons.

**Ireland** – Concluding Observations – 71<sup>st</sup> session, 14 January 2016, 3<sup>rd</sup>–4<sup>th</sup> review<sup>443</sup>

Keywords: *LGBT; SOGI; children, discrimination, stigmatisation*

### **Non-discrimination**

27. The Committee is concerned about the structural discrimination against Traveller and Roma children and their families, including alleged impunity for publicly expressed discriminatory remarks by public representatives. The Committee takes note of the explanation by the State party regarding the retention of mechanisms and funding streams arising from the National Action Plan against Racism 2005-2008; it remains concerned, however, that no appropriate updated national action plan has been enacted. The Committee is also concerned about discrimination against lesbian, gay, bisexual, transgender and intersex children.

**28. The Committee recommends that the State party:**

**(a) Strengthen its efforts to combat discrimination against and the stigmatization and social exclusion of Traveller and Roma children, as well as that based on the sexual orientation or gender identity of children; [...].**

Keywords: *I; access to justice, children, decision-making process, education, family, free and informed consent, health, investigation, legislation, LGR, medical professionals, remedy, reparation, support services, surgical/medical intervention, trainings*

### **Harmful practices**

39. The Committee notes as positive the adoption of the Gender Recognition Act 2015 by the State party. It remains concerned, however, about cases of medically unnecessary surgeries and other procedures on intersex children before they are able to provide their informed consent, which often entail irreversible consequences and can cause severe physical and psychological suffering, and the lack of redress and compensation in such cases.

**40. The Committee recommends that the State party:**

**(a) Ensure that no one is subjected to unnecessary medical or surgical treatment during infancy or childhood, guarantee bodily integrity, autonomy and self-determination to children concerned, and provide families with intersex children with adequate counselling and support;**

**(b) Undertake investigation of incidents of surgical and other medical treatment of intersex children without informed consent and adopt legal provisions in order to provide redress to the victims of such treatment, including adequate compensation;**

**(c) Educate and train medical and psychological professionals on the range of sexual, and related biological and physical, diversity and on the consequences of unnecessary surgical and other medical interventions for intersex children.**

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<sup>443</sup> 4<sup>th</sup> reporting cycle, [CRC/C/IRL/CO/3-4](#).

**Kenya – List of Issues – 71<sup>st</sup> PSWG, 15 July 2015, 3<sup>rd</sup>–5<sup>th</sup> review<sup>444</sup>**

Keywords: *I; children*

6. Please indicate the progress made in ensuring universal and free access to a birth certificate for all children residing in the State party, including refugee children, children of Nubian descent, Somali indigenous children in Kenya, and intersex children [...].

**Kenya – Concluding Observations – 71<sup>st</sup> session, 21 January 2016, 3<sup>rd</sup>–5<sup>th</sup> review<sup>445</sup>**

Keywords: *I; children*

**Birth registration and nationality**

29. The Committee welcomes the adoption of the Citizenship and Immigration Act (2011) which provides for Kenyan nationality for all children born in the State party and recognizes the equal right of women and men to transmit Kenyan nationality to their children, as well as the substantial increase in the number of birth registrations. Nevertheless, the Committee is concerned that: [...]

- (c) Some groups of children, such as refugee children, children of Nubian descent, Makonde children, indigenous Somali children in Kenya, children with mothers in custody and intersex children, face difficulty in obtaining birth registration; [...]

30. **The Committee urges the State party to:**

- (a) **Expedite the adoption of a law that provides for universal and free birth registration at all stages of the registration process;**
- (b) **Further strengthen various efforts to ensure the birth registration of all children, in particular in rural and remote areas, including through mapping out and registering those who have not been registered at birth; [...]**
- (f) **Seek technical assistance from the Office of the United Nations High Commissioner for Refugees and UNICEF, among others, for the implementation of these recommendations.**

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<sup>444</sup> 5<sup>th</sup> reporting cycle, [CRC/C/KEN/Q/3-5](#).

<sup>445</sup> 5<sup>th</sup> reporting cycle, [CRC/C/KEN/CO/3-5](#).

**Latvia** – List of Issues – 70<sup>th</sup> PSWG, 10 March 2015, 3<sup>rd</sup>–5<sup>th</sup> review<sup>446</sup>

Keywords: *LGBTI; children, discrimination, intersectionality, stereotypes*

7. Please indicate the steps taken to combat stereotypes and discrimination against girls, children belonging to minority groups, children with disabilities, children living with HIV/AIDS and lesbian, gay, bisexual, transgender and intersex children [...].

**Latvia** – Concluding Observations – 71<sup>st</sup> session, 12 – 13 January 2016, 3<sup>rd</sup>–5<sup>th</sup> review<sup>447</sup>

Keywords: *LGBTI; SOGISC; awareness-raising campaign, bullying, children, data collection, discrimination, education, legislation*

**Non-discrimination**

26. The Committee welcomes the amendment to the Criminal Law, on 1 June 2007, on violation of the prohibition of discrimination and the provisions on non-discrimination in the Education Law, the Medical Treatment Law and the Law on the Rights of Patients. The Committee is, however, concerned about continuing discrimination against children with disabilities, children belonging to minorities, including Roma children, and children living in rural areas, with regard to their access to adequate health and education facilities. It is also concerned about the lack of official information on discrimination faced by lesbian, gay, bisexual, transgender and intersex children and on reported incidents of bullying against those children in schools.

27. **The Committee recommends that the State party:**

**(a) Ensure the application, in practice, of the different laws prohibiting discrimination, including by conducting awareness-raising programmes on the prohibition of discrimination and associated penalties, paying particular attention to children with disabilities and children belonging to minorities, including Roma children; [...]**

**(c) Conduct studies on discrimination against lesbian, gay, bisexual, transgender and intersex children and strengthen its efforts to combat negative attitudes and eliminate discrimination against children on the basis of their sexual orientation, gender identity and sex characteristics.**

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<sup>446</sup> 5<sup>th</sup> reporting cycle, [CRC/C/LVA/Q/3-5](#).

<sup>447</sup> 5<sup>th</sup> reporting cycle, [CRC/C/LVA/CO/3-5](#).

**Maldives** – List of Issues – 71<sup>st</sup> PSWG, 20 July 2015, 4<sup>th</sup>–5<sup>th</sup> review<sup>448</sup>

Keywords: *LGBTI; anti-discrimination legislation, children, discrimination, legislation, measures*

6. Please provide information on the measures, including legislative, taken to eliminate discrimination against girls, children born out of wedlock, children with disabilities, non- Muslims, and lesbian, gay, bisexual, transsexual and intersex children [...].

Keywords: *children, criminalisation (decriminalisation), legislation, measures, torture/ill-treatment*

8. With reference to article 35 (a) of the Constitution and the previous recommendation of the Committee (CRC/C/MDV/CO/3, para. 55), please indicate the measures taken to put an end to torture and the inhuman, cruel and degrading treatment inflicted on children. In particular, please clarify whether the State party intends to repeal the provision contained in the Regulation on Conducting Trials, Investigations and Sentencing Fairly for Offences Committed by Minors, according to which children can be flogged for having committed certain “*haddu*” offences, for having had consensual same-sex relations or for having been the victims of sexual abuse [...].

**Maldives** – Concluding Observations – 71<sup>st</sup> session, 19 January 2016, 4<sup>th</sup>–5<sup>th</sup> review<sup>449</sup>

Keywords: *LGBTI; anti-discrimination legislation, awareness-raising campaign, children, discrimination, education, legislation, policy, stigmatisation*

**Non-discrimination**

26. The Committee is concerned about: [...]

- (e) That children who are or are perceived to be lesbian, gay, bisexual, transgender or intersex are stigmatized and marginalized in the society.

27. **The Committee urges the State party to make greater efforts to ensure that all children within its jurisdiction enjoy all the rights enshrined in the Convention without discrimination. The Committee also urges the State party to amend its legislation in order to eliminate any discrimination against girls, children born out of wedlock or following out-of-court marriages, and lesbian, gay, bisexual, transgender or intersex children. [...] The Committee encourages the State party to use legislative, policy and educational measures, including sensitization and awareness-raising, to end stigmatization of girls, of children born out of wedlock or following out-of-court marriages, and of lesbian, gay, bisexual, transgender or intersex children.**

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<sup>448</sup> 5<sup>th</sup> reporting cycle, [CRC/C/MDV/Q/4-5](#).

<sup>449</sup> 5<sup>th</sup> reporting cycle, [CRC/C/MDV/CO/4-5](#).

Keywords: *children, criminalisation (decriminalisation), detention, GC/GR, torture/ill-treatment*

**Torture and other cruel or degrading treatment or punishment**

40. While noting that article 54 of the Constitution prohibits torture, the Committee is concerned that, under the 2014 Regulation on Conducting Trials, Investigations and Sentencing Fairly for Offences Committed by Minors (arts. 4 and 5), children who have reached puberty may be punished by flogging for committing certain hadood offences. The Committee is seriously concerned that minors continue to be flogged or sentenced to flogging and that there is a gender bias in the application of this punishment as, in the majority of cases, only women and girls who have been convicted for sex outside of marriage are sentenced to flogging. The Committee is further concerned that child offenders may also be lawfully sentenced to life imprisonment, banishment or flogging for consensual same-sex relations.

41. **The Committee reiterates its previous recommendation (see CRC/C/MDV/CO/3, para. 56) and, with reference to its general comment No. 8 (2006) on the right of the child to protection from corporal punishment, it urges the State party:**

(a) **To take all measures necessary to ensure that persons who committed crimes while under the age of 18 are not subjected to any form of torture, including corporal punishment, and that corporal punishment as a disciplinary measure is prohibited by law in the home, alternative care settings, justice institutions, schools and workplace settings;**

(b) **To amend the 2014 Regulation on Conducting Trials, Investigations and Sentencing Fairly for Offences Committed by Minors (arts. 4 and 5) to prohibit flogging;**

(c) **To explicitly prohibit life imprisonment of persons under the age of 18.**

Keywords: *LGBTI; children, GC/GR, SDGs, torture/ill-treatment, violence*

**Freedom of the child from all forms of violence**

42. While welcoming the adoption in 2012 of the Domestic Violence Act and the activities carried out to raise awareness about its provisions, the Committee is concerned that the Act is not interpreted as prohibiting corporal punishment of children. The Committee is particularly concerned that: [...]

(f) Children who are or are perceived to be lesbian, gay, bisexual, transgender or intersex face intimidation and overt threats.

43. **With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and Sustainable Development Goal 16, target 16.2, on ending abuse, exploitation, trafficking and all forms of violence against and torture of children, the Committee recommends that the State party: [...]**

(g) **Prevent intimidation and threats directed towards lesbian, gay, bisexual, transgender and intersex children.**

**Mongolia** – List of Issues – 75<sup>th</sup> PSWG, 7 November 2016, 5<sup>th</sup> review<sup>450</sup>

Keywords: *LGBTI; anti-discrimination legislation, children, discrimination, legislation, measures*

3. Please inform the Committee about measures taken to implement existing anti-discrimination legislation in practice, and indicate whether discrimination against lesbian, gay, bisexual, transgender and intersex children is prohibited by law.

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<sup>450</sup> 5<sup>th</sup> reporting cycle, [CRC/C/MNG/Q/5](#).

#### IV. Lists of Issues and Concluding Observations – CRC

##### **Nauru** – List of Issues – 73<sup>rd</sup> PSWG, 4 March 2016, initial review<sup>451</sup>

Keywords: *SOGI; anti-discrimination legislation, children, discrimination, legislation, measures, policy*

6. With reference to paragraph 136 of the State party report, please clarify what legislative and policy regulations address discrimination on the grounds of disability, sexual orientation, gender identity, nationality, and other status, such as asylum-seeking and refugee children. Please also inform the Committee about the measures taken to combat discrimination against such groups.

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<sup>451</sup> 1<sup>st</sup> reporting cycle, [CRC/C/NRU/Q/1](#).

**Nepal – Concluding Observations – 72<sup>st</sup> session, 19–20 May 2016, 3<sup>rd</sup>–5<sup>th</sup> review<sup>452</sup>**

Keywords: *children, family, same-sex couples*

**Nationality**

26. The Committee is concerned about the hindrances experienced by many children in access to Nepali nationality. It is especially concerned that:

(a) Acquisition of Nepali citizenship by descent is conditional on evidence that both the father and mother of the child are Nepali citizens; furthermore, it excludes children of unwed mothers, of a Nepali mother and foreign or unknown father, of refugees or of parents unable to prove citizenship, and children of same-sex parents; [...]

**27. The Committee recommends that the State party amend, as a matter of priority, the relevant legislation, particularly the Birth, Death and other Personal Event (Vital Registration) Act of 1976, the Citizenship Act of 2006 and articles 11 (3), 11 (5) and 11 (7) of the Constitution to ensure full compliance with articles 7 and 8 of the Convention. The Committee also recommends that the State Party amend its legislation on transmission of nationality by:**

**(a) Removing the requirement for both parents to prove citizenship;**

**(b) Making citizenship by descent accessible through proof of citizenship of one of the parents, regardless of the parent's sex; and,**

**(c) Make the acquisition of Nepali nationality by descent accessible to children at birth.**

Keywords: *I, LGBTI; access to justice, awareness-raising campaign, children, decision-making process, education, family, free and informed consent, gender recognition, health, IGM, investigation, legislation, LGR, medical professionals, protected grounds, remedy, reparation, stigmatisation, support services, surgical/medical intervention, trainings*

**Harmful practices**

41. The Committee welcomes the positive steps taken by the State party towards the recognition of lesbian, gay, bisexual, transgender and intersex (LGBTI) rights, including the reference to of “gender and sexual minority” in the discrimination grounds prohibited under article 18 of the new Constitution (right to equality) and the recent addition to identity documents of a third gender category recognizing genders other than “male” and “female.” However, the Committee remains concerned about:

(a) The lack of awareness of issues related to intersex children in Nepal and the high levels of stigma and discrimination faced by intersex children;

(b) The challenges faced by intersex children to access identity documents that correspond with the sex/gender identity of their choosing; and,

(c) Cases of medically unnecessary surgeries and other procedures on intersex children before they are able to provide their informed consent, which often entail

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<sup>452</sup> 5<sup>th</sup> reporting cycle, [CRC/C/NPL/CO/3-5](#).

irreversible consequences and can cause severe physical and psychological suffering, and the lack of redress and compensation in such cases.

**42. The Committee recommends that the State party:**

- (a) Conduct awareness-raising campaigns to combat stigma and discrimination against intersex children;**
- (b) Ensure that intersex children have access to identity documents that correspond with the sex/gender identity of their choosing;**
- (c) Ensure that no child is subjected to unnecessary medical or surgical treatment, guarantee bodily integrity, autonomy and self-determination to children concerned, and provide families with intersex children with adequate counselling and support;**
- (d) Undertake investigation of incidents of surgical and other medical treatment of intersex children without informed consent and adopt legal provisions in order to provide redress to the victims of such treatment, including reparation and/or adequate compensation; and,**
- (e) Educate and train medical and psychological professionals on the range of sexual, and related biological and physical, diversity and on the consequences of unnecessary surgical and other medical interventions for intersex children.**

**New Zealand** – Concluding Observations – 73<sup>rd</sup> session, 15–16 September 2016, 5<sup>th</sup> review<sup>453</sup>

Keywords: *LGBTI; children, discrimination, intersectionality, measures, prevention, punishment, TSM*

**Non-discrimination**

**15. The Committee recalls its previous recommendation (CRC/C/NZL/CO/3-4, para. 25) and recommends that the State party ensure full protection against discrimination on any ground, including by: [...]**

**(b) Strengthening its measures to combat negative attitudes among the public as well as other preventive activities against discrimination and, if necessary, taking affirmative action for the benefit of children in vulnerable situations, such as Maori and Pasifika children, children belonging to ethnic minorities, refugee children, migrant children, children with disabilities, lesbian, bisexual, gay, transgender and intersex children and children living with persons from these groups;**

**(c) Taking all measures necessary to ensure that all cases of discrimination against children are addressed effectively, including with disciplinary, administrative or – if necessary – penal sanctions.**

Keywords: *I; adolescents, access to justice, awareness-raising campaign, children, decision-making process, education, family, free and informed consent, health, IGM, investigation, legislation, medical professionals, remedy, reparation, support services, surgical/medical intervention, trainings*

**Harmful practices**

**25. The Committee recommends that the State party: [...]**

**(b) Develop and implement a child rights-based health care protocol for intersex children, setting the procedures and steps to be followed by health teams, ensuring that no one is subjected to unnecessary medical or surgical treatment during infancy or childhood, guaranteeing the rights of children to bodily integrity, autonomy and self-determination, and provide families with intersex children with adequate counselling and support;**

**(c) Promptly investigate incidents of surgical and other medical treatment of intersex children without informed consent and adopt legal provisions to provide redress to victims of such treatment, including adequate compensation;**

**(d) Educate and train medical and psychological professionals on the range of biological and physical sexual diversity and on the consequences of unnecessary surgical and other medical interventions on intersex children;**

**(e) Extend free access to surgical interventions and medical treatment related to their intersex condition to intersex children between the age of 16 and 18.**

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<sup>453</sup> 5<sup>th</sup> reporting cycle, [CRC/C/NZL/CO/5](#).

**Pakistan** – List of Issues – 72<sup>nd</sup> PSWG, 13 November 2015, 3<sup>rd</sup> review<sup>454</sup>

Keywords: *LGBTI; awareness-raising campaign, anti-discrimination legislation, children, discrimination, measures*

3. Please provide information on the legal, policy and awareness-raising measures taken to address the severe discrimination experienced by girls, children born out of wedlock, children with disabilities, children of Dalit communities and lesbian, gay, bisexual, transgender and intersex children in the State party.

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<sup>454</sup> 3<sup>rd</sup> reporting cycle, [CRC/C/PAK/Q/5](#).

**Peru – Concluding Observations – 71<sup>st</sup> session, 14–15 January 2016, 4<sup>th</sup>–5<sup>th</sup> review<sup>455</sup>**

Keywords: *LGBTI; SOGI; awareness-raising campaign, anti-discrimination legislation, children, discrimination, education, health, intersectionality, legislation, measures, media, policy, prevention, protected grounds, service provision*

**Non-discrimination**

27. While noting the measures taken by the State party to address discrimination against children in marginalized or disadvantaged situations, such as the establishment of the National Commission against Discrimination and the platform against discrimination, the Committee is deeply concerned about:

(a) The persistence of patriarchal attitudes and deep-rooted stereotypes that discriminate against girls, resulting in a high prevalence of violence against girls;

(b) The prevalence of structural discrimination against certain groups of children, including indigenous children, Afro-Peruvian children, children living in rural and remote areas, children living in poverty, lesbian, gay, bisexual, transgender and intersex children and children with disabilities, in particular regarding their access to education and other basic services, such as health care;

(c) The absence of legislation explicitly prohibiting discrimination based on sexual orientation or gender identity.

28. **The Committee recommends that the State party:**

**(a) Design and implement a comprehensive strategy, including awareness-raising programmes and educational campaigns, to eliminate patriarchal attitudes and gender stereotypes that discriminate against girls;**

**(b) Intensify its efforts to prevent and eliminate all forms of de facto discrimination against all children in marginalized and vulnerable situations, including by effectively implementing existing laws and policies, adopting further strategies, and carrying out broad public education campaigns;**

**(c) Ensure that professionals working with and for children, the media and the general public are sensitized to the negative impact of stereotypes and discriminatory attitudes on children's enjoyment of their rights;**

**(d) Explicitly prohibit discrimination based on sexual orientation and gender identity.**

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<sup>455</sup> 5<sup>th</sup> reporting cycle, [CRC/C/PER/CO/4-5](#).

**Romania** – List of Issues – 75<sup>th</sup> PSWG, 4 November 2016, 5<sup>th</sup> review<sup>456</sup>

Keywords: *LGBT; children, discrimination, measures*

2. Please inform the Committee about the measures taken to prohibit and eradicate de facto discrimination, in particular against Roma children, children with disabilities, lesbian, gay, bisexual and transgender children, children living in poverty, children in alternative care, migrant, asylum-seeking and refugee children and children in rural areas.

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<sup>456</sup> 5<sup>th</sup> reporting cycle, [CRC/C/ROU/Q/5](#).

**Saudi Arabia – Concluding Observations – 73<sup>rd</sup> session, 20–21 September 2016, 3<sup>rd</sup>–4<sup>th</sup> review<sup>457</sup>**

Keywords: *LGBTI; action plan, children, discrimination, intersectionality*

**Non-discrimination**

17. The Committee remains concerned that children of Saudi mothers and non-Saudi fathers, lesbian, gay, bisexual, transgender and intersex children, children with disabilities, children born out of wedlock, children of migrant workers and children belonging to Shia and other religious minorities remain subjected to persistent discrimination in the State party [...].
18. **The Committee urges the State party to adopt a proactive and comprehensive strategy to eliminate de jure and de facto discrimination on any grounds against all the above-mentioned groups of children in marginalized or disadvantaged situations.**

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<sup>457</sup> 4<sup>th</sup> reporting cycle, [CRC/C/SAU/CO/3-4](#).

**Serbia** – List of Issues – 74<sup>th</sup> PSWG, 20 July 2016, 2<sup>nd</sup>–3<sup>rd</sup> review<sup>458</sup>

Keywords: *LGBTI; children, discrimination, measures*

3. [...] Please inform the Committee about any other measures taken to prohibit and eradicate the continuing discrimination against Roma children, children in alternative care, children with disabilities, migrant children, refugee and asylum seeking children, children living in remote areas, children in street situations and lesbian, gay, bisexual, transgender and intersex children.

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<sup>458</sup> 3<sup>rd</sup> reporting cycle, [CRC/C/SRB/Q/2-3](#).

**Slovakia** – List of Issues – 72<sup>nd</sup> PSWG, 12 November 2015, 3<sup>rd</sup>–5<sup>th</sup> review<sup>459</sup>

Keywords: *LGBTI; access to justice, children, hate speech, punishment*

5. [...] Please indicate the measures taken to protect Roma and lesbian, gay, bisexual, transsexual and intersex children from hate speech. Please also provide information on measures taken to ensure accountability of and commensurate sanctions against perpetrators of such acts.

**Slovakia** – Concluding Observations – 72<sup>st</sup> session, 24–25 May 2016, 3<sup>rd</sup> – 5<sup>th</sup> review<sup>460</sup>

Keywords: *LGBTI; SO; access to justice, awareness-raising campaign, children, education, family, hate crimes, hate speech, internet, intersectionality, investigation, law enforcement officials, legislation, media, policy, professional groups, punishment, stigmatisation, trainings*

**Non-discrimination**

15. The Committee shares the concern of the European Commission against Racism and Intolerance that the implementation of the Anti-discrimination Act is not being adequately monitored and that the Slovak National Centre for Human Rights, as the monitoring body, does not function effectively and independently. The Committee is seriously concerned that: [...]

(b) Incidents of different forms of hate speech against vulnerable groups, such as the Roma, Muslims, and lesbian, gay, bisexual, transgender and intersex persons, including children, are increasing.

16. **The Committee urges the State party to:**

(a) **Ensure the implementation of the Anti-discrimination Act as well as other laws prohibiting discrimination, including by ensuring the full independence, impartiality and effectiveness of the monitoring body;**

(b) **Conduct awareness-raising programmes on the prohibition of discrimination and related sanctions, paying particular attention to Roma children, children with disabilities, and lesbian, gay, bisexual, transgender and intersex children or children from lesbian, gay, bisexual, transgender and intersex families; [...]**

(d) **Investigate and sanction all cases of political figures and religious leaders using anti-Roma and anti-Muslim rhetoric as well as offensive discourse targeting sexual orientation;**

(e) **Ensure that law enforcement officials and legal professionals are adequately and systematically trained to effectively investigate and sanction hate crime, including in social and other media;**

(f) **Use legislative, policy and educational measures, including sensitization and awareness-raising, to end stigmatization of Roma, Muslim and lesbian, gay, bisexual, transgender and intersex children and children with disabilities.**

<sup>459</sup> 5<sup>th</sup> reporting cycle, [CRC/C/SVK/Q/3-5](#).

<sup>460</sup> 5<sup>th</sup> reporting cycle, [CRC/C/SVK/CO/3-5](#).

**South Africa – List of Issues – 73<sup>rd</sup> PSWG, 11 March 2016, 2<sup>nd</sup> review<sup>461</sup>**

Keywords: *LGBTI; bullying, children, domestic violence, internet, intersectionality, measures, prosecution, punishment, remedy, reparation, sexual violence, support services, violence*

6. Please elaborate on measures taken to eliminate the high prevalence of violence in the State party, in particular, sexual violence, domestic violence, child abuse and neglect, and corporal punishment, both at home and at school, as well as bullying at school and over the Internet. In relation to the violence mentioned above, please include information on measures taken to improve the low reporting, prosecution and conviction rates and on remedies, protection and rehabilitation and reintegration support provided to child victims of such violence. Please also include information on groups of children who face heightened risk of exposure to violence, such as refugee, asylum-seeking and migrant children, children in street situations, unaccompanied or separated children, lesbian, gay, bisexual, transgender and intersex children, and children with albinism.

**South Africa – Concluding Observations – 73<sup>rd</sup> session, 19 September 2016, 2<sup>nd</sup> review<sup>462</sup>**

Keywords: *LGBTI; children, discrimination, harassment, intersectionality, legislation, policy, service provision, violence*

**Non-discrimination**

23. The Committee is concerned at the discrimination faced by girls, children living with HIV/AIDS, children with disabilities, indigenous children, stateless children, migrant, asylum-seeking and refugee children, children in street situations, lesbian, gay, bisexual, transgender and intersex children and children with albinism in accessing basic services and child protection services, and at their heightened exposure to violence, abuse and harassment [...].
24. **The Committee recommends that the State party:**
  - (a) **Place strong focus on the eradication of structural inequality and discrimination in all legislative, policy and programmatic measures to advance the rights of the child, paying particular attention to children living with HIV/AIDS, children with disabilities, indigenous children, stateless children, migrant, asylum-seeking and refugee children, children in street situations, lesbian, gay, bisexual, transgender and intersex children and children with albinism, and to the accumulative impact of multiple discrimination;**
  - (b) **Enhance its efforts to raise the awareness of children and the general public about gender equality and actively promote it in education, from early childhood education, in order to eradicate discriminatory gender stereotyping and gender discrimination.**

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<sup>461</sup> 2<sup>nd</sup> reporting cycle, [CRC/C/ZAF/Q/2](#).

<sup>462</sup> 2<sup>nd</sup> reporting cycle, [CRC/C/ZAF/CO/2](#).

Keywords: *SM; action plan, children, consultation, data collection, decision-making process, GC/GR, intersectionality, prevention, SDGs, torture/ill-treatment, violence*

**Freedom of the child from all forms of violence**

33. The Committee is concerned at the very high prevalence of violence against children, which includes corporal punishment, gender-based violence and harmful practices.
34. **With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and taking note of target 16.2 of the Sustainable Development Goals on ending abuse, exploitation, trafficking and all forms of violence against and torture of children, the Committee urges the State party to develop, adopt and implement effectively a comprehensive national strategy to prevent and address all forms of violence against children and to protect and support child victims of violence. In developing such a strategy, the State party should:**
- (a) **Ensure that policy responses to violence are developed on the basis of analysis of objective data;**
  - (b) **Ensure the meaningful participation of all stakeholders, including children and organizations working with children;**
  - (c) **Address structural cases of violence, including inequality, poverty, alcohol and drug abuse, and xenophobia;**
  - (d) **Pay due attention to groups of children at heightened risk of exposure to violence, including children living in rural areas and urban informal settlements, refugee, asylum-seeking, migrant and stateless children, children in street situations, children belonging to sexual minorities, children with disabilities, indigenous children and children with albinism.**

Keywords: *I; action plan, children, consultation, decision-making process, GC/GR, health, IGM, professional groups, surgical/medical intervention*

**Harmful practices**

39. The Committee is concerned at the high prevalence of harmful practices in the State party, which include child and forced marriage, virginity testing, witchcraft, female genital mutilation, polygamy, violent or harmful initiation rites and intersex genital mutilation [...].
40. **In the light of its general comment No. 18 (2014) on harmful practices, adopted jointly with the Committee on the Elimination of Discrimination against Women, the Committee urges the State party to:**
- (a) **Ensure that its legislation prohibits all forms of harmful practices carried out on children in the State party, including by, among other things, criminalizing the practice of child and forced marriage and regulating initiation schools;**
  - (b) **Develop and adopt an effective national action plan to eliminate such practices;**

- (c) Ensure the meaningful participation of all stakeholders, including children affected by or at risk of being affected by harmful practices, and their communities, in developing, adopting, implementing and monitoring the implementation of relevant laws and policies;**
- (d) Guarantee the bodily integrity, autonomy and self-determination of all children, including intersex children, by avoiding unnecessary medical or surgical treatment during infancy and childhood;**
- (e) Build the capacity of all professional groups working for and with children to prevent, identify and respond to incidents of harmful practices and to eliminate customary practices and rituals that are harmful to children; [...].**

**Suriname** – Concluding Observations – 73<sup>rd</sup> session, 21–22 September 2016, 3<sup>rd</sup> – 4<sup>th</sup> review<sup>463</sup>

Keywords: *LGBTI; awareness-raising campaign, children, discrimination, education, intersectionality*

**Non-discrimination**

**14. The Committee recommends that the State party ensure that all children in the State party enjoy equal rights under the Convention, both in law and in practice, without discrimination, and intensify efforts to ensure the effective elimination of any form of discrimination against children from Amerindian and Maroon communities, children of Haitian migrants, children living with HIV/AIDS, lesbian, gay, bisexual, transgender and intersex children and other groups of children in marginalized situations through, among other things, awareness-raising campaigns and education, especially at the community level and in schools.**

Keywords: *LGBTI; children, consultation, decision-making process, GC/GR*

**Respect for the views of the child**

**16. While noting the adoption of the bill on Hearing Children in Judicial Proceedings, in 2008, the Committee, in the light of its general comment No. 12 (2009) on the right of the child to be heard, recommends that the State party: [...]**

**(e) Promote inclusive participation in the Youth Parliament by ensuring that eligible children from Amerindian and Maroon communities, children in situations of poverty, children with disabilities and lesbian, gay, bisexual, transgender and intersex children are able to fully participate, as well as provide the Youth Parliament with adequate resources.**

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<sup>463</sup> 4<sup>th</sup> reporting cycle, [CRC/C/SUR/CO/3-4](#).

**United Kingdom of Great Britain and Northern Ireland – Concluding Observations**  
– 72<sup>st</sup> session, 23–24 May 2016, 5<sup>th</sup> review<sup>464</sup>

Keywords: *LGBTI; awareness-raising campaign, children, discrimination, intersectionality, media, prevention, stigmatisation, TSM*

**Non-discrimination**

21. The Committee is concerned that: [...]

(c) Many children in certain groups, including Roma, gypsy and traveller children, children of other ethnic minorities, children with disabilities, children in care, migrant, asylum-seeking and refugee children and lesbian, gay, bisexual, transgender and intersex children, continue to experience discrimination and social stigmatization, including through the media.

22. **The Committee recommends that the State party: [...]**

**(c) Strengthen its awareness-raising and other preventive activities against discrimination and stigmatization and, if necessary, take temporary special measures for the benefit of children in vulnerable situations.**

Keywords: *I; access to justice, awareness-raising campaign, children, data collection, decision-making process, education, family, free and informed consent, GC/GR, health, IGM, medical professionals, remedy, reparation, support services, surgical/medical intervention*

**Harmful practices**

46. The Committee welcomes the enactment of the Serious Crime Act (2015) in England and Wales, which enables the courts to issue protection orders to protect potential or actual child victims of female genital mutilation. However, the Committee is concerned at: [...]

(b) Cases of medically unnecessary surgeries and other procedures on intersex children before they are able to provide their informed consent, which often entail irreversible consequences and can cause severe physical and psychological suffering, and the lack of redress and compensation in such cases.

47. **With reference to its general comment No. 18 (2014) on harmful practices, the Committee recommends that the State party: [...]**

**(b) Continue and strengthen preventive and protection measures to address the issue of harmful practices, including the collection of data, the training of relevant professionals, awareness-raising programmes, the provision of protection and care to the child victims and the prosecution of those found guilty of perpetrating such acts;**

**(c) Ensure that no one is subjected to unnecessary medical or surgical treatment during infancy or childhood, guarantee bodily integrity, autonomy and self-determination to children concerned and provide families with intersex children with adequate counselling and support;**

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<sup>464</sup> 5<sup>th</sup> reporting cycle, [CRC/C/GBR/CO/5](#).

- (d) Provide redress to the victims of such treatment;**
- (e) Educate medical and psychological professionals on the range of sexual, and related biological and physical diversity and on the consequences of unnecessary interventions for intersex children.**

Keywords: *LGBTI; awareness-raising campaign, bullying, children, consultation, education, family, internet, media, professional groups, trainings, violence*

#### **Freedom of the child from all forms of violence**

48. The Committee is concerned that:

- (a) Bullying, including cyberbullying, remains a serious and widespread problem, particularly against lesbian, gay, bisexual, transgender and intersex children, children with disabilities and children belonging to minority groups, including Roma, gypsy and traveller children; [...]**

49. **The Committee recommends that the State party:**

- (a) Intensify its efforts to tackle bullying and violence in schools, including by teaching human rights, building the capacities of students and staff members to respect diversity at school, improving students' conflict-resolution skills, monitoring regularly the incidences of bullying at school and involving children in the initiatives and monitoring aimed at eliminating bullying;**
- (b) In the light of the recommendations resulting from the day of general discussion on digital media and children's rights, train children, teachers and families on the safe use of information and communication technologies, raise awareness among children on the severe effects that online bullying can have on their peers and increase the involvement of social media outlets in the efforts to combat cyberbullying; [...]**

Keywords: *LGBTI; action plan, children, GC/GR, health, intersectionality, service provision*

#### **Health and health services**

58. The Committee is concerned at the inequality in access to health services and health outcome, negatively affecting Roma, gypsy and traveller children, children belonging to other ethnic minorities, migrant children, children living in poverty and in deprived areas, children in care and in custody, children living with HIV/AIDS and lesbian, gay, bisexual, transgender and intersex children.

59. **With reference to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, the Committee recommends that the State party, the governments of the devolved administrations, overseas territories and Crown dependencies develop comprehensive and multisectoral strategies on child health:**

- (a) With the allocation to the maximum extent of available resources and a robust monitoring mechanism;**
- (b) With a strong focus on eliminating inequalities in health outcome and in access to health services;**

**(c) Addressing underlying social determinants of health.**

Keywords: *LGBTI; adolescents, children, education, GC/GR, policy, sexuality education, SRHR*

**Adolescent health**

64. The Committee notes with appreciation the steady decrease in teenage pregnancies in the State party during the period under review. However, the Committee is concerned that: [...]

(b) Relationships and sexuality education is not mandatory in all schools, its contents and quality varies depending on the school, and lesbian, gay, bisexual, transgender and intersex children do not have access to accurate information on their sexuality; [...].

65. **With reference to its general comments No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child and No. 15 (2013), the Committee recommends that the State party:**

**(a) Develop and adopt a comprehensive sexual and reproductive health policy for adolescents, with particular attention to reducing inequalities and with participation of adolescents;**

**(b) Ensure that meaningful sexual and reproductive health education is part of the mandatory school curriculum for all schools, including academies, special schools and youth detention centres, in all areas of the State party. Such education should provide age-appropriate information on: confidential sexual and reproductive health-care services; contraceptives; the prevention of sexual abuse or exploitation, including sexual bullying; the support available in cases of such abuse and exploitation; and sexuality, including that of lesbian, gay, bisexual, transgender and intersex children; [...].**

**Zimbabwe** – Concluding Observations – 71<sup>st</sup> session, 19 January 2016, 2<sup>nd</sup> review<sup>465</sup>

Keywords: *LGBTI; children, awareness-raising campaign, discrimination, education, legislation, prevention, stereotypes*

**Non-discrimination**

26. While welcoming the inclusive non-discrimination provision in the Constitution, the Committee is concerned that national legislation remains inconsistent with the non-discrimination provisions of the Convention. It reiterates its concern (para. 12) about high levels of discrimination against certain groups of children, including children with disabilities, children in street situations, children living in rural areas, children born out of wedlock, orphans, children living in foster care, lesbian, gay, bisexual, transgender and intersex children and children affected or infected by HIV/AIDS [...].
27. **The Committee reiterates its previous recommendation (para. 22) and urges the State party to harmonize its legislation with article 2 of the Convention, and to ensure the full implementation of all legal provisions. The Committee recommends that the State party carry out comprehensive public-education campaigns to prevent and combat all forms of discrimination, including gender stereotyping, in line with the recommendations of the Committee on the Elimination of Discrimination Against Women (see CEDAW/C/ZWE/CO/2-5, para. 22).**

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<sup>465</sup> 2<sup>nd</sup> reporting cycle, [CRC/C/ZWE/CO/2](#).

## 5. Committee against Torture

**Armenia** – List of Issues Prior to Reporting – 38<sup>th</sup> session, 18 February 2015, 4<sup>th</sup> review<sup>466</sup>

*Keywords: SO; detention, violence*

### Article 11

13. With reference to the Committee's previous concluding observations (para. 19), please provide updated information on: [...]

(c) Whether some prisoners continue to be subjected to violence and abusive treatment as a result of being singled out by groups of prisoners based on perceived sexual orientation or nationality;

**Armenia** – Concluding Observations – 59<sup>th</sup> session, 23–24 November 2016, 4<sup>th</sup> review<sup>467</sup>

*Keywords: access to justice, data collection, detention, discrimination, hate speech, investigation, prevention, prosecution, professional groups, punishment, torture/ill-treatment, trainings, violence*

### **Inter-prisoner violence and violence and degrading treatment against homosexual prisoners and sex-offenders**

31. The Committee is concerned about reports of high incidence of inter-prisoner violence in penitentiary institutions, including incidents of self-harm, and notes the lack of official statistics in this regard. It notes with concerns that the incidence of such violence may be the result of the existence of a criminal subculture and informal hierarchy in prisons which, despite its decrease in recent years, appears still to exercise substantial influence within the penitentiary system. The Committee, while welcoming the recruitment of additional prison staff and some recent salary increases, remains concerned about the shortage of prison staff, which, taken together, increases reliance on "criminal leaders" to ensure security within prison. The Committee is also concerned about persistent discrimination, hate speech, violence and humiliating and degrading treatment of sex offenders and homosexual prisoners by other prisoners and about their degrading and involuntary segregation from other inmates that may aggravate their detention conditions. The Committee regrets that no relevant measures appear to have been taken to prevent such incidents, to ensure their protection and that such acts occur with impunity (arts. 2, 11-13 and 16).

32. **The State part should:**

**(a) Take robust measure to prevent inter-prisoner violence and self-harm incidents and to protect the life and safety of all prisoners; implement**

<sup>466</sup> 4<sup>th</sup> reporting cycle, [CAT/C/ARM/QPR/4](#).

<sup>467</sup> 4<sup>th</sup> reporting cycle, [CAT/C/ARM/CO/4](#).

**appropriate programs to prevent, monitor and document incidents of inter-prisoner violence and self-harm, compile official statistics on such incidents; and ensure effective investigations of all allegations of violence between prisoners and hold those responsible accountable;**

**(b) Recruit and train a sufficient number of prison personnel to ensure adequate prisoner/staff ratio, improve the authority of prison administrations and take steps to reduce the impact of the criminal subculture and informal hierarchy in prisons;**

**(c) Put an end to the discrimination and violence against homosexual prisoners and sex-offenders, abolish the practice of their degrading and involuntary segregation and all other degrading and humiliating practices that still persist in the vast majority of prisons; investigate effectively all such allegations, and bring perpetrators to justice.**

**Australia** – List of Issues Prior to Reporting – 59<sup>th</sup> session, 9 January 2017, 6<sup>th</sup> review<sup>468</sup>

*Keywords: asylum-seekers/refugees, criminalisation (decriminalisation), refoulement, torture/ill-treatment*

**Article 3**

9. With reference to the previous concluding observations (para. 17) on the offshore processing of asylum claims, please provide information on: [...]

(b) Whether asylum seekers to be transferred to regional processing centres in Nauru and Papua New Guinea, or to other third countries, may challenge in the State party the decision to be transferred to those countries when they face a real risk of torture or ill-treatment in those or in other third countries to which they could be removed, for example, because same-sex relationships between consenting adults are criminalized in the country of destination, as is the case in Papua New Guinea, or because those countries do not have a fair, efficient and expeditious asylum procedure;

*Keywords: I; access to justice, children, decision-making process, free and informed consent, health, IGM, remedy, reparation, surgical/medical intervention*

**Article 16**

26. In the light of the Committee's concluding observations (para. 20), please provide information on the efforts made to prohibit the use of sterilization without the prior, free and informed consent of the person concerned in all Australian jurisdictions. Please clarify whether non-urgent and irreversible medical or surgical treatment aimed at determining the sex of a child is permitted and performed on children and how the State party guarantees that the full, free and informed consent of the persons concerned is ensured. In that regard, please indicate what action has been taken by the State party to implement the recommendations of a 2013 Senate Community Affairs References Committee report on the involuntary or coerced sterilization of intersex people in Australia. In addition, please indicate which criminal or civil remedies are available for people who underwent involuntary sterilization or unnecessary and irreversible medical or surgical treatment aimed at determining their sex when they were children and whether those remedies are subject to any statute of limitations.

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<sup>468</sup> 6<sup>th</sup> reporting cycle, [CAT/C/AUS/QPR/6](#).

**Côte d’Ivoire** – List of Issues Prior to Reporting – 59<sup>th</sup> session, 12 January 2017, initial review<sup>469</sup>

*Keywords: SO; access to justice, hate crimes, investigation, measures, prosecution, violence*

**Article 16**

41. Please provide information on the measures taken to ensure that all crimes and acts of violence and intimidation that target persons on the basis of their sexual orientation are properly and promptly investigated and prosecuted.

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<sup>469</sup> 1<sup>st</sup> reporting cycle, [CAT/C/CIV/QPR/1](#).

**Croatia** – List of Issues Prior to Reporting – 59<sup>th</sup> session, 10 January 2017, 6<sup>th</sup> review<sup>470</sup>

*Keywords: LGBT; access to justice, data collection, hate crimes, hate speech, investigation, law enforcement officials, police misconduct, prosecution, punishment, torture/ill-treatment, women*

**Articles 12 and 13**

12. With reference to the Committee's previous concluding observations (para. 8), please provide detailed statistical data, disaggregated by crime committed, ethnicity, age and sex, on:

(a) The number of complaints alleging acts of torture and ill-treatment, including verbal abuse and excessive use of force, by law enforcement and other public officials as well as private individuals against, inter alia, lesbian, gay, bisexual and transsexual persons and persons belonging to ethnic minorities; the number of such complaints investigated; any prosecutions brought; and any resulting convictions and sentences;

(b) Cases in which officials were subjected to disciplinary measures for failure to investigate complaints of torture or ill-treatment adequately or for refusal to cooperate in investigating any such complaint.

13. Please provide information on:

(a) The acquittal of three men for a homophobic attack against six women in Split in 2012 [...].

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<sup>470</sup> 6<sup>th</sup> reporting cycle, [CAT/C/HRV/QPR/6](#).

**Cyprus** – List of Issues Prior to Reporting – 57<sup>th</sup> session, 3 June 2016, 5<sup>th</sup> review<sup>471</sup>

*Keywords: SO; court, detention, follow-up, law enforcement officials, professional groups, trainings, violence*

**Article 10**

13. With reference to the Committee's previous concluding observations (paras. 11 (c) and 20) and the information received from the State party in follow-up to the concluding observations, please provide information on the instruction provided for law enforcement personnel at all levels, State security organs, prison staff, immigration officials, judges, prosecutors, medical personnel dealing with detainees, forensic doctors and any other State agents involved in holding persons in custody, interrogation or treatment of any individual under any form of detention or imprisonment, including the overall size of the target group and the percentage of those trained, as well as the periodicity of the training, with respect to: [...]

(d) Issues related to violence against foreign nationals, as well as against persons because of their sexual orientation or gender;

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<sup>471</sup> 5<sup>th</sup> reporting cycle, [CAT/C/CYP/QPR/5](#).

**Ecuador** – List of Issues Prior to Reporting – 49<sup>th</sup> session, 29 October–23 November 2012, 7<sup>th</sup> review<sup>472</sup>

*Keywords: SO; conversion therapy, medical professionals, torture/ill-treatment, women*

**Article 13**

25. Please supply information regarding any investigations carried out into complaints of involuntary placement and ill-treatment of women in private drug addiction treatment centres, including those which practice “sexual reorientation” therapies.

**Ecuador** – Concluding Observations – 59<sup>th</sup> session, 8–9 November 2016, 7<sup>th</sup> review<sup>473</sup>

*Keywords: LGBTI; detention*

**B. Positive aspects**

6. The Committee commends the State party’s efforts to adjust its policies and procedures in order to ensure greater protection for human rights and to apply the Convention, in particular: [...]
- b) The adoption of the protocol for the treatment of members of the lesbian, gay, bisexual, transgender and intersex community who are deprived of their liberty (Ministerial Agreement No. 1256 of 4 July 2016);

*Keywords: GT, LGBT; SOGI; access to justice, awareness-raising campaign, conversion therapy, detention, hate crimes, investigation, killings, medical professionals, prosecution, punishment, stigmatisation, violence*

**Violence against individuals based on their sexual orientation or gender identity**

49. The Committee is concerned at allegations of involuntary placement and ill-treatment of lesbian, gay, bisexual and transgender persons in private centres in which “sexual reorientation or dehomosexualization therapies” are practised. Despite the closure of 24 such centres, the Committee notes with concern that the proceedings initiated by the Attorney General’s Office have, to date, not yielded any convictions. The Committee also strongly condemns the killings of gay and transgender persons that occurred in the State party during the period under review (arts. 2 and 16).
50. **The State party should ensure that all cases of violence against persons on the basis of sexual orientation or gender identity are investigated with the aim of prosecuting and punishing the perpetrators of such acts. It should also carry out awareness-raising activities for the general public in order to combat the social stigmatization of lesbian, gay, bisexual and transgender persons.**

<sup>472</sup> 7<sup>th</sup> reporting cycle, [CAT/C/ECU/Q/7](#).

<sup>473</sup> 7<sup>th</sup> reporting cycle, [CAT/C/ECU/CO/7](#).

**France – Concluding Observations – 57<sup>th</sup> session, 19–20 April 2016, 7<sup>th</sup> review<sup>474</sup>**

*Keywords: I; access to justice, children, data collection, decision-making process, family, free and informed consent, health, IGM, investigation, legislation, measures, punishment, remedy, reparation, support services, surgical/medical intervention*

**Intersex persons**

34. The Committee is concerned about reports of unnecessary and sometimes irreversible surgical procedures performed on intersex children without their informed consent or that of their relatives and without their having all possible options always explained to them. It is also concerned that these procedures, which are purported to cause physical and psychological suffering, have not as yet been the object of any inquiry, sanction or reparation. The Committee regrets that no information was provided on specific legislative and administrative measures establishing the status of intersex persons (arts. 2, 12, 14 and 16).

**35. The Committee recommends that the State party:**

**(a) Take the necessary legislative, administrative and other measures to guarantee respect for the physical integrity of intersex individuals, so that no one is subjected during childhood to non-urgent medical or surgical procedures intended to establish one's sex;**

**(b) Ensure that the persons concerned and their parents or close relatives receive impartial counselling services and psychological and social support free of charge;**

**(c) Ensure that no surgical procedure or medical treatment is carried out without the person's full, free and informed consent and without the person, their parents or close relatives being informed of the available options, including the possibility of deferring any decision on unnecessary treatment until they can decide for themselves;**

**(d) Arrange for the investigation of cases of surgical or other medical treatment reportedly carried out on intersex individuals without their informed consent and take steps to provide redress, including adequate compensation, to all victims;**

**(e) Conduct studies into this issue in order to better understand and deal with it.**

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<sup>474</sup> 7<sup>th</sup> reporting cycle, [CAT/C/FRA/CO/7](#).

**Honduras** – List of Issues Prior to Reporting – 48<sup>th</sup> session, 7 May–1 June 2012, 2<sup>nd</sup> review<sup>475</sup>

Keywords: *T; access to justice, data collection, hate crimes, investigation, killings, measures, police misconduct, prevention, prosecution, punishment, torture/ill-treatment, violence, women*

**Article 2**

10. According to information before the Committee, violence against transgender persons is a serious problem in Honduras: 10 transgender women were murdered between November 2010 and November 2011 in attacks ranging from armed assault to ones in which the victims were set on fire. Please comment on reports concerning the alleged involvement of members of the police force in some of these crimes. Please provide information on the measures taken to prevent the torture and ill-treatment of this group. Please include statistics on the number of complaints received and investigated, as well as the number of prosecutions and convictions in such cases.

**Honduras** – Concluding Observations – 58<sup>th</sup> session, 27–28 July 2016, 2<sup>nd</sup> review<sup>476</sup>

Keywords: *LGBT, T; SOGI; access to justice, detention, hate crimes, investigation, killings, prosecution, violence, women*

**Violence committed on grounds of sexual orientation or gender identity**

49. The Committee expresses its concern at the information included in the periodic report about violent deaths of lesbian, gay, bisexual and transgender persons, in particular the murder of 11 transgender women between 2010 and 2013. According to the information provided, the alleged perpetrators have been prosecuted in only two of these cases, including one case that resulted in an acquittal (arts. 2 and 16).
- 50. The State party should ensure the personal safety of lesbian, gay, bisexual and transgender persons in all spheres, including in places of detention. It should also ensure that murders and assaults motivated by a person's sexual orientation or gender identity are investigated and that the persons responsible are brought to justice.**

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<sup>475</sup> 2<sup>nd</sup> reporting cycle, [CAT/C/HND/Q/2](#).

<sup>476</sup> 2<sup>nd</sup> reporting cycle, [CAT/C/HND/CO/2](#).

**Israel** – List of Issues Prior to Reporting – 48<sup>th</sup> session, 7 May–1 June 2012, 5<sup>th</sup> review<sup>477</sup>

Keywords: *LGBT; FOE/FOAA, hate crimes, HRD, killings, measures, police, prevention, violence*

**Article 2**

15. Please explain the progress of investigation into 1 August 2009 killing by a gunman of two persons, Nir Katz, aged 26, and Liz Trobishi, aged 16, and injuring 10 other people, during a weekly meeting at an lesbian, gay, bisexual and transgender (LBGT) social and advocacy centre in Tel Aviv and describe the measures taken to prevent violent attacks against LGBT-rights demonstrations from members of the religious communities and administrative obstacles to organizing the demonstrations from among the police.

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<sup>477</sup> 5<sup>th</sup> reporting cycle, [CAT/C/ISR/Q/5](#).

**Kuwait** – List of Issues Prior to Reporting – 50<sup>th</sup> session, 6–31 May 2013, 3<sup>rd</sup> review<sup>478</sup>

Keywords: *LGBT; discrimination, harassment, measures, sexual violence, torture/ill-treatment, violence*

**Article 16**

31. Please comment on reports that lesbian, gay, bisexual and transgender (LGTB) people continue to be subject to discrimination and ill-treatment, including acts of sexual violence. Please provide information on measures taken to address such harassment.

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<sup>478</sup> 3<sup>rd</sup> reporting cycle, [CAT/C/KWT/QPR/3](#).

**Mongolia** – List of Issues Prior to Reporting – 49<sup>th</sup> session, 29 October–23 November 2012, 2<sup>nd</sup> review<sup>479</sup>

Keywords: *LGBT; SOGI; access to justice, anti-discrimination legislation, discrimination, GC/GR, hate crimes, hate speech, intersectionality, investigation, legislation, punishment, torture/ill-treatment, violence, YP*

**Article 16**

26. In the light of the Committee's previous concluding observations (para. 25), please provide updated information on the steps taken by the State party to establish a comprehensive legal framework to prevent the torture and ill-treatment and ensure the protection of vulnerable groups, including persons with HIV/AIDS, certain foreigners, and lesbian, gay, bisexual and transgender (LGBT) persons, in line with general comment No. 2 of the Committee and the Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity (launched on 26 March 2007). Also, please provide information on any measures taken to ensure that LGBT persons have access to justice and to establish policing, enforcement and complaints mechanisms to ensure prompt, thorough and impartial investigations into allegations of all acts of violence and abuse against such persons and bring the perpetrators to justice. Please indicate if the State party has introduced provisions in domestic law declaring illegal and prohibiting organizations that promote and incite racial, ethnic and other forms of discrimination.

**Mongolia** – Concluding Observations – 58<sup>th</sup> session, 2-3 August 2016, 2<sup>nd</sup> review<sup>480</sup>

Keywords: *SM; access to justice, criminalisation (decriminalisation), data collection, domestic violence, legislation, sexual violence, shelters, violence, women*

**Violence against women and domestic violence**

27. While welcoming the forthcoming entry into force on 1 September 2016 of the amended Criminal Code criminalizing domestic violence and other forms of violence against women and girls, including those belonging to sexual minorities, and the revised Law on Combating Domestic Violence, and the building of four shelters for victims of domestic violence, the Committee is concerned at the prevalence of violence against women, including domestic and sexual violence, the underreporting of cases, the lack of statistical information on violence against women and the fact that marital rape has not been criminalized (arts. 2, 12–14 and 16).

Keywords: *LGBTI; SOGI; access to justice, discrimination, hate crimes, hate speech, investigation, law enforcement officials, legislation, police, police misconduct, prosecution, punishment, remedy, reparation, torture/ill-treatment, violence, YP*

**Discrimination and violence against lesbian, gay, bisexual, transgender and intersex persons**

<sup>479</sup> 2<sup>nd</sup> reporting cycle, [CAT/C/MNG/Q/2](#).

<sup>480</sup> 2<sup>nd</sup> reporting cycle, [CAT/C/MNG/CO/2](#).

29. While taking note of the revision of the Criminal Code, under which discrimination on various grounds is prohibited and hate crimes and hate speech outlawed, the Committee remains concerned at recurrent reports that the members of vulnerable populations, in particular lesbian, gay, bisexual, transgender and intersex persons, are subjected to violence, such as physical attacks and other ill-treatment, including by police officers, which makes victims reluctant to even file complaints. The Committee is also gravely concerned at reports that complaints are not registered or investigated by the police and have been dismissed by the Prosecutor's Office (arts 2, 12, 13 and 16).

**30. The state party should:**

- a) Vigorously enforce the relevant provisions of the Criminal Code as soon as it enters into force on 1 September 2016;**
- b) Establish an effective policing, enforcement and complaints mechanism in order to ensure prompt, thorough and impartial investigations into allegations of attacks against persons on the basis of their sexual orientation or gender identity, in line with the Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity;**
- c) Ensure that all complaints of attacks and ill-treatment of lesbian, gay, bisexual, transgender and intersex persons are investigated and prosecuted, including those by police officers, and that all persons under investigation are immediately suspended from their duties and remain so throughout the investigation;**
- d) Take all the necessary measures to bring perpetrators of violent acts against vulnerable populations, in particular lesbian, gay, bisexual, transgender and intersex persons, to justice;**
- e) Provide redress, including compensation and rehabilitation to victims.**

**Montenegro** – List of Issues Prior to Reporting – 59<sup>th</sup> session, [January 2017], 3<sup>rd</sup> review<sup>481</sup>

*Keywords: LGBT; access to justice, data collection, harassment, hate crimes, HRD, investigation, police, prosecution, punishment, reparation, violence*

**Article 16**

26. In the light of the previous concluding observations (para. 23), please provide information on:

- (a) the steps taken to prevent violence, threats, harassment and intimidation against Lesbian, Gay, Bisexual and Transgender (LGBT) persons;
- (b) the number of complaints and police reports, investigations, prosecutions, convictions and punishments handed down for such crimes during the period under review, broken down by type of offence and investigating authority, and the reparations provided to victims. In this regard, please provide information on the outcome of the investigations into the attacks to the LGBT Social Centre in Podgorica in December 2014, despite the presence of police officers.

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<sup>481</sup> 3<sup>rd</sup> reporting cycle, [CAT/C/MNE/QPR/3](#).

**Namibia** – Concluding Observations – 59<sup>th</sup> session, 18–21 November 2016, 2<sup>nd</sup> review<sup>482</sup>

Keywords: *SOGI; access to justice, asylum-seekers/refugees, criminalisation (decriminalisation), discrimination, refoulement*

**Non-refoulement**

26. The Committee is further concerned that the Immigration Control Act, No. 7 of 1993, excludes a person convicted of sodomy from entering into Namibia (art. 3).

27. **The Committee recommends that the State party:**

**(d) Ensure that individuals at risk of persecution owing to their sexual orientation or gender identity are no subject to refoulement and have equal access to asylum without discrimination.**

Keywords: *G, LGBTI, T; access to justice, criminalisation (decriminalisation), detention, harassment, investigation, killings, law enforcement officials, measures, police, police misconduct, prosecution, punishment, sexual violence, stigmatisation, torture/ill-treatment, violence, women*

**Lesbian, gay, bisexual, transgender and intersex persons**

30. The Committee is concerned at reports that lesbian, gay, bisexual, transgender and intersex persons are subject to ill-treatment in detention, and that transgender women have been placed together with male detainees, exposing them to a high risk of sexual assault. The Committee is also concerned at reports of the failure to investigate, prosecute and punish violence, harassment and ill-treatment, rape and murder of lesbian, gay, bisexual, transgender and intersex persons. The Committee is further concerned by reports of abuse of gay men by law enforcement personnel and by the stigmatization they suffer, especially taking into consideration the current criminalization of sexual acts between consenting adult men.

**31. The State party should take all necessary measures to protect lesbian, gay, bisexual, transgender and intersex persons from threats and any form of violence, particularly in places of detention, including by separating transgender women from male detainees. The State party should ensure that violence against lesbian, gay, bisexual, transgender and intersex persons is promptly, impartially and thoroughly investigated and the perpetrators prosecuted and punished. The State party should consider decriminalizing sexual acts between consenting adult men.**

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<sup>482</sup> 2<sup>nd</sup> reporting cycle, [CAT/C/NAM/CO/2](#).

**Sweden** – List of Issues Prior to Reporting – 59<sup>th</sup> session, 14 February 2017, 8<sup>th</sup> review<sup>483</sup>

*Keywords: SO; access to justice, hate crimes, investigation, prosecution, violence*

**Article 16**

29. [...] What concrete measures have been taken to ensure that all crimes and acts of violence that target persons on the basis of their sexual orientation are properly and promptly investigated and prosecuted?

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<sup>483</sup> 8<sup>th</sup> reporting cycle, [CAT/C/SWE/QPR/8](#).

**Tunisia – Concluding Observations – 57<sup>th</sup> session, 19–21 April 2016, 3<sup>rd</sup> review<sup>484</sup>**

Keywords: *anal examination, court, criminalisation (decriminalisation), free and informed consent, legislation, medical professionals, police, police misconduct, prosecution, surgical/medical intervention*

**Forensic examinations as proof of sexual acts**

41. The Committee notes with concern that consensual relations between persons of the same sex are criminalized in the State party and that persons suspected of being homosexual are forced by a judge's order to submit to an anal examination conducted by a forensic physician to prove their homosexuality. Notwithstanding the right to refuse to submit to such examinations, the Committee is concerned about information that several persons have accepted them, under threat from the police, who contend among other things that a refusal would be interpreted as incriminating [...] (arts. 2 and 6).
- 42. The State party should repeal article 230 of the Criminal Code, which makes consensual relations between adults of the same sex a crime. It should also prohibit intrusive medical examinations that have no medical justification and cannot be performed with the free and informed consent of the persons subjected to them, who consequently will then be prosecuted.**

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<sup>484</sup> 3<sup>rd</sup> reporting cycle, [CAT/C/TUN/CO/3](#).

**Turkey** – List of Issues Prior to Reporting – 49<sup>th</sup> session, 29 October–23 November 2012, 4<sup>th</sup> review<sup>485</sup>

Keywords: *LGBT, T; access to justice, arrest, detention, harassment, hate crimes, HRD, investigation, legislation, prosecution, violence*

**Article 16**

33. Please provide information on the measures taken by the State party to ensure that all human rights defenders, including members of human rights organizations, journalists, trade union members and lesbian, gay, bisexual, and transgender (LGTB) activists, are protected from harassment, intimidation and violence, particularly by public officials, as a result of their activities. Please also describe any legislation recognizing such defenders or efforts to revise legislation allegedly used to harass human rights defenders, including the Anti-Terrorism Law. In particular, please comment on: [...]

(d) Allegations of harassment of staff of LGBT organizations, including the October 2011 conviction on charges including resisting arrest of three transgender human rights defenders from the group Pembe Hayat, who alleged that they were arbitrarily detained on the basis of their transgender status. Please describe measures taken to investigate and prosecute violence against LGBT persons during the reporting period, and any measures to eliminate judicial recognition of “undue provocation” as an extenuating circumstance in cases of violence against LGTB persons.

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<sup>485</sup> 4<sup>th</sup> reporting cycle, [CAT/C/TUR/Q/4](#).

**United Kingdom** – List of Issues Prior to Reporting – 57<sup>th</sup> session, 7 June 2016, 6<sup>th</sup> review<sup>486</sup>

*Keywords: T; hate crimes, measures, violence*

**Article 16**

43. What measures have been taken to combat hate crimes, including crimes committed on the basis of race, nationality and religion? Please comment on reports of a rise in Islamophobic and anti-Semitic hate crimes. Please provide information on the specific measures taken to address underreporting of disability and transgender-motivated hate crimes.

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<sup>486</sup> 6<sup>th</sup> reporting cycle, [CAT/C/GBR/QPR/6](#).

**United States of America** – List of Issues Prior to Reporting – 59<sup>th</sup> session, 26 January 2017, 6<sup>th</sup> review<sup>487</sup>

Keywords: *T; detention*

**Article 11**

23. Taking into account the Committee's previous concluding observations (para. 20), please clarify the current policy regarding the use of solitary confinement in prisons and within the immigration detention system. Please also provide statistical data, disaggregated by sex, age and ethnic origin or nationality, on the number of persons placed in solitary confinement in federal and state prisons, national security detention facilities and immigration detention centres, and indicate how many of them have been held under such a regime for more than 15 days. Please include information about related hunger strikes, suicide attempts and other incidents of self-harm among prisoners held in solitary confinement. What steps has the State party taken to ensure the application of the United States Immigration and Customs Enforcement's 2013 directive on solitary confinement and its 2015 guidelines on the care of transgender detainees?

Keywords: *SOGI; access to justice, hate crimes, investigation, measures, prosecution, violence*

**Article 16**

43. Please provide information on the measures taken to ensure that all crimes and acts of violence that target persons on the basis of their sexual orientation or gender identity are properly and promptly investigated and prosecuted.

Keywords: *I; children, data collection, health, IGM, surgical/medical intervention*

45. Please comment on the reports of premature surgery and other medical treatment to which intersex children are subjected (see interACT-Advocates for Intersex Youth, submission to the Committee against Torture, 2016). Please indicate the number of intersex children who have undergone sex assignment surgery during the reporting period.

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<sup>487</sup> 6<sup>th</sup> reporting cycle, [CAT/C/USA/QPR/6](#).

**Uruguay** – List of Issues Prior to Reporting – 57<sup>th</sup> session, 1 June 2016, 4<sup>th</sup> review<sup>488</sup>

*Keywords: T; SOGI; access to justice, hate crimes, killings, measures, prosecution, violence, women*

**Article 16**

31. With reference to the Committee's previous concluding observations (para. 21), please indicate the practical measures taken by the State party to combat violence against individuals based on their sexual orientation or gender identity, in particular murders of transgender women. In this regard, please include information on the prosecution of alleged perpetrators.

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<sup>488</sup> 6<sup>th</sup> reporting cycle, [CAT/C/URY/QPR/4](#).

## 6. Committee on the Rights of Persons with Disabilities

**Chile** – Concluding Observations – 15<sup>th</sup> Session, 31 March–1 April 2016, initial review<sup>489</sup>

Keywords: *I; children, decision-making process, free and informed consent, IGM, surgical/medical intervention, sterilisation*

### **Protecting the integrity of the person (art. 17)**

41. The Committee is concerned by the fact that sterilizations continue to be performed in the State party on persons with disabilities, especially women and girls, without their free and informed consent and at the mere request of their families or guardians, and by evidence that the procedure is commonly performed on persons with psychosocial disabilities admitted to psychiatric centres.

**42. The Committee requests the State party to amend Act No. 20.584 and Decree No. 570 to require in all cases, without exception, the free and informed consent of persons with disabilities, including those whose legal capacity has been revoked, as an essential prerequisite for any surgery or medical treatment, especially those of an invasive nature and whose effects are irreversible, such as sterilization and procedures on intersex children.**

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<sup>489</sup> 1st reporting cycle, [CRPD/C/CHL/CO/1](#).

**Colombia** – Concluding Observations – 16th session, 23–24 August 2016, initial review<sup>490</sup>

Keywords: *LGBTI; health, intersectionality, SDGs*

**Health (art. 25)**

56. The Committee is concerned at:

- (a) The low level of compliance with Act No. 1616 on mental health, in relation to informed consent for invasive surgical procedures and psychiatric treatment;
- (b) The lack of accessibility in the provision of sexual and reproductive health services, including those relating to HIV/AIDS;
- (c) The prejudice and negative attitudes of health-care service providers, both generally and in services specializing by type of disability;
- (d) Inadequate or non-existent coverage in rural areas and very remote locations.

57. **The Committee recommends that the State party:**

- (a) Ensure the observance of the right of free and informed consent of persons with disabilities regarding health care, including sexual and reproductive health, services related to HIV/AIDS, and psychiatric services and interventions, through the use of protocols;**
- (b) Train health personnel on the rights and dignity of persons with disabilities, including the right to free and informed consent;**
- (c) Take steps to ensure the accessibility of all health-care services, in terms of both information and communications, and physical facilities, equipment and furniture;**
- (d) Provide the financial and human resources necessary to extend health care to all persons with disabilities, in particular those who are victims of armed conflict, women, children or older persons with disabilities; Afro-Colombian, Raizal or indigenous persons; living in rural and remote areas; or lesbian, gay, bisexual, transgender or intersex;**
- (e) Be guided by article 25 of the Convention in pursuing targets 3.7 and 3.8 of the Sustainable Development Goals.**

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<sup>490</sup> 1st reporting cycle, [CRPD/C/COL/CO/1](#).

**Cyprus** – List of Issues – 6<sup>th</sup> PSWG, 6 October 2016, initial review<sup>491</sup>

Keywords: *SO; discrimination, intersectionality, measures*

**Equality and non-discrimination (art. 5)**

6. Please provide information on concrete plans or measures adopted and implemented to address intersectional discrimination on the grounds of disability, age, sex and sexual orientation.

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<sup>491</sup> 1<sup>st</sup> reporting cycle, [CRPD/C/CYP/Q/1](#).

**Iran (Islamic Republic of)** – List of Issues – 6<sup>th</sup> PSWG, 29 September 2016, initial review<sup>492</sup>

Keywords: *LGBTI; consultation, data collection, decision-making process, discrimination, intersectionality*

**Equality and non-discrimination (art. 5)**

7. Please provide information about the situation of persons with disabilities who are members of ethnic, religious, linguistic minorities or who are lesbian, gay, bisexual, transgender or intersex, and on the safeguards in place to ensure they are equally included in public policies and programmes for the protection of persons with disabilities.

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<sup>492</sup> 1<sup>st</sup> reporting cycle, [CRPD/C/IRN/Q/1](#).

**Italy** – List of Issues – 5<sup>th</sup> PSWG, 29 April 2016, initial review<sup>493</sup>

Keywords: *I; children, decision-making process, free and informed consent, health, IGM, surgical/medical intervention*

**Protecting the integrity of the person (art. 17)**

43. Please provide information on the number of children who have had surgery for intersex variation without their consent, as well as other medical treatment without free and informed consent.

**Italy** – Concluding Observations – 16<sup>th</sup> Session, 24–25 August 2016, initial review<sup>494</sup>

Keywords: *SO; consultation, decision-making process, intersectionality*

**A General principles and obligations (arts. 1–4)**

7. The Committee is concerned about the lack of consultation with persons with disabilities through their representative organisations, and by the fact that the National Observatory of the Status of Persons with Disabilities is not a permanent consultative body. The Committee is further concerned by the grave neglect of prioritising the input from organisations of persons with disabilities by treating all stakeholder views equally and thereby limiting the range of input from persons with disabilities, including women and children with disabilities, participating in direct decision-making processes.
8. **The Committee recommends that a permanent consultative body be established which effectively and meaningfully consults with persons with disabilities through their representative organisations in the development of all laws, policies and programmes, and that a broad range of persons with disabilities that reflect the diversity of people’s backgrounds, including age, sex, faith, race, sexual orientation, migrant status and impairment groups meaningfully participate in an inclusive and accessible manner in direct decision-making process that affects the lives of persons with disabilities at all levels and within all sectors of the State party.**

Keywords: *I; children, decision-making process, family, free and informed consent, health, IGM, support services, surgical/medical intervention*

**Protecting the integrity of the person (art. 17)**

45. The Committee is concerned that children are subjected to irreversible surgery for intersex variation and other medical treatments without their free and informed consent.
46. **The Committee recommends the State party ensure that no one is subjected to scientific undocumented medical or surgical treatment during infancy or childhood, guarantee bodily integrity, autonomy and self-determination to the children concerned, and provide families with intersex children with adequate counselling and support.**

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<sup>493</sup> 1st reporting cycle, [CRPD/C/ITA/Q/1](#).

<sup>494</sup> 1st reporting cycle, [CRPD/C/ITA/CO/1](#).

**Lithuania** – List of Issues – 4<sup>th</sup> PSWG, 1 October 2015, initial review<sup>495</sup>

Keywords: *SO; discrimination, intersectionality, measures*

**Equality and non-discrimination (art. 5)**

8. Please provide information on whether the State party is planning to adopt any specific measure in order to address intersectional discrimination, including on the grounds of sexual orientation, faced by persons with disabilities.

**Lithuania** – Concluding Observations – 15<sup>th</sup> Session, 6–7 April 2016, initial review<sup>496</sup>

Keywords: *SOGI; action plan, discrimination, intersectionality, measures, prevention*

**Women with disabilities (art. 6)**

15. The Committee notes with concern the absence of concrete measures to prevent and eradicate discrimination against women and girls with disabilities as well as multidimensional discrimination of women and girls with disabilities based on other grounds, especially on the grounds of sexual orientation and gender identity, in the action plan for the National Programme on Equal Opportunities for Women and Men 2015-2021.
16. **The Committee recommends that the State party revise its action plan for the National Programme on Equal Opportunities for Women and Men 2015-2021 to include an explicit focus on prevention and eradication of discrimination against women and girls with disabilities, including multiple and intersectional discrimination, as well as measures for their development, advancement and empowerment, in particular to foster their participation in public life. The Committee also recommends that the State party include measures to prevent and eradicate discrimination based on sexual orientation and gender identity in the action plan.**

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<sup>495</sup> 1st reporting cycle, [CRPD/C/LTU/Q/1](#).

<sup>496</sup> 1st reporting cycle, [CRPD/C/LTU/CO/1](#).

**Uganda – Concluding Observations – 15<sup>th</sup> Session, 7–8 April 2016, initial review<sup>497</sup>**

Keywords: *SOGI; access to justice, discrimination, intersectionality, remedy*

**Equality and non-discrimination (art. 5)**

8. The Committee is concerned about persisting discrimination against persons with disabilities, including in particular persons with albinism, persons with intellectual and/or psychosocial disabilities, and on other grounds, such as gender identity and sexual orientation. It is also concerned about insufficient legal remedies to protect them against such discrimination [...].
9. **The Committee recommends that the State party:**
  - (a) **Provide for legal protection against disability-based discrimination and multiple and intersectional forms of discrimination faced by persons with disabilities;**
  - (b) **Incorporate the concept of reasonable accommodation in its legislation as defined in article 2 of the Convention and recognize the denial of reasonable accommodation as a form of discrimination based on disability;**
  - (c) **Make the work of the Equal Opportunities Commission widely known among persons with disabilities.**

Keywords: *SOGI; access to justice, discrimination, follow-up, intersectionality, remedy*

**IV. Follow-up**

**Dissemination of information**

67. The Committee requests that the State party provide information, within 12 months of the adoption of the present concluding observations and in accordance with article 35 (2) of the Convention, on the measures taken to implement the Committee's recommendations contained in paragraphs 8 (equality and non-discrimination) and 52 (work and employment).

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<sup>497</sup> 1st reporting cycle, [CRPD/C/UGA/CO/1](#).

**Uruguay – Concluding Observations – 16<sup>th</sup> Session, 15–16 April 2016, initial review<sup>498</sup>**

Keywords: *I; children, decision-making process, free and informed consent, IGM, sterilisation, surgical/medical intervention*

**Protecting the integrity of the person (art. 17)**

43. The Committee is concerned that the State party continues to implement Act No. 9581 of 1936 on psychiatric care and the mental health regulations issued by the Ministry of Health.
44. **The Committee recommends that the State party amend Act No. 9581 of 1936 and the mental health regulations issued by the Ministry of Health to require in all cases, without exception, the free and informed consent of persons with disabilities, including those whose legal capacity has been revoked, as an essential prerequisite for any surgery or medical treatment, especially those of an invasive nature and whose effects are irreversible, such as sterilization and procedures on intersex children.**

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<sup>498</sup> 1st reporting cycle, [CRPD/C/URY/CO/1](#).

## 7. Committee on the Elimination of Racial Discrimination

**Argentina** – Concluding Observations – 91<sup>st</sup> session, 22–23 November 2016, 21<sup>st</sup>–23<sup>rd</sup> review<sup>499</sup>

Keywords: *LGBTI; SOGI; data collection, discrimination, GC/GR, intersectionality*

### **Multiple forms of discrimination**

35. The Committee is concerned that indigenous, Afro-descendent and migrant women, including women from the Dominican Republic, lesbian, gay, bisexual, transgender and intersex persons and women belonging to other minorities still face multiple forms of discrimination in all aspects of social, political, economic and cultural life (art. 2 (2)).

36. **The Committee recommends that the State party take into account its general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination and that it mainstream a gender perspective in all its policies and strategies for combating racial discrimination in order to address the multiple forms of discrimination faced by, in particular, indigenous, Afro-descendent and migrant women, including lesbian, gay, bisexual, transgender and intersex persons and women belonging to other minorities. It also recommends that the State party compile disaggregated statistics on this subject.**

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<sup>499</sup> 23<sup>rd</sup> reporting cycle, [CERD/C/ARG/CO/21-23](#).

**Uruguay – Concluding Observations – 91<sup>st</sup> session, 24–25 November 2016, 21<sup>st</sup>–23<sup>rd</sup> review<sup>500</sup>**

Keywords: *LGBTI; SOGI; discrimination, intersectionality, measures*

**Other forms of multiple discrimination**

27. Despite the steps taken by the State party to combat discrimination based on sexual orientation and gender identity, the Committee is concerned that lesbian, gay, bisexual, transsexual and intersex Afro-Uruguayans continue to be subject to multiple forms of discrimination (art. 5).

28. **The Committee recommends that the State party take the necessary measures to combat the multiple forms of discrimination faced by lesbian, gay, bisexual, transsexual and intersex individuals, including by mainstreaming an ethno-racial dimension in its measures to combat discrimination based on sexual orientation and gender identity.**

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<sup>500</sup> 23<sup>rd</sup> reporting cycle, [CERD/C/URY/CO/21-23](https://www.refworld.org/docid/45969d.html).

## Annex 1 – Resources for engaging with the Treaty Bodies

Below is a list of resources related to the Treaty Bodies. Information on [ILGA's engagement](#) with the Treaty Bodies, and the support given to civil society is available on the ILGA website. ILGA also provides a list of [upcoming deadlines](#) for submitting information to Treaty Bodies for country reviews, as well as details of sessions of the Treaty Bodies. If you have any questions about engaging with the Treaty Bodies, please email [untreaties@ilga.org](mailto:untreaties@ilga.org).

### General Guides

- OHCHR: *Factsheet #30 – The United Nations Human Rights Treaty System*, in [English](#), [Spanish](#), [French](#), [Russian](#), [Arabic](#) and [Chinese](#)
- International Service for Human Rights (ISHR): *The Simple Guide to Treaty Bodies*, in [English](#), [Spanish](#), [French](#), [Arabic](#) and [Chinese](#)
- Transgender Europe (TGEU) & ARC International: *Making the UN work for you – A toolkit on UN advocacy for trans activists*

### Committee on Economic, Social and Cultural Rights (CESCR)

- ILGA: *Advocating on Gender Identity and Gender Expression*, in [English](#) and [Russian](#)
- Amnesty International: *Holding Government to Account: A Guide to Shadow Reporting on Economic, Social and Cultural Rights*
- PWESCR: *New perspectives on NGO reporting to the UN Committee on Economic, Social and Cultural Rights: Challenges and Opportunities*; and *International Covenant on Economic, Social and Cultural Rights: A Handbook*

### Human Rights Committee (HRCtee)

- Centre for Civil and Political Rights (CCPR-Centre): *Guidelines on the Reporting Process to the UN Human Rights Committee*, in [English](#), [French](#), [Spanish](#), [Russian](#) and [Arabic](#)

### Committee against Torture (CAT)

- Association for the Prevention of Torture (APT): *Alternative reporting to the Committee against Torture*

### Committee on the Elimination of Discrimination against Women (CEDAW)

- IWRAW Asia Pacific: *Participation in the CEDAW reporting process*, in [English](#) and [Spanish](#)
- International Gay and Lesbian Human Rights Commission (IGLHRC – now OutRight Action International): *Equal and Indivisible – Crafting Inclusive Shadow Reports for CEDAW*

### Committee on the Rights of the Child (CRC)

- Child Rights Connect: *Guide for NGOs Reporting to the Committee*, in [English](#), [French](#), [Spanish](#) (2016) and [Russian](#) (2006)

### Committee on the Rights of Persons with Disabilities (CRPD)

- International Disability Alliance (IDA): *Understanding the UN Convention on the Rights of Persons with Disabilities*, in [English](#) and [French](#); and *Guidance document on parallel reporting*, in [English](#), [French](#), [Spanish](#) and [Arabic](#)
- Disability Council International: *Shadow reporting to the UN Committee on the Rights of Persons with Disabilities: A Practical Guide for NGOs*
- Mental Health Europe: *Toolkit on the Review Process of the UN CRPD*

### Committee on the Elimination of all form of Racial Discrimination (CERD)

- International Movement against all forms of Discrimination and Racism (IMADR): *Guide for Civil Society Actors*, in [English](#), [French](#) and [Spanish](#)

## Annex 2 – Civil society submissions

### Committee on Economic, Social and Cultural Rights

#### Canada

- Submission by [Action Canada for Sexual Health and Rights](#) for the List of Issues (*mentioning lack of SOGI references in sexual health education curricula*)
- Submission by [Amnesty International](#) for the List of Issues (*a chapter on discrimination on ground of GI*)
- Submission by [Action Canada for Sexual Health and Rights](#) for the Session (*a chapter on discrimination on grounds of SOGIE in ESCR with specific references to trans persons*)
- Submission by [Amnesty International](#) for the Session (*a chapter on discrimination on ground of GI*)
- Submission by the [Canadian Civil Liberties Association](#) for the Session (*a section on GI*)
- Submission by the [Pivot Legal Society](#) for the Session (*a paragraph on homelessness among trans people and access to shelters*)

#### Costa Rica

- Submission by [civil society coalition](#) for the List of Issues (*a specific report on trans communities*)
- Submission by [Mesa de Diálogo de la Sociedad Civil](#) for the List of Issues (*several references to LGBTI*)
- Submission by [civil society coalition](#) for the List of Issues (*mentioning problems related to access of lesbian women to IVF*)

#### Dominican Republic

- Submission by [CLADEM-RD and the Women Health Collective](#) for the Session (*briefly mentioning gay men/MSM in the context of HIV*)
- Submission by [civil society coalition](#) for the Session (*a specific SOGI report*)

#### Honduras

- Submission by [civil society coalition](#) for the Session (*specific LGBTI report*)
- Submission by [UPR Platform](#) for the Session (*a chapter on the situation of LGBTI community*)

#### Kenya

- Submission by the [Eastern Africa Collaboration](#) for the List of Issues (*mentioning briefly discrimination against LGBT people, criminalization and police harassment*)

#### Lebanon

- Submission by the [Lebanese Transparency Association](#) for the Session (*briefly mentioning a court decision on criminalization provisions*)

#### Namibia

- Submission by [ICJ](#) for the Session (*specific report on criminalisation*)

### Philippines

- Submission by [Kaleidoscope Human Rights Foundation](#) for the Session (*specific report on the situation of LGBTI persons*)

### Sweden

- Submission by [civil society coalition](#) for the List of Issues (*some references to LGBT issues*)
- Submission by [civil society coalition](#) for the Session (*chapters on gender-based violence against LGBTQ persons and on violence in same-sex relations*)

### Macedonia

- Submission by the [Coalition Sexual and Health Rights of Marginalized Communities](#) for the Session (*a chapter on LGBT community with a section on trans issues*)
- Submission by the [Helsinki Committee for Human Rights of the Republic of Macedonia \(MHC\) and LGBTI Support Centre](#) for the Session (*a section on LGBTI persons and access to social services, as well as a paragraph on access of trans people to health care*)
- Submission by [civil society coalition](#) for the Session (*several references to LGBTI*)

### Tunisia

- Submission by [Amnesty International](#) for the Session (*a chapter on discrimination, harassment and violence on grounds of SOGI*)

### United Kingdom

- Submission by [Engender](#) for the List of Issues (*mentioning LBT women in the context of welfare reform*)
- Submission by [Human Rights Consortium Scotland](#) for the List of Issues (*mentioning challenges faced by “transsexual workers”*)
- Submission by [UNISON Northern Ireland](#) for the List of Issues (*mentioning briefly inequalities faced by lesbian and gay parents*)
- Submission by [Engender](#) for the Session (*mentioning LBT women in the context of welfare reform*)

## Human Rights Committee

### Argentina

- Submission by [Amnesty International](#) for the List of Issues (*mentioning case of violence against trans woman*)
- Submission by [CELS](#) for the List of Issues (*briefly referring to violence against trans individuals*)
- Submission by [civil society coalition](#) for the Session (*specific LGBTI submission focusing on violations of gender identity and hiring quota laws*)
- Submission by [civil society coalition](#) for the Session (*mentioning cases of killings of trans women*)
- Submission by [CELS](#) for the Session (*briefly referring to violence against trans individuals*)
- Submission by [Comisión por la Memoria de la Provincia de Buenos Aires](#) for the Session (*briefly mentioning vulnerability of trans persons in detention*)

### Azerbaijan

- Submission by [Human Rights Center of Azerbaijan](#) for the Session (*a few references to violations towards LGBT community*)

### Burkina Faso

- Submission by [civil society coalition](#) for the Session (*two sections on LGBT*)

### Colombia

- Submission by [Colombia Diversa](#) for the Session (*specific report on the situation of LGBT persons, including a chapter on pathologisation of trans identities and access to transition-related health care services*)

### Costa Rica

- Submission by [civil society coalition](#) for the List of Issues (*specific LGBTI submission with a chapter on violations of trans persons' rights*)
- Submission by [civil society coalition](#) for the Session (*additional information on the situation of trans persons*)
- Submission by [Mesa de Diálogo de la Sociedad Civil](#) for the Session (*numerous references to SOGIESC*)

### Denmark

- Submission by the [Danish Institute for Human Rights](#) for the List of Issues (*a few references to SO*)
- Submission by [civil society coalition](#) for the Session (*a chapter on the situation of LGBTI persons*)

### Ecuador

- Submission by the [CEPAM](#) for the List of Issues (*briefly mentioning exclusion of gays and lesbians*)
- Submission by [civil society coalition](#) for the List of Issues (*a report on violence against lesbian women, as well as restrictions on abortion*)
- Submission by [civil society coalition](#) for the Session (*specific report on the situation of LGBTI persons*)
- Submission by [Fundación Ecuatoriana Equidad](#) for the Session (*a section on LGBTI people*)
- Submission by [civil society coalition](#) for the Session (*specific submission on "conversion" therapy*)
- Submission by [Comisión Ecuaménica de Derechos Humanos](#) for the Session (*chapter on "conversion" therapy*)
- Submission by the [civil society coalition](#) for the Session (*brief recommendation on measures against discrimination on ground of SO*)

### Ghana

- Submission by [civil society coalition](#) for the List of Issues (*specific report on the situation of LGBT people*)
- Submission by [civil society coalition](#) for the List of Issues (*a section on the situation of LGBT people*)
- Submission by [civil society coalition](#) for the Session (*specific report on the situation of LGBT people*)
- Submission by [civil society coalition](#) for the Session (*two sections on the situation of LGBTI people*)

### Jamaica

- Submission by [civil society coalition](#) for the List of Issues (*specific report on the situation of LGBT persons*)

- Submission by [civil society coalition](#) for the Session (*specific report on the situation of LGBT persons*)
- Submission by [civil society coalition](#) for the Session (*a chapter on SOGI*)

#### Kazakhstan

- Submission by [ISHR](#) for the List of Issues (*briefly mentioning homophobic bills*)
- Submission by [Feminita and AlmaTQ](#) for the Session (*specific report on the situation of LGBT people, including a chapter on transgender persons' rights*)
- Submission by [civil society coalition](#) for the Session (*specific report on legal gender recognition*)
- Submission by [Equal Rights Trust](#) for the Session (*a section on discrimination on grounds of SOGI*)
- Submission by [civil society coalition](#) for the Session (*briefly mentioning discrimination against LGBT people*)
- Submission by [Amnesty International](#) for the Session (*a chapter on draft "anti-propaganda" legislation*)
- Submission by [Human Rights Watch](#) for the Session (*a section on discrimination on grounds of SOGI*)
- Submission by [ACAT and ILI](#) for the Session (*briefly mentioning homophobic bills*)

#### Kuwait

- Submission by the [Kuwait Society for Human Rights](#) for the List of Issues (*mentioning SO in anti-discrimination recommendation*)
- Submission by [civil society coalition](#) for the List of Issues (*a chapter on cross-dressing*)
- Submission by the [Alkarama](#) for the Session (*mentioning the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions on death penalty for homosexuality*)

#### Morocco

- Submission by [civil society coalition](#) for the List of Issues (*mentioning criminal conviction of a homosexual man in passing*)
- Submission by [Amnesty International](#) for the List of Issues (*information about criminalization of homosexuality*)

#### Namibia

- Submission by [civil society coalition](#) for the Session (*several references to the situation of LGBTI people*)
- Submission by [NamRights](#) for the Session (*mentioning violence against "sexual minorities"*)

#### New Zealand

- Submission by [Aotearoa/New Zealand Sexual Orientation, Gender Identity and Intersex \(SOGII\) UPR Coalition](#) for the Session (*specific SOGIESC submission*)

#### Poland

- Submission by [Amnesty International](#) for the Session (*a section on SOGIE*)
- Submission by the [Polish informal coalition for the CCPR](#) for the Session (*numerous references to LGBTI*)

#### Republic of Moldova

- Submission by [GENDERDOC-M Information Centre](#) for the Session (*specific LGBT submission*)

## Rwanda

- Submission by [civil society coalition](#) for the Session (*a paragraph on the situation of LGBTI persons*)

## Slovakia

- Submission by [Amnesty International](#) for the List of Issues (*numerous LGBT references*)
- Submission by [TransFúzia](#) for the Session (*specific report on legal gender recognition*)
- Submission by [Human Rights League \(HRL\) and Forum for Human Rights \(FORUM\)](#) for the Session (*some references to violence against LGBTI and stigmatization*)

## Slovenia

- Submission by [Society for awareness and protection – Antidiscrimination Center](#) for the Session (*several references to the situation of LGBTI people*)

## South Africa

- Submission by [civil society coalition](#) for the List of Issues (*a section on the situation of LB women and gender non-conforming people, LGBTI-related proposals*)
- Submission by [civil society coalition](#) for the Session (*specific report on the situation of transgender and intersex persons*)
- Submission by [civil society coalition](#) for the Session (*a chapter on the situation of LGBTI asylum seekers*)
- Submission by [civil society coalition](#) for the Session (*highlighting a problem of discrimination against LGBTQ+*)
- Submission by [civil society coalition](#) for the Session (*a report on violence against women and LGBTI persons*)
- Submission by [civil society coalition](#) for the Session (*a chapter on violence against LGBT people and activists*)

## Sweden

- Submission by the [Swedish Disability Federation](#) for the List of Issues (*some references to SO*)
- Submission by [civil society coalition](#) for the List of Issues (*some references to LGBTI*)

## Committee on the Elimination of Discrimination against Women

### Albania

- Submission by [a civil society coalition](#) for the Session (*a chapter on health of LGBTI and women LBT*)

### Argentina

- Submission by [a civil society coalition](#) for the Session (*a report “Human rights situation of travestis and trans woman in Argentina” covering different aspects such as police violence and arbitrary detentions, violations in penitentiary units, killings, education, employment, health and housing, migrant and young trans women and travestis*)
- Submission by [a civil society coalition](#) for the Session (*a brief mentioning of SO and LGBTTTTQI community*)
- Submission by [Amnesty International](#) for the Session (*a brief mentioning of cases of killings of LGBTTI defenders and trans women*)
- Submission by [Amnesty International](#) for the PSWG (*a brief mentioning of cases of killings of LGBTTI defenders and trans women*)

- Submission by [Red por los Derechos de las Personas con Discapacidad \(REDI\) and Asociación Civil por la Igualdad y la Justicia \(ACIJ\)](#) for the Session (a brief mentioning of intersex only)

#### Armenia

- Submission by [Anti-Discrimination Centre “Memorial” and Civil Society Institute \(Armenia\)](#) for the PSWG (a paragraph on women facing discrimination on the basis of sexual orientation and gender identity)
- Submission by [Anti-Discrimination Centre “Memorial” and Civil Society Institute \(Armenia\)](#) for the Session (a chapter on LBT women and intersex persons covering different issues such as hate crimes and hate speech, discrimination, employment and detention facilities)
- Submission by [the CEDAW Task Force Armenia](#) for the Session (a chapter on lesbian and transgender women describing such areas as hate crimes and hate speech and discrimination as well as several particular cases in the appendix)

#### Bangladesh

- Submission by [Kaleidoscope Human Rights Foundation](#) for the Session (a report on LGBTI women’s rights covering positive steps made by the government, discrimination and prejudice, legal gender recognition, education, employment, gender-based violence, marriage and family relations)
- Submission by [Human Rights Watch](#) for the Session (a chapter “LGBT Rights” describing different aspects LBT women faced in the country, including a paragraph on discrimination against Hijras)

#### Belarus

- Submission by [a civil society coalition](#) (including “Identity and Law” LGBT Group and ILGA) for the Session (a chapter on LBT women covering privacy and legal gender recognition in relation to transgender women, and a law restricting information that “discredits the family and marriage-family relations”)

#### Bhutan

- Submission by [Tarayana Foundation](#) for the Session (a brief reference to a “gay community” that “still lives closeted as the rights of the LGBTI people are yet to be recognized by law although no one has been persecuted or charged”)

#### Canada

- Submission by [Egale Canada Human Rights Trust in partnership with ILGA-NA](#) for the Session (a report “Discrimination and Violence against Lesbian, Bisexual, and Transgender Women and Gender Diverse and Two Spirit People on the Basis of Sexual Orientation, Gender Identity and Gender Expression” covering sexual violence, domestic and intimate partner violence, occupational violence and sex work)
- Submission by [Aboriginal Legal Services](#) for the Session (a short paragraph on violence against two-spirited and LGBTQ persons)
- Submission by [Action Canada for Sexual Health & Rights](#) for the Session (a short reference to sexual health education needs of transgender students)
- Submission by [Amnesty International](#) for the PSWG (a short chapter on discrimination on the basis of gender identity)
- Submission by [Canadian Association of Sexual Assault Centres \(CASAC\) and Canadian Feminist Alliance for International Action \(FAFIA\)](#) for the Session (a short mention of women from “sexual minorities” in the context of cyber-violence)

- Submission by [The Canadian Alliance for Sex Work Law Reform \(CASWLR\) and the Pivot Legal Society](#) for the Session (*a brief note that criminalizing street-based communicating disproportionately impacts sex workers who are transgender or two-spirit*)
- Submission by [a civil society coalition](#) for the Session (*brief mentioning SOGI in the context of data collection and police response to violence*)

#### Czech Republic

- Submission by [Czech Women's Lobby](#) for the Session (*a short paragraph on discrimination against lesbian women living in registered partnership in access to artificial insemination*)

#### Estonia

- Submission by [Estonian Women's Associations Roundtable \(EWAR\)](#) for the Session (*brief mentioning SO in the context of national anti-discrimination mechanisms*)
- Submission by [a civil society coalition](#) for the Session (*a paragraph on same-sex couples*)

#### France

- Submission by [StopIGM/Zwischengeschlecht](#) for the Session (*a report on intersex genital mutilations in France*)
- Submission by [French Coordination for the European Women's Lobby](#) for the Session (*mentioning problems related to asylum, assisted reproduction, hate crimes*)

#### Haiti

- Submission by [Institute for Justice & Democracy in Haiti](#) for the PSWG (*brief references to SOGI in relation to laws on hate crimes and discrimination*)
- Submission by [La Coalition contre la Traite et le Trafic des Femmes et des Filles en Amérique Latine et dans la Caraïbes \(CATW-LAC\)](#) for the PSWG (*question on measures to combat discrimination on ground of SO*)
- Submission by [Femmes en Action Contre la Stigmatisation et la Discrimination Sexuelle \(FACSDIS\), SEROvie, IGLHRC, MADRE and the CUNY IWHR Clinic](#) for the PSWG (*violence, harassment and discrimination against LBT people, discrimination and violence by government authorities, lack of access to medical treatment, freedom of movement, economic problems, lack of effective investigation, LBT in rural areas*)

#### Honduras

- Submission by [Red Lésbica Cattrachas](#) for the Session (*a report on LGBTI homicides*)
- Submission by [CEDAW Honduras Platform](#) for the Session (*a chapter on LGBTI in work and education, as well as mentioning LGBTI homicides and lack of prosecution, access to health care for trans persons and discrimination*)

#### Japan

- Submission by [Gay Japan News with support from ILGA](#) for the PSWG (*a report "Discrimination against Lesbian, Bisexual Women and Transgender People on the Basis of Sexual Orientation and Gender Identity" covering legal gender recognition and different spheres where LB women and T people face discrimination and violence*)
- Submission by [OutRight Action International, Gay Japan News and Rape Crisis Network](#) for the Session (*discrimination against LBT women, employment and violence against women*)
- Submission by [Kaleidoscope Australia Human Rights Foundation](#) for the PSWG (*a report on the situation of LGBTI women: lack of anti-discrimination legislation, no recognition of same-sex couples, failure to address domestic violence and sexual assault against LGBTI women, and abusive requirements for legal gender recognition*)

- Submission by [the Japan Federation of Bar Associations](#) for the PSWG (*separate section on “sexual minority women”: trans persons in detention, measures against domestic violence in same-sex couples and discrimination on grounds of SOGI*)
- Submission by [Japan NGO Network for CEDAW \(JNNC\)](#) for the PSWG (*brief reference to LGBT only*)
- Submission by [Japan NGO Network for CEDAW \(JNNC\)](#) for the Session (*brief reference to “sexual minorities” only*)

#### Mongolia

- Submission by [The LGBT Centre \(Mongolia\)](#) for the Session (*a report “The Status of Lesbian, Bisexual Women and Transgender Persons in Mongolia”*)

#### Myanmar

- Submission by [Gender Equality Network & Global Justice Center](#) for the Session (*a separate section on “Discrimination Against LGBTI Persons and Women with Disabilities” – discriminatory laws and practices, vulnerability of transgender persons and lesbian women*)

#### Netherlands

- Submission by [COC Nederland, Nederlands Netwerk voor Intersekse/DSD \(NNID\) and Transgender Netwerk Nederland \(TNN\)](#) for the Session (*report “Discrimination of Lesbian, Bisexual, Transgender and Intersex persons in the Netherlands” covering education, employment, health care, legal gender recognition and intersex children*)
- Submission by [Dutch CEDAW Network](#) for the PSWG (*a small paragraph on LBT women: lack of expertise among professionals on LBT issues; and exclusion of gender reassignment treatment from health insurance*)
- Submission by [Dutch CEDAW Network](#) for the Session (*a small paragraphs on LBT women – minimum age for legal gender recognition, and treatment for intersex children*)
- Submission by [a civil society coalition](#) for the PSWG – NGO Shadow Report of Curaçao (*a brief reference to LGBT*)

#### Philippines

- Submission by [Philippine LBT coalition](#) (including OutRight Action International and ILGA World Trans\* Secretariat) for the Session (*absence of anti-discrimination law, laws on hate crimes, legal gender recognition and marriage equality, access to justice for gender violence, discrimination and violence by police and by the judicial system, in health care, education and employment*)

#### Sweden

- Submission by [the Swedish Federation for LGBTQ Rights \(RFSL\), the Swedish Association for Sexual Education \(RFSU\) and the Swedish Disability Federation](#) for the Session (*a report covering violence against LBTQ women, need for inclusion of transgender people in general equality national programs, particular vulnerability of transgender women for violence and barriers to shelters, need for GI/GE in hate crimes legislation, labour opportunities for transgender women and change of documentation etc.*)
- Submission by [the Swedish Women’s Lobby](#) for the Session (*brief references to SOGI only*)

#### Switzerland

- Submission by [TGNS](#) for the PSWG (*a report on the situation of trans people: transphobic violence, abusive requirements for legal gender recognition, quality of surgeries and funding,*

*best interests of the child and trans children in education, discrimination in employment, naturalisation)*

- Submission by **TGNS** for the Session (*a report on the situation of trans people: stereotyped portrayal of trans people in the media and health, including legal gender recognition and health insurance*)
- Submission by [StopIGM/Zwischengeschlecht](#), [Intersex.ch \(Peer Support Group\)](#) and [Verein SI Selbsthilfe Intersexualität \(Parents Peer Support Group\)](#) for the Session (*a report on intersex genital mutilations in Switzerland*)
- Submission by [NGO-Coordination post Beijing Switzerland](#) for the Session (*a short paragraph on LGBTI people; lack of information about LB women's health; abusive requirements for legal gender recognition*)

#### Trinidad and Tobago

- Submission by [Network of NGOs of Trinidad and Tobago for the Advancement of Women](#) (including Coalition Advocating for Inclusion of Sexual Orientation (CAISO) Trinidad and Tobago) for the Session (*mentioning need for decriminalization of same-sex relations and for inclusion of transgender people into gender policy*)

#### Turkey

- Submission by [the Executive Committee for NGO Forum on CEDAW - Turkey](#) for the PSWG (*hate crimes and need for anti-discrimination legislation*)
- Submission by [the Executive Committee for NGO Forum on CEDAW - Turkey](#) for the Session (*combating homo- and transphobia, political participation, hate crimes, lack of SOGI-inclusive sex education and need for anti-discrimination legislation*)
- Submission by [London Legal Group](#) for the Session (*brief reference to SOGI in relation to the law on the prevention of violence against women*)

#### Uruguay

- Submission by [a civil society coalition](#) for the Session (*a paragraph on violence and discrimination against LGBTI people, data on murders of trans women*)

## Committee on the Rights of the Child

#### Bulgaria

- Submission by the [Bulgarian Helsinki Committee](#) for the List of Issues (*very brief references to discrimination of children on SO*)

#### France

- Submission by [AEDE](#) for the List of Issues (*mentioning discrimination of teenagers on SO*)
- Submission by [UNICEF France](#) for the List of Issues (*brief data on suicide rate among homosexual teens*)
- Submission by [FRA Europe](#) for the Session (*data from LGBT Survey on LGBT adolescents*)
- Submission by [StopIGM/Zwischengeschlecht](#) for the Session (*a report on intersex genital mutilations in France*)

#### Iran

- Submission by [6Rang](#) for the List of Issues (*specific submission on the situation of LGBT children*)

- Submission by [Amnesty International](#) for the List of Issues (*criminalization of homosexuality in context of execution of child offenders*)
- Submission by [civil society coalition](#) for the List of Issues (*a chapter on discrimination on children on SOGI*)
- Submission by [Insight Iran](#) for the List of Issues (*mentioning criminalization of homosexuality*)
- Submission by [civil society coalition](#) for the List of Issues (*mentioning criminalization of homosexuality*)
- Submission by [6Rang](#) for the Session (*specific submission on the situation of LGBT children*)
- Submission by [Insight Iran](#) for the Session (*mentioning criminalization of homosexuality*)

#### Ireland

- Submission by [StopIGM/Zwischengeschlecht](#) for the Session (*a report on intersex genital mutilations in Ireland*)
- Submission by [Children's Rights Alliance](#) for the Session (*a small section on trans and intersex children in the context of legal gender recognition, also references to the situation of LGBTI young people*)

#### Kenya

- Submission by [Kenya Alliance for Advancement of Children](#) for the Session (*mentioning problems of birth registration for trans and intersex children*)

#### Latvia

- Submission by the [Latvian Protect the Children](#) for the Session (*mentioning stereotypes and discrimination against LGBTI children*)

#### Nepal

- Submission by [Blue Diamond Society](#) for the Session (*a submission on intersex children*)

#### New Zealand

- Submission by [Save the Children and UNICEF NZ](#) for the Session (*brief reference to discrimination of children on SO*)
- Submission by [StopIGM/Zwischengeschlecht](#) for the Session (*a report on intersex genital mutilations*)

#### Saudi Arabia

- Submission by [Reprive and ESOHR](#) for the List of Issues (*mentioning criminalisation*)

#### South Africa

- Submission by [civil society coalition](#) for the List of Issues (*brief references to discrimination against LGBT children*)
- Submission by [Legal Resource Centre](#) for the List of Issues (*brief reference to Civil Union Act as excluding same-sex adolescents*)
- Submission by [StopIGM/Zwischengeschlecht](#) for the Session (*a report on intersex genital mutilations*)

#### United Kingdom

- Submission by [Children & Young People's Assembly for Wales](#) for the List of Issues (*references to statistics on discrimination against young gay persons*)
- Submission by [Young Wales](#) for the List of Issues (*brief references to homophobic violence and language*)

- Submission by [See it, Say it, Change it](#) for the List of Issues (*references to LGBT children and their experience*)
- Submission by [Together \(Scottish Alliance for Children's Rights\)](#) for the List of Issues (*several references to LGBTI children*)
- Submission by [Youth@clc](#) for the List of Issues (*multiple references to LGBT children and relevant statistics*)
- Submission by [National Secular Society](#) for the List of Issues (*a few references to LGBT children in the context of sex education and religious schools*)
- Submission by [Children's Law Centre and Save the Children Inn](#) for the List of Issues (*references to SOGI-related tolerance programs in schools, cases of homophobic crimes and bullying*)
- Submission by [Children's Rights Alliance for England](#) for the List of Issues (*paragraphs on homophobic bullying and LGBT children*)
- Submission by [Children's Law Centre and Save the Children Inn](#) for the Session (*references to SOGI-related tolerance programs in schools*)
- Submission by [StopIGM/Zwischengeschlecht](#) for the Session (*a report on intersex genital mutilations*)

## Committee against Torture

### Armenia

- Submission by [civil society coalition](#) for the Session (*references to the situation of LGBT people in detention*)
- Submission by the [Civil Society Institute](#) for the Session (*references to the situation of LGBT people in detention*)
- Submission by the [Armenian Rehabilitation and Development Center for Torture Victims – ARDCen-TV](#) for the Session (*a separate chapter on "Rehabilitation and reparation for LGBTs"*)
- Submission by the [Partnership for Open Society Initiative](#) for the Session (*a chapter on LGBT people in prisons*)

### Ecuador

- Submission by [civil society coalition](#) for the Session (*a report on the situation of TILGB people*)
- Submission by [Comisión Ecuemenica de Derechos Humanos \(CEDHU\)](#) for the Session (*a chapter on conversion therapy*)
- Submission by [civil society coalition](#) for the Session (*a chapter on violence against lesbian women and trans persons in rehabilitation centers for people with addictions*)
- Submission by [civil society coalition](#) for the Session (*a specific report on conversion therapy practices towards LGBTTIQ persons*)

### Finland

- Submission by [Amnesty International](#) for the Session (*separate chapters on sterilization towards trans people and the situation of intersex persons*)
- Submission by [Trasek & Seta](#) for the Session (*a specific report on the situation of trans and intersex persons*)

### France

- Submission by [StopIGM/Zwischengeschlecht](#) for the Session (*a report on intersex genital mutilations in France*)

### Honduras

- Submission by [civil society coalition](#) for the Session (*a chapter on the situation of LGBTI persons, including intensification of violence against trans people, assaults by police, abuses in prisons and hate speech*)

### Israel

- Submission by [ASSAF and IRCT](#) for the Session (*mentioning homosexuality as a ground for prosecution in Palestine with regards to asylum seekers*)

### Kuwait

- Submission by [Americans for Democracy & Human Rights in Bahrain](#) for the Session (*describing criminalization, discrimination and harassment against LGBT people*)
- Submission by the [Human Line Organization](#) for the Session (*mentioning charges for “homosexual” expression and describing how it affects vulnerability of gay people*)
- Submission by the [Alkarama Foundation](#) for the Session (*mentioning the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions on death penalty for homosexuality*)

### Mongolia

- Submission by [LGBT Centre](#) for the Session (*a report on the situation of LGBTI persons*)

### Namibia

- Submission by [civil society coalition](#) for the Session (*a specific report on the situation of LGBTI people*)
- Submission by [civil society coalition](#) for the Session (*references to SO in relation to asylum seeking*)
- Submission by [civil society coalition](#) for the Session (*describing the situation of trans sex workers in the specific report on sex workers*)

### Philippines

- Submission by the [United against Torture Coalition](#) for the Session (*mentioning the situation of gays and lesbians in detention and suggesting relevant recommendations*)

### Saudi Arabia

- Submission by the [Alkarama Foundation](#) for the Session (*mentioning the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions on death penalty for homosexuality*)

### Tunisia

- Submission by the [Amnesty International](#) for the Session (*a chapter on LGBTI persons*)
- Submission by the [Human Rights Watch](#) for the Session (*a report on the use of forced anal examination*)

### Turkey

- Submission by the [civil society coalition](#) for the Session (*mentioning abuses against LGBT activists, as well as several cases on counter-charges towards LGBTI persons as a mean of discrimination*)

## Committee on the Rights of Persons with Disabilities

### Chile

- Submission by [Corporación Circulo Emancipador de Mujeres y Niñas con Discapacidad de Chile-Ingles \(CIMUNIDIS\)](#) for the Session (*highlighting lack of information about LGBT persons with disabilities; several paragraphs on intersex issues – no protection from discrimination and surgeries towards intersex children*)

### Colombia

- Submission by [the Colombian Coalition for the Implementation of the Convention on the Rights of People with Disability](#) for the Session (*mentioning SOGI, three interesting paragraphs on pathologization of trans persons and its relevance for legal gender recognition*)
- Submission by [Saldarriaga-Concha Foundation](#) for the Session (*brief reference to SO in regards to intersectional forms of discrimination*)
- Submission by [Coalición Colombiana por la Implementación de la Convención sobre los Derechos de las Personas con Discapacidad](#) for Lol (*three interesting paragraphs on pathologization of trans persons and its relevance for legal gender recognition*)
- Submission by [Fundación Saldarriaga Concha](#) for Lol (*brief reference to SO in regards to intersectional forms of discrimination*)

### Uruguay

- Submission by [Alianza de Organizaciones por los derechos de las Personas con Discapacidad](#) for the Session (*brief reference to SO in a section on education*)

## Committee on the Elimination of Racial Discrimination

### Argentina

- Submission by [Comision Organizadora del Dia Nacional de los Afroargentinos/as y la Cultura Afro](#) for the Session (*mentioning discrimination on ground of SO and recommending to include SOGI into anti-discrimination legislation*)
- Submission by [civil society coalition](#) for the Session (*describing police abuses and transphobic profiling towards migrant trans persons and proposing relevant questions and recommendations*)

### Greece

- Submission by [civil society coalition](#) for the Session (*cases of homophobic hate speech, general statement about prevalence of discrimination on grounds of SOGI, among other grounds*)
- Submission by [Medecins Du Monde : Delegation Hellenique](#) for the Session (*a line on providing psychological support in a camp to, inter alia, people discriminated on ground of sexual orientation*)

### Italy

- Submission by [Associazione 21 luglio ONLUS](#) for the Session (*briefly mentioning a project aimed at fostering the inclusion in the employment sector of Roma and Sinti and LGBT*)
- Submission by [Unione forense per la tutela dei diritti umani](#) for the Session (*briefly mentioning 'homosexuals' as one of the target groups of political hate speech*)

## Pakistan

- Submission by the [Asian Legal Resource Centre](#) for the Session (*mentioning SO as a ground for discrimination in the country; a paragraph describing the specific situation of 'third-gender' people*)
- Submission by [civil society coalition](#) for the Session (*proposing affirmative actions for some groups, including transgender community*)

## Sri Lanka

- Submission by the [civil society coalition](#) for the Session (*briefly addressing practice of male rapes in detention mentioning that homosexuality is illegal in the country*)

## Ukraine

- Submission by [Anti-Discrimination Centre "Memorial" and Kharkiv Human Rights Protection Group](#) for the Session (*describing a case of an organized hatred campaign against an anti-discrimination festival organized by LGBTQI group*)
- Submission by [civil society coalition](#) for the Session (*describing gaps in anti-discrimination legislation in relation to SOGI, hate crimes against LGBT persons and proposing relevant recommendations*)

## United Kingdom

- Submission by [Dalit Solidarity Network UK and International Dalit Solidarity Network](#) for the Session (*brief mentioning of legislation on homophobic crimes*)
- Submission by [Global Afrikan Congress uk](#) for the Session (*brief mentioning of legislation on homophobic hate crimes and hate speech*)
- Submission by the [Committee on the Administration of Justice](#) for the Session (*brief mentioning of legislation and gathering statistics on homophobic incidents*)
- Submission by the [Trades Union Congress](#) for the Session (*brief mentioning of repealed provisions on homophobic and other prejudice-based harassment*)

## Uruguay

- Submission by the [civil society coalition](#) for List of Themes (*addressing particular difficulties faced by LGBTI persons of African and indigenous descent and exclusion of transgender women from the educations system*)
- Submission by the [civil society coalition](#) for the Session (*a separate chapter on LGBT persons of African descent*)

## Annex 3 – Countries without SOGIESC references

Out of the 144 country reviews in 2016 no SOGIESC references were made in 67 (as opposed to 81 out of 122 in 2014 and 82 out of 146 in 2015). In other words, SOGIESC issues were not included in 47% of country reviews that year. The countries are listed below.

<b>Angola</b> CESCR	<b>Georgia</b> CERD	<b>Pakistan</b> CRC CERD	<b>Sweden</b> CEDAW CESCR
<b>Azerbaijan</b> CERD	<b>Greece</b> CERD	<b>Paraguay</b> CERD	<b>Thailand</b> CRPD
<b>Bangladesh</b> CEDAW	<b>Guatemala</b> CRPD	<b>Philippines</b> CAT	<b>Togo</b> CERD
<b>Benin</b> CRC	<b>Iceland</b> CEDAW	<b>Poland</b> CESCR	<b>Trinidad and Tobago</b> CEDAW
<b>Bhutan</b> CEDAW	<b>Israel</b> CAT	<b>Portugal</b> CRPD CERD	<b>Turkey</b> CAT
<b>Bolivia</b> CRPD	<b>Italy</b> CERD	<b>Rwanda</b> HRCtee CERD	<b>Turkmenistan</b> CAT CERD
<b>Bulgaria</b> CRC	<b>Kuwait</b> CAT	<b>Samoa</b> CRC	<b>Ukraine</b> CERD
<b>Burkina Faso</b> CESCR	<b>Lebanon</b> CERD	<b>Saudi Arabia</b> CAT	<b>United Arab Emirates</b> CRPD
<b>Burundi</b> CEDAW CAT	<b>Mali</b> CEDAW	<b>Senegal</b> CRC	<b>United Kingdom of Great Britain and Northern Ireland</b> CESCR CERD
<b>Canada</b> CESCR	<b>Monaco</b> CAT	<b>Serbia</b> CRPD	<b>United Republic of Tanzania</b> CEDAW
<b>Cape Verde</b> CAT	<b>Myanmar</b> CEDAW	<b>Sierra Leone</b> CRC	<b>Vanuatu</b> CEDAW
<b>Cyprus</b> CESCR	<b>Namibia</b> CERD	<b>Slovakia</b> CRPD	<b>Zambia</b> CRC
<b>Czech Republic</b> CEDAW	<b>Nauru</b> CRC	<b>South Africa</b> CERD	
<b>Ethiopia</b> CRPD	<b>New Zealand</b> HRCtee	<b>Spain</b> CERD	
<b>Finland</b> CAT	<b>Oman</b> CRC CERD	<b>Sri Lanka</b> CAT CERD	
<b>France</b> CESCR			

## Annex 4 – Number of SOGIESC references in TB Concluding Observations (2014–2016)

	All Concluding Observations		SOGIESC inclusive Concluding Observations		SOGIESC inclusive references		T-inclusive references		T-specific references		I-inclusive references		I-specific references	
	NN	%	NN	%	NN	%	NN	%	NN	%	NN	%	NN	%
<b>2014</b>														
CAT	16	6	38%	7	6	86%	1	14%	2	29%	0	0%	0	0%
CEDAW	25	9	36%	11	10	91%	4	36%	2	18%	0	0%	0	0%
CERD	15	0	0%	0	0	0%	0	0%	0	0%	0	0%	0	0%
CESCR	23	7	30%	8	7	88%	1	13%	0	0%	0	0%	0	0%
CRC	16	5	31%	9	9	100%	0	0%	7	78%	0	0%	0	0%
CRPD	9	0	0%	0	0	0%	0	0%	0	0%	0	0%	0	0%
HRCtee	18	14	78%	17	15	88%	1	6%	3	18%	0	0%	0	0%
<b>All</b>	<b>122</b>	<b>41</b>	<b>34%</b>	<b>52</b>	<b>47</b>	<b>90%</b>	<b>7</b>	<b>13%</b>	<b>14</b>	<b>27%</b>	<b>0</b>	<b>0%</b>	<b>0</b>	<b>0%</b>
<b>2015</b>														
CAT	19	10	53%	11	8	73%	2	18%	8	73%	4	36%	4	36%
CEDAW	27	9	33%	16	13	81%	3	19%	7	44%	1	6%	1	6%
CERD	20	2	10%	3	3	100%	0	0%	3	100%	0	0%	0	0%
CESCR	17	13	76%	20	18	90%	1	5%	9	45%	0	0%	0	0%
CRC	24	14	58%	20	17	85%	1	5%	12	60%	2	10%	2	10%
CRPD	14	1	7%	1	0	0%	0	0%	1	100%	1	100%	1	100%
HRCtee	20	13	65%	18	16	89%	3	17%	5	28%	0	0%	0	0%
<b>All</b>	<b>141</b>	<b>62</b>	<b>44%</b>	<b>89</b>	<b>75</b>	<b>84%</b>	<b>10</b>	<b>11%</b>	<b>45</b>	<b>51%</b>	<b>8</b>	<b>9%</b>	<b>8</b>	<b>9%</b>
<b>2016</b>														
CAT	18	7	39%	10	6	60%	3	33%	4	40%	1	10%	1	10%
CEDAW	27	16	59%	32	25	78%	7	22%	14	44%	3	9%	3	9%
CERD	20	2	10%	2	2	100%	0	0%	2	100%	0	0%	0	0%
CESCR	17	9	53%	9	8	89%	2	22%	6	67%	0	0%	0	0%
CRC	27	18	67%	33	23	70%	3	9%	28	85%	7	21%	7	21%
CRPD	14	6	43%	8	4	50%	0	0%	4	50%	3	38%	3	38%
HRCtee	21	19	90%	33	31	94%	5	17%	7	21%	0	0%	0	0%
<b>All</b>	<b>144</b>	<b>77</b>	<b>53%</b>	<b>127</b>	<b>99</b>	<b>78%</b>	<b>20</b>	<b>16%</b>	<b>65</b>	<b>51%</b>	<b>14</b>	<b>11%</b>	<b>14</b>	<b>11%</b>

## Annex 5 – Ratification of international treaties by States

As of 27 October 2017

Country	ICCPR	ICESCR	CAT	CEDAW	CRC	CRPD	ICERD
Afghanistan	SP	SP	SP	SP	SP	SP	SP
Albania	SP	SP	SP	SP	SP	SP	SP
Algeria	SP	SP	SP	SP	SP	SP	SP
Andorra	SP	NA	SP	SP	SP	SP	SP
Angola	SP	SP	S	SP	SP	SP	S
Antigua and Barbuda	NA	NA	SP	SP	SP	SP	SP
Argentina	SP	SP	SP	SP	SP	SP	SP
Armenia	SP	SP	SP	SP	SP	SP	SP
Australia	SP	SP	SP	SP	SP	SP	SP
Austria	SP	SP	SP	SP	SP	SP	SP
Azerbaijan	SP	SP	SP	SP	SP	SP	SP
Bahamas	SP	SP	S	SP	SP	SP	SP
Bahrain	SP	SP	SP	SP	SP	SP	SP
Bangladesh	SP	SP	SP	SP	SP	SP	SP
Barbados	SP	SP	NA	SP	SP	SP	SP
Belarus	SP	SP	SP	SP	SP	SP	SP
Belgium	SP	SP	SP	SP	SP	SP	SP
Belize	SP	SP	SP	SP	SP	SP	SP
Benin	SP	SP	SP	SP	SP	SP	SP
Bhutan	NA	NA	NA	SP	SP	S	S
Bolivia	SP	SP	SP	SP	SP	SP	SP
Bosnia and Herzegovina	SP	SP	SP	SP	SP	SP	SP
Botswana	NA	NA	NA	SP	SP	NA	SP
Brazil	SP	SP	SP	SP	SP	SP	SP
Brunei Darussalam	NA	NA	S	SP	SP	SP	NA
Bulgaria	SP	SP	SP	SP	SP	SP	SP
Burkina Faso	SP	SP	SP	SP	SP	SP	SP
Burundi	SP	SP	SP	S	SP	SP	SP
Cabo Verde	SP	SP	SP	SP	SP	SP	SP
Cambodia	SP	SP	SP	SP	SP	SP	SP
Cameroon	SP	SP	SP	SP	SP	S	SP
Canada	SP	SP	SP	SP	SP	SP	SP
Central African Republic	SP	SP	SP	SP	SP	SP	SP
Chad	SP	SP	SP	SP	SP	S	SP
Chile	SP	SP	SP	SP	SP	SP	SP
China	S	SP	SP	SP	SP	SP	SP
Colombia	SP	SP	SP	SP	SP	SP	SP
Comoros	S	S	SP	SP	SP	SP	SP
Congo	SP	SP	SP	SP	SP	SP	SP
Cook Islands	NA	NA	NA	SP	SP	SP	NA
Costa Rica	SP	SP	SP	SP	SP	SP	SP
Côte D'Ivoire	SP	SP	SP	SP	SP	SP	SP

Croatia	SP						
Cuba	S	S	SP	SP	SP	SP	SP
Cyprus	SP						
Czech Republic	SP						
Democratic People's Republic of Korea	SP	SP	NA	SP	SP	SP	NA
Democratic Republic of the Congo	SP						
Denmark	SP						
Djibouti	SP						
Dominica	SP	SP	NA	SP	SP	SP	NA
Dominican Republic	SP						
Ecuador	SP						
Egypt	NA	SP	SP	SP	SP	SP	SP
El Salvador	SP						
Equatorial Guinea	SP	SP	SP	SP	SP	NA	SP
Eritrea	SP	SP	SP	SP	SP	NA	SP
Estonia	SP						
Ethiopia	SP						
Fiji	NA	NA	SP	SP	SP	SP	SP
Finland	SP						
France	SP						
Gabon	SP						
Gambia	SP	SP	NA	SP	SP	SP	SP
Georgia	SP						
Germany	SP						
Ghana	SP						
Greece	SP						
Greenland	SP						
Grenada	SP	SP	NA	SP	SP	SP	SP
Guatemala	SP						
Guinea	SP						
Guinea Bissau	SP						
Guyana	SP						
Haiti	SP	SP	S	SP	SP	SP	SP
Holy See	NA	NA	SP	NA	SP	NA	SP
Honduras	SP						
Hungary	SP						
Iceland	SP						
India	SP	SP	S	SP	SP	SP	SP
Indonesia	SP						
Iran	SP	SP	NA	NA	SP	SP	SP
Iraq	SP						
Ireland	SP	SP	SP	SP	SP	S	SP
Israel	SP						
Italy	SP						

Jamaica	SP	SP	NA	SP	SP	SP	SP
Japan	SP						
Jordan	SP						
Kazakhstan	SP						
Kenya	SP						
Kiribati	NA	NA	NA	SP	SP	SP	NA
Kuwait	SP						
Kyrgyzstan	SP	SP	SP	SP	SP	S	SP
Lao People's Democratic Republic	SP						
Latvia	SP						
Lebanon	SP	SP	SP	SP	SP	S	SP
Lesotho	SP						
Liberia	SP						
Libya	SP	SP	SP	SP	SP	S	SP
Liechtenstein	SP	SP	SP	SP	SP	NA	SP
Lithuania	SP						
Luxembourg	SP						
Madagascar	SP						
Malawi	SP						
Malaysia	NA	NA	NA	SP	SP	SP	NA
Maldives	SP						
Mali	SP						
Malta	SP						
Marshall Islands	NA	NA	NA	SP	SP	SP	NA
Mauritania	SP						
Mauritius	SP						
Mexico	SP						
Micronesia	NA	NA	NA	SP	SP	SP	NA
Monaco	SP						
Mongolia	SP						
Montenegro	SP						
Morocco	SP						
Mozambique	SP	NA	SP	SP	SP	SP	SP
Myanmar	NA	SP	NA	SP	SP	SP	NA
Namibia	SP						
Nauru	S	NA	SP	SP	SP	SP	S
Nepal	SP						
Netherlands	SP						
New Zealand	SP						
Nicaragua	SP						
Niger	SP						
Nigeria	SP						
Niue	NA	NA	NA	NA	SP	NA	NA
Norway	SP						
Oman	NA	NA	NA	SP	SP	SP	SP
Pakistan	SP						
Palau	S	S	S	S	SP	SP	S
Panama	SP						
Papua New Guinea	SP	SP	NA	SP	SP	SP	SP

Paraguay	SP						
Peru	SP						
Philippines	SP						
Poland	SP						
Portugal	SP						
Qatar	NA	NA	SP	SP	SP	SP	SP
Republic of Korea	SP						
Republic of Moldova	SP						
Romania	SP						
Russian Federation	SP						
Rwanda	SP						
Saint Kitts and Nevis	NA	NA	NA	SP	SP	NA	SP
Saint Lucia	S	NA	NA	SP	SP	S	SP
Saint Vincent and the Grenadines	SP						
Samoa	SP	NA	NA	SP	SP	SP	NA
San Marino	SP						
Sao Tome and Principe	SP						
Saudi Arabia	NA	NA	SP	SP	SP	SP	SP
Senegal	SP						
Serbia	SP						
Seychelles	SP						
Sierra Leone	SP						
Singapore	NA	NA	NA	SP	SP	SP	S
Slovakia	SP						
Slovenia	SP						
Solomon Islands	NA	SP	NA	SP	SP	S	SP
Somalia	SP	SP	SP	NA	SP	NA	SP
South Africa	SP						
South Sudan	NA	NA	SP	SP	SP	NA	NA
Spain	SP						
Sri Lanka	SP						
State of Palestine	SP						
Sudan	SP	SP	S	NA	SP	SP	SP
Suriname	SP	SP	NA	SP	SP	SP	SP
Swaziland	SP						
Sweden	SP						
Switzerland	SP						
Syrian Arab Republic	SP						
Tajikistan	SP	SP	SP	SP	SP	NA	SP
Thailand	SP						

The former Yugoslav Republic of Macedonia	SP						
Timor-Leste	SP	SP	SP	SP	SP	NA	SP
Togo	SP						
Tonga	NA	NA	NA	NA	SP	S	SP
Trinidad and Tobago	SP	SP	NA	SP	SP	SP	SP
Tunisia	SP						
Turkey	SP						
Turkmenistan	SP						
Tuvalu	NA	NA	NA	SP	SP	SP	NA
Uganda	SP						
Ukraine	SP						
United Arab Emirates	NA	NA	SP	SP	SP	SP	SP
United Kingdom of Great Britain and Northern Ireland	SP						
United Republic of Tanzania	SP	SP	NA	SP	SP	SP	SP
United States of America	SP	S	SP	S	S	S	SP
Uruguay	SP						
Uzbekistan	SP	SP	SP	SP	SP	S	SP
Vanuatu	SP	NA	SP	SP	SP	SP	NA
Venezuela	SP						
Viet Nam	SP						
Yemen	SP						
Zambia	SP						
Zimbabwe	SP	SP	NA	SP	SP	SP	SP

SP – State Party

S – Signatory

## Annex 6 – Acceptance of individual complaint procedures by States

As of 23 February 2017

Country	ICCPR	ICESCR	CAT	CEDAW	CRC	CRPD	ICERD
	OP1 (1991)	OP (2013)	Declaration under art 22 of CAT	OP (2000)	OP3 (2014)	OP (2008)	Declaration under art 14 of CERD
Afghanistan	NA	NA	NA	NA	NA	SP (2012)	NA
Albania	SP (2007)	NA	NA	SP (2003)	SP (2013)	NA	NA
Algeria	SP (1989)	NA	1989	NA	NA	S (2007)	1989
Andorra	SP (2006)	NA	2006	SP (2002)	SP (2014)	SP (2014)	2006
Angola	SP (1992)	S (2013)	NA	SP (2007)	NA	SP (2014)	NA
Antigua and Barbuda	NA	NA	NA	SP (2006)	NA	S (2007)	NA
Argentina	SP (1986)	SP (2011)	1986	SP (2007)	SR (2015)	SP (2008)	NA
Armenia	SP (1993)	S (2009)	NA	SP (2006)	NA	S (2007)	NA
Australia	SP (1991)	NA	1993	SP (2008)	NA	SP (2009)	2008
Austria	SP (1987)	NA	1987	SP (2000)	S (2012)	SP (2008)	1972
Azerbaijan	SP (2001)	S (2009)	2002	SP (2001)	NA	SP (2009)	2001
Bahamas	NA	NA	NA	NA	NA	NA	NA
Bahrain	NA	NA	NA	NA	NA	NA	NA
Bangladesh	NA	NA	NA	SP (2000)	NA	SP (2008)	NA
Barbados	SP (1973)	NA	NA	NA	NA	NA	NA
Belarus	SP (1992)	NA	NA	SP (2004)	NA	NA	NA
Belgium	SP (1994)	SP (2014)	1999	SP (2004)	SP (2014)	SP (2009)	NA
Belize	NA	NA	NA	SP (2002)	NA	NA	NA
Benin	SP (1992)	S (2013)	NA	S (2000)	S (2013)	SP (2012)	NA
Bhutan	NA	NA	NA	NA	NA	NA	NA
Bolivia	SP (1982)	SP (2012)	2006	SP (2000)	SP (2013)	SP (2009)	2006
Bosnia and Herzegovina	SP (1995)	SP (2012)	2003	SP (2002)	NA	SP (2010)	NA
Botswana	NA	NA	NA	SP (2007)	NA	NA	NA
Brazil	SP (2009)	NA	2006	SP (2002)	S (2012)	SP (2008)	2002
Brunei Darussalam	NA	NA	NA	NA	NA	NA	NA
Bulgaria	SP (1992)	NA	1993	SP (2006)	NA	S (2008)	1993
Burkina Faso	SP (1999)	S (2012)	NA	SP (2005)	NA	SP (2009)	NA
Burundi	NA	NA	2003	S (2001)	NA	SP (2014)	NA
Cabo Verde	SP (2000)	SP (2014)	NA	SP (2011)	S (2012)	NA	NA
Cambodia	S (2004)	NA	NA	SP (2010)	NA	S (2007)	NA
Cameroon	SP (1984)	NA	2000	SP (2005)	NA	S (2008)	NA
Canada	SP (1976)	NA	1989	SP (2002)	NA	NA	NA
Central African Republic	SP (1981)	SP (2016)	NA	SP (2016)	NA	SP (2016)	NA
Chad	SP (1995)	NA	NA	S (2012)	NA	S (2012)	NA
Chile	SP (1992)	S (2009)	1988	S (1999)	SP (2015)	SP (2008)	1994
China	NA	NA	NA	NA	NA	NA	NA
Colombia	SP (1969)	NA	NA	SP (2007)	NA	NA	NA
Comoros	NA	NA	NA	NA	NA	NA	NA

Congo	SP (1983)	S (2009)	NA	S (2008)	NA	SP (2014)	NA
Cook Islands	NA	NA	NA	SP (2007)	NA	SP (2009)	NA
Costa Rica	SP (1968)	SP (2014)	2002	SP (2001)	SP (2014)	SP (2008)	1974
Côte D'Ivoire	SP (1997)	NA	NA	SP (2012)	S (2013)	S (2007)	NA
Croatia	SP (1995)	NA	1992	SP (2001)	S (2013)	SP (2007)	NA
Cuba	NA	NA	NA	S (2000)	NA	NA	NA
Cyprus	SP (1992)	NA	1993	SP (2002)	S (2012)	SP (2011)	1993
Czech Republic	SP (1993)	NA	1996	SP (2001)	SP (2015)	S (2007)	2000
Democratic People's Republic of Korea	NA	NA	NA	NA	NA	NA	NA
Democratic Republic of the Congo	SP (1976)	S (2010)	NA	NA	NA	SP (2015)	NA
Denmark	SP (1972)	NA	1987	SP (2000)	SP (2015)	SP (2014)	1985
Djibouti	SP (2002)	NA	NA	NA	NA	SP (2012)	NA
Dominica	NA	NA	NA	NA	NA	SP (2012)	NA
Dominican Republic	SP (1978)	NA	NA	SP (2001)	NA	SP (2009)	NA
Ecuador	SP (1969)	SP (2010)	1988	SP (2002)	S (2013)	SP (2008)	1977
Egypt	NA	NA	NA	NA	NA	NA	NA
El Salvador	SP (1995)	SP (2011)	NA	S (2001)	SP (2015)	SP (2007)	2016
Equatorial Guinea	SP (1987)	NA	NA	SP (2009)	NA	NA	NA
Eritrea	NA	NA	NA	NA	NA	NA	NA
Estonia	SP (1991)	NA	NA	NA	NA	SP (2012)	2010
Ethiopia	NA	NA	NA	NA	NA	NA	NA
Fiji	NA	NA	NA	NA	NA	S (2010)	NA
Finland	SP (1975)	SP (2014)	1989	SP (2000)	SP (2015)	SP (2016)	1994
France	SP (1984)	SP (2015)	1988	SP (2000)	SP (2016)	SP (2010)	1982
Gabon	NA	SP (2014)	NA	SP (2004)	SP (2012)	SP (2014)	NA
Gambia	SP (1988)	NA	NA	NA	NA	SP (2015)	NA
Georgia	SP (1994)	NA	2005	SP (2002)	SP (2016)	S (2009)	2005
Germany	SP (1993)	NA	2001	SP (2002)	SP (2013)	SP (2009)	2001
Ghana	SP (2000)	S (2009)	2000	SP (2011)	S (2013)	SP (2012)	NA
Greece	SP (1997)	NA	1988	SP (2002)	NA	SP (2012)	NA
Grenada	NA	NA	NA	NA	NA	NA	NA
Guatemala	SP (2000)	S (2009)	2003	SP (2002)	NA	SP (2009)	NA
Guinea	SP (1993)	NA	NA	NA	NA	SP (2008)	NA
Guinea Bissau	SP (2013)	S (2009)	2013	SP (2009)	S (2013)	S (2013)	NA
Guyana	SP (1999)	NA	NA	NA	NA	NA	NA
Haiti	NA	NA	NA	NA	NA	SP (2009)	NA
Holy See	NA	NA	NA	NA	NA	NA	NA
Honduras	SP (2005)	NA	NA	NA	NA	SP (2010)	NA
Hungary	SP (1988)	NA	1989	SP (2000)	NA	SP (2007)	1989
Iceland	SP (1979)	NA	1996	SP (2001)	NA	S (2007)	1981
India	NA	NA	NA	NA	NA	NA	NA
Indonesia	NA	NA	NA	S (2000)	NA	NA	NA
Iran	NA	NA	NA	NA	NA	NA	NA
Iraq	NA	NA	NA	NA	NA	NA	NA

Ireland	SP (1989)	S (2012)	2002	SP (2000)	SP (2014)	NA	2000
Israel	NA	NA	NA	NA	NA	NA	NA
Italy	SP (1978)	SP (2015)	1989	SP (2000)	SP (2016)	SP (2009)	1978
Jamaica	NA	NA	NA	NA	NA	S (2007)	NA
Japan	NA	NA	NA	NA	NA	NA	NA
Jordan	NA	NA	NA	NA	NA	S (2007)	NA
Kazakhstan	SP (2009)	S (2010)	2008	SP (2001)	NA	S (2008)	2008
Kenya	NA	NA	NA	NA	NA	NA	NA
Kiribati	NA	NA	NA	NA	NA	NA	NA
Kuwait	NA	NA	NA	NA	NA	NA	NA
Kyrgyzstan	SP (1994)	NA	NA	SP (2002)	NA	NA	NA
Lao People's Democratic Republic	NA	NA	NA	NA	NA	NA	NA
Latvia	SP (1994)	NA	NA	NA	NA	SP (2010)	NA
Lebanon	NA	NA	NA	NA	NA	S (2007)	NA
Lesotho	SP (2000)	NA	NA	SP (2004)	NA	NA	NA
Liberia	S (2004)	NA	NA	S (2004)	NA	S (2007)	NA
Libya	SP (1989)	NA	NA	SP (2004)	NA	NA	NA
Liechtenstein	SP (1998)	NA	1990	SP (2001)	SP (2017)	NA	2004
Lithuania	SP (1991)	NA	NA	SP (2004)	S (2015)	SP (2010)	NA
Luxembourg	SP (1983)	SP (2015)	1987	SP (2003)	SP (2016)	SP (2011)	1996
Madagascar	SP (1971)	S (2009)	NA	S (2000)	S (2012)	S (2007)	NA
Malawi	SP (1996)	NA	NA	S (2000)	NA	NA	NA
Malaysia	NA	NA	NA	NA	NA	NA	NA
Maldives	SP (2006)	S (2011)	NA	SP (2006)	S (2012)	NA	NA
Mali	SP (2001)	S (2009)	NA	SP (2000)	S (2012)	SP (2008)	NA
Malta	SP (1990)	NA	1990	NA	S (2012)	SP (2012)	1998
Marshall Islands	NA	NA	NA	NA	NA	NA	NA
Mauritania	NA	NA	NA	NA	NA	SP (2012)	NA
Mauritius	SP (1973)	NA	NA	SP (2008)	S (2012)	S (2007)	NA
Mexico	SP (2002)	NA	2002	SP (2002)	NA	SP (2007)	2002
Micronesia	NA	NA	NA	NA	NA	NA	NA
Monaco	NA	NA	1991	SP (2016)	SP (2014)	NA	2001
Mongolia	SP (1991)	SP (2010)	NA	SP (2002)	SP (2015)	SP (2009)	NA
Montenegro	SP (2006)	SP (2013)	2006	SP (2006)	SP (2013)	SP (2009)	2006
Morocco	NA	NA	2006	NA	S (2012)	SP (2009)	2006
Mozambique	NA	NA	NA	SP (2008)	NA	SP (2012)	NA
Myanmar	NA	NA	NA	NA	NA	NA	NA
Namibia	SP (1994)	NA	NA	SP (2000)	NA	SP (2007)	NA
Nauru	S (2001)	NA	NA	NA	NA	NA	NA
Nepal	SP (1991)	NA	NA	SP (2007)	NA	SP (2010)	NA
Netherlands	SP (1978)	S (2009)	1988	SP (2002)	NA	NA	1971
New Zealand	SP (1989)	NA	1989	SP (2000)	NA	SP (2016)	NA
Nicaragua	SP (1980)	NA	NA	NA	NA	SP (2010)	NA
Niger	SP (1986)	SP (2014)	NA	SP (2004)	NA	SP (2008)	NA
Nigeria	NA	NA	NA	SP (2004)	NA	SP (2010)	NA
Niue	NA	NA	NA	NA	NA	NA	NA
Norway	SP (1972)	NA	1986	SP (2002)	NA	NA	1976
Oman	NA	NA	NA	NA	NA	NA	NA
Pakistan	NA	NA	NA	NA	NA	NA	NA
Palau	NA	NA	NA	NA	NA	SP (2013)	NA

Panama	SP (1977)	NA	NA	SP (2001)	SP (2017)	SP (2007)	NA
Papua New Guinea	NA	NA	NA	NA	NA	NA	NA
Paraguay	SP (1995)	S (2009)	2002	SP (2001)	SP (2017)	SP (2008)	NA
Peru	SP (1980)	NA	1988	SP (2001)	SP (2016)	SP (2008)	1984
Philippines	SP (1989)	NA	NA	SP (2003)	NA	NA	NA
Poland	SP (1991)	NA	1993	SP (2003)	S (2013)	NA	1998
Portugal	SP (1983)	SP (2013)	1989	SP (2002)	SP (2013)	SP (2009)	2000
Qatar	NA	NA	NA	NA	NA	S (2007)	NA
Republic of Korea	SP (1990)	NA	2007	SP (2006)	NA	NA	1997
Republic of Moldova	SP (2008)	NA	2011	SP (2006)	NA	NA	2013
Romania	SP (1993)	NA	NA	SP (2003)	S (2012)	S (2008)	2003
Russian Federation	SP (1991)	NA	1991	SP (2004)	NA	NA	1991
Rwanda	NA	NA	NA	SP (2008)	NA	SP (2008)	NA
Saint Kitts and Nevis	NA	NA	NA	SP (2006)	NA	NA	NA
Saint Lucia	NA	NA	NA	NA	NA	NA	NA
Saint Vincent and the Grenadines	SP (1981)	NA	NA	NA	NA	SP (2010)	NA
Samoa	NA	NA	NA	NA	SP (2016)	NA	NA
San Marino	SP (1985)	SP (2015)	2015	SP (2005)	NA	SP (2008)	2008
Sao Tome and Principe	S (2000)	NA	NA	S (2000)	NA	NA	NA
Saudi Arabia	NA	NA	NA	NA	NA	SP (2008)	NA
Senegal	SP (1978)	S (2009)	1996	SP (2000)	S (2012)	S (2007)	1982
Serbia	SP (2001)	NA	2001	SP (2003)	S (2012)	SP (2009)	2001
Seychelles	SP (1992)	NA	2001	SP (2011)	S (2013)	S (2007)	NA
Sierra Leone	SP (1996)	NA	NA	S (2000)	NA	S (2007)	NA
Singapore	NA	NA	NA	NA	NA	NA	NA
Slovakia	SP (1993)	SP (2012)	1995	SP (2000)	SP (2013)	SP (2010)	1995
Slovenia	SP (1993)	S (2009)	1993	SP (2004)	S (2012)	SP (2008)	2001
Solomon Islands	NA	S (2009)	NA	SP (2002)	NA	S (2009)	NA
Somalia	SP (1990)	NA	NA	NA	NA	NA	NA
South Africa	SP (2002)	NA	1998	SP (2005)	NA	SP (2007)	1998
South Sudan	NA	NA	NA	SP (2015)	NA	NA	NA
Spain	SP (1985)	SP (2010)	1987	SP (2001)	SP (2013)	SP (2007)	1998
Sri Lanka	SP (1997)	NA	NA	SP (2002)	NA	NA	NA
State of Palestine	NA	NA	NA	NA	NA	NA	NA
Sudan	NA	NA	NA	NA	NA	SP (2009)	NA
Suriname	SP (1976)	NA	NA	NA	NA	NA	NA
Swaziland	NA	NA	NA	NA	NA	SP (2012)	NA
Sweden	SP (1971)	NA	1986	SP (2003)	NA	SP (2008)	1971
Switzerland	NA	NA	1986	SP (2008)	NA	NA	2003
Syrian Arab Republic	NA	NA	NA	NA	NA	SP (2009)	NA
Tajikistan	SP (1999)	NA	NA	SP (2014)	NA	NA	NA
Thailand	NA	NA	NA	SP (2000)	SP (2012)	SP (2016)	NA

The former Yugoslav Republic of Macedonia	SP (1994)	S (2013)	NA	SP (2003)	S (2012)	SP (2011)	1999
Timor-Leste	NA	S (2009)	NA	SP (2003)	NA	NA	NA
Togo	SP (1988)	S (2009)	1987	NA	NA	SP (2011)	NA
Tonga	NA	NA	NA	NA	NA	NA	NA
Trinidad and Tobago	NA	NA	NA	NA	NA	NA	NA
Tunisia	SP (2011)	NA	1988	SP (2008)	NA	SP (2008)	NA
Turkey	SP (2006)	NA	1988	SP (2002)	S (2012)	SP (2015)	NA
Turkmenistan	SP (1997)	NA	NA	SP (2009)	NA	SP (2010)	NA
Tuvalu	NA	NA	NA	NA	NA	NA	NA
Uganda	SP (1995)	NA	NA	NA	NA	SP (2008)	NA
Ukraine	SP (1991)	S (2009)	2003	SP (2003)	SP (2016)	SP (2010)	1992
United Arab Emirates	NA	NA	NA	NA	NA	S (2008)	NA
United Kingdom of Great Britain and Northern Ireland	NA	NA	NA	SP (2004)	NA	SP (2009)	NA
United Republic of Tanzania	NA	NA	NA	SP (2006)	NA	SP (2009)	NA
United States of America	NA	NA	NA	NA	NA	NA	NA
Uruguay	SP (1970)	SP (2013)	1988	SP (2001)	SP (2015)	SP (2011)	1972
Uzbekistan	SP (1995)	NA	NA	NA	NA	NA	NA
Vanuatu	NA	NA	NA	SP (2007)	NA	NA	NA
Venezuela	SP (1978)	S (2011)	1994	SP (2002)	NA	SP (2013)	2003
Viet Nam	NA	NA	NA	NA	NA	NA	NA
Yemen	NA	NA	NA	NA	NA	SP (2009)	NA
Zambia	SP (1984)	NA	NA	S (2008)	NA	S (2008)	NA
Zimbabwe	NA	NA	NA	NA	NA	SP (2013)	NA

OP – Optional Protocol

SP – State Party

S – Signatory