United Nations Treaty Bodies:
References to Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics
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This report provides an analysis of references to sexual orientation, gender identity, gender expression and sex characteristics made by nine Treaty Bodies in 2022. An additional compilation of references with keywords is provided, as well as a simplified version of this report for a wider audience.

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Names of countries and territories in this publication

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Main Definitions

Concluding Observations are the observations and recommendations issued by a Treaty Body after it has considered a State party’s report. Concluding observations refer both to the positive aspects of a State’s implementation of the treaty and to areas of concern, where the Treaty Body recommends that further action needs to be taken by the State.

Constructive dialogue refers to the practice, adopted by all Treaty Bodies, of inviting State parties to send a delegation to the session at which their report will be considered in order to enable them to respond to the Treaty Body members’ questions and provide additional information on their efforts to implement the provisions of the relevant treaty.

Country Periodic Review is a process whereby Treaty Bodies review implementation of specific treaties by State parties. After ratification of a treaty, a State must periodically provide reports on its implementation (depending on the Committee, e.g., every five years). The outcome of the periodic review is Concluding Observations.

Follow-up Procedure refers to a procedure aimed at ensuring that State parties act on the recommendations contained in the Concluding Observations of the Treaty Bodies or their decisions on Individual Complaints. Most of the Committees identify two to four most urgent and important recommendations at the end of their Concluding Observations. Such recommendations should be implemented in a shorter period (usually one or two years) and the State has to provide a follow-up report on the implementation of these recommendations. NGOs can also submit shadow reports assessing the level of implementation of follow-up recommendations.

Gender expression is each person’s presentation of their gender through physical appearance – including dress, hairstyles, accessories, cosmetics – and mannerisms, speech, behavioural patterns, names and personal references, and noting further that gender expression may or may not conform to a person’s gender identity.

Gender identity refers to each person’s deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerisms.

General Comment (General Recommendation) is a Treaty Body’s interpretation of human rights treaty provisions, thematic issues or its methods of work. General comments often seek to clarify the reporting duties of State parties with respect to certain provisions and suggest approaches to implementing treaty provisions.

Individual Communication is a formal complaint from an individual or an organization claiming that their rights under one of the treaties have been violated by a State party. Such communications normally should be sent to the Treaty Bodies after all available and effective domestic remedies have been exhausted. Individual Communications can be considered by most of the Treaty Bodies.

1 Most of the technical definitions are taken from the OHCHR glossary on Treaty Bodies, available here: https://www.ohchr.org/EN/HRBodies/Pages/TBGlossary.aspx#loi.
Definitions of sexual orientation, gender identity, gender expression and sex characteristics are adopted from the Yogyakarta principles and the update on the Yogyakarta principles.
**List of Issues** is a list of issues or questions, formulated by a Treaty Body on the basis of a State party report and other information available to it (e.g., information from United Nations specialized agencies, NHRIs, NGOs, etc.), which is transmitted to the State party in advance of the session at which the Treaty Body will consider the report. The List of Issues provides the framework for a constructive dialogue with the State party’s delegation. CERD issues Lists of Themes, a list of themes or topics for which no responses are required, intended to guide and focus the dialogue between a State party’s delegation. Many Committees also adopt Lists of Issues prior to reporting (where issues and questions are sent to a State party not after, but before it submits its own report).

**Sex characteristics** are each person’s physical features relating to sex, including genitalia and other sexual and reproductive anatomy, chromosomes, hormones, and secondary physical features emerging from puberty.

**Sexual orientation** refers to each person’s capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender.

**Shadow report (alternative report, CSO report, CSO submission)** is a written report prepared by civil society (including coalitions, registered NGOs and initiative groups without formal registration) submitted to Treaty Bodies on a specific country. Such reports are aimed at providing Committee experts with additional information on the situation with human rights in the country. These reports usually also suggest questions to the State and recommendations for the Concluding Observations.

**Treaty Bodies (Committees)** are committees of independent experts appointed to review the implementation by State parties of an international human rights treaty.
<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tr>
<td>CAT</td>
<td>Committee against Torture</td>
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<td>CAT Convention</td>
<td>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (1984)</td>
</tr>
<tr>
<td>CED</td>
<td>Committee on Enforced Disappearances</td>
</tr>
<tr>
<td>CEDAW</td>
<td>Committee on the Elimination of Discrimination against Women</td>
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<tr>
<td>CEDAW Convention</td>
<td>Convention on the Elimination of All Forms of Discrimination against Women (1979)</td>
</tr>
<tr>
<td>CERD</td>
<td>Committee on the Elimination of Racial Discrimination</td>
</tr>
<tr>
<td>CESCR</td>
<td>Committee on Economic, Social and Cultural Rights</td>
</tr>
<tr>
<td>CMW</td>
<td>Committee on Migrant Workers</td>
</tr>
<tr>
<td>COs</td>
<td>Concluding Observations</td>
</tr>
<tr>
<td>CRC</td>
<td>Committee on the Rights of the Child</td>
</tr>
<tr>
<td>CRPD</td>
<td>Committee on the Rights of Persons with Disabilities</td>
</tr>
<tr>
<td>CSO</td>
<td>Civil Society Organization(s)</td>
</tr>
<tr>
<td>HIV/AIDS</td>
<td>Human immunodeficiency virus infection and acquired immune deficiency syndrome</td>
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<tr>
<td>HRCtee</td>
<td>Human Rights Committee</td>
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<tr>
<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights (1966)</td>
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<tr>
<td>ICERD</td>
<td>International Convention on the Elimination of All Forms of Racial Discrimination (1965)</td>
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<tr>
<td>ICESCR</td>
<td>International Covenant on Economic, Social and Cultural Rights (1966)</td>
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<tr>
<td>ICMW</td>
<td>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)</td>
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<td>ILGA World</td>
<td>International Lesbian, Gay, Bisexual, Trans and Intersex Association</td>
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<tr>
<td>IGM</td>
<td>Intersex genital mutilation</td>
</tr>
<tr>
<td>L / G / B / T / I</td>
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<tr>
<td>LGR</td>
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<td>LOI</td>
<td>List of Issues</td>
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<td>LOIPR</td>
<td>List of Issues prior to reporting</td>
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<td>Men who have sex with men</td>
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<td>Non-governmental Organization(s)</td>
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<td>OHCHR</td>
<td>Office of the High Commissioner for Human Rights</td>
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<td>PSWG</td>
<td>Pre-sessional working group</td>
</tr>
<tr>
<td>SI</td>
<td>sexual identity</td>
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<tr>
<td>S / G / M</td>
<td>sexual minorities / gender minorities</td>
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<tr>
<td>SO / GI / E / SC</td>
<td>sexual orientation / gender identity / gender expression / sex characteristics</td>
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Executive Summary

This report compiles and analyses SOGIESC references made by nine United Nations Treaty Bodies in 2022 (CESCR, HRCtee, CEDAW, CAT, CRC, CRPD, CERD, CMW and CED). The examination includes Lists of Issues / Lists of Issues Prior to Reporting / Lists of Themes, Concluding Observations, and follow-up assessment reports in country periodic reviews, Treaty Bodies’ General Comments / General Recommendations and decisions on Individual Communications, as well as follow-up assessment report on previously adopted decisions.

First, the report outlines the methodology adopted to prepare this document, followed by an introduction that serves as a general review of the Treaty Bodies’ SOGIESC-related trends and developments in 2022.

- In 2022, all nine Treaty Bodies returned to their level of activity before the COVID-19 pandemic.
- In 2022, the nine Treaty Bodies collectively made 218 SOGIESC references in 89 Concluding Observations on 73 different States. This included five follow-up recommendations to five countries made by four Committees.
- The number of SOGIESC-inclusive Concluding Observations and references significantly increased in 2022 when compared to the indicators achieved by Treaty Bodies in 2019, a year with regular activity, and 2020-2021 with reduced activity.
- The rate of SOGIESC-inclusive references per Concluding Observation was the highest ever (2.4) for a year with regular activity by the Treaty Bodies.
- The percentage of SOGIESC-inclusive Concluding Observations was one the highest ever (67%).
- In 2022, CEDAW adopted the most SOGIESC-inclusive references in Concluding Observations at 72, followed by 44 from the CRC, which are both record numbers for those Committees.
- Six Treaty Bodies – HRCtee, CEDAW, CRC, CRPD, CERD, and CED – adopted more SOGIESC references than ever before.
- Two Treaty Bodies – CESC and CED – recorded SOGIESC-inclusive references in 100% of Concluding Observations for the first time.
- As in some previous years, CMW did not adopt any SOGIESC-inclusive Concluding Observations in 2022.
- In 2022, there were 25 trans-specific references made, as well as the record number of 24 intersex-specific references.
- Without considering CEDAW, six references were made to LB/TI women by three different Committees.
- CERD selected for the first time two SOGIESC-inclusive recommendations for its follow-up procedure.

After the general overview, this report splits into nine Committee-specific chapters. Each chapter contains a qualitative and quantitative data analysis on SOGIESC references made by Committees in 2022. Different themes are covered by the analyses and include States criminalising LGBTI people; GIGE

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1 Issues and questions sent to the State parties before the main review.
2 Country-specific concerns and recommendations.
3 Interpretations of international human rights treaties.
4 Complaints brought by individuals or organizations.
5 With 67% in 2021, and 68% in 2020.
and sex characteristics references; and, references to LBTI women. In addition, the analysis includes information on General Comments and decisions on Individual Communications adopted by the Committees, as well as information on follow-up recommendations.

This report also includes three annexes: a list of the countries reviewed in 2022 and the respective Committee/s; a compilation of SOGIESC-related civil society submissions sent to the Committee in 2022; and, quantitative data, including number and percentages, on SOGIESC references in Treaty Bodies’ Concluding Observations from 2014-2022.

A separate document supplementing this report contains the compilation of all SOGIESC references made by the nine Treaty Bodies in their country reviews, General Comments and decisions on Individual Communications in 2022. The report is also accompanied by a simplified version where key analyses, facts and recommendations for future engagement with Treaty Bodies can be found.
Treaty Bodies and SOGIESC: 2022 in numbers

- Nine Treaty Bodies made collectively 218 SOGIESC inclusive references in 89 Concluding Observations on 73 different States;
- 67% of country periodic reviews ended with SOGIESC-inclusive Concluding Observations;
- Fifty-nine States received their first SOGIESC-inclusive Concluding Observations from the respective Committees;
- Thirteen SOGIESC recommendations on twelve countries were selected for the follow-up procedure by CESC, HRCtee, CEDAW, CRPD, CERD and CED.
- Among the 218 SOGIESC-inclusive references, there were:
  - 185 trans-inclusive references and 25 trans-specific references;
  - 130 intersex-inclusive references and 24 stand-alone intersex references;
  - CESC and CED: 100% of country periodic reviews concluded with SOGIESC recommendations in the Concluding Observations (the highest percentage among all Treaty Bodies in 2022);
  - CEDAW: 72 SOGIESC references in Concluding Observations (highest number of references among all Treaty Bodies ever);
- Three decisions on Individual Communications on SOGI were adopted by the HRCtee and CEDAW establishing violations of international human rights law;
- Two General Comments with references to SOGI were adopted by CEDAW and CRPD.
Introduction

States compliance with nine core international human rights law treaties is monitored by ten United Nations Treaty Bodies. By being part of such treaties, States have the obligation to ensure that the rights set out in them are enjoyed by every person under their jurisdiction. When those obligations are not met, the Treaty Bodies provide an effective and somewhat accessible advocacy mechanism to civil society.

The United Nations human rights treaties lack an explicit mention of SOGIESC or LGBTI. However, these concepts were included by the consistent practice of the Treaty Bodies for the last two and a half decades. This inclusion, together with strong advocacy efforts from civil society, have contributed to the consolidation of SOGIESC and LGBTI as an integral part of human rights language.

In order to facilitate the engagement of LGBTI movement with Treaty Bodies, ILGA World has been implementing a specific programme focussing on these mechanisms since May 2015. Through this programme, processes from Treaty Bodies were monitored and we created approaches to help drawing attention to SOGIESC issues when relevant.

Under ILGA World’s Treaty Bodies programme, we have also been publishing reports analysing annually developments and trends in LGBTI human rights by the Committees. The year reviewed in this report, 2022, saw a return to the regular level of activity by the Committees after two years being significantly affected by the COVID-19 pandemic.

The analysis contained in this report allows LGBTI advocates to identify patterns, developments and gaps in the Treaty Bodies work. By fostering the engagement of LGBTI civil society, ILGA World continues to gain insight into the approach of the nine Committees:

- The Committee on Economic, Social and Cultural Rights (CESCR)
- The Human Rights Committee (HRCtee)
- The Committee on the Elimination of Discrimination Against Women (CEDAW)
- The Committee on the Rights of the Child (CRC)
- The Committee Against Torture (CAT)
- The Committee on the Rights of Persons with Disabilities (CRPD)
- The Committee on the Elimination of Racial Discrimination (CERD)

7 The nine Treaty Bodies are listed further in this section. The tenth one – the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) – functions quite differently from the other nine Committees, has a preventive mandate focused on a proactive approach to preventing torture and ill treatment, and generally is not included into our analysis here.

8 Responsible for monitoring State compliance with the International Covenant on Economic, Social and Cultural Rights (ICESCR).

9 Responsible for monitoring State compliance with the International Covenant on Civil and Political Rights (ICCPR).

10 Responsible for monitoring State compliance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW Convention).


12 Responsible for monitoring State compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT Convention).

13 Responsible for monitoring State compliance with the International Convention on the Rights of Persons with Disabilities (CRPD).

14 Responsible for monitoring State compliance with the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).
The Committee on Migrant Workers (CMW)\textsuperscript{15} 
The Committee on Enforced Disappearances (CED).\textsuperscript{16}

A comprehensive analysis of all SOGIESC references made in 2022 by these nine Treaty Bodies will be found in this report, supplemented by a compilation of SOGIESC references coded with keywords. This report is also accompanied by a simplified version containing key analysis, facts and recommendations for CSOs looking forward to engaging with Treaty Bodies.

In the main report, three components of Treaty Body documentation are analysed in detail:

- General Comments or General Recommendations (interpretation of the international human rights treaties).
- Decisions on Individual Communications (complaints brought by individuals or organisations against States) and follow-up assessment reports on previously adopted decisions.
- Lists of Issues / Lists of Themes / List of Issues Prior to Reporting (issues and questions sent to States parties before the main review), Concluding Observations (country-specific concerns and recommendations made as a result of the main review) and follow-up reports on previously made SOGIESC recommendations.

The report starts with the introduction providing a general overview of the research methodology and of trends, developments, gaps and opportunities related to SOGIESC in the work of Treaty Bodies in 2022.

The main part of the report consists of nine Committee-specific chapters. Each chapter includes:

- Quantitative and qualitative data on SOGIESC references made by the respective Committee in 2022;
- Information on themes covered in 2022, including on criminalization of consensual same-sex sexual acts, trans and intersex specific references and references to LBTI women;
- Analysis of General Comments and Individual Communications adopted by Committees;
- Advice for LGBTI advocates for future engagement with Treaty Bodies.

The Annexes to the report include:

- Full list of countries reviewed in 2022 with information on whether or not SOGIESC were mentioned in the List of Issues or Concluding Observations.
- List of SOGIESC-related civil society submissions (shadow reports) sent to the Committees on the countries reviewed in 2022, with hyperlinks and a brief description of the contents of the reports.

\textsuperscript{15} Responsible for monitoring State compliance with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW).

\textsuperscript{16} Responsible for monitoring State compliance with the International Convention for the Protection of All Persons from Enforced Disappearance (ICED).
Methodology

To prepare this report, ILGA World examined the Lists of Issues, Lists of Issues prior to reporting, Concluding Observations, follow-up reports following concluding observations, General Comments (drafts and finalised versions) and decisions on Individual Communications published by CESCR, HRCtee, CEDAW, CRC, CAT, CRPD, CERD, CMW and CED in 2022, as well as civil society submissions on countries reviewed in 2022.

In doing so, we examined the materials that explicitly mentioned LGBTI/SOGIESC. Therefore, indirect references are not covered (e.g., general mentions of “vulnerable groups of women” or “different family forms”).

We mainly analysed documents published on the website of the Office of the High Commissioner for Human Rights (OHCHR). Hence, the analyses excluded confidential civil society submissions, oral information, and reports that were not uploaded to the OHCHR website.

Definition of “reference”. Our quantitative analysis was based on the concept of "reference". A reference and a recommendation are understood differently.

A reference means a text cluster containing any mention of SOGIESC/LGBTI by a Committee. We counted as one reference any of the following options:

a) A paragraph made within the positive development section (e.g., when a Committee commended a State party’s new SOGIESC-inclusive anti-discrimination law).

Example:

Positive aspects

3. The Committee welcomes the adoption by the State party of the following legislative and policy measures: […]


b) A paragraph expressing the Committee's concerns, plus a following paragraph suggesting particular recommendations to mitigate the problem mentioned.

Example:

Intersex persons

54. The Committee is concerned at the situation of intersex minors, and in particular the practice of performing surgical procedures that are often irreversible and medically unnecessary or non-urgent and that are detrimental to the physical and mental integrity of the individuals concerned (arts. 10 and 12).

17 HRCtee, Concluding Observations: Finland, 3 May 2021, UN Doc CCPR/C/FIN/CO/7, para 3 (l).
55. The Committee recommends that, under the Interfederal Action Plan to Combat Discrimination and Violence against Lesbian, Gay, Bisexual, Transgender and Intersex Persons, the State party:

(a) Ensure that, in practice, medically unnecessary or non-urgent procedures on the sex characteristics of intersex children are not performed until the children are capable of forming their own views and can give their informed consent [...].

18

Example:

Harmful practices

27. With reference to joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, and recalling the concluding observations of the Committee against Torture (CAT/C/AUT/CO/6, para. 45) the Committee recommends that the State party:

(a) Prohibit the performance of unnecessary medical or surgical treatment on intersex children where those procedures may be safely deferred until children are able to provide their informed consent [...].

19

Example:

Dissemination and follow-up

45. In accordance with rule 75, paragraph 1, of the Committee's rules of procedure, the State party is requested to provide, by 26 March 2023, information on the implementation of the recommendations made by the Committee in paragraphs 15 (hate speech and hate crimes), 19 (violence against women) and 43 (rights of the Sami indigenous people) above.

20

A recommendation means particular measures and activities recommended or suggested to, or required of a State party by a Committee. Recommendations could be a part of a reference, but not every reference includes recommendations.

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19 CRC, Concluding Observations: Australia, 6 March 2020, UN Doc CRC/C/AUT/CO/5-6, para 27 (a).
20 HRCttee, Concluding Observations: Finland, 3 May 2021, UN Doc CCPR/C/FIN/CO/7, para 45.
Example:

**Lesbian, gay, bisexual, transgender and intersex persons**

21. The Committee recommends that the State party:

(a) Adopt a law on hate crimes against lesbian, gay, bisexual, transgender and intersex persons, protect them from violence and discrimination and combat impunity, including through awareness-raising campaigns aimed at the judiciary, the legislature and the general public [...].\(^\text{21}\)

This report analyses the work of each of the nine Treaty Bodies in 2022 separately. Each chapter provides information on country periodic reviews including Concluding Observations, Lists of Issues, and CSO submissions, as well as SOGIESC references contained within them.

For each Committee, there are general descriptions of the themes covered during the year, with specific sections dedicated to:

a) **Criminalization**, including a comparison of the list of countries criminalizing consensual same-sex sexual acts with the list of countries that received SOGIESC recommendations, as well as the content of such recommendations;

b) **Gender identity and gender expression**, including quantitative information about trans-inclusive and stand-alone trans references, and an analysis of topics covered by these references;

c) **Sex characteristics**, including quantitative and qualitative information about intersex-inclusive and stand-alone intersex references; and

d) **Women**, a section introduced in the 2017 report with an analysis of how SOGIESC references made by the Committee reflected the realities of LBTI women.

Finally, in each Committee-specific chapter, we also provide data on Individual Communications, General Comments and follow-up recommendations.

SOGIESC in the work of Treaty Bodies in 2022

In 2022, the Treaty Bodies returned to the regular level of activities before the COVID-19 pandemic. The different Committees held a similar number of sessions and issued a similar number of documents than for the 2014-2019 period, including Concluding Observations, Lists of Issues/Lists of Issues Prior to Reporting, Follow-Up Procedures, General Comments, and Individual Communications.

Despite the exceptionally low level of activity and consequent decrease in the number of references during 2020 and 2021, 2022 was the year with the record high number of SOGIESC-inclusive Concluding Observations (89) and references in Concluding Observations (218). Indeed, it surpassed the record achieved in 2016 for the number of Concluding Observations (80) and 2018 for the number of references in CO’s (138). Compare to 2014 – the first year when ILGA World started to collect and analysed SOGIESC references in Treaty Bodies work – the number of Concluding Observations mentioning SOGIESC increased more than twice, and the number of SOGIESC-inclusive references increased by more than four times.

In this section, we will analyse the work of the Treaty Bodies across 2022, where activities went back to pre-pandemic levels. Therefore, we will mainly draw comparisons to the 2014-2019 period. In this regard, we will identify the gaps and developments made, and highlight the main achievements. The continued inclusion of SOGIESC issues by Treaty Bodies -even in the aftermath of a world crisis where capacity and resources of LGBTQI organisations stretched- illustrates the unflagging commitment and engagement with Treaty Bodies by LGBTQI human rights defenders globally.

Country periodic reviews

In 2022, nine Treaty Bodies made SOGIESC-inclusive references in 89 out of 133 Concluding Observations, equally 67% of Concluding Observations. In these 89 Concluding Observations, 218 SOGIESC references were made (see Table 1). Comparing it with the numbers achieved during 2014-2019, it is the highest number of Concluding Observations, and the highest number and percentage of references ever achieved. Considering that such percentage was also achieved in 2020-2021 with a reduced activity, it denotes that the rate at which Treaty Bodies are adopting SOGIESC-inclusive recommendations is considerably higher than previous years when the highest percentage was 51%. 
As in previous years, in 2022 the CEDAW had the highest number of SOGIESC-inclusive Concluding Observations (21), followed by CRC and the HRCtee (16 each), CESCR (12), CRPD (10), CAT (6), CED (5), CERD (3), and none were made by CMW. CEDAW also made the highest number of SOGIESC-inclusive references with 72. This was followed by CRC (44), HRCtee (35), CRPD and CESCR (20 each), CAT (10), CED (9), and CERD (8) (see Figure 1 and Figure 2).

![Figure 1. SOGIESC-inclusive references in Concluding Observations in 2022, number and percentage by Treaty Body](image-url)
As previously stated, the Treaty Bodies adopted in 2022 a considerably higher number of references in Concluding Observations (218) than in other years (see Figure 2). Such a number reflects some interesting achievements for several Committees. For the first time, CESC and CED included SOGIESC-inclusive references in 100% of its Concluding Observations the rate previously achieved only by HRCtee (several times) and CRC (once). The HRCtee, CEDAW, CRC, CRPD, CERD, and CED adopted more SOGIESC references than ever before.

Regrettably, CMW did not adopt any SOGIESC-inclusive references in its Concluding Observations in 2022. Yet, this Committee has never been the most active in terms of LGBTI human rights. For example, since 2014 – the year where ILGA World started its analysis – none SOGIESC references have also been made by CMW in 2015, 2018, 2020 and 2021.

![Figure 2. SOGIESC-inclusive Concluding Observations and references (2014-2022)](image)

The rate of SOGIESC-inclusive references per Concluding Observations in 2022 (2.4), is the second highest after 2021, when the Treaty Bodies worked in exceptional circumstances (see Figure 3). Therefore, in spite of the low level of activity for two years, the Committees are considering LGBTQI issues more often than before the COVID-19 pandemic, in a more detailed way, and covering a wider range of issues.

![Figure 3. Rate of SOGIESC-inclusive references per Concluding Observations (2014-2022)](image)
Figure 4 outlines the percentage of SOGIESC-inclusive Concluding Observations by individual Treaty Bodies. In 2022, CESCR and CED were the only two Committees that adopted SOGIESC-inclusive references in 100% of their Concluding Observations. When compared with 2019, the rest of the Treaty Bodies, except for CMW, adopted a higher percentage of SOGIESC-inclusive Concluding Observations in their 2022 country periodic reviews. As in previous years, the HRCtee is the most consistent in terms of percentage (94% in 2022 and more than 90% since 2016).

Figure 5 shows how many SOGIESC references were made by Treaty Bodies between 2014 and 2022. It illustrates clearly how the COVID-19 pandemic impacted the work of the Committees and, at the same time, how the return to a normal level of activity meant the inclusion of an even higher number of references than before for most Treaty Bodies.

In 2022, CEDAW was again the Committee that made the largest number of SOGIESC references, with seventy-two references, 10 more than its record achieved in 2018. Additionally, the HRCtee with 35, CRPD with 20, CRC with 44, and CERD with 8, incorporated in their Concluding Observations more references than ever before. Furthermore, CESCR with 20, CED with 9 and CAT with 10 maintained a similar number of references than in previous years.
**Follow-up recommendations**

In line with the record number of SOGIESC-inclusive Concluding Observations and references, in 2022 the Treaty Bodies selected the highest number ever of recommendations for their follow-up procedures, with a total number of 13 (see Figure 6). CEDAW, CESC and HRCtee were the Committees with the highest number of recommendations selected for follow-up (three each), followed by CERD (two), CED and CRPD (one each). It was the first time CERD selected SOGIESC-inclusive recommendations for its follow-up procedure.

![Figure 6. Number of SOGIESC recommendations selected for follow-up (2014-2022)](image)

**Trans and intersex references**

As a consequence of the overall increase in SOGIESC-inclusive references, the number of trans and intersex references also generally increased compared to previous years (See Figure 7). The number of trans-inclusive (185) and intersex-inclusive (130) references reached record levels, as well as the intersex-specific ones (24). Moreover, the number of trans-specific references (25) is finally approaching again the level that existed prior to 2019 – the year when we started to record significant decrease in the number of trans-specific recommendations.
From the nineteen States that received trans-specific recommendations, CSO submissions incorporating trans-specific references were received for fourteen. And from the twenty States that received intersex-specific recommendations, CSO submissions incorporating intersex-specific references were also received for fourteen. This shows how significant the engagement of CSO and LGBTI human rights defenders can be in fostering the inclusion of trans and intersex-specific recommendations in Concluding Observations.

As in previous years, in 2022 the Treaty Bodies addressed a variety of issues regarding the rights of transgender people, and mainly legal gender recognition, including the right to obtain it as a whole, and the need to abolish the unwarranted requirements including gender reassignment surgeries and/or sterilisation. In a number of occasions, the HRCtee requested legal gender recognition procedures to be ‘quick, transparent and accessible’, and in its Concluding Observations on Georgia, the HRCtee clearly stated the need to adopt legal gender recognition procedures based on self-identification.

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22 Armenia (CEDAW), Belgium (CEDAW), Bolivia (HRCtee and CEDAW), Chile (CRC), Czech Republic (CESCR), El Salvador (CAT), Hungary (CRPD), Finland (CEDAW), Georgia (HRCtee), Guatemala (CESCR), Hong-Kong (China) (HRCtee), Japan (HRCtee), Macao (China) (HRCtee), Netherlands (CRC), Mongolia (CESCR), Nicaragua (CAT), Panama (CEDAW), Uruguay (HRCtee), USA (CERD).

23 Armenia (CEDAW), Finland (CEDAW), Panama (CEDAW), Bolivia (HRCtee), Hong-Kong (China) (HRCtee), Macau (China) (HRCtee), Uruguay (HRCtee), Chile (CRC), Netherlands (CRC), Czech Republic (CESCR), Guatemala (CESCR), Mongolia (CESCR), Nicaragua (CAT), USA (CERD).

24 Belgium (CEDAW), Chile (CRC), Canada (CRC), Croatia (CRC), Cyprus (CRC), Czech Republic (CESCR), Greece (CRC), Hungary (CRPD), Iceland (CRC), Finland (CEDAW), Ireland (HRCtee), Kenya (CAT), Luxembourg (HRCtee and CESCR), Netherlands (CRC), New Zealand (CRPD), North Macedonia (CRC), South Korea (CRPD), Switzerland (CEDAW and CRPD), Ukraine (CRC), and Zambia (CRC).

25 Finland (CEDAW), Switzerland (CEDAW), Canada (CRC), Chile (CRC), Croatia (CRC), Cyprus (CRC), Greece (CRC), Iceland (CRC), Netherlands (CRC), Ukraine (CRC), Zambia (CRC), New Zealand (CRPD), Switzerland (CRPD), Ireland (HRCtee), Luxembourg (HRCtee).

26 Hong Kong, China (HRCtee), Macao, China (HRCtee), Georgia (HRCtee).
The Committees also expressed concern about discrimination and violence, including hate crimes and hate speech, against trans people. Specifically, CAT made recommendations about trans people in detention and the prevention of violence in the Concluding Observations of El Salvador and Nicaragua. Additionally, CERD addressed the issue of discrimination based on gender identity in the access to housing in the Concluding Observations of the United States of America.

In relation to intersex-specific issues, similarly to previous years, the Committees almost exclusively focused on irreversible, unnecessary medical interventions, including laws and protocols prohibiting non-consensual medical interventions and regulating the provision of health services to intersex persons; consultations and support for families with intersex children; training courses for medical personnel; the investigation of cases of non-consensual medical interventions; and redress and compensation for intersex survivors and their access to justice. Additionally, the CRPD referenced the necessity of ensuring the participation of people with disabilities in public decision-making processes through representative organisations, including those of intersex persons with disabilities.

As previously mentioned, trans and intersex organisations play a fundamental role for the incorporation of their demands in Treaty Body recommendations. It is thanks to their tireless efforts that new topics and in-depth analyses can be incorporated into the Committees work.

**Women**

As in previous years, the CEDAW, based on the nature of its mandate, was the only Committee to include, as a rule, recommendations in Concluding Observations specifically on the situation for LBTI women generally and their certain groups within the umbrella.

In 2022, however, only references to trans women were made by CEDAW individually (in contrast with, for example, lesbian bisexual or intersex women). These included recommendations on legal gender recognition,\(^{27}\) discrimination during confinement periods of the COVID-19 pandemic,\(^{28}\) violence,\(^{29}\) forced sterilisation\(^{30}\) and trafficking of trans women.\(^{31}\) Regrettably, no specific references were made to lesbian, bisexual or intersex women.

CAT, CERD and the HRCtee also made references to LBTI women in their Concluding Observations. In the Concluding Observations on Bolivia, the HRCtee recommended the State to include trans women in the measures to combat violence against women. In the Concluding Observations on El Salvador and Nicaragua, CAT expressed concern about sexual violence against transgender women in detention. Finally, CERD referred in the Concluding Observations on Brazil to situations of obstetric violence against ‘LGBTQI+ women’ as well as hate speech, harassment and violence against ‘LGBTQI+ women’ seeking or holding political office.

CSO reports addressing the situation of LBTI women also were primarily submitted before the CEDAW, with significantly low numbers or no reports at all for the other Committees. Therefore, LBTI defenders are encouraged to engage with the work of other Treaty Bodies, individually or jointly with other LGBTI

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27 See CEDAW’s Concluding Observations on Armenia, Belgium, and Bolivia.
28 See Concluding Observations on Panama (CEDAW).
29 See List of Issues Prior to Reporting for Fiji (CEDAW).
30 See List of Issues for Sao Tome and Principe (CEDAW).
31 See Concluding Observations on Venezuela (CEDAW).
defenders. Raising LBTI issues specifically and with detailed information can make a huge difference in the work of the Treaty Bodies that already incorporate gender-based approaches in their work.

**Individual Communications**

In 2022, eight documents on Individual Communications mentioning SOGI were adopted by Treaty Bodies. This includes three decisions were SOGI were mentioned in passing, three decisions on SOGI-focused cases, one discontinued case due to the lost contact with the petitioner, and one follow-up assessment report on a previous decision involving sexual orientation.

All the three decisions focusing on SOGI established the violations of international human rights law (one decision by CEDAW, and two decisions by the HRCtee).

The two cases reviewed by the HRCtee concerned *freedom of assembly and association*, particularly the authorities' prohibition of LGBT public event under the pretext of these events violating the anti-propaganda prohibition. Both cases were against the *Russian Federation*, and in both cases violations were established. One of the two cases was the first international case on public events to support trans persons' human rights.

The third case was reviewed by CEDAW and concerned criminalisation of consensual same-sex relations, as well as the consequent discrimination and violence against a lesbian human rights defender in *Sri Lanka*. This was the first international case on criminalisation of same-sex sexual acts between women, and – compared to the earlier HRCtee's case *Toonen v Australia*, the decisions went much further than just considering the violation of the right to privacy.

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33 KP v Russian Federation, communication no 2665/2015, decision of 7 December 2022, CCPR/C/136/D/2665/2015.

34 See Mikhailova et al v Russian Federation, communication nos 2943/2017, 2953/2017 and 2954/2017, decision of 3 August 2022, CCPR/C/134/D/2954/2017, CCPR/C/134/D/2943/2017 (the case concerned the rejection by the State of multiple petitions made by the authors to hold different rallies in Moscow in support of LGBTI issues); Savolaynen v Russian Federation, communication no 2830/2016, decision of 3 August 2022, CCPR/C/135/D/2830/2016 (the case concerned the rejection by the State of multiple petitions made by the author to hold several pickets to celebrate the International Transgender Day of Visibility).

35 Savolaynen v Russian Federation (fn 34).


Finally, the follow-up progress report was about non-refoulement in a case brought against Finland. The Committee, based on the State’s submissions, decided to maintain the follow-up dialogue open and requested a meeting to further discuss the implementation of its recommendations.

General Comments

In 2022, two new General Comments from two different Treaty Bodies were adopted (CEDAW and CRPD). Both were SOGIESC-inclusive. This continued the trend since 2018 in which 100% of General Comments addressed LGBTQI issues (see Figure 10). The CEDAW General Comment focused on the rights of indigenous women and girls, and the enjoyment of those rights without discrimination, including against LBTI women. The CRPD General Comment addressed the right of persons with disabilities to work and employment, and highlighted the intersectional discrimination faced by persons with disabilities, including based on SOGI.

The continued 100% record of SOGIESC-inclusive General Comments (see Figure 8) demonstrates how LGBTQI issues are considered fundamental to Treaty Bodies interpreting core human rights treaties and addressing human rights violations. This highlights that the work and submissions of LGBTQI defenders are being considered and reflected in recommendations by the Committees.

The year 2022 saw the return of all Treaty Bodies to their regular level of work, and contrary to what could have been expected after two years of reduced activity, SOGIESC issues were included in an amount and variety that surpassed achievements made in pre-pandemic years.

With 35% more SOGIESC Concluding Observations, and 59% more references, compared to 2019, all Treaty Bodies, with the exception of CMW, made significant progress.

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38 AB v Finland, communication No. 51/2018, decision of 4 February 2021, CRC/C/90/2. The case concerned the deportation of a Russian lesbian couple and their child to the Russian Federation. The Committee found a violation of Articles 3, 19 and 22 of the CRC Convention by Finland, based on its failure to consider the best interests of the child in the assessment of the author’s asylum request based on his mothers’ sexual orientation to protect him against a real risk of irreparable harm by returning him to the Russian Federation. See CRC, Follow-up progress report on individual communications, 26 August 2022, UN Doc CRC/C/90/2.

39 For example, ILGA World made submissions and / or participated in general discussion days on the draft general recommendations.
There have been several historic achievements made by a number of Treaty Bodies in 2022. For the first time, CESCR and CED included SOGIESC-inclusive references in 100% of its Concluding Observations. Additionally, CEDAW with 72 references, the HRCtee with 35, CRPD with 20, CRC with 44, and CERD with 8, incorporated more references in Concluding Observations than ever before. Furthermore, 100% of SOGIESC Concluding Observations issued by CAT were trans-inclusive. Finally, it was the first time the CERD made a trans-specific recommendation in its Concluding Observations, and also the first time it selected two SOGIESC recommendations for its follow-up procedure.

LGBTI human rights defenders’ engagement with Treaty Bodies must continue to be strongly encouraged. The remarkable work made until now has put and consolidated SOGIESC issues in the framework and practice of many Committees, even against strong opposition and without explicit SOGIESC language in the core UN human rights treaties. As can be seen from our analysis of the Treaty Bodies’ work in 2022, they are open to include and develop further human rights standards relevant for LGBTI communities globally. And it is for LGBTI groups to continue informing the Committee experts about living realities of their communities, appropriate language and actions that would be relevant in any particular context.
1. Committee on Economic, Social and Cultural Rights

General information

In 2022, CESCR made SOGIESC-inclusive references in Concluding Observations in all twelve States reviewed (see Figure 9). Significantly, this is the first time that the CESCR includes SOGIESC-inclusive references in 100% of country reviews (see Figure 10). The number of references made in 2022 was 20, the second highest, showing a return to the numbers achieved before the COVID-19 pandemic (see Figure 9).

![Figure 9. SOGIESC-inclusive Concluding Observations: CESCR (2014-2022)](image)

![Figure 10. Percentage of SOGIESC-inclusive Concluding Observations: CESCR (2014-2022)](image)
The number of references per Concluding Observation (1,7) is the second highest after 2019 (1,9) and is also higher than the average for the 2014-2021 period (1,5).

In 2022, the majority of States received their first SOGIESC-inclusive references in their Concluding Observations. These were Bahrain, Belarus, Czech Republic, Democratic Republic of Congo, El Salvador, Luxembourg, Tajikistan, and Uzbekistan. Guatemala, Italy, Mongolia, and Serbia already received SOGIESC-inclusive recommendations in previous reviews (see Table 2).

In 2022, CSOs from 23 States submitted shadow reports mentioning SOGIESC. Of these, eleven were States whose state party reports were being reviewed with Concluding Observations following. The only country that was reviewed and included SOGIESC references in its Concluding Observations without CSO reports was Bahrain. For the remaining twelve, six were submitted for Follow-Up Procedures, and six for Lists of Issues/Lists of Issues Prior to Reporting. Overall, 66 reports were submitted across 23 States. There were stand-alone LGBTI submissions on Czech Republic, Democratic Republic of Congo, Denmark, Ecuador, Guatemala, Italy, Kyrgyzstan, Luxembourg, Mongolia, Philippines, Tajikistan, and Uzbekistan. Every State for which a stand-alone report was submitted received SOGIESC recommendations, and questions in its Lists of Issues/Lists of Issues Prior to Reporting.

In their Follow-Up procedures, however, Ecuador and Denmark did not receive any SOGIESC reference despite receiving CSO submissions. Importantly, SOGIESC recommendations have also not been selected for the follow-up review of the two countries. This shows how important it is, in order to properly have in-depth analysis of the level of implementation of recommendations by the Committee, to advocate for the inclusion of SOGIESC recommendations into the list of follow-up ones during the main session. Follow-up procedure is only focused on the very few (usually three or four) recommendations selected for this procedure (and not all recommendations in the Concluding Observations). Therefore – if SOGIESC recommendations were not among the ones selected for the follow-up – chances to still include relevant thematic into the follow-up review are very low.

Of the twelve States that received SOGIESC-inclusive recommendations in 2022, only four did not receive SOGIESC questions in the Lists of Issues (Bahrain, Italy, Luxembourg, and Mongolia). Notably, the Committee produced SOGIESC-inclusive recommendations in Bahrain’s Concluding Observations without the effect of a CSO report mentioning LGBTI nor a List of Issues including LGBTI questions.

### Table 2. CESC country reviews, 2022

<table>
<thead>
<tr>
<th>State</th>
<th>SOGIESC in previous COs</th>
<th>LOI</th>
<th>Shadow reports mentioning SOGIESC</th>
<th>Stand-alone SOGIESC shadow reports</th>
<th>References to SOGIESC in COs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bahrain</td>
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<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
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<td>Belarus</td>
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<td>Yes</td>
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<td>No</td>
<td>Yes</td>
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<tr>
<td>Czech Republic</td>
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<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>I, LGBTI; T; I</td>
</tr>
<tr>
<td>Democratic Republic of the Congo</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>SOGI + LGBTI</td>
</tr>
</tbody>
</table>
Returning to its regular level of activity in 2022, CESCR has shown again its commitment to including LGBTI issues in its work, including SOGIESC issues in 100% of its Concluding Observations for the first time. The Committee has also shown that it is willing to make SOGIESC-inclusive references in the absence of information from CSO submissions. Yet, the participation of LGBTI human rights defenders is strongly encouraged to increase the rate of references per Concluding Observations or List of Issues/List of Issues Prior to Reporting, which generally remained at one per State.

In addition, the follow-up procedure of the Committee provides particular opportunities for the in-depth analysis of actions made by a State party to implement the Committee’s recommendations. However, this procedure is only focused on three to four recommendations selected for this procedure by CESCR. LGBTI advocates are encouraged to ask the Committee, during the main session, and ideally with the support from other CSOs involved in the review, to consider LGBTI recommendations for the follow-up procedure.

Themes

CESCR addressed a multitude of SOGIESC issues in Concluding Observations as well as Lists of Issues and Lists of Issues Prior to Reporting from 2022.

Following other years’ main observations, the Committee was concerned in most cases about discrimination against LGBTI people in the enjoyment of economic, social and cultural rights. Particularly the Committee asked questions and made recommendations about anti-discrimination legislation, as well as policies to prevent and combat discrimination.

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41 See Concluding Observations on Bahrain, Czech Republic, Democratic Republic of Congo, El Salvador, Guatemala, Luxembourg, Mongolia, Serbia, and Tajikistan. See Lists of Issues for Albania, Kyrgyzstan, Peru, and Poland.
One of the main type of policies recommended by the Committee to combat discrimination and stigmatisation against LGBTI people was the implementation of awareness-raising campaigns directed not only to the public but also to health care professionals, teachers, social workers, law enforcement officials and other public authorities.42

Another main topic addressed by the CESCR was access to healthcare.43 Specifically, the Committee was concerned about medically unnecessary procedures towards intersex children in the Czech Republic and Luxembourg, and it consequently recommended the prohibition of such procedures without free, prior and informed consent. In the List of Issues for Kyrgyzstan, the Committee asked the State about medical and social care for trans people and policies on HIV prevention to ensure access to health care for LGBTI people. Moreover, the Committee was concerned about mental health in the List of Issues Prior to Reporting for Australia and in the List of Issues for Peru because of the high suicide rate among different groups, including LGBTI people.

The Committee also focused on education in 2022, in terms of discrimination in its access.44 In the Concluding Observations for Luxembourg, the Committee recommended the State to protect children from discrimination in schools and prevent bullying. Australia was asked in its List of Issues Prior to Reporting about discrimination against teachers and students in religious educational institutions.

Discrimination against LGBTI people in employment was also addressed by the Committee.45 In particular, Kyrgyzstan was requested to provide statistical data on discrimination in the workplace, and Iceland about the implementation of a law on equal treatment in labour.

Housing was another concern of the Committee in both Concluding Observations and List of Issues.46 In the Concluding Observations for the Democratic Republic of Congo the Committee pointed out to the nexus between criminalization of same-sex relationships and discrimination in access to housing, and in the Lists of Issues for Kyrgyzstan, the CESCR expressed concern about discrimination against LGBTI people by private landlords.

Many States also received questions and recommendations on violence.47 In the Concluding Uzbekistan, the Committee highlighted the prevalence of violence against LGBTI people derived from criminalization of same-sex relationships, and in Tajikistan’s, CESCR recommended to ensure protection from violence against LGBTI people.

Hate speech was a preoccupation of the Committee in the Concluding Observations of the Czech Republic, Italy and Serbia. The latter was recommended to ensure awareness and sensitization among public officials and the public on online hate speech.

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42 See Concluding Observations on Bahrain, Democratic Republic of Congo, El Salvador, Guatemala, Mongolia, Serbia, Tajikistan, and Uzbekistan.
46 See Concluding Observations on the Democratic Republic of Congo, and El Salvador. See the List of Issues for Kyrgyzstan. See also See also List of Issues for Uzbekistan (2020).
47 See Concluding Observations on the Czech Republic, Italy, Luxembourg, Tajikistan and Uzbekistan. See also List of Issues for Guatemala (2020).
The situation of **LGBTI human rights defenders** was addressed in the Committee's review of **Tajikistan**. The Committee identified an issue with registration of civil society organisations, especially those working for the rights of LGBTI persons.

Finally, the Committee took note of the rights ensured for **same-sex couples**. The **Czech Republic** received a recommendation to ensure protection equivalent to marriage for same-sex couples. **Luxembourg** was recommended to ensure equality for same-sex couples in the recognition of filiation. In the Lists of Issues for **Cyprus**, CESCR requested information on parental leaves in cases of same-sex couples, and in **Poland**'s the Committee asked the State about measures to grant equal rights for same-sex couples.

**CESCR's address of increasingly varied LGBTI topics illustrates its willingness to work on new issues when requested. Indeed, CESCR's broad scope of action and progressive standards should serve as an excellent stimulus for advocates to raise SOGIESC substantive issues related to education, employment, housing and health care, as well as SRHR, comprehensive sexuality education, water and sanitation, poverty and economic justice, violence against HRDs and gender-based violence, the situation for asylum seekers and refugees, and family and private life.**

### Criminalization

Consensual same-sex sexual acts were criminalized in only one of the States receiving Concluding Observations from the Committee in 2022, namely **Uzbekistan**. CESCR recommended the State to repeal the article of the Criminal Code that criminalises consented sexual relations between male adults. In addition, a List of Issues was formulated for only one State, **Indonesia**, that criminalises same-sex sexual acts.

In the Concluding Observations of the **Democratic Republic of Congo**, even if the State does not explicitly criminalise same-sex sexual acts, CESCR expressed concern at an article of its Criminal Code used to that purpose, and recommended the State to ensure that it is not used in that way anymore.

CSO reports related to criminalisation were presented in the review of **Uzbekistan** and in the Follow-Up procedure of **Senegal**. The former has received recommendations on decriminalization, as was mentioned above. In the follow-up review of the latter, the Committee noted the lack of information from the State party on steps taken or contemplated to decriminalise consensual homosexual relations and to repeal article 319(3) of the Criminal Code, along with all the other legal provisions that are discriminatory with regard to sexual orientation or gender identity. There was also no indication of any measures taken to provide effective remedies to victims of discrimination. Therefore, the Committee decided that there has been no progress in regard to these recommendations to address discriminatory provisions in Senegalese law in that respect.

**The Committee has consistently recommended the repeal of criminalisation provisions in State reviews. CSOs are encouraged to continue requesting those repeals and include in its submissions de facto situations of criminalisation. Defenders are also encouraged to include in its submissions the impact of criminalisation on the enjoyment of economic, social and cultural rights.**
Gender Identity and Expression

In 2022, CESCR made seventeen gender identity (or trans) -inclusive references out of the twenty SOGIESC-inclusive references in Concluding Observations. Three of them were trans-specific references (see Figure 11). This shows the Committee returning to high numbers of trans-inclusive references similar to those before the COVID-19 pandemic.

![Figure 11. GIGE references, CESCR Concluding Observations (2014-2022)](image)

The number of trans-specific references (three) was also similar to those of previous years. The percentage of trans-inclusive references in 2022 (85%) shows a decrease from last year’s 100%, mainly justified by the increase in reviews and references, but is higher than the average of 80.5% for the 2014-2021 period (see Figure 12).

![Figure 12. Percentage of trans-inclusive and trans-specific references in CESCR Concluding Observations (2014-2022)](image)
Overall, including Lists of Issues/Lists of Issues Prior to Reporting, the Committee made 29 references to gender identity.

Out of the seventeen references made in Concluding Observations, three addressed gender identity specifically. In the first, CESCR recommended the **Czech Republic** to amend legislation to ensure that sterilisation is not required in gender affirmation procedures. In the second, concern was expressed about a law to protect children and adolescents against ‘gender identity disorders’ in **Guatemala**, as it would reinforce the stigma faced by LGBTI people. And in the third, the Committee highlighted the lack of awareness among health professionals of health-care specific needs of trans people in **Mongolia**.

Further, the Committee recommended **Mongolia** to ‘raise awareness among health-care providers of health-care issues specific to transgender persons and adopt and implement the eleventh revision of the International Statistical Classification of Diseases and Related Health Problems, which, inter alia, removes the labelling of certain such issues as mental health conditions.’ This is the first recommendation referring to the ICD-11, and as such should be seen as important progress.

The List of Issues for **Kyrgyzstan** was the only one that included trans-specific references. The Committee requested the State to provide information about the implementation and dissemination of a manual on the provision of medical and social care for trans and gender-diverse people.

Fourteen CSO submissions from thirteen States addressed trans and gender identity issues specifically, with three being standalone reports. **58** Five were for States under review. In three cases (**Czech Republic, Guatemala** and **Mongolia**) they were followed by recommendations from the Committee.

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**CESCR has been addressing specific trans issues in a consistent, but rather low, level. Therefore, it seems necessary that defenders submit reports with detailed information on trans persons’ enjoyment of social, economic and cultural rights in order to increase the number of trans-specific recommendations.**

**LGR is a topic that CESCR has already addressed. Advocates are particularly encouraged to continue raising it, in conjunction with non-discrimination, access to education, employment and healthcare, including in the context of ICD-11 and depathologization (depsychiatrization).**

**ILGA World has produced a trans advocacy guide on CESCR for activists hoping to engage with this Committee. The guide can be found here.**

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**Sex Characteristics**

In 2022, CESCR made sixteen intersex-inclusive references out of twenty SOGIESC references in its Concluding Observations. This is the highest number of such references for the CESCR ever (see Figure 13). In terms of percentage (80%), it is also a record high for the CESCR (see Figure 14). Intersex-specific references were made two times, in the Concluding Observations of the **Czech Republic** and **Luxembourg**, a number which is similar to those of previous years. Overall, including Concluding Observations, Lists of Issues/Lists of Issues Prior to Reporting, the Committee made 25 intersex-inclusive references.
The Concluding Observations of the Czech Republic and Luxembourg which included intersex-specific references were related to surgical interventions on intersex children without their free, prior and informed consent. In the first case, CESCR recommended that no such procedures be carried out until consent could be given, and in the second, that legislation should be amended to incorporate such prohibition.

There were four CSO reports submitted that included sections on intersex individuals, including access to health, forced surgical and medical interventions, and rights of intersex people in general. Two of them were for States under review (including Czech Republic and Italy), one standalone report for a List of Issues (Philippines) and one for a Follow-up procedure (Bulgaria).
As with GIGE issues, CESC has already addressed some challenges faced by intersex persons and made some recommendations, particularly on unnecessary and irreversible medical and surgical treatment on intersex persons. However, only one or two recommendations per year include intersex-specific references. Hence, advocates’ participation through shadow reports and briefings becomes fundamental to increase the number of States that receive detailed sex characteristics recommendations and questions in their Lists of Issues/Lists of Issues Prior to Reporting.

**Women**

As in previous years, CESC made no specific references to LBTI women in 2022.

Notably, there was a CSO submission on *Guatemala* highlighting the SRHR of LBTI women. The Concluding Observations of the State contained SOGIESC-inclusive references, but none of them specific to LBTI women.

CESCR has not made any recommendation on LBTI women yet. However, it has shown its willingness to address new issues raised by CSOs. Thus, defenders are strongly encouraged to approach CESC with a wide variety of issues affecting LB/TI women including: the effect of gender pay gaps and the economic situation for women; access to sexual and reproductive health, including reproductive technologies; so-called ‘corrective rape’, honour killings and forced marriages. It is of utmost importance that defenders illustrate specifically how SOGIESC intersects with gender and how LBTI women face particular challenges that differ from general issues affecting LGBTI people.

**Individual Communications**

The Optional Protocol to CESC entered into force on 5 May 2013 and there are 114 countries that are State Party to the protocol. A Communication may be submitted by or on behalf of individuals or groups of individuals.

The decision on an Individual Communication will be one of three: violation; no violation; or inadmissible. The Committee will not consider a communication unless it has ascertained that all available domestic remedies have been exhausted.

Defenders can see if their country has ratified the Optional Protocol here. Information and guidance on submitting Individual Communications and the process can be found here.

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51 Article 2.
In 2022, CESCR did not adopt any decisions which referenced SOGIESC topics. However, in one case, violence based on 'sexual orientation and identity' was mentioned as a criterion that Spain uses in its policies on housing and social assistance.\(^52\)

As of 30 April 2023, only 27 States have ratified the Optional Protocol of the ICESCR, establishing the Committee’s Individual Communication mechanism. The State parties include those from four ILGA World regions:

- Europe and Central Asia\(^53\)
- Latin American and the Caribbean\(^54\)
- Pan Africa\(^55\)
- Asia\(^56\)

**CESCR’s Individual Communications procedure may be a really efficient mechanism in LGBTI cases. Even if it is relatively new in comparison to other human rights mechanisms, its low number of ratifications may ensure a faster process. Additionally, the Committee’s progressive stance on LGBTI issues in Concluding Observations and General Comments can be used to ground Individual Communications and even obtain a favourable result. Defenders can bring cases on a number of issues including housing, education, employment and health.**

**General Comments**

In 2022, no general comments were adopted by CESCR nor calls for written contributions were issued. The list of contributions to the General comment No. 26 (2022) on land and economic, social and cultural rights was published in December 2022.

**Defenders are encouraged to participate in discussions on future CESCR General Comments, as CESCR frequently incorporates issues from written inputs and general discussions. Advocates can look out for more engagement opportunities here.**

**Follow-up Procedure**

The formal procedure for follow-up to Concluding Observations was adopted by CESCR in 2017. In 2022, CESCR selected three SOGIESC-inclusive recommendations as part of its follow-up process in the Concluding Observations.

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\(^53\) Armenia (ratified October 2020), Belgium, Bosnia and Herzegovina, Finland, France, Italy, Luxembourg, Montenegro, Portugal, San Marino, Slovakia and Spain.

\(^54\) Argentina, Bolivia, Costa Rica, Ecuador, El Salvador, Honduras, Uruguay and Venezuela.

\(^55\) Cabo Verde, Central African Republic, Gabon and Niger.

\(^56\) Mongolia, Maldives (ratified December 2020), Malaysia (ratified December 2020).
In the case of **Guatemala**, the Committee requested the State to inform, within 24 months, the implementation of the removal of legislation and bills that may generate discrimination based on SOGI. **Italy** was requested to report in the same amount of time about the adoption of comprehensive anti-discrimination legislation. And **Uzbekistan** was requested to submit information about the repeal of the criminalisation provision of its Criminal Code, and the implementation of awareness-raising campaigns to eliminate negative stereotypes and stigma against LGBTI people.

Additionally, in 2022 **Senegal** was assessed on the implementation of SOGIESC-inclusive recommendations made previously.

The Committee assessed **Senegal's** implementation of a recommendation concerning the adoption of anti-discrimination legislation and the repeal of legal provisions that criminalise consensual same-sex relations and others which are also discriminatory. The CESCR considered that ‘there are no purported amendments of the legislation that effectively prohibit discrimination, nor criminalise any direct or indirect form of discrimination on grounds of [...] sexual orientation, gender identity [...].’ and that ‘there is no information on steps taken or contemplated to decriminalise consensual homosexual relations [...] along with all the other legal provisions that are discriminatory with regard to sexual orientation or gender identity.’ Therefore, **Senegal** was considered to make ‘no progress’ in implementing the recommendations.

**After two years without selecting SOGIESC recommendations for the follow-up procedure, the CESCR returned to its previous usual practice of selecting several SOGIESC recommendations for this purpose.**

**Advocates from Guatemala, Italy and Uzbekistan (2022 Concluding Observations) are recommended to assess their governments’ implementation of recommendations and to report it to the Committee.**

**For more information on CESCR’s follow-up procedure see here.**
2. Human Rights Committee

General information

In 2022, HRCtee made SOGIESC-inclusive references in Concluding Observations in sixteen out of seventeen States (94%) under review\(^5\) (see Figure 15). This shows a slight decrease from previous years (2017, 2018, 2020, and 2021) in which the Committee adopted SOGIESC-inclusive Concluding Observations in 100% of reviews (see Figure 16). However, the number of SOGIESC-inclusive references made by this Committee in 2022 was thirty-five, the highest number of references ever. In addition, even though the number of SOGIESC-references made per Concluding Observation saw a decrease from 3.1 in 2021 to 2.2 in 2022, it remains higher than the average for the 2014-2021 period (1,8).

The highest number of SOGIESC-inclusive references in 2022 were made in the Concluding Observation of Ireland, with five references and for its first time. Ireland is followed by Bolivia, Georgia, Japan, and the Russian Federation with three references each.

\(^{5}\) Hong-Kong (China) and Macao (China) are analysed separately by the HRCtee and therefore are considered two different States for the purpose of this report.
In 2022, the Committee formulated SOGIESC-inclusive questions in its Lists of Issues for all 9 States (100%). Even though there has been a decrease in the overall number of States receiving questions (32 in 2020 and 18 in 2021), this is explained by the fact that no Lists of Issues Prior to Reporting were issued by the Committee in 2022. In fact, the percentage remains the same as in 2021 (100%), maintaining the increase from 2019 (95%) and 2020 (94%).

In 2022, five States (Ireland, Luxembourg, Macao (China), Nicaragua and Qatar) received their first recommendations on SOGIESC from HRCtee. The remaining twelve States reviewed had already received SOGIESC recommendations in previous reviews (see Table 3).

In all cases, the States received SOGIESC-related questions from the Committee in the List of Issues/List of Issues Prior to Reporting.

CSO reports with SOGIESC-related information were submitted for all States under review except Israel, the only country that did not receive SOGIESC references in its Concluding Observations. Standalone SOGIESC shadow reports on a wide variety of topics were submitted for the Concluding Observations on Bolivia, Georgia, Hong-Kong (China), Japan, Kyrgyzstan, Luxembourg, Macao (China), Nicaragua, Russian Federation, and Uruguay, and for the Lists of Issues of Uganda. Significantly, all States that received CSO reports also received SOGIESC recommendations.
Table 3. HRCtee country reviews, 2022

<table>
<thead>
<tr>
<th>State</th>
<th>SOGIESC in previous COs</th>
<th>LOI</th>
<th>Shadow reports mentioning SOGIESC</th>
<th>Stand-alone SOGIESC shadow reports</th>
<th>References to SOGIESC in COs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bolivia</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>GI + SOGI + LGBT; SOGI + LGBT; LGBTI</td>
</tr>
<tr>
<td>Cambodia</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Ethiopia</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Georgia</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>GI + SOGI + LGBT; SOGI + LGBT; LGBTI</td>
</tr>
<tr>
<td>Hong-Kong (China)</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>SOGI; LGBTI + T</td>
</tr>
<tr>
<td>Iraq</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Ireland</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>LGBTI; SOGI + LGBTI; SOGI + I + LBT; LGBTI; SOGI</td>
</tr>
<tr>
<td>Israel</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Japan</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>SOGI; SOGI + LGBT + T + same-sex; SOGI + LGBT</td>
</tr>
<tr>
<td>Kyrgyzstan</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>SOGI; SOGI</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>I + LGBTI; I</td>
</tr>
<tr>
<td>Macao (China)</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>SOGI + LGBT; GI + LGBT + T + same-sex</td>
</tr>
<tr>
<td>Nicaragua</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>SOGI + LGBT; SGM</td>
</tr>
<tr>
<td>Philippines</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>SOGI + SOGIESC + LGBT</td>
</tr>
<tr>
<td>Qatar</td>
<td>n/a</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Russian Federation</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>LGBT; LGBT; SOGI + LGBT</td>
</tr>
<tr>
<td>Uruguay</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>T; SOGI + LGBT</td>
</tr>
</tbody>
</table>
The HRCtee has consistently addressed SOGESI issues over the years for almost every State under review since 2017. The inclusion of references is proactively done by the Committee, whether it receives CSO submissions or not. Nevertheless, LGBTI human rights defenders are strongly encouraged to provide even more data on the different topics that affect LGBTI people and specific communities to increase their visibility and promote more comprehensive recommendations.

Themes

As in other years, the Committee addressed a plethora of SOGESI issues over the course of 2022 in its country reviews.

A significant number of SOGESI references made by HRCtee were related to anti-discrimination legislation and SOGI/LGBTI as protected characteristics. Alongside this, the Committee made recommendations on combating discrimination through training and awareness raising campaigns for authorities and the public.59

On many occasions, the Committee expressed concerns on reports of violence and discrimination experienced by LGBTI people and the need to grant a proper investigation, punishment to the perpetrators, and reparations to the victims.60 Of particular concern were reports on harassment, discrimination and violence on the basis of SOGI by law enforcement officials.61 Moreover, it highlighted the need to counter discrimination in the access to employment, housing, health and education62. In the Concluding Observations of Uruguay, the Committee explicitly referred to LGBTI children in its recommendation to combat all forms of discrimination and incitement to hatred.

In addition, the Committee focused on the issue of hate speech and hate crimes in country reviews,63 and it noted the use of homophobic and transphobic rhetoric by public officials, politicians and religious figures in the List of Issues/List of Issues Prior to Reporting for Ethiopia, Japan and Georgia, and in the Concluding Observations of Georgia and Russia.

In the Lists of Issues for Hong-Kong (China), Georgia and Russia, the Committee also asked for information on the measures taken to ensure the right to freedom of expression and freedom of peaceful assembly. In the Concluding Observations on Georgia, it expressed its preoccupation on the violent attacks during the Tbilisi Pride in 2021 that remain unpunished. In the Concluding Observations of Russia, the Committee insisted on the discriminatory effects of the State’s 2013 ban on “propaganda” of non-traditional sexual relations, which is used to, inter alia, excessively restrict freedom of peaceful assembly.

58 See Concluding Observations on Cambodia, Georgia, Hong-Kong (China), Iraq, Kyrgyzstan, Macao (China), Nicaragua, Philippines, Qatar, Uruguay. See List of Issues for Brazil, Turkmenistan, Uganda, and Venezuela.


60 See Concluding Observations on Bolivia, Cambodia, Ethiopia, Georgia, Hong-Kong (China), Iraq, Ireland, Japan, Kyrgyzstan, Macao (China), Nicaragua, Philippines, Qatar, Russian Federation, Uruguay. See List of Issues for Brazil, Colombia, Egypt, Iran, State of Palestine, Turkmenistan, Uganda, and Venezuela.


Moreover, similarly to previous years, the Committee continued to examine the topic of LGBTI human rights defenders being targeted. Concerns for attacks against HRDs were addressed in the Lists of Issues for Iran, Georgia and Uganda, and information in that regard was requested from Brazil. In the Concluding Observations on Georgia and Nicaragua the Committee recommended the States to ensure protection against human rights defenders and in the case of Russia, the Committee requested to ensure LGBTI people their right to freedom of association.

Finally, references to same-sex marriage were included in the Concluding Observations on Japan and the List of Issues for Venezuela. In the first case, the HRCtee recommended the State to ensure access to same-sex marriages, and in the latter, the Committee asked the State about measures to ensure access to marriage or a de facto legal union for same-sex couples.

A plethora of SOGIESC issues were addressed by the Committee throughout the years. LGBTI human rights defenders are encouraged to continue engaging with the Committee by providing further information on violations faced by LGBTI people in topics such as anti-discrimination legislation, awareness-raising campaigns, violence, discrimination, hate crimes, hate speech, human rights defenders, freedom of assembly and expression, marriage and adoption.

Criminalization

In 2022, the Committee adopted Concluding Observations on two States (Ethiopia and Qatar) that criminalize consensual same-sex sexual acts. Both countries were urged to amend or repeal criminalising laws, and Ethiopia also received a SOGIESC-inclusive recommendation in terms of awareness-raising and access to justice.

The Committee also expressed concern about the Revised Penal Code of the Philippines which includes a grave scandal provision, which may expose LGBTI people to police harassment and extortion. The State was recommended to adopt non-discrimination legislation and ensure access to justice and reparations to the victims.

In the Concluding Observations for Iraq, the Committee recommended the State to avoid using vague provisions of the Criminal Code to prosecute people based on their sexual orientation or gender identity. Additionally, the Committee promoted training law enforcement officials including the police and the judiciary on respect for diverse SOGI, adopting non-discrimination legislation, and ensuring access to justice and reparations to the victims.

Some Lists of Issues included questions on criminalization and steps taken to amend or repeal criminalising legislation. In 2022, five criminalising States received Lists of Issues. In all of them, questions related to criminalization were included. In the case of Egypt, the Committee asked whether the State criminalises consensual same-sex relations, because it received information that the Law on Combating Prostitution was used with that purpose. In the List of Issues of Iran, the Committee emphasised the need to not only repeal the criminalising legislation, but also to abolish and refrain from using the death penalty. For Kuwait, the Committee requested that the State inform the steps taken to decriminalise consensual same-sex sexual activity among adults, in light of a Constitutional Court ruling.

64 Egypt, Iran, Kuwait, Turkmenistan, and Uganda.
that declared unconstitutional a criminalising provision on “imitating the opposite sex” based on personal liberty guarantees.

It should be noted that CSO submissions were presented for all criminalising States with the exception of Kuwait, making references to both criminalising legislation and practices.

The criminalisation of consensual same-sex sexual acts between adults has been consistently considered by the HRCtee as a grave violation of the ICCPR. Since Toonen v Australia 20 years ago, the Committee has made recommendations to amend or repeal criminalising provisions. Defenders can rely on those standards to continue engaging with the Committee, and provide further information on the practical consequences that such provisions, others used to that aim, and criminalising policies that impact LGBTI communities. GIGE criminalisation can also be addressed by CSOs in their submissions, as the Committee has already made recommendations on this topic.

Gender Identity and Expression

In 2022, out of 35 SOGIESC-inclusive references in its Concluding Observations, the HRCtee made 33 trans references and/or references to gender identity. Of these, only eight were stand-alone trans references (see Figure 17).

This demonstrates a remarkable increase in absolute numbers comparatively to 2020 and 2021 (both with only with one trans-specific reference), matching the highest number of references in 2017.

![Figure 17. GIGE references, HRCtee Concluding Observations (2014-2022)](image)

In 2022, the percentage of trans-inclusive references was 94%, which is higher than in 2021 (86%) and the average of 2014-2021 (89%). The percentage of trans-specific references in 2022 was 23%, higher than the average of 15.5% from 2014-2021 (see Figure 18) and meaning the Committee’s return to the top percentage achieved in 2017.
The stand-alone trans references were made by the Committee in its Concluding Observations on Bolivia, Georgia, Hong-Kong (China), Japan, Macao (China), and Uruguay. In the case of Bolivia, the Committee expressed concern about barriers that trans people encounter in the exercise of their rights, and specifically that trans men face in registering the birth of their children. Additionally, the Committee urged Bolivia to include trans women in the State’s effort to combat violence against women. Georgia, Hong-Kong (China), and Japan received recommendations to adopt legislation and policies to ensure a quick, transparent and accessible procedure for legal gender recognition for trans people, eliminating any legal or de facto requirement to undergo surgery in order to enable such procedure. Georgia, in addition, was recommended to establish a legal gender recognition procedure that is based on self-identification. Regarding Macao (China), the Committee expressed concern about the impossibility to change the gender marker on birth records and identity documents and again recommended the implementation of a quick, transparent and accessible legal gender procedure.

It should be noted that only the List of Issues for Hong-Kong (China) and the Lists of Issues Prior to Reporting for Japan and Uruguay included stand-alone trans references.

Regarding the List of Issues of 2022, the Committee only included trans-specific questions in the document for Venezuela, asking the State to comment on the steps taken to ensure access to legal gender recognition of transgender persons.

CSO reports from Bolivia, Cambodia, Hong-Kong (China), Ireland, Japan, Macao (China), Nicaragua and Uruguay specifically mentioned GIGE. They included topics such as legal gender recognition of trans persons, detention of trans persons and inhuman or degrading treatment, and violence.
Sex Characteristics

In 2022, the HRCtee made 11 intersex-inclusive references in its Concluding Observations. Of these, three were intersex-specific references (see Figure 19). This represents a decrease in absolute numbers from 2021 and less than the overall average from 2014-2021 (3.25). When looked at the proportion of intersex references in all SOGIESC references made by the Committee, the percentage of intersex-inclusive references (31%) is average for the period 2014-2022. The percentage of intersex-specific references (9%) is, however, quite low (see Figure 20).

Figure 19. Intersex references, HRCtee Concluding Observations (2014-2022)

Figure 20. Percentage of intersex-inclusive and intersex-specific references in HRCtee Concluding Observations (2014-2022)

Overall, including Concluding Observations and Lists of Issues, the Committee made 21 intersex-inclusive references in 2022.
In the Concluding Observations on Ireland and Luxembourg, the Committee expressed concerns about irreversible and invasive medical interventions performed on intersex children without their free and informed consent. In the case of Ireland, the Committee highlighted the need to specifically prohibit such practices unless it is necessary for medical reasons or if the best interest of the child is duly considered beforehand. For Luxembourg, the Committee not only recommended to end the practice of non-consensual irreversible procedures towards intersex children and adopt legislative measures, but also to collect relevant statistics, including on rehabilitation and compensation measures.

It should be noted that in the List of Issues Prior to Reporting for Uruguay, the Committee requested the State to indicate the steps being taken to address the issue of “normalising” surgeries on intersex people. The State replied that no such procedures occur in Uruguay without consent and that unnecessary interventions are prohibited for children and adolescents. Hence, even if included in the LOIPR, the Committee did not adopt any Concluding Observation in that regard for the country.

Finally, in the List of Issues for Venezuela, the Committee asked the State which measures were being implemented to ensure the legal gender recognition of the identity of intersex people.

CSO reports covering intersex situations were submitted for Hong-Kong (China), Ireland, Luxembourg (stand-alone), and the Russian Federation (stand-alone). Most references were made to non-consensual medical interventions on intersex children.

Women

In 2022, there was one stand-alone reference to trans women made by the Committee in the Concluding Observations of Bolivia. The Committee urged the State to ensure that all protecting measures and legislation to combat violence against women also protect trans women.

Some CSO submissions included references to LBTI women. For Kyrgyzstan, a submission was made pointing at the inexistence of research on gender-based violence and discrimination against LBQT+

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65 Information about the issue of medical interventions without consent for intersex people was also requested in the List of Issues for Luxembourg.
67 See Report on Hong-Kong (China) by 12 Hong Kong LGBTIQ+ Organisations
68 See Report on Ireland by Irish Council for Civil Liberties
69 See Report on Luxembourg by Intersex & Transgender Luxembourg
70 See Report on the Russian Federation by Association of Russian Speaking Intersex (ARSI)
women. For the Lists of Issues of Brazil and Venezuela, submissions were made regarding equality and health, and political violence against LBT women.

Gender and intersectional forms of discrimination against women have been mentioned multiple times by the Committee. Therefore, defenders may submit reports highlighting the specific challenges faced by LB/TL women in the enjoyment of their rights to foster the incorporation of stand-alone references.

Individual Communications

The Optional Protocol to HRCtee entered into force on 13 March 1976 and there are 116 countries that are State Party to the protocol.

Information and guidance on submitting Individual Communications and the process can be found here.

Overall, the HRCtee made 153 decisions on 37 States in 2022. In this period, the Committee made three decisions which referenced SOGIESC topics. One case was discontinued because contact was lost with the author, and in two other cases violations were found. Each of these cases were brought against the Russian Federation and concerned the right to peaceful assembly and discrimination against LGBT persons. The facts of the cases were similar; the authors had requested to organise peaceful assemblies on LGBT rights that were continuously denied by authorities, under the pretext of “anti-propaganda” provisions.

In both Mikhailova et al v Russian Federation and Savolaynen v. Russian Federation, the Committee gave the following reasoning:

While the Committee recognizes the role of the State party’s authorities in protecting the welfare of minors, it observes that the State party not only did not point to the existence of factors that might justify such an assessment but also failed to demonstrate that the restrictions imposed on the requested peaceful assemblies were based on reasonable and objective criteria (...). In such circumstances, the obligation of the State party was to protect the authors in the exercise of their rights under the Covenant and not to contribute to suppressing those rights. The Committee further notes that it has previously concluded that the laws banning the “promotion of non-traditional sexual relations to minors” in the State party exacerbate negative stereotypes of individuals on the grounds of sexual orientation and gender identity and represent a disproportionate restriction of their rights under the Covenant, and has called for the repeal of such laws. Accordingly, the Committee considers that the State party has failed to establish that the restrictions imposed on the authors’ right of peaceful assembly were based on reasonable and objective criteria, in pursuit of an aim

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71 See Report on Kyrgyzstan by PU “Kyrgyz Indigo” and ILGA World
72 See Report on Venezuela by Centro de Justicia y Paz and others and Con Ellas
73 See Report on Brazil by Conectas Direitos Humanos
74 Defenders can see whether their State has ratified here: https://indicators.ohchr.org.
75 K.P. v. Russian Federation (fn 33).
76 Mikhailova et al v Russian Federation and Sevolaynen v. Russian Federation (fn 34).
that was legitimate under the Covenant, and that the prohibition therefore amounted to a violation of their rights under articles 21 and 26 of the Covenant.\(^{77}\)

It should be noted that in *Savolaynen v. Russian Federation*, the case involved specifically trans people and other gender minorities. It is the first international case on the freedom of assembly in the context of gender identity. The petitioner planned to hold several pickets on the International Transgender Day of Visibility, and the aim of the events was “to draw the attention of the general public and law enforcement officials to the discrimination faced by transgender and transsexual people and other gender minorities, and to increase the visibility of the transgender community to the authorities and to society in general.”\(^{78}\) Notably, the HRCTee stated that:

similarly to its approach in cases concerning public expression of homosexual identity, a public call for respect for the rights of transgender, transsexual persons and other gender minorities, drawing attention to the discrimination faced by such persons in society, could not have a negative effect on minors’ rights and freedoms.\(^ {79}\)

Based on the violations founded (in both cases, of articles 21 – freedom of peaceful assembly, and 26 – non-discrimination, of the ICCPR), the Committee defined individual and general remedies.

Regarding individual remedies, in the case of Mikhailova *et al*, the Committee considered that the finding of violation in its decision constituted sufficient remedy for the petitioners.\(^ {80}\) In the case of Savolainen, the HRCTee stated that the State party is under an obligation to provide the author with an effective remedy, to make full reparation, including adequate compensation.\(^ {81}\)

Concerning general remedies, the Committee reminded that the State party is under an obligation to take all steps necessary to prevent similar violations from occurring in the future. It noted the systemic nature of the violations – particularly by referencing its own case-law – and urged the State party to review its legislation with a view to ensuring that the rights under article 21 of the ICCPR, including organizing and conducting peaceful assemblies, and article 26 may be fully enjoyed in the State party.\(^ {82}\)

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HRCtee is the Treaty Body that has issued the most decisions on SOGIESC Individual Communications. Some topics include criminalization, non-refoulement, violence, freedom of assembly, freedom of expression, same-gender families and legal gender recognition for trans people.

Litigators and LGBTI groups can rely on the HRCtee for their advocacy. Specifically, cases related to gender identity, gender expression and sex characteristics are strongly encouraged to be brought before the Committee.\(^ {83}\)

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\(^{78}\) Savolaynen v. Russian Federation (fn 34), paras 2.1-2.2.

\(^{79}\) Ibid, para. 7.9.

\(^{80}\) Mikhailova *et al* v Russian Federation (fn 34), para 11.

\(^{81}\) Savolaynen v. Russian Federation (fn 34), para 9.

\(^{82}\) Mikhailova *et al* v Russian Federation (fn 34), para 11; Savolaynen v. Russian Federation (fn 34), para 9.

\(^{83}\) Three new cases on legal gender recognition are currently pending before the HRCtee: a case against the Seychelles (communication no 3769/2020, registered in 2000), and two cases against Paraguay (communication nos 4173/2022 and 4174/2022, both registered in 2022). See [https://ilga.org/Treaty-Bodies-jurisprudence-SOGIESC](https://ilga.org/Treaty-Bodies-jurisprudence-SOGIESC).
It should be noted that decisions on Individual Communications can take many years, and defenders should consider this limitation while deciding on the most suitable way to organize their advocacy efforts.

General Comments

In 2022, the HRCtee did not adopt any general comment.

Taking into account the high number and wide variety of SOGIESC references on country periodic reviews, Individual Communications, and previous General Comments by the HRCtee, LGBTI defenders are encouraged to provide input on new General Comments.

Follow-up Procedure

In 2022, HRCtee selected some new SOGIESC-inclusive recommendations for follow-up assessment for three States:

- on violence against trans women, Concluding Observations on Bolivia (State report due by 25 March 2025);
- on non-discrimination legislation and policies, Concluding Observations on Ireland (State report due by 28 July 2025); and
- on irreversible medical interventions on intersex children not capable of giving their free and informed consent, Concluding Observations on Luxembourg (State report due by 28 July 2025).

In 2022, the Committee also reviewed the level of implementation of SOGIESC recommendations made earlier to two State parties.

First, the Committee assessed Bulgaria’s implementation of a recommendation concerning legislation and policies to address hate speech and hate crimes based on SOGI. The Committee discontinued the evaluation stating that information/action taken was not satisfactory and partially satisfactory. It regretted that no information was provided on the amendment of the criminal code to include SOGI as hate motives, on the accountability of those responsible for incitement to discrimination, and on statistical data on measures taken. It did however welcome the information about a draft law to strengthen the mandate of the Council for Electronic Media to prevent and sanction hate speech in the media, and the incorporation of the handbooks and manual addressing the policing of hate crimes against LGBTI persons.

The Committee also assessed Lithuania’s implementation of a recommendation regarding the interpretation of legislation in a non-discriminatory way, the equality of same-sex couples and legal gender recognition. The Committee discontinued the evaluation stating that information/action taken was partially satisfactory. It welcomed the information that the State implemented the Action Plan for the Promotion of Non-Discrimination, that legal provisions discriminating against trans people in relation to certain professions were removed, and that a Constitutional Court recognised a same-sex couple’s union conducted abroad. However, the Committee regretted the lack of information on measures to prevent the discriminatory interpretation of legislation, to fully recognize the equality of same-sex couples, and to implement administrative procedures for gender reassignment.
In both cases, the Committee reiterated its recommendations and requested for additional information to be submitted in the next State’s party periodic report.

The Committee has consistently selected SOGIESC recommendations for its follow-up procedure in the last years.

The main review sessions of the Committee are a great opportunity for LGBTI human rights defenders to suggest SOGIESC issues to be covered by the HRCtee in its follow-up procedure. Cooperation with other NGOs from the country before and during sessions may be fundamental to include a SOGIESC dimension in the CSO proposal on follow-up recommendations and, consequently, may increase the chances of such recommendations being selected for the follow-up review.

LGBTI groups from countries that received follow-up SOGIESC recommendations recently are particularly encouraged to monitor the level of implementation of these recommendations, and to report to the Committee. CSOs from Czech Republic are invited to send their submissions to the Committee by 17 July 2023; Finland has its deadline in 2023. Groups from Germany and Ukraine may submit their follow-up shadow reports to the Committee in 2024, and those from Bolivia, Ireland and Luxembourg – in 2025.

More information on the Committee’s follow-up procedure can be found here.

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84 For the 139th session of the Committee in October 2023. The follow-up recommendations are included in the Concluding Observations adopted in 2019, see CCPR/C/CZE/CO/4, para. 17. Even though the recommendations themselves do not include SOGIESC language explicitly, a preceding paragraph on the Committee’s concerns mentions hate speech against LGBTI persons, and therefore this topic can be covered in CSO submissions.

85 See Concluding Observations adopted in 2021, CCPR/C/FIN/CO/7, para. 15. Finland was recommended to “redisble its efforts to combat discrimination, hate speech and incitement to discrimination or violence on the grounds of (...) SOGI” and to “strengthen its awareness-raising efforts aimed at promoting respect for human rights and tolerance for diversity, revisiting and eradicating stereotypical prejudices based on (...) SOGI.” The state follow-up report was submitted to the Committee on 5 April 2023, and LGBTI groups from the country are encouraged to follow the information on the HRCtee’s website to see when the follow-up review will be scheduled. Alternatively, ILGA World publishes deadline for Treaty Bodies here.

86 Germany has a follow-up recommendation on intersex adopted in 2021, see CCPR/C/DEU/CO/7, para. 21. Ukraine has a follow-up recommendation on human rights defenders and journalists adopted in 2021, see CCPR/C/UKR/CO/8, paras. 47-48. While the recommendation itself does not refer to SOGIESC, a paragraph on the Committee’s concerns mentioned intimidation, persecution and assaults committed by, among others, members of extreme right-wing groups against journalists and human rights defenders, particularly LGBTI activists. For both countries, the deadline for state reports and CSO submissions is on 5 November 2024.
3. Committee on the Elimination of Discrimination against Women

General information

In 2022, CEDAW made SOGIESC references in Concluding Observations in 21 out of 24 countries reviewed (see Figure 21); 88% of the Committee’s country reviews ended with SOGIESC recommendations, a record high percentage for the 2014-2021 period (see Figure 22). The number of SOGIESC-inclusive references made by this Committee in 2022 was 72, also the highest number achieved for the 2014-2022 period. In addition, the rate of SOGIESC-inclusive references per Concluding Observation was 3.4, the same as in 2021 and significantly higher than the average for the 2014-2021 period (2.3). The 2022 results reaffirm the Committee’s willingness to include multiple and detailed SOGIESC references in the majority of Concluding Observations and represents a record that supersedes the 2018 historical one.

Figure 21. SOGIESC-inclusive Concluding Observations: CEDAW (2014-2022)
In 2022, CEDAW also formulated SOGIESC-inclusive questions in its Lists of Issues/Lists of Issues Prior to Reporting for 18 out of 24 States (75%).

The twenty-one States with SOGIESC-inclusive references in their Concluding Observations adopted in 2022 were: Armenia, Belgium, Bolivia Dominican Republic, Finland, Gabon, Gambia, Honduras, Mongolia, Morocco, Namibia, Panama, Peru, Portugal, Saint Kitts and Nevis, Senegal, Switzerland, Türkiye, Uganda, Ukraine, Uzbekistan. From these, Belgium, Bolivia, Gabon, Morocco, Namibia, Saint Kitts and Nevis, Senegal, and Uzbekistan received their first SOGIESC recommendations from CEDAW. The remaining thirteen States have all previously received recommendations from the Committee (see Table 4).

<table>
<thead>
<tr>
<th>State</th>
<th>SOGIESC in previous COs</th>
<th>LOI</th>
<th>Shadow reports mentioning SOGIESC</th>
<th>Stand-alone SOGIESC shadow reports</th>
<th>References to SOGIESC in COs</th>
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</table>
In 2022, CSOs from 33 States submitted CSO reports mentioning SOGIESC. Of these, twenty-one were States whose state party report was being reviewed with Concluding Observations following. With the exception of Gabon, Saint Kitts and Nevis and Senegal, all other States under review received SOGIESC-inclusive submissions from CSOs. Lists of Issues/Lists of Issues Prior to Reporting were adopted for the other twelve States for which CSO reports were submitted. The number of States receiving stand-alone SOGIESC CSO reports in 2022 was nine. Stand-alone reports resulted in SOGIESC references in Lists of Issues/Lists of Issues Prior to Reporting and Concluding Observations in all States but Azerbaijan. Indeed, Azerbaijan, Lebanon, and the United Arab Emirates were the only States under review that, despite receiving CSO submissions, did not receive SOGIESC references or recommendations. On the other hand, CSO submissions on Gabon, Saint Kitts and Nevis and Senegal did not cover SOGIESC issues but yet these countries received SOGIESC references in their Concluding Observations. Similarly, Central African Republic, Liechtenstein, Luxembourg, Monaco, Montenegro, Sao Tome and Principe, Timor-Leste and Venezuela did not receive any SOGIESC-inclusive CSO reports, but SOGIESC references were made by the Committee in their Lists of Issues/Lists of Issues Prior to Reporting.

The majority of States with SOGIESC-inclusive references in their Concluding Observations in 2022 also received SOGIESC questions in their Lists of Issues/Lists of Issues Prior to Reporting. At the same time, five states – Gabon, Gambia, Mongolia, Morocco, and Saint Kitts and Nevis – received SOGIESC-inclusive references in their Concluding Observations without SOGIESC questions in their Lists of Issues/Lists of Issues Prior to Reporting. By contrast, Azerbaijan received a SOGIESC question in its Lists of Issues/Lists of Issues Prior to Reporting, but this did not lead to any SOGIESC-inclusive references in its Concluding Observations.

In 2022, CEDAW showed a remarkable willingness to include SOGIESC issues in its work, reaching a record high percentage of SOGIESC-inclusive Concluding Observations, as well as the number of SOGIESC references made therein. Such a result was possible thanks to the strong commitment of CSOs who submitted reports addressing SOGIESC issues for almost all States under review. Defenders should continue engaging actively with the work of the Committee, submitting stand-alone reports and providing detailed information about LBTI issues to obtain specific recommendations by the Committee.

Themes

In 2022, CEDAW addressed a wide variety of SOGIESC issues, both in a general way in the context of different groups of women, and specifically making questions and recommendations about the issues and challenges that LBT women and intersex persons face in the enjoyment of their rights.

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87 Albania, Armenia, Azerbaijan, Belarus, Belgium, Benin, Bolivia, Costa Rica, Dominican Republic, Fiji, Finland, France, Gambia, Guatemala, Honduras, Iceland, Lebanon, Mongolia, Morocco, Namibia, New Zealand, Panama, Peru, Philippines, Portugal, Singapore, Switzerland, Thailand, Turkey, Ukraine, United Arab Emirates, Uganda and Uzbekistan.

88 Albania, Belarus, Benin, Costa Rica, Fiji, France, Guatemala, Iceland, New Zealand, Philippines, Singapore, and Thailand.

89 Armenia, Azerbaijan, Benin, Guatemala, Peru, Switzerland, Thailand, Turkey, and Uganda.
The theme addressed the most by the Committee in its questions, references and recommendations is the multiple and intersecting forms of discrimination to which women are exposed, including LBT women and intersex persons.90

The Committee was particularly concerned about the restriction in the access to health care and services,91 including sexual and reproductive health services,92 and on the access to employment,93 education,94 and housing.95 In the Concluding observations of Peru, the Committee recommended the implementation of employment retention schemes and quotas, including for LBT women and intersex persons. Additionally, the Committee addressed discrimination and bullying inside schools against LBTI children in the Concluding Observations of the Dominican Republic and Honduras, as well as in the List of Issues for the Philippines and the List of Issues Prior to Reporting for Luxembourg.

The Committee also made recommendations for the incorporation of women into political life,96 highlighting, in the Concluding Observations of Peru, the need to combat discrimination within political parties.

In many cases, the Committee asked questions and made recommendations about temporary special measures to counter situations of the multiple and intersecting forms of discrimination against women, including LBT women and intersex persons.97

Another main themes that the Committee dealt with is violence against women,98 including LBT women and intersex persons, and specifically as a form of gender-based violence.99

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90 See Concluding Observations on Armenia, Bolivia, Gambia, Honduras, Mongolia, Panama, Peru, Uganda and Uzbekistan. See Lists of Issues for Albania, Guatemala, and Montenegro. See Lists of Issues Prior to Reporting for Monaco, New Zealand, and Thailand. See also Lists of Issues for Finland (2021) and Senegal (2020).

91 See Concluding Observations on Honduras, Mongolia, Namibia, Peru, Uganda and Uzbekistan. See Lists of Issues for Central African Republic and Iceland. See Lists of Issues Prior to Reporting for the Dominican Republic and Panama. See also List of Issues for Armenia (2021) and List of Issues Prior to Reporting for Belgium (2019).


93 See Concluding Observations on Armenia, Honduras, Mongolia, Morocco, Panama, Peru, Uganda, Ukraine, and Uzbekistan. See also List of Issues for Namibia (2021) and List of Issues Prior to Reporting for Belgium (2019).

94 See Concluding Observations on Armenia, Dominican Republic, Honduras, Mongolia. See the List of Issues for Philippines. See Lists of Issues Prior to Reporting for Luxembourg and Thailand. See also Lists of Issues for Namibia (2021) and Senegal (2020), and List of Issues Prior to Reporting for Belgium (2019).

95 See Concluding Observations on Armenia. See also List of Issues for Namibia (2021) and List of Issues Prior to Reporting for Belgium (2019).

96 See Concluding Observations on Armenia, Honduras, Türkiye and Peru. See also List of Issues Prior to Reporting for Belgium (2019).

97 See Concluding Observations on Honduras, Panama, Peru, Türkiye, and Uzbekistan. See List of Issues for Albania. See List of Issues Prior to Reporting for Fiji. See also List of Issues Prior to Reporting for Belgium (2019).


Of particular concern for the Committee were the situations of sexual violence and harassment in the States under review.\textsuperscript{100} Sexual harassment was addressed in the Concluding Observations of \textit{Morocco} and \textit{Honduras} – in the context of workplaces, \textit{Finland} – in schools, and \textit{Uganda} – as experienced by women human rights defenders fighting for LBTI rights.

The issues of hate crimes\textsuperscript{101} and hate speech\textsuperscript{102} were also covered by the review of the Committee. In the Concluding Observations of \textit{Guatemala}, \textit{Honduras} and \textit{Türkiye}, the Committee highlighted its preoccupation with the situations of disappearances, femicides and killings, including of LBT women and intersex persons, and the widespread impunity of such crimes. In the List of Issues for \textit{Uzbekistan}, the Committee asked questions about reports of “corrective rape” and forced marriage in the country. Furthermore, in the Concluding Observations of \textit{Bolivia}, the Committee pointed out and made recommendations about the high level of online hate speech and violence against LBTI women.

Situations of arbitrary detention by law enforcement officials were addressed in the Concluding Observations of \textit{Bolivia}, \textit{Senegal}, \textit{Türkiye}, and \textit{Uganda}, as well as in the List of Issues for \textit{Uzbekistan}. In the cases of \textit{Türkiye} and \textit{Uganda}, the Committee raised concerns about the detention of women human rights defenders fighting for LBTI rights, who are subjected to even greater risk of violations.

To address both discrimination and violence, the Committee focused on the issues of access to justice, legislation and policies in the States under review.

Questions and recommendations on access to justice mainly included investigation, prosecution and punishment of perpetrators, reparations,\textsuperscript{103} as well as the reporting of incidents, legal assistance and women’s awareness of the resources available.\textsuperscript{104}

Concerning legislation, the Committee was interested in existing laws on violence and discrimination, their repeal or modification, and the enactment of new ones.\textsuperscript{105}

On policy, the Committee requested information and made recommendations about current plans and programs as well other measures to combat violence and discrimination.\textsuperscript{106} In particular, the Committee made references to data collection,\textsuperscript{107} training of health professionals,\textsuperscript{108} teachers,\textsuperscript{109} and law

\textsuperscript{100} See Concluding Observations on Honduras, Morocco, Panama, Peru, and Uganda. See Lists of Issues for Guatemala and the Philippines. See List of Issues Prior to Reporting for New Zealand. See also Lists of Issues for Finland (2021) and Uzbekistan (2020).

\textsuperscript{101} See Concluding Observations on Honduras, Panama, Peru and Türkiye. See List of Issues for Guatemala.

\textsuperscript{102} See Concluding Observations on Armenia, Bolivia, Panama, Senegal and Ukraine.

\textsuperscript{103} See Concluding Observations on Bolivia, Dominican Republic, Gabon, Gambia, Honduras, Panama, Peru. See List of Issues for Armenia. See List of Issues Prior to Reporting for Belarus.

\textsuperscript{104} See Concluding Observations on Dominican Republic, Mongolia, Peru, Senegal and Uganda. See List of Issues for Armenia. See List of Issues Prior to Reporting for Belarus.

\textsuperscript{105} See Concluding Observations on Armenia, Belgium, Finland, Honduras, Mongolia, Morocco, Panama, Senegal and Uganda. See List of Issues for Montenegro. See List of Issues Prior to Reporting for New Zealand. See also List of Issues for Peru (2020), Türkiye (2021), and Uzbekistan (2021).


\textsuperscript{107} See Concluding Observations on Mongolia, Panama, Peru and Senegal.

\textsuperscript{108} See Concluding Observations on Mongolia, and Namibia. See List of Issues for Iceland and Sao Tome and Principe. See also List of Issues Prior to Reporting for the Dominican Republic (2019).

\textsuperscript{109} See List of Issues for Bolivia (2020).
enforcement officials,\textsuperscript{110} and awareness-raising\textsuperscript{111} as relevant policies to combat discrimination and violence.

It should be noted that the Committee also highlighted the risks faced by LBT women and intersex persons in contexts of armed conflicts. In the Concluding Observations of Armenia, the Committee highlighted the importance of addressing the needs of internally displaced women and refugees, including LBTI women. In the Concluding Observations of Ukraine, the Committee expressed that the war against Ukraine by the Russian Federation has a severe impact on women in disadvantaged situations, such as LBTI women.

Another theme covered by the Committee in 2022 was same-sex marriage and family. In the Concluding Observations of Bolivia, Panama, and Peru, the Committee recommended the States to grant equality in the rights of the spouses in same-sex marriages or unions, and in the Concluding Observations of Honduras, the Committee recommended the State to lift the complete constitutional ban on same-sex unions. In addition, in the List of Issues for Uganda, the Committee asked about any plan to repeal the criminal punishment of same-sex unions, but no similar reference was included in its Concluding Observations. In the Concluding Observations of Switzerland, the Committee welcomed the 2022 approval of same-sex marriages in the State. Importantly, in its decision on Flamer-Caldera v Sri Lanka, finding a violation of article 16 of the CEDAW Convention, the Committee stated that:

\begin{quote}
whatever the form of a family, the treatment of women in the family both at law and in private must accord with the principles of equality and justice for all people. The Committee considers that the rights enshrined in the Convention belong to all women, including LBTI women, and that article 16 of the Convention applies also to non-heterosexual relations. The Committee notes that the criminalization of same-sex sexual activity between women in Sri Lanka has meant that the author has had difficulties finding a partner, has to hide her relations and runs the risk of being investigated and prosecuted in that context.\textsuperscript{112}
\end{quote}

Finally, in the Concluding Observations on Uganda, the CEDAW recommended the State to focus on LBT women and intersex persons, among other groups, in the implementation of the national policy guidelines on ending HIV stigma and other strategies, policies and programmes on HIV/AIDS, and in the access to antiretroviral treatment free of charge.

\textbf{The Committee has made significant progress in the last few years concerning the SOGIESC themes addressed. It has consistently included a wide variety of topics from an LBTI perspective. However, defenders are encouraged to specify even further the impact that intersectional discrimination against LBTI people has on the enjoyment of the rights enshrined in the Convention. On many occasions, the impact on rights such as employment, education, housing and healthcare are addressed collectively. To foster separate and more specific consideration of them, CSOs may submit detailed information in their reports. Parental rights and family are also topics that can be brought up by advocates in their submissions.}

\textsuperscript{110} See Concluding Observations on Mongolia and Peru. See also List of Issues for Uganda (2021) and the List of Issues Prior to Reporting for Ukraine (2020).

\textsuperscript{111} See Concluding Observations on Armenia and Uganda. See List of Issues Prior to Reporting for Fiji.

\textsuperscript{112} Flamer-Caldera v Sri Lanka (fn 36) para. 9.7.
Criminalization

In 2022, the Committee adopted Concluding Observations on seven States that criminalise consensual same-sex acts. In most of them, it includes people of any gender.

Five of these Concluding Observations were SOGIESC-inclusive; Gambia, Morocco, Senegal, Uganda, and Uzbekistan. Only in two of these Concluding Observations (Morocco and Gambia) the Committee explicitly mentioned criminalisation and decriminalisation. In the Concluding Observations for Morocco, the Committee urged the State to repeal the article of the penal code that criminalises ‘lewd or unnatural acts’.

In the Concluding Observations on Gambia, the Committee acknowledged that LBTI Women are criminalised but did not make any recommendations to amend the Criminal Code.

In the Concluding Observations on Uganda and Uzbekistan, the Committee focused on recommendations on various topics affecting LBT women and intersex persons including gender equality, gender-based violence, employment, health, access to justice and women HRD, among others. Information on steps being taken to revise/repeal the criminalising provisions was requested in their Lists of Issues, yet not addressed in their Concluding Observations.

In the case of Senegal, there were no references to criminalisation neither in the country’s List of Issues nor in its Concluding Observations. SOGIESC-inclusive recommendations were mainly focused on hate speech and access to justice.

It should be noted that the Committee welcomed the decriminalisation of consensual same-sex sexual activity in Saint Kitts and Nevis, based on the Eastern Caribbean Supreme Court ruling in August 2022.

Finally, the Concluding Observations of the United Arab Emirates and Lebanon did not include any SOGIESC-inclusive reference.

Of those States that received Lists of Issues/Lists of Issues Prior to Reporting in 2022, only Gambia and the State of Palestine (particularly, Gaza) still have criminalising provisions in their legislation. However, CEDAW did not address this in its documentation on the two State parties. At the same time, the Committee requested information from Venezuela on any steps taken to amend the Organic Code on Military Justice that criminalises consensual same-sex relationships in the armed forces.

113 Gambia, Lebanon, Morocco, Senegal, United Arab Emirates, Uganda and Uzbekistan.


115 Out of these countries, only Uzbekistan criminalizes same-sex acts between men; other states criminalizes such acts between persons of any gender.


117 The Supreme Court of Venezuela had declared on 17 March 2023 that the criminalising provision of the Organic Code on Military Justice is unconstitutional.
CSO reports that explicitly mention criminalisation of consensual same-sex relations were submitted for Morocco,\(^{118}\) Uganda,\(^{119}\) and the United Arab Emirates.\(^ {120}\) As was mentioned, only Morocco received a recommendation on decriminalization as a result.

CEDAW has not been consistent over the years in making recommendations to amend/repeal criminalising provisions in its Concluding Observations. Indeed, only two out of seven criminalising States received such recommendations in 2022. Therefore, it becomes of utmost importance that LGBTI human rights defenders point out at the harm caused by such criminalising provisions on the enjoyment of LBTTI people’s rights. The mere existence of criminalisation provisions, even when directed at consensual same-sex between men, paves the way for significantly higher levels of discrimination and violence against LBTTI communities. Information and data proving this would be helpful for the Committee’s consideration of state reports.

Gender Identity and Expression

In 2022, CEDAW made trans-inclusive references in 63 out of 72 SOGIESC-inclusive references in Concluding Observations. Significantly, this represents a record number of trans-inclusive references since 2014 (see Figure 23). The percentage of trans-inclusive references (88%), however, represents a decrease from the 100% record observed in 2021. Still, it is the second highest percentage of trans-inclusive references since 2014 (see Figure 24). Out of the 63 trans-inclusive references made, only six for five different States were trans-specific (Armenia, Belgium, Bolivia, Finland, and Panama). This demonstrates a slight increase from the absolute number of trans-specific references in 2019, 2020 and 2021, and a decrease in comparison to the percentage of the 2014-2019 period (see Figure 23 and Figure 24).

\(^{118}\) See report on Morocco by Advocates for Human Rights and MRA Mobilising for Rights Associates

\(^{119}\) See reports on Uganda by Advocates for Human Rights, the World Coalition against the Death Penalty and the Foundation for Human Rights Initiative, FIDA-IWILAP-Musawah-SIHA, ISHR and Women Human Rights Defenders Network Uganda (WHRDN-U) and Uganda’s Women’s Network

\(^{120}\) See report on the United Arab Emirates by Human Rights Watch
In the Concluding Observations on Armenia, the Committee urged the State to ensure that transgender persons, including women, are able to change the gender marker in their passports and other identity documents. A similar recommendation was made to Belgium.

The Committee also expressed concern for the increased discrimination against transgender women during COVID-19 confinements in the Concluding Observations of Panama. In the Concluding Observations for Bolivia, CEDAW expressed its concerns about the judicial partial repeal of a gender identity law that may deprive transsexual and transgender women of a number of rights. On the other hand, in the Concluding Observations of Finland, the CEDAW welcomed the legal incorporation of gender identity and gender expression as prohibited grounds of discrimination.
In addition, trans-specific questions were included into the Committee’s Lists of Issues/Lists of Issues Prior Reporting the Committee for four States under review. Fiji was asked about measures to combat violence against transgender women, Guatemala about a law that considers gender diversity as an identity disorder, Sao Tome and Principe about sterilisation conducted on transgender women, and Venezuela about the trafficking of transgender women and girls and the investigation and prosecution of such cases.

In 2022, similar to previous years, CEDAW referred only to transgender women (and not transgender persons or transgender men) in most of its trans-inclusive and trans-specific references. Some exceptions include recommendations concerning legal gender recognition: “transgender persons, including women” (Armenia), “transgender persons” (Belgium), and “transsexual and transgender persons / women” (Bolivia); and “lesbian, bisexual, transgender and intersex persons” in the List of Issues Prior to Reporting for Belarus (in the context of measures to combat discrimination, harassment and violence). Two conclusions can be made in this regard. First, the CEDAW’s stance is undisputedly to recognize trans women as women, and to protect their human rights. Second, the Committee is still bound by identitarian, binary and asymmetrical approach – meaning it focusses on women and not gender as a broader category. Consequently, discrimination experienced by trans men, and to a large extent – trans persons generally, continues to be overlooked by CEDAW, despite it being rooted in the same (cis/hetero) patriarchy.121

Finally, regarding CSO submissions, there were 30 shadow reports with trans-specific references submitted to the Committee for 18 States in 2022. Of these, 13 States received Concluding Observations,122 and five – Lists of Issues/Lists of Issues Prior to Reporting.123 Stand-alone reports that also addressed trans issues were presented for Armenia,124 Guatemala,125 Peru,126 and Thailand.127

CEDAW has shown in previous years its willingness to include trans issues in its work both in an inclusive and specific way, and to protect the rights of trans women. In 2022, the CEDAW made a record number of SOGIESC references in its Concluding Observations, but regrettably, the same did not happen with trans-specific ones. Even if legal gender recognition and discrimination against trans women are frequently raised by the Committee, trans advocates are strongly encouraged to submit even more detailed information and preferably in the form of stand-alone reports addressing the specific challenges faced by trans populations. In this way, the Committee may increase the number of trans-specific recommendations made to States.

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121 For an alternative reading of CEDAW see, eg Darren Rosenblum, ‘Unsex CEDAW, or What’s Wrong With Women’s Rights’ (2011) 20 Columbia Journal of Gender and Law 98.
122 Armenia, Azerbaijan, Belgium, Finland, Honduras, Lebanon, Mongolia, Panama, Peru, Portugal, Türkiye, Switzerland, and Uzbekistan.
123 Albania, Guatemala, Iceland, Philippines, and Thailand.
124 See report on Armenia by ECOM - Eurasian Coalition on Health, Rights, Gender and Sexual Diversity and NGO "New Generation”
125 See report on Guatemala by Visibles, Transmen Collective ‘Transformacion’ and ILGA World.
126 See report on Peru by Mas Igualdad and PROMSEX and ILGA World.
127 See report on Thailand by Human Rights Watch.
Sex Characteristics

In 2022, CEDAW made 57 (amounted to 79%) intersex-inclusive references out of 72 SOGIESC-inclusive ones in its Concluding Observations. This is the highest number and percentage of such references since 2014 (see Figure 25 and Figure 26). Intersex-specific references were made five times for three different States (Belgium, Finland, and Switzerland), which after 2018, is the second highest number of such references and a fortunate return from last year's lack of specific references. Its percentage (7%) remains similar to the percentage previous to the COVID-19 pandemic. A huge difference with the 2020 percentage can be observed, which is explained by a low number of country periodic reviews from that year.

![Figure 25. Intersex references, CEDAW Concluding Observations (2014-2022)](image)

![Figure 26. Percentage of intersex-inclusive and intersex-specific references in CEDAW Concluding Observations (2014-2022)](image)
In the Concluding Observations of Belgium, the Committee recommended the State to end the irreversible medical interventions on intersex children, and in the cases of Finland and Switzerland, recommendations were made to specifically criminalise such interventions, unless medically necessary.

In the List of Issues Prior to Reporting for Liechtenstein, the Committee also asked questions about the existing measures and legislation for the prohibition of irreversible medical interventions on intersex children. Similar questions were posed to Luxembourg and New Zealand, both asked about the reparations for the victims of such procedures. In addition, in the List of Issues Prior to Reporting for Luxembourg, the Committee addressed the question of statute limitations when it comes to intersex survivors’ claims and access to justice.

Finland and Switzerland received CSO submissions with intersex-specific references, with three stand-alone intersex reports on the latter country, mainly addressing forced medical interventions, healthcare, access to justice and compensation.

In 2022, CEDAW further increased its attention towards intersex issues, and based on the information provided by CSOs. Hence, the possibility of receiving intersex-specific questions and recommendations substantially increases with the engagement of intersex human rights defenders in the work of the Committee. Shadow reports addressing the specific challenges faced by intersex people may cover not only the consequences of forced medical interventions but also topics such as discrimination based on intersex status in different areas, including education, employment, housing and even sports.

Women

Due to its mandate, addressing intersections between SOGIESC and gender are inherent to the CEDAW’s approach. Overwhelmingly, the Committee used the term “women” (or sometimes “women and girls”) when referring to LBT, and intersex references were almost half about “intersex women” and the other half about “intersex persons”.

CEDAW made one reference to ‘lesbian couples’ in the Concluding Observations on Portugal, welcoming a law granting access to medically assisted procreation to all women. References to same-sex couples – and because the Committee’s focus is on women, such references should encompass LBQ women – were made in different ways and in several Concluding Observations and Lists of Issues/Lists of Issues Prior to Reporting.

In the Concluding Observations of Bolivia (“same-sex couples”) and Honduras (“same-sex marriages”), the Committee recommended the State to repeal legal restrictions on marriage and de facto unions. The Committee also welcomed the repeal of criminalisation laws in the Concluding Observations of Saint Kitts and Nevis (“same-sex intimacy”), and the legal amendments to same-sex marriage in Switzerland (“same-sex marriage”). In the List of Issues Prior to Reporting for Luxembourg (“same-sex relationships”), the Committee asked questions about measures to grant equality in the economic consequences of marriage and its dissolution, including in same-sex couples. Criminalization of same-sex couples in the armed forces was addressed in the List of Issues for Venezuela (“same-sex relationships”).

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128 See reports on Finland by Amnesty International and The Finnish League for Human Rights.
129 See reports on Switzerland by InterAction Suisse, InterAction Switzerland and ILGA World, and We-InterAction Suisse.
The situation for trans women was specifically included in the Concluding Observations of Bolivia and Panama, and in the Lists of Issues/Lists of Issues Prior to Reporting for Fiji, Sao Tome and Principe and Venezuela. In the two Concluding Observations, CEDAW addressed discrimination against transsexual or transgender women in law (Bolivia) and in practice during confinement periods of the COVID-19 pandemic (Panama). In the above-mentioned Lists of Issues/Lists of Issues Prior to Reporting, the Committee asked questions about the prevention of violence against women (Fiji), sterilisation without free, prior and informed consent of transgender women (Sao Tome and Principe), and on investigations of transgender women trafficking (Venezuela).

Finally, no references were specifically made to intersex women, all being intersex inclusive (meaning, intersex mentioned as part of the LBTI umbrella), or about intersex persons in general.

Only one CSO report for the Dominican Republic included a specific reference to lesbian women and their access to the labour market.\textsuperscript{130}

\begin{quote}
Generally, LBT(I) women are considered as a whole monolith group by the Committee. This means that the specific issues of each separate community and challenges they face are hardly included in the CEDAW's analyses. In 2022, no specific questions or recommendations explicitly referred to lesbian and bisexual women, and those for trans and intersex women were just a few. In order to foster a more comprehensive approach by CEDAW, CSOs may provide detailed information about each community through the submission of reports and in-person advocacy in Geneva or online when meetings are hold in a hybrid mode.
\end{quote}

### Individual Communications

The Optional Protocol to CEDAW entered into force on 22 December 2000,\textsuperscript{131} and there are 114 countries that are State parties to the protocol.\textsuperscript{132} A Communication against a State party may be submitted by or on behalf of individuals or groups of individuals.\textsuperscript{133}

As a result of the communication review, the Committee makes one of the three decisions: violation; no violation; or communication being inadmissible. The Committee will not consider a communication unless it has ascertained that all effective and available domestic remedies have been exhausted.

Information and guidance on submitting Individual Communications to CEDAW and the process involved can be found here.

Overall, CEDAW made 8 decisions in 2022 on 8 different States. One of these cases involved violence and discrimination based on gender, sexual orientation and gender expression. The case was brought in

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\textsuperscript{130} See report on the Dominican Republic by Coalition of Organisations for Active Defence of Women’s and Young People’s Rights.


\textsuperscript{132} Defenders can see whether their State has ratified here: [https://indicators.ohchr.org](https://indicators.ohchr.org).

\textsuperscript{133} Article 2.
2018 against Sri Lanka, and concerned discrimination, harassment and threats against a lesbian human rights defender based on the State's criminalization of same-sex sexual acts.\textsuperscript{134}

The Committee declared a violation in this case and made a separate analysis for each of the six types of rights violations:

- Direct and indirect intersectional discrimination following from the criminalisation of same-sex sexual acts (art. 2(a) and (d)-(g) of the CEDAW Convention);\textsuperscript{135}
- Gender-based violence against women by state and non-state actors, exacerbated by the criminalization in place (art. 2(c)-(f) of the CEDAW Convention in conjunction with General Recommendations Nos. 19 and 35);\textsuperscript{136}
- A failure to eliminate intersectional gender-based stereotypes and prejudices (art. 5(a) in conjunction with art. 1 of the CEDAW Convention);\textsuperscript{137}
- A violation of the right to participate in NGOs and associations (art. 7(c) of the CEDAW Convention);\textsuperscript{138}
- A failure to ensure non-discriminatory access to justice and remedies, including because of the continuing criminalization (art. 15(1) of the CEDAW Convention);\textsuperscript{139}
- A violation of the right to family and relations (art. 16 of the CEDAW Convention).\textsuperscript{140}

As a form of remedies and reparations, the Committee made a series of SOGIESC recommendations to the State including measures to prevent, investigate and punish discrimination and gender-based violence against LBTI women. Additionally, the State recommended that the State implement training for law enforcement officials on LBTI women rights, ensure protection for women human rights defenders, and effectively address discrimination against LBTI women in the workplace.\textsuperscript{141}

In addition, another decision made by CEDAW in 2022, even though on a case not related to SOGIESC, mentioned once "homosexual couples".\textsuperscript{142} The case was brought by a woman claiming that her rights were violated due to the tax regulations for spouses in Switzerland. One of the arguments put forward by the State party and referred to by the Committee, was that because the tax regime in question was also applicable to "homosexual couples", there was no indirect discrimination against women.

In 2022, the Committee issued a long-awaited decision on an Individual Communication against Sri Lanka. It included issues concerning criminalisation, gender-based discrimination and violence, access to justice, and family relations. This decision by the CEDAW illustrates the Committee's willingness to comprehensively understand SOGIESC-related cases. To further develop progressive standards by the Committee, litigators and LGBTI advocates may bring cases that also include other topics such as hate crimes, detention, health, parental rights, legal gender recognition, and medical interventions, among

\textsuperscript{135} Ibid, para. 9.2.
\textsuperscript{136} Ibid, para. 9.3.
\textsuperscript{137} Ibid, para. 9.4.
\textsuperscript{138} Ibid, para. 9.5.
\textsuperscript{139} Ibid, para. 9.6.
\textsuperscript{140} Ibid, para. 9.7.
\textsuperscript{141} Ibid, para. 11.
General Comments

In 2022, CEDAW adopted one General Comment on the rights of Indigenous women and girls, and it included some references to LBTI women and girls. The Committee called on States to develop policies to eliminate discrimination against indigenous women and girls, including LBTI women, and to ensure quality health services and facilities to indigenous women, including LBTI women and girls.

Follow-up Procedure

In 2022, CEDAW selected SOGIESC-inclusive recommendations as part of its follow-up process in the Concluding Observations of Peru, Senegal, and Uganda.

In the case of Peru, the Committee requested that in two-year time, the State should provide information on the steps taken to monitor the enforcement of gender-based violence legislation and victim support services, including for LBT women and intersex persons. Senegal was requested to also provide, in two-year time, information on the effective access to legal aid services to all women and girls, and specially marginalised groups of women such as LBTI women. And for Uganda, the CEDAW asked the State to provide, within two years, information about the efforts made to put women at the front of the COVID-19 recovery strategies, paying particular attention to marginalised groups of women, including LBT women and intersex persons.

Additionally, in 2022, Kazakhstan was assessed on the implementation of previously adopted SOGIESC-inclusive recommendations. Specifically, the State was urged to abolish mandatory gender reassignment surgeries. As no information was provided by the State party on the implementation of this recommendation, CEDAW considered that the recommendation was not implemented, and that the information provided was unsatisfactory. The Committee repeated its recommendation and requested the State to provide further information by November 2023, in the next periodic report.

The Committee frequently includes SOGIESC recommendations in its follow-up procedure. Defenders may advocate for their inclusion during country reviews, as they are a great way to foster their implementation by governments. Coalitions with other CSOs may be useful to pressure the Committee.

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144 Ibid, para. 22 and 23.
145 Ibid, para. 52 (a).
into incorporating such recommendations in its follow-up procedure. For more information on CEDAW’s follow-up procedure see here.

Apart from the follow-up recommendations to Peru, Senegal, and Uganda referred to in this section, LBTI advocates can also monitor implementation and report to the Committee on recommendations to Denmark adopted in 2021.146

4. Committee on the Rights of the Child

General information

In 2022, the CRC made 44 SOGIESC-inclusive references in the Concluding Observations of 16 out of 22 States reviewed (see Figure 27). Therefore, 73% of the CRC’s country reviews ended with SOGIESC recommendations (see Figure 28). The number of references is the highest for the Committee since 2014. In terms of percentage, it is lower than 2021 (100%), but considering the exceptionally low number of reviews that year and the number of reviews before the COVID-19 pandemic, it can also be considered a record high since 2014. The rate of references per Concluding Observations was 2.8, which is lower than 2021 (3.2). However, considering the exceptional circumstances mentioned before, it remains similar to the highest rate achieved in 2019 (2.6).

Figure 27. SOGIESC-inclusive Concluding Observations: CRC (2014-2022)

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146 The Committee recommended Denmark to "consolidate the Danish social model throughout the State party as a driving force for sustainable change, and use it as a catalyst for implementing measures, in the context of the COVID-19 pandemic, to redress long-standing inequalities between women and men by placing women and girls at the centre of recovery strategies, in accordance with the 2030 Agenda, paying particular attention to (...) LBT women and intersex persons." See CEDAW/C/DNK/CO/9, para. 11 (a). The state follow-up report was submitted to the Committee on 14 March 2023.
In 2022, of the 16 States with SOGIESC-inclusive Concluding Observations, 15 (Cambodia, Canada, Croatia, Cyprus, Germany, Greece, Iceland, Kiribati, Netherlands, North Macedonia, Philippines, South Sudan, Uzbekistan, Viet Nam, and Zambia) received their first recommendation on this topic from CRC. Chile had previously received recommendations from the Committee in 2015 on discrimination and the right to identity of LGBTI people (see Table 5).

Table 5. CRC country reviews, 2022

<table>
<thead>
<tr>
<th>State</th>
<th>SOGIESC in previous COs</th>
<th>LOI</th>
<th>Shadow reports mentioning SOGIESC</th>
<th>Stand-alone SOGIESC shadow reports</th>
<th>References to SOGIESC in COs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cambodia</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>LGBTI; LGBTI</td>
</tr>
<tr>
<td>Canada</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>LGBT; LGBT; I; SOGI</td>
</tr>
<tr>
<td>Chile</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>GI + LGBTI; I</td>
</tr>
<tr>
<td>Croatia</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>LGBTI; LGBTI; I; SOGI</td>
</tr>
<tr>
<td>Cuba</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Cyprus</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>I</td>
</tr>
<tr>
<td>Djibouti</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Germany</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>LGBTI; LGBTI</td>
</tr>
<tr>
<td>Greece</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>SOGI; same-sex; SOGI; I; same-sex</td>
</tr>
<tr>
<td>Iceland</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>LGBTI; LGBTI; I; LGBTI</td>
</tr>
<tr>
<td>Kiribati</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Kuwait</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Figure 28. Percentage of SOGIESC-inclusive Concluding Observations: CRC (2014-2022)
Out of the countries reviewed in 2022, **Cambodia, Chile, Croatia, Germany, Greece, Kiribati, Netherlands, North Macedonia, Viet Nam** and **Zambia** received SOGIESC questions in their Lists of Issues/Lists of Issues Prior to Reporting preceding the SOGIESC references in their Concluding Observations. **Canada, Cyprus, Iceland, Philippines, South Sudan, Ukraine**, and **Uzbekistan** received SOGIESC-inclusive references in their Concluding Observations in the absence of SOGIESC inclusive Lists of Issues/Lists of Issues Prior to Reporting. **Kuwait** received a SOGIESC question in its List of Issues regarding discrimination against LGBTI people in the access to health services and education, but CRC did not include any SOGIESC recommendation in the country’s Concluding Observations.

For the country reviewed held in 2022, CSOs from 22 States submitted 79 reports mentioning SOGIESC. Of these, 15 were States whose report was being reviewed with Concluding Observations following.\(^{147}\) For the remaining seven, CRC received submissions on its Pre-Sessional Working Groups for States receiving Concluding Observations in 2023.\(^{148}\)

Twenty-nine CSO reports were stand-alone LGBTI submissions, most of them on intersex issues and presented by Stop IGM individually or jointly with other organisations. Only six States did not receive stand-alone LGBTI reports. Almost all States that received stand-alone reports on intersex issues, also received recommendations in that regard.

**Cuba** was the only State that did not receive SOGIESC-inclusive Concluding Observations despite CSO reports being submitted on the country, and this can be explained by the minor type of references included in such submissions.

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\(^{147}\) Canada, Chile, Croatia, Cyprus, Germany, Greece, Iceland, Netherlands, North Macedonia, Philippines, Ukraine and Zambia.

\(^{148}\) Albania, Finland, Ireland, Mauritius, New Zealand, Sweden and Türkiye.
In 2022, the Committee showed unpresidential commitment towards including LGBTI issues in its work. Additionally, a significant number of CSO reports were submitted to the Committee which contributed to the inclusion of a high number of references in Concluding Observations, showing the CRC’s responsiveness to advocates’ information. Thus, LGBTI defenders are strongly encouraged to continue engaging with CRC by submitting shadow reports and through on-site advocacy.

Themes

In line with the questions and reviews made by the CRC years before, the majority of SOGIESC references made in 2022 addressed the issue of discrimination.149 This issue was incorporated by the Committee in a cross-cutting way, formulating questions and recommendations on:

- **Measures and policies** to combat discrimination against LGBTI children and adolescents;150
- **Anti-discrimination legislation** including SOGI as prohibited grounds for discrimination;151
- Discrimination against LGBTI children and adolescents in the access to education and healthcare;152
- Discrimination against LGBTI children and adolescents in the access to public services;153
- **Awareness-raising campaigns** and education for addressing the root causes of discrimination, and hate speech, against LGBTI children and adolescents;154
- **Data collection** to monitor and track the impact of measures to combat discrimination against LGBTI children and adolescents.155

In relation to education, the Committee also expressed concern about bullying and cyberbullying against LGBTI children, focusing on prevention, early detection and the implementation of intervention protocols.156 Additionally, in the Concluding Observations of Croatia, North Macedonia and Philippines, the Committee made recommendations to ensure that children and adolescents receive sexual and reproductive health education that includes SOGI issues.

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149 See Concluding Observations on Cambodia, Canada, Chile, Croatia, Germany, Iceland, Kiribati, Netherlands, North Macedonia, South Sudan, Philippines, Uzbekistan, Viet Nam, and Zambia. See Lists of Issues for Albania and Finland. See also List of Issues for Kuwait (2020).


152 See Concluding Observations on Canada, Chile, Germany, Philippines. See also Lists of Issues for Kuwait. See Lists of Issues Prior to Reporting for Croatia (2018) and Zambia (2020).

153 See Concluding Observations on Cambodia and Viet Nam.

154 See Concluding Observations on Croatia, Germany, Netherlands, Uzbekistan, and Zambia. See List of Issues for Finland.

155 See Concluding Observations on Canada, and Iceland.

156 See Concluding Observations on Cambodia, Greece, North Macedonia, and Viet Nam.
References to healthcare included recommendations to Iceland to provide specialised mental services that address the specific needs of LGBTI children, and to Chile to offer professional counselling to children considering gender change.

The issue of violence against LGBTI children and in relation to SOGI was addressed by the Committee on a number of States, mainly in relation to forced surgical/medical interventions against intersex children. In addition, the Committee recommended the Netherlands to develop initiatives to protect trans and gender-diverse children from all forms of violence. In the Concluding Observations of South Sudan, the Committee expressed concern at the underreporting of sexual violence against boys for the fear of being criminalised under the prohibition of same-sex sexual acts.

On one occasion, the Committee addressed the topic of LGBTI children in street situations. It recommended Viet Nam to collect data on the number of children in street situations and its causes, and the implementation of family reunification measures.

Finally, the rights of same-sex couples in relation to their children have also been covered by the Committee. Greece received recommendations to ensure access to Greek citizenship for children born to foreign same-sex couples and to facilitate the adoption procedures for same-sex couples.

Throughout the years, CRC has addressed a plethora of SOGIESC topics concerning both LGBTI children and children of LGBTI parents. The Committee is a key body for human rights defenders working with these communities, and they are encouraged to continue submitting their demands and detailed information about the specific challenges faced by LGBTI children and children of LGBTI parents in their countries.

Criminalization

In 2022, the Committee adopted Concluding Observations on six States that criminalise consensual same-sex acts (Kiribati, Kuwait, Somalia, South Sudan, Uzbekistan, and Zambia). The Committee urged decriminalisation only in the Concluding Observations of Kiribati. In the review of South Sudan, the Committee mentioned criminalisation of same-sex relations as a cause for the underreporting of sexual violence against boys but did not make any recommendations in that regard. In the review of Kuwait and Somalia, the Committee made no SOGIESC-inclusive recommendations.

No criminalisation provisions were referred to in Lists of Issues/Lists of Issues Prior to Reporting. In addition, no CSO reports referred to criminalisation.

Criminalisation of same-sex sexual acts is not a topic that CRC has addressed the most over the years. Indeed, for the Committee to consider it more broadly, it may be necessary that defenders submit specific and detailed information about the consequences of such criminalization on children and adolescents. Arbitrary arrests, ill-treatment, sexual exploitation, and discrimination in the access to healthcare and education are some of the consequences that criminalisation provisions may have.

157 See Concluding Observations on Chile, Croatia, Greece, Iceland, Netherlands, North Macedonia, South Sudan, and Zambia.
158 See Concluding Observations on Chile, Croatia, Iceland, Netherlands, North Macedonia, and Zambia.
However, LGBTI human rights defenders must be aware about potential pushbacks by States and other groups if a children’s rights perspective is introduced to address criminalisation of consensual same-sex sexual acts. Thus, a strategy that takes into account those potential difficulties should be designed to introduce this topic.

Gender Identity and Expression

In 2022, CRC made trans-inclusive references in 31 out of 44 (70%) SOGIESC-inclusive references in its Concluding Observations. Trans-specific references were included in three reviews (7%). The number of trans-inclusive references is the highest for the CRC since 2014 (see Figure 29). However, the percentage of such references is significantly lower than the average for the 2014-2021 period (81%), explained by the 2022’s record number of SOGIESC references. In addition, the percentage of trans-specific references remains within the average for the 2014-2021 period (5%) (see Figure 30).

Figure 29. GIGE references, CRC Concluding Observations (2014-2022)
In 2022, trans-specific recommendations were made to the Committee to Chile (to allocate sufficient resources to provide professional counselling to children considering gender change), and to the Netherlands (to implement initiatives to protect trans and gender-diverse children from violence, including physical and mental abuse, sexual exploitation and maltreatment). Indeed, both States that received trans-specific recommendations also received the most CSO submissions on trans issues.\textsuperscript{159}

A trans-specific reference was also included in the List of Issues for Finland. The Committee asked the State about the measures to ensure the rights of children to the recognition of their gender identity, ensuring the respect for their self-determination.

Under the right to identity recognised in the CRC, defenders can engage with the Committee to introduce gender identity issues. This may be useful to submit reports on the importance of children LGR, and access to health including providing consent for puberty blockers. Other rights enshrined in the Convention such as freedom of expression, right to privacy, and family in relation to trans children and children from gender-diverse parents can also be assessed by CSOs in their reports.

**Sex Characteristics**

In 2022, 57\% of CRC’s SOGIESC-inclusive references were also intersex-inclusive (25 out of 44). The number of references is the second highest for the CRC since 2014. However, in terms of percentage there has been a considerable decline in comparison to 2021 (84\%), and 2022 represents the lowest percentage of intersex-inclusive references in Concluding Observations since 2014, mainly explained by the high number of overall SOGIESC references (see Figure 31 and Figure 32).

\textsuperscript{159} See reports on Chile by Corporación Humanas and others, NGO Coalition, Red de ONG de Infancia y Juventud and Red de Sobrevivientes de Abuso en Entornos Institucionales de Chile. See reports on the Netherlands by Antillean Federation for Youth Care, Dutch NGO Coalition for Children’s Rights, Dutch NGO Coalition for Children’s Rights (first report), Dutch NGO Coalition for Children’s Rights (second report), Netherlands organisation for sex diversity (NNID) (first report) and Netherlands organisation for sex diversity (NNID) (second report).
At the same time, the Committee made the highest ever number of intersex-specific references since 2014, amounting to nine (20%). CRC made intersex-specific references in the Concluding Observations for Canada, Chile, Croatia, Cyprus, Greece, Iceland, Netherlands, North Macedonia, and Zambia. As in previous reviews, the Committee mainly addressed the issue of unnecessary medical or surgical treatment of intersex children, including the absolute prohibition of such practices without free and informed consent, the provision of medical and psychological support, and the reparations to children and their families.

The Committee also formulated intersex-specific references in the List of Issues on Finland. Questions formulated by the Committee concerned the prevention of surgical/medical interventions without consent, the enactment of legislation recognising intersex children’s right to self-determination, and the available data on cases of unnecessary medical or surgical treatments on intersex children.

Figure 31. Intersex references, CRC Concluding Observations (2014-2022)
Figure 32. Percentage of intersex-inclusive and intersex-specific references in CRC Concluding Observations (2014-2022)

Stand-alone reports on the situation of intersex children were submitted for 14 of the States that received Concluding Observations or will receive them in 2023 and received submission during the pre-sessional working groups (Canada, Chile, Croatia, Cyprus, Germany, Greece, Iceland, Ireland, Netherlands, New Zealand, Philippines, Sweden, Ukraine, and Zambia).

**Women**

Neither Concluding Observations nor Lists of Issues/Lists of Issues Prior to Reporting adopted in 2022 included specific references to LBTI women and girls. Additionally, none of the CSO reports submitted to the Committee contained such references.

The incorporation of a gender analysis and the assessment of the situation of girls is a common practice in the CRC practice. Thus, the specific needs of LBTI girls and adolescents, as well as individual identity groups, can be incorporated into shadow reports to obtain detailed recommendations that take into account the challenges they face. For instance, the right to receive information on health care for LBTI
Individual Communications

The Optional Protocol to the CRC on a communication procedure entered into force on 14 April 2014, and there are 48 countries that are a State Party to the protocol.

Article 2 of the protocol states that in all its considerations under the protocol, the Committee will be guided by the “best interests of the child”.

A Communication may be submitted on behalf of individuals or groups of individuals. Based on the consideration of communications, the Committee may adopt three types of decisions: violation; no violation; or communication being inadmissible.

Information and guidance on submitting Individual Communications to the Committee, and the process involved can be found here.

Overall, CRC made 29 decisions in 2022. In this period, no decision was made by the Committee involving SOGIESC issues. However, the CRC published a follow-up report on the first and only case of the CRC involving sexual orientation – the case A.B. v. Finland considered by the Committee in 2021. The case concerned the deportation of a Russian lesbian couple and their child to the Russian Federation, after an unsuccessful attempt to obtain a refugee status in Finland. The Committee found a violation of Articles 3, 19 and 22 of the CRC Convention by the State party, based on the failure of Finland to consider the best interests of the child in the assessment of the author’s asylum request on the ground of his mothers’ sexual orientation, aimed at protecting him against a real risk of irreparable harm by returning him to the Russian Federation. After examining the State’s submissions on the implementation of the decision, the Committee decided to maintain the follow-up dialogue open and requested a meeting to further discuss the implementation of its recommendations.

The first case involving sexual orientation decided by the Committee in 2021 confirms the Committee’s openness to form the case-law on SOGIESC. This can serve as a steppingstone for litigators and LGBTI advocacy groups to bring further cases to the attention of CRC. The variety of topics included by the Committee in Concluding Observations and General Comments can serve as a guide to lodge Individual Communications and as arguments to rely on.

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161 Article 5.

162 Article 7 – Admissibility.


One aspect important for strategic litigation is the length of the procedure. The Optional Protocol has been in force since 2014, and not many countries have ratified it so far, meaning that cases may move faster than in other Treaty Bodies or regional human rights systems.

General Comments

In 2022, CRC did not adopt any General Comments. However, in November 2022, the Committee issued a call for inputs for the Draft General Comment No. 26 on children’s rights and the environment with a special focus on climate change.165 Civil society can still contribute to the development of this document, as have already been done by some groups.166

Defenders are encouraged to participate in the drafting processes of General Comments by CRC, as their inputs may result in the incorporation of SOGIESC issues and the development of new and more progressive LGBTI rights standards. Indeed, CRC has often included SOGIESC references in previous General Comments.

Follow-up Procedure

Unlike most of the other Committees, 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 structure of CRC Concluding Observations includes one paragraph where the Committee identifies recommendations in respect of which urgent measures must be taken.

In 2022, CRC identified LGBTI recommendations for urgent measures in its Concluding Observations on Canada (Implementation of the National Inquiry into Missing and Murdered Indigenous Women and Girls with regards to the calls for justice for LGBTI people), Croatia (implementation of anti-discrimination legislation and awareness-raising and education campaigns to address the root causes of discrimination against LGBTI children), Greece (prevention, detection, and addressing of violence against children, including based on SOGI), Iceland (provision of mental health services to address the specific needs of LGBTI children), Netherlands (awareness-raising and education campaigns to address the root causes of discrimination against LGBTI children, and implementation of initiatives to protect trans and gender-diverse children from violence), and Viet Nam (combating public services disparities by LGBTI children, and violence against LGBTI children in schools through bullying and cyberbullying).

In addition, in 2022, CRC continued to recall its previous recommendations to States when calling for measures to end discrimination against LGBTI children.167

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166 See eg Submission from the Center for Reproductive Rights following the call for comments on the Draft general comment No. 26 on children’s rights and the environment with a special focus on climate change (21 February 2023). This and other inputs are available at https://www.ohchr.org/en/documents/general-comments-and-recommendations/draft-general-comment-no-26-childrens-rights-and/

167 See Concluding Observations on Cambodia, Germany, Viet Nam, and Zambia.
Even though CRC does not have a formal follow-up procedure in place, LGBTI human rights defenders are encouraged to identify and advocate for the inclusion of SOGIESC recommendations as urgent, for the Committee to include them in the ones that need immediate attention by the State. Moreover, LGBTI advocates engaging with the Committee may review the previous recommendations made to the State in order to address their implementation in their submissions and to promote a similar analysis by the Committee.
5. Committee against Torture

General information

In 2022, CAT returned to its level of activity before the COVID-19 pandemic, adopting Concluding Observations for 16 States. Of these, SOGIESC-inclusive Concluding Observations were adopted in six (El Salvador, Kenya, Malawi, Montenegro, Nicaragua, and Somalia). The number of SOGIESC-inclusive references totalled ten, the second highest for the CAT since 2014 (see Figure 33). The percentage of SOGIESC reviews (38%) shows a slight increase from 2019 (31%), the last period when the CAT worked in regular circumstances (see Figure 34). However, it remains lower than in 2015 (53%), 2016 (39%) and 2018 (44%).

![Figure 33. SOGIESC-inclusive Concluding Observations: CAT (2014-2022)]
In 2022, the Committee formulated SOGIESC-inclusive questions in its Lists of Issues Prior to Reporting for ten out of 16 States, equating to 62%. The total number of SOGIEC-inclusive references in the Committee’s questions was 18, with Latvia, Mexico, Poland, Togo, and the United Kingdom of Great Britain and Northern Ireland all receiving two or more references.

Five States (El Salvador, Kenya, Malawi, Nicaragua, and Somalia) received their first recommendations on SOGIESC from CAT in 2022. For Malawi and Somalia, this was the first ever country review by this Committee. Montenegro had previously received a recommendation from CAT in 2014. Regrettably, Iraq had previously received a SOGIESC recommendation from CAT in 2015, but did not receive any in its 2022 review (see Table 6).

<table>
<thead>
<tr>
<th>State</th>
<th>SOGIESC in previous COs</th>
<th>LOI</th>
<th>Shadow reports mentioning SOGIESC</th>
<th>Stand-alone SOGIESC shadow reports</th>
<th>References to SOGIESC in COs</th>
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</table>
Of the six States that received SOGIESC-inclusive references, five also previously received SOGIESC-related questions from the Committee in the Lists of Issue/Lists of Issues Prior to Reporting (Kenya, Malawi, Montenegro, Nicaragua, and Somalia).

In 2022, CAT received 37 CSO reports mentioning SOGIESC on 15 States. Ten States were being reviewed by the Committee with Concluding Observations following.\(^\text{168}\) Five States were receiving the Lists of Issues/Lists of Issues Prior to Reporting from the Committee.\(^\text{169}\) Three stand-alone reports were presented on Australia (two reports) and Kenya (one report). With the exception of Somalia, all States receiving SOGIESC recommendations, also received shadow reports by CSOs. At the same time, despite receiving CSO submissions, Australia, Cuba, Iraq, the State of Palestine, and Uganda did not receive any recommendation.

CAT has maintained a similar level of interest for SOGIESC issues over the years, including them in its documentation mainly when raised by CSOs and when included in Lists of Issues/Lists of Issues Prior to Reporting. In order to engage with the Committee and promote the inclusion of SOGIESC questions and recommendations, awareness-raising strategies and the submission of shadow reports containing specific information on the challenges faced by LGBTI communities are strongly encouraged.

Themes

As in previous years, CAT addressed a variety of topics affecting LGBTI people. Most of the references made by the Committee were related to violence, jointly addressed with discrimination, threats, harassment and hate crimes.\(^\text{170}\) In a general way, the Committee asked questions about measures or made recommendations to prevent and combat discrimination and violence against LGBTI people.\(^\text{171}\)

Specifically, the Committee addressed the issue of access to justice in cases of violence, referring to the need of investigating, prosecuting and punishing acts of violence against LGBTI people.\(^\text{172}\) In the Concluding Observations on Kenya, the Committee recommended the provision of access to justice and reparations for LGBTI victims of violence, and in Malawi’s, the CAT recommended that complaints mechanisms be ensured for such persons. In both cases, the Committee also recommended the repealing of provisions criminalising consensual same-sex sexual relations.

Additionally, the Committee made requests and recommendations on data collection on violence and hate crimes,\(^\text{173}\) including those committed by law enforcement officials.\(^\text{174}\) In the List of Issues Prior to Reporting on Poland, the CAT asked the State about measures in place to duly investigate and data on

\(^{168}\) Australia, Cuba, El Salvador, Iraq, Kenya, Malawi, Montenegro, Nicaragua, Palestine, and Uganda.

\(^{169}\) Ethiopia, Mexico, Poland, Togo, and Tunisia.

\(^{170}\) See Concluding Observations on Kenya, Malawi, Nicaragua, and Somalia. See Lists of Issues Prior to Reporting for Benin, Latvia, Mexico, Montenegro, Poland, and Togo. See also List of Issues on Iraq (2020) and List of Issues Prior to Reporting for Uruguay (2016).

\(^{171}\) See Concluding Observations on Kenya and Malawi. See Lists of Issues Prior to Reporting for Mexico, Montenegro, and Poland. See also List of Issues Prior to Reporting for Uruguay (2016).

\(^{172}\) See Concluding Observations on Kenya and Malawi. See List of Issues Prior to Reporting on Togo. See also List of Issues on Iraq (2020).

\(^{173}\) See Concluding Observations on Somalia. See Lists of Issues Prior to Reporting for Benin, Latvia, Mexico, Montenegro, Poland, and Togo.

\(^{174}\) See Lists of Issues for Latvia, Poland, and Togo.
ongoing investigations for situations of violence, intimidation, harassment and detention of LGBTI human rights defenders committed by law enforcement officials.

The Committee also quite widely addressed the situations of LGBTI people deprived of liberty. Most references were included in the form of questions about the existing protocols to address the specific needs of LGBTI people in detention facilities. In addition, in the Concluding Observations of El Salvador, the Committee recommended the improvement of medical and health care in detention facilities for LGBTI people, and the prevention and reduction of sexual violence and suicide of trans women. The Committee also expressed concern about sexual violence against trans women in male prisons in the Concluding Observations of Nicaragua.

Another issue addressed by the CAT includes training and awareness-raising for law enforcement officials. This was included in the Lists of Issues Prior to Reporting on Botswana, Poland, and the United Kingdom of Great Britain and Northern Ireland.

The protection of asylum-seekers was another concern for the Committee. In the Concluding Observations on Kenya, CAT expressed concern about reports of refoulement cases based on SOGI, recommending the strict enforcement of the non-refoulement principle in law and in practice. The Committee also highlighted the denial of registration and processing of petitions from LGBTI asylum-seekers in the Concluding Observations on Malawi.

Finally, the Committee recommended Poland to ensure protection for LGBTI people against involuntary “conversion therapy”.

Even if the number of SOGIESC references by CAT has not increased over the years, the Committee showed its openness to address a myriad of LGBTI issues including discrimination, violence, hate crimes, LGBTI people in detention, asylum-seekers, non-refoulement, human rights defenders, “conversion therapy”, awareness-raising, access to justice, forced medical interventions on intersex persons, and even criminalisation. Thus, LGBTI defenders working on such issues can engage with CAT, and promote a more detailed approach to each of those topics, highlighting the challenges faced by different LGBTI communities.

Criminalization

In 2022, the Committee adopted Concluding Observations on seven States that criminalizes consensual same-sex sexual relations (Chad, Kenya, Malawi, the State of Palestine (in relation to Gaza), Somalia, United Arab Emirates and Uganda). Yet, only Kenya, Malawi and Somalia received recommendations that were SOGIESC-inclusive, and just Kenya and Malawi were urged to repeal the sections of their Criminal Codes criminalising consensual same-sex sexual acts.

175 See Concluding Observations on El Salvador. See Lists of Issues Prior to Reporting for Cyprus, Greece, Latvia, Maldives, Mexico, Poland, South Africa, Togo and the United Kingdom of Great Britain and Northern Ireland. See also List of Issues on Nicaragua (2020).
CSO reports mentioning criminalisation specifically were submitted for Kenya (including one stand-alone report), Malawi, and Uganda.

Additionally, four criminalising States (Ethiopia, Maldives, Togo, and Tunisia) received their Lists of Issues/Lists of Issues Prior to Reporting in 2022, with only Maldives and Togo receiving SOGIESC-inclusive questions. However, none of them received specific criminalisation questions.

**CAT may play a significant role in addressing criminalisation of same-sex sexual acts and its impact on LGBTI communities. Defenders may submit reports and engage in in-person advocacy on topics related to both criminalising legislation itself and its practical consequences including forced invasive medical examinations, “corrective rape”, hate crimes and other forms of violence that not only go unpunished but are often State-sponsored.**

**Gender Identity and Gender Expression**

In 2022, CAT made trans references and/or references to gender identity in all ten SOGIESC-inclusive references in its Concluding Observations. This amounted to 100% of SOGIESC-inclusive references of the Committee, a percentage only achieved in 2017 (see Figure 35).

The ten trans-inclusive references of the Committee made in 2022 marks a record high for the CAT. Trans-specific references were made three times: in the Concluding Observations for El Salvador and Nicaragua, in relation to sexual violence against trans women in detention; and in the Concluding Observations on Malawi regarding a case where a trans woman was charged under article 153(c) of the

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176 See reports on Kenya by Independent Medico-Legal Unit, Kenyan Human Rights Commission (KHRC) and others, REDRESS and the National Gay & Lesbian Human Rights Commission (NGLHRC) and The Advocates for Human Rights and others.

177 See reports on Malawi by Malawi Centre for Human Rights Education, Advice and Assistance and others and REDRESS and the Centre for the Development of People.

178 See report on Uganda by The Advocates for Human Rights.
Penal Code (‘carnal knowledge’). The number of trans-specific references remains within the usual number of such references since 2014, but in terms of percentage (30%) it is similar to the percentages achieved during 2016-2019, before the COVID-19 pandemic (see Figure 36).

![Figure 36. Percentage of trans-inclusive and trans-specific references in CAT Concluding Observations (2014-2022)](chart)

No trans-specific references were included in the Lists of Issues/Lists of Issues Prior to Reporting in 2022.

Four CSO reports referring to trans issues were submitted for Australia (one on gender-based violence against gender diverse people with disabilities, and the other on the protection of transgender prisoners), \(^\text{179}\) Nicaragua (on gender-based violence against transgender women in detention) \(^\text{180}\) and Tunisia (specifically mentioning a transgender woman arrested for “indecency” and placed in a male prison). \(^\text{181}\) Regrettably, neither Australia nor Tunisia received SOGIESC questions in their Lists of Issues Prior to Reporting.

**Discrimination and violence against trans women, and the situations of trans women in detention are the two topics mainly addressed by CAT over the last years in relation to gender identity. Other issues including discrimination and violence in the access to health care, hate crimes against trans persons, conversion therapy, invasive gender affirming requirements for legal gender recognition, and criminalisation may be brought up by CSOs in their shadow reports to broaden the scope of trans-specific questions and recommendations made by the Committee.**

**Sex Characteristics**

In 2022, CAT made intersex-inclusive references in five out of ten SOGIESC-inclusive references in its Concluding Observations (50%). The number of such references made in 2022 is higher than 2019 but

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\(^{179}\) See reports on Australia by First Peoples Disability Network Australia and Human Rights Law Centre.

\(^{180}\) See report on Nicaragua by CEJIL and others.

\(^{181}\) See report on Tunisia by The Advocates for Human Rights & Mobilising for Rights Associates.
slightly lower than 2018 and far from the record achieved in 2015 (see Figure 37). In terms of percentage, it remains similar to 2019 and also lower than in 2018 and 2015 (see Figure 38).

Only one intersex-specific reference was made in 2022 in the Concluding Observations on Kenya, where the Committee recommended the implementation of measures to end surgical interventions on intersex children without their full, free and informed consent. Even though CAT has never made a lot of intersex-specific recommendations, in 2015 there were four such references, and two in 2019 (see Figure 37).

No intersex-specific references were incorporated in the Lists of Issues/Lists of Issues Prior to Reporting of 2022.
Two stand-alone reports on intersex issues were submitted to the Committee on Australia. Regrettably, no intersex references were included in the State’s Concluding Observations.

Intersex-specific issues have not been widely addressed by the Committee, even though it has made some recommendations in previous years. Intersex advocates may engage in the work of the CAT and push for more recommendations and questions by submitting reports that include topics such as forced medical interventions, hate crimes, and detention of intersex persons, indicating the specific challenges these communities face.

Women

In 2022, CAT made two specific references to trans women in the Concluding Observations of El Salvador and Nicaragua. In the first case, the Committee made a recommendation to take measures to prevent and reduce violence in prisons, including suicide and sexual violence against trans women, and to investigate and punish those responsible. In the latter, CAT expressed concern about reports on sexual assault and violence against trans women incarcerated in male prisons. No references were made to lesbian, bisexual or intersex women.

No references to LBTI women were made in the Lists of Issues/Lists of Issues Prior to Reporting of 2022.

Two CSO reports on Nicaragua about gender-based violence against transgender women in detention were submitted to the Committee, resulting in the recommendation indicated above.

The Committee may address a variety of topics affecting specifically LBTI women such as “corrective rape”, crimes in the name of “honour”, violence against trans women and even forced marriages. However, only few references to LBTI women have been incorporated in the Committee’s documentation over the years. Thus, defenders are encouraged to submit reports highlighting the experiences of LBTI women, the specific challenges they face, and the importance of incorporating an intersectional approach. On-site advocacy can also be crucial to this aim.

Individual Communications

Under Article 22 of the CAT Convention, a State party can recognise the competence of the Committee to consider Individual Communications from or on behalf of individuals who have been subjected to a violation under the CAT Convention.

Defenders can see if their country has ratified the Optional Protocol here. Information and guidance on submitting Individual Communications to the committee, and the process involved can be found here.

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182 See reports on Australia by Intersex Human Rights Australia and Organisation Intersex International Australia Limited.

183 See report on Nicaragua by CEJIL and others.
Overall, CAT made 55 decisions in 2022 on 18 States. However, none of them referenced SOGIESC topics.

Non-refoulment of LGBT asylum seekers/refugees is almost the only topic that CAT addressed over the last years in SOGIESC-related Individual Communications. Nevertheless, the different topics included in Concluding Observations, such as hate crimes or ill-treatment against LGBTI people in detention, can be used by defenders to bring other cases to the consideration of the Committee.

General Comments

CAT did not issue any General Comments in 2022.

Since 2018, CAT has not adopted any General Comments or made a call for inputs for a new one. Considering the different SOGIESC topics addressed by the Committee in country reviews, any upcoming call for a new General Comment may be a great opportunity for SOGIESC human rights defenders to submit information that may foster new and more progressive standards for LGBTI communities.

Follow-up Procedure

In 2022, CAT did not select any SOGI-inclusive recommendation for its follow-up procedure.

Even if the selection of SOGIESC recommendations by the CAT has not been consistent over the last years, defenders are encouraged to continue requesting the Committee to include them in its follow-up procedure. For more information on CAT’s follow-up procedure see here.

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184 Australia, Austria, Azerbaijan, Burundi, Cameroon, Canada, Cyprus, Finland, France, Ireland, Mexico, Morocco, Netherlands, New Zealand, Peru, Russian Federation, Sweden, and Switzerland.
6. Committee on the Rights of Persons with Disabilities

General information

In 2022, CRPD returned to its regular level of activity before the COVID-19 pandemic. It adopted Concluding Observations on 14 States, including SOGIESC references in ten of them (71%). This shows a substantial increase from previous years, and a record high in both the number of SOGIESC Concluding Observations and the percentage of them (See Figure 39 and Figure 40). The number of SOGIESC references was 20, also a record high that surpassed the highest number achieved in 2019 (15).

![Figure 39. SOGIESC-inclusive Concluding Observations: CRPD (2014-2022)](image-url)

![Figure 40. Percentage of SOGIESC Concluding Observations: CRPD (2014-2022)](image-url)
CRPD also adopted SOGIESC-inclusive questions in the Lists of Issues/Lists of Issues Prior to Reporting for 4 out of 13 States, equating to 31%. The total number of SOGIESC-inclusive references in the Committee’s questions was six with two for the Netherlands and two for the European Union.

In 2022 CRPD adopted the first ever Concluding Observations on Bangladesh, Indonesia, Jamaica, Japan, Laos, Switzerland, and Singapore – which, with the exception of Bangladesh, also received their first SOGIESC recommendations from the Committee, China, Hungary, New Zealand, and the Republic of Korea also received their first recommendations on SOGIESC from CRPD (see Table 7).

Table 7. CRPD country reviews, 2022

<table>
<thead>
<tr>
<th>State</th>
<th>SOGIESC in previous COs</th>
<th>LOI</th>
<th>Shadow reports mentioning SOGIESC</th>
<th>Stand-alone SOGIESC shadow reports</th>
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New Zealand and Switzerland were the only countries reviewed in 2022 that have received SOGIESC-inclusive references in their Lists of Issues/Lists of Issues Prior to Reporting. Regrettably, Hong Kong (China) received SOGIESC-inclusive references in its List of Issues adopted in 2020 but did not receive any reference in its Concluding Observations in 2022.
With the exception of Jamaica, Laos, and Macau (China), CSO reports were submitted on all the States under review. In total, 23 reports from 12 different States under review were submitted to CRPD. This includes three stand-alone reports, on Switzerland (two shadow reports) and on New Zealand (one shadow report). Regarding Lists of Issues, reports were submitted for the European Union, the Netherlands, and Tuvalu, with the first two receiving SOGIESC questions as a result.

**Themes**

In 2022, the main SOGIESC theme addressed by the Committee was data collection on the situation of persons with disabilities disaggregated by sexual orientation and gender identity. For example, the Committee asked Ghana about data on cases of exploitation, violence and abuse disaggregated by sexual orientation. The CRPD also recommended New Zealand to collect data on non-urgent medical intervention on intersex children.

The other main theme addressed by the CRPD, as in previous years, was intersectional discrimination. In all cases, the Committee focused on making recommendations about the need to recognize and prohibit the multiple and intersectional forms of discrimination, including against LGBTI persons with disabilities, particularly through adopting or reviewing anti-discrimination legislation and other measures to combat such discrimination.

The Committee also focused on the participation of persons with disabilities in decision-making processes through representative organisations, including through LGBTI organisations. CRPD also highlighted the importance of independence from public authorities in consultation and participation processes.

In the Concluding Observations on Venezuela, the Committee recommended that counselling services for people with disabilities include topics such as personal relations, marriage and sexual orientation.

Finally, CRPD asked questions and made some recommendations on forced surgical/medical interventions on intersex children and persons without their free, prior and informed consent, which will be further addressed in the Sex Characteristics section of this chapter.

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185 See Concluding Observations on China, Indonesia, Jamaica, Japan, New Zealand, Republic of Korea and Singapore. See Lists of Issues for Ghana, Netherlands, and Viet Nam. See also List of Issues for Switzerland (2019).


187 See Concluding Observations on Hungary, Japan, Republic of Korea, and Switzerland.

188 See Concluding Observations on New Zealand and Switzerland. See List of Issues for the Netherlands. See also List of Issues for Hong Kong (China) (2020).
CRPD’s openness to address LGBTI issues serves as an opportunity for defenders to engage even more with this Committee. Even if it has made some progress, the submission of more specific reports can result in more detailed recommendations on different topics, including the impact of intersectional discrimination on LGBTI people with disabilities. However, the inclusion of LGBTI people with disabilities in building shadow reports to the Committee is crucial for SOGIESC advocacy involving CRPD.

Criminalization

In 2022, four States criminalising same-sex sexual acts received Concluding Observations from CRPD (Bangladesh, Indonesia, Jamaica, and the Republic of Korea). In none of them, the Committee made references to the criminalising legislation.

Additionally, five criminalising States (Afghanistan, Ghana, Maldives, Tuvalu, and the United Arab Emirates) received Lists of Issues/Lists of Issues Prior to Reporting. Similarly, none of them received SOGIESC references.

There were no CSO submissions regarding criminalization to the Committee, which is consistent with the lack of the Committee's attention to the topic.

The issue of criminalisation was not addressed by the CRPD yet. Nevertheless, its increasing attention to SOGIESC issues may be an opportunity to submit reports highlighting the effects of criminalization on LGBTI people with disabilities, specifically on mental health and psychosocial disability, or the impact of intersectional discrimination in criminalising States.

Gender Identity and Gender Expression

In 2022, CRPD made 15 trans-inclusive references in nine out of ten SOGIESC-inclusive Concluding Observations (China, Hungary, Indonesia, Jamaica, Japan, Laos, New Zealand, Republic of Korea, and Switzerland). This marks a record high of trans-inclusive references in the Concluding Observations for CRPD, which may be explained by the increase in the number of overall SOGIESC references (see Figure 41). The Committee made only one trans-specific reference in the Concluding Observations on Hungary. In terms of percentage, 75% of the Committee's SOGIESC references were trans-inclusive, and 5% were trans-specific, remaining within the percentage of such references in previous years (see Figure 42).

189 The Indonesian Penal Code does not have provisions outlawing same-sex sexual relations. However, several jurisdictions in Indonesia do criminalise consensual same-sex sexual acts between adults.

190 The Criminal Act does not contain provisions criminalising consensual same-sex sexual acts between adults. However, Article 92(6) of the Military Criminal Act (1962) criminalises "indecent act(s)", provisioning that "a person who commits anal intercourse with any person prescribed in Article 1 (1) through (3) ["military person"] or any other indecent act shall be punished by imprisonment with labour for not more than two years".

94
The only stand-alone trans reference included in the Concluding Observations on Hungary was related to the participation of persons with disabilities in public decision-making processes. Specifically, CRPD mentioned the need to ensure the participation of the full range of organisations of persons with disabilities, including those of gender diverse persons.

In 2022, four trans-inclusive references were made in the Lists of Issues/Lists of Issues Prior to Reporting for the European Union, Netherlands, and Viet Nam. One stand-alone trans reference was also included in the List of Issues for the Netherlands. The Committee requested information on the efforts made to increase data collection in relation to persons with disabilities, including its disaggregation by gender identity.
Two CSO reports specifically referencing GIGE were submitted for China and Mexico. The first one referred to "non-binary women with disabilities",¹⁹¹ and the second – to asexual and gender non-conforming persons.¹⁹²

**LGBTI human right defenders are encouraged to submit reports on the intersection between GIGE and disability to foster the inclusion of trans-specific references and recommendations by the Committee. Issues such as depathologization and the prevention of forced sterilisation can be brought up before the CRPD by trans advocates.**

### Sex Characteristics

In 2022, the Committee made eleven intersex-inclusive references out of its 21 SOGIESC-inclusive references in Concluding Observations (48%). Of these, four were intersex-specific references (see Figure 43). In terms of the absolute number of intersex-specific references, it is equal to the record achieved in 2019. The percentage of intersex references in 2022 was within the average for 2014-2022 (see Figure 44).

![Figure 43. Intersex references, CRPD Concluding Observations (2014-2022)](image)

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¹⁹¹ See report on China by [Canyu](#).

¹⁹² See report on Mexico by [Mexicanas con Discapacidad](#).
In the Concluding Observations on Hungary and the Republic of Korea, CRPD recommended the States to strengthen the participation of persons with disabilities in decision-making processes through the whole range of organisations, including those of intersex persons with disabilities. In the Concluding Observations of New Zealand and Switzerland, the Committee made recommendations regarding forced surgical/medical interventions, including sterilisations, on intersex children. The Committee recommended both States to adopt legislation to explicitly prohibit any such practices. Specifically, the Committee recommended New Zealand to implement health protocols for intersex children, and to collect data on medical interventions on intersex children. Switzerland was recommended to provide remedies, counselling, health care and psychosocial support for persons who were subjected to intersex genital mutilation.

Moreover, in 2022, one intersex-specific question was included in the Committee’s List of Issues for the Netherlands. CRPD asked the State about measures to ensure that irreversible treatments or interventions on people with disabilities, and specifically on intersex persons, are not carried out without their free and informed consent.

Three CSO submissions on intersex issues were made through stand-alone reports for New Zealand (one report) and Switzerland (two reports). The report from New Zealand referred to policy developments discrimination and healthcare, whereas the ones from Switzerland referred specifically to intersex genital mutilation.194

[CRPD coverage of intersex issues has been consistent over the last years, addressing mostly forced medical interventions, but also other topics. Advocacy through this Committee is encouraged, and defenders’ demands can be grounded in references made by other Treaty Bodies, which can aid the Committee in adopting a higher number and more diverse recommendations on intersex topics. In all cases, advocates should build their reports based on previous consultations with organisations of intersex persons.]

193 See report on New Zealand by NNID Foundation.
194 See report on Switzerland by Stop IGM and StopIGM.org / Zwischengeschlecht.org, Intersex.ch and Verein SI Selbsthilfe Intersexualität.
Women

As in previous years, CPRD did not issue any references in its Concluding Observations nor Lists of Issues/Lists of Issues Prior to Reporting specific to LBTI women in 2022. Similarly, civil society did not provide any relevant information on LBTI women.

Reports on the intersectionality between gender, SOGIESC and disability must contain detailed analyses and in-depth data, in order for CRPD to consider such issues. Indeed, advocates may rely on Article 6 of CPRD that enshrines a gender sensitive approach, as well as General comment No. 3 on Article 6 – women and girls with disabilities¹⁹⁵ that has explicit references to SOGI, LBT women and intersex persons.

Individual Communications

The Optional Protocol to CRPD entered into force on 3 May 2008,¹⁹⁶ and there are 100 countries that are State Parties to the protocol.¹⁹⁷ A Communication to CRPD may be submitted by or on behalf of individuals or groups of individuals against a State party to the CRPD Convention.¹⁹⁸

Information and guidance on submitting Individual Communications to CRPD, and the process involved can be found here.

In 2022, CRPD considered nine Individual Communications, none of which made reference to SOGIESC – the same situation as in previous years.

Presenting an Individual Communication on SOGIESC issues for the first time before a Committee can be challenging. However, CRPD has already discussed and made recommendations on some topics relevant for LGBTI populations, and it has shown openness to discuss other themes. If LGBTI advocates consider bringing individual cases before CRPD, topics with a high chance of being recognised by the Committee may include: the impacts of criminalization of same-sex sexual acts on LGBTI persons with disabilities; discrimination and violence against LGBTI persons with disabilities; depathologization of GIGE; and protecting intersex children from irreversible and unnecessary medical surgery and treatment.

¹⁹⁷ Defenders can see whether their State has ratified here: https://indicators.ohchr.org.
¹⁹⁸ Article 2.
General Comments

In 2022, the CRPD adopted General Recommendation No. 8 (2022) on the right of persons with disabilities to work and employment. In this document, the Committee highlighted that persons with disabilities are often disproportionately affected by multiple and intersectional discrimination, including based on SOGI.

CRPD has consistently included SOGIESC issues in its General Comments. Defenders working on the intersections between SOGIESC and disability are strongly encouraged to provide input to any new General Comments. For example, currently the Committee is developing a new General Comment on persons with disabilities in situations of risk and humanitarian emergencies.

Follow-up Procedure

In 2022, CRPD selected one SOGIESC recommendation for its follow-up procedure. In the Concluding Observations of Hungary, the State was called on to take urgent measures on participation of people with disabilities through representative organisations, including through those of gender diverse and intersex people with disabilities.

No previous SOGIESC recommendations have been reviewed by the committee in 2022 under the follow-up procedure.

LGBTI human rights defenders may consider advocating for the inclusion of more SOGIESC recommendations in the Committee’s follow-up reviews. In such cases, if the recommendation is selected, it is crucial to provide information on the level of implementation of the recommendation.

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199 CRPD/C/GC/8.
200 Ibid, para. 22.
7. Committee on the Elimination of Racial Discrimination

General information

In 2022, the Committee saw a return to its regular level of activity before the COVID-19 pandemic. CERD made SOGIESC-inclusive references in its Concluding Observations in three out of 17 States reviewed (Brazil, Kazakhstan, and the United States of America). This amounted to 18% of SOGIESC-inclusive Concluding Observations – the second highest percentage during the Committee's history, with 38% achieved in 2021 (but the absolute number of SOGIESC-inclusive Concluding Observations was the same) (see Figure 45 and Figure 46).

The number of SOGIESC-inclusive references made by the Committee was eight, a record high from previous years (see Figure 45), which is mainly based on Brazil receiving five references in one set of the Concluding Observations.

![Figure 45. SOGIESC-inclusive Concluding Observations: CERD (2014-2022)](image)

![Figure 46. Percentage of SOGIESC-inclusive Concluding Observations: CERD (2014-2022)](image)
In 2022, CERD did not formulate any List of Issues Prior to Reporting.

The three States with SOGIESC recommendations from the Committee adopted in 2022 received them for the first time (see Table 8).

**Table 8. CERD country reviews, 2022**

<table>
<thead>
<tr>
<th>State</th>
<th>SOGIESC in previous COs</th>
<th>LOI</th>
<th>Shadow reports mentioning SOGIESC</th>
<th>Stand-alone SOGIESC shadow reports</th>
<th>References to SOGIESC in COs</th>
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For the States that received SOGIESC-inclusive references in their Concluding Observations, two (Brazil and the United States of America) received SOGIESC-inclusive questions from the Committee in the Lists of Themes.
In 2022, CERD received 43 CSO reports mentioning SOGIESC on five States. Shadow reports were submitted for the country reviews of Brazil (seven reports), Cameroon (one report), France (one report), Kazakhstan (two reports) and the United States of America (thirty-two reports). Brazil received one stand-alone shadow report on SOGIESC. Neither France nor Cameroon received SOGIESC references in their Concluding Observations.

In 2022, CERD made SOGIESC recommendations for most countries that received CSO reports addressing specific LGBTI issues in conjunction with racial discrimination. Therefore, advocates are strongly encouraged to continue engaging with CERD and to provide information on the link between SOGIESC issues and racial discrimination. CSOs may want to submit specific reports and collaborate with a broader civil society to prepare coalitional submissions that include chapters devoted to LGBTI issues in the context of racial discrimination. Illustrating that specific connection is crucial for influencing CERD’s recommendations.

Themes

Each of the three SOGIESC-inclusive Concluding Observations adopted by CERD in 2022 included recommendations on different themes. In the review of Brazil, CERD made a wide variety of recommendations. First, it recommended the State to assess its mechanisms for collecting data, focusing on the data collection on people facing intersectional forms of discrimination, including LGBTQI+ persons. The Committee also expressed concern at the high levels of violence against LGBTQI+ persons, including reports of obstetric violence and political violence faced by LGBTQI+ women. Hence, the Committee recommended the State to implement training programs for healthcare professionals. Finally, the Committee expressed concern and recommended Brazil to end racial profiling, including against LGBTQI+ persons.

In the Concluding Observations on Kazakhstan, the Committee recommended the State to legislate and implement policies to combat all forms of racial discrimination intersecting with discrimination based on other grounds, such as sexual orientation.

Furthermore, the Committee expressed concern on the high levels of homelessness among certain minorities, including LGBT people, in the United States of America. Additionally, it expressed concern on discrimination in the access to housing, and specifically the intersection between racial discrimination and discrimination based on gender identity. It recommended the State to investigate, punish and repair situations of discrimination in housing, and abolish laws and policies that criminalise homelessness.

CERD is slowly broadening the scope of LGBTI issues included in its recommendations. Yet, there are others SOGIESC-related topics that defenders can raise with CERD, including:

- Discrimination in employment and education;
- Barriers faced by specific communities, including, for example, LGBTI asylum seekers/refugees, migrant trans sex workers, LBTI women of colour, and gender diverse persons from indigenous communities;
- Awareness-raising efforts on multiple and intersecting forms of discrimination;
- Efforts to raise public awareness about LGBTI issues and racial discrimination;
- The inclusion of a racial dimension intro programmes aimed at promoting tolerance towards LGBTI persons.
Even though CERD has not issued many recommendations on SOGIESC, LGBTI defenders can rely on recommendations and statements made by other Treaty Bodies and international mechanisms, such as the UN Special Procedures, to strengthen their submissions.

“Racial discrimination” as defined by the ICERD is broad, and explicitly covers five grounds of discrimination: race, colour, descent (including social stratification, such as caste and analogous systems of inherited status), nationality and ethnic origin. The interpretation of the ICERD by the Committee includes groups such as indigenous people, stateless people and non-citizens in this definition. While religion is not included in the grounds for discrimination set out in the ICERD, advocates can apply to the Committee if they are able to draw a clear line between ethnic/national origin and religion.

**Criminalization**

In 2022, CERD reviewed three States criminalizing same-sex sexual acts (Cameroon, Jamaica, and Zimbabwe). Regrettably, no SOGIESC-inclusive references were made for these States, and there was no mention of criminalization in the Concluding Observations.

In order to receive references to criminalization from CERD, it is important to provide the Committee with specific information and data on how criminalising provisions are used to target LGBTI people of colour or other racialized LGBTI persons. Issues that can be raised with the Committee include, for example, racial profiling when people are charged with illegal same-sex activities, the use of criminalising provisions to blackmail gay men from ethnic minorities, or the deportation of individuals resulting from being charged under criminalising provisions. In addition, the problem of criminalization can be presented to the Committee through the lens of colonisation and the colonial roots of the criminalising laws.

**Gender Identity and Gender Expression**

In 2022, CERD made trans references and/or references to gender identity in seven out of eight SOGIESC-inclusive references in its Concluding Observations (Brazil and the United States of America). The number of trans-inclusive references is the highest ever. Also, for the first time, the CERD has included one specific reference to gender identity in the Concluding Observations of the United States of America (see Figure 47).
The only trans-specific reference included in the Concluding Observations of the United States of America referred to discrimination in the access to housing, and the intersection between discrimination on the grounds of race, colour, national or ethnic origin and gender identity.

Six CSO submissions that included trans-specific references were only made for the United States of America, and included topics of sexual and reproductive health and rights, gender-diverse indigenous people, transgender people in detention, and discrimination against gender minorities in the justice and education systems.

Gender identity and race/ethnicity intersect frequently to seriously affect gender non-conforming identities. LGBTI human rights defenders can address this issue through CERD. CSO reports can make references to topics such as legal gender recognition for trans migrants and refugees; culturally sensitive and accessible (including from the perspective of language) trans-specific healthcare; intersectional discrimination in the access to housing, education, and work; the disproportionate level of violence and criminalization against trans people of colour; and, the lack of recognition for indigenous/ancestry/cultural gender identities.

Sex Characteristics

In 2021, CERD made intersex-inclusive references in five out of eight SOGIESC-inclusive references in its Concluding Observations, all in relation to Brazil. Despite the fact that all intersex-inclusive references were included in the report of only one State, it is still the highest number for CERD since 2014 (see Figure 48). As in other years, there were no intersex-specific references made by the Committee.

Intersex advocates are encouraged to emphasise the intersection between sex characteristics and race/ethnicity in order for CERD to start addressing this topic specifically. This can include, for example, information on how colonial binary understandings of biological sex impact intersex people, or barriers faced by intersex people in access to intersex-specific health care.
Women

In 2022, and for the first time, CERD included two stand-alone SOGIESC references to women in the Concluding Observations on Brazil. The Committee expressed concern and made recommendations to counter violent obstetric practices against LGBTQ+ women, and hate speech, harassment, and violence against LGBTQ+ women seeking or holding political office.

Three CSO submissions, two for Brazil and one for the United States of America referred to trans women specifically.

Topics affecting LBTI women of colour such as the disproportionate level of violence against trans migrant women; lesbian, bisexual and trans women of colour; the situation for migrant trans sex workers and the colonising definitions of gender, sexuality and race can be raised by LBTI human rights defenders through submissions to the Committee.

Individual Communications

Under Article 14 of ICERD, a State can recognise the competence of the Committee to consider Individual Communications from or on behalf of individuals who have been subjected to a violation under the ICERD. Defenders can find if their country has accepted the Individual Communications procedure here.

Information and guidance on submitting Individual Communications and the process can be found here.

There were four decisions on Individual Communications made by CERD in 2022. Even though none of them concerned SOGIESC issues, in the case of Yaku Sacha Pérez Guartambel v. Ecuador, the State in its submission highlighted that its Constitution prohibits all forms of discrimination, including on the grounds of sexual orientation and gender identity.

While there have been no decisions on SOGIESC adopted by CERD so far, at least one case is pending before the Committee. In the case against Norway, petitioners are challenging the Norwegian State’s failure to ensure that their domestic law adequately protects individuals who face intersecting vectors of oppression, including on the basis of their ethnicity, gender identity and sexual orientation and are, because of their identity, consistently the target of far-right extremist organisations and their ideology.

Individual cases concerning ill-treatment and discrimination by law enforcement of LGBTI people of colour; homophobic, lesbophobic, biphobic and transphobic behaviour of immigration officers in asylum/refugee detention centres; and, failure to prevent, investigate and prosecute violence against migrant trans sex workers can be brought to the attention of the Committee in Individual Communications. Such cases could foster a deeper understanding of SOGIESC issues by the Committee.

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202 Communication No. 77/2021. Information provided by the Transnational Accountability & Justice Initiative (TAJI).
and positively affect its interventions on Lists of Themes, Concluding Observations, Follow-Up Procedures, and General Comments.

General Comments

In 2022, CERD did not adopt any General Recommendations.

CERD adopted its first General Comment including SOGIESC in 2020. LGBTI advocates can continue to contribute to General Comments to ensure the inclusion of SOGIESC topics. One of such opportunities relates to the draft General Recommendation No. 37 on racial discrimination and the right to health.

Follow-up Procedure

In 2022, as in previous years, the Committee did not select any SOGIESC recommendations for its follow-up procedure.

However, and for the first time, two SOGIESC recommendations were selected by CERD as “recommendations of particular importance” implementation of which should be explained in detail in the State’s next periodic report. Both recommendations were included in the Concluding Observations on Brazil. In these recommendations, the Committee drew the attention to the implementation of anti-racism and human-rights based training to healthcare professionals providing sexual and reproductive health care to LGBTQI+ women, and to actions to prevent and combat violence against LGBTQI+ women seeking or holding political office.

In 2022, the Committee has shown its willingness to include SOGIESC issues in its “recommendations of particular importance”, even though not yet follow-up procedure. Defenders are encouraged to highlight to the Committee recommendations to consider for the follow-up procedure as well as for the list of “recommendations of particular importance”, as it provides additional opportunities for the work done by LGBTI defenders on the ground, and suggests more scrutiny in relation to the assessment of implementation of the Committee’s recommendations by State parties. For more information on CERD’s follow-up procedure see here.
8. Committee on Migrant Workers

General information

CMW returned in 2022 to its regular level of activity before the COVID-19 pandemic, with six States receiving Concluding Observations (Bolivia, Burkina Faso, Cabo Verde, Paraguay, Syrian Arab Republic, and Venezuela). Regrettably, the Committee did not make any SOGIESC-inclusive reference in them (see Table 9). In regular circumstances, the complete absence of references was seen in 2015 and 2018 (see Figure 49). However, references to SOGI were included in 2022 in three out of four Lists of Issues Prior to Reporting adopted by CMW (Kyrgyzstan, Peru, and Türkiye).

![Figure 49. SOGIESC-inclusive Concluding Observations: CMW (2014-2022)](image)

<table>
<thead>
<tr>
<th>State</th>
<th>SOGIESC in previous COs</th>
<th>LOI</th>
<th>Shadow reports mentioning SOGIESC</th>
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</table>

Seven CSO reports containing SOGIESC references were submitted to CWM for four States under review in 2022. This includes two States that received the Committee’s Concluding Observations in 2022.
(Cabo Verde and Venezuela), and two states with Lists of Issues Prior to Reporting (Peru and Türkiye). None of those reports, however, were devoted exclusively to SOGIESC problematics, but rather included LGBTI issues only in passing.

SOGIESC references were not included in the Committee’s reviews for a second consecutive year. Yet, even the recommendations adopted before were neither specific nor in-depth. To change this trend, the submission of detailed CSO reports becomes of utmost importance.

Themes

In 2022, there were no Concluding Observations by CMW that included SOGIESC references. However, in the Lists of Issues Prior to Reporting, three States received SOGIESC-inclusive questions. These were all related to anti-discrimination legislation, and States were asked to indicate whether national legislation ensured that all migrant workers and their family members enjoyed rights under the ICMW without discrimination based on, amongst others, SOGI.203

LGBTI labour migrants face particular challenges across the globe. Hence, advocates are strongly encouraged to highlight such situations before the Committee. The intersectionality between SOGIESC and migration may hinder the access to employment, housing, healthcare, and access justice. Disaggregated data on LGBTI migrants is also lacking in many States.

When submitting their reports, defenders should consider the language limitations of the ICMW. For example, family204 is narrowly defined in the treaty, and strict requirements are established to be granted access to health care.205 Such language may be an obstacle for the development of standards on LGBTI families, or access to health care for LGBTI people, in particular trans and intersex persons.

Criminalization

In 2022, one criminalising State party, Syrian Arab Republic, received Concluding Observations from the Committee. Additionally, one criminalising State, Senegal, received the List of Issues Prior to Reporting from the Committee. For none of them the Committee formulated SOGIESC-inclusive questions or recommendations.

Specific issues related to the effect of criminalisation on LGBTI labour migrants can be brought by defenders before the Committee, including how criminalising provisions impedes their access to employment. Additionally, criminalising provisions may be the cause for LGBTI labour migrants and their families to leave their home country.

203 See List of Issues Prior to Reporting on Kyrgyzstan, Peru and Türkiye.
204 Article 4.
205 Article 28.
Gender Identity and Gender Expression/Sex Characteristics

There were no Concluding Observations adopted by CMW in 2022 that included SOGIESC references, much less trans-inclusive or trans-specific references (see Figure 50). All the three SOGIESC-inclusive Lists of Issues Prior to Reporting included references to gender identity, though no trans-specific references were adopted.

![Figure 50. GIGE references, CMW Concluding Observations (2014-2022)](image)

There were also no intersex-inclusive nor intersex-specific references in either Concluding Observations or Lists of Issues Prior to Reporting adopted by CMW in 2022 (see Figure 51).

![Figure 51. Intersex references, CMW Concluding Observations (2014-2022)](image)

It should be noted that one CSO report for Venezuela included a reference to transgender people in the context of human trafficking, recommending the State to include transgender people in its standards,
policies and practices against human trafficking.\textsuperscript{206} This, however, did not transform into relevant references from the Committee.

\textbf{2022 is the second consecutive year without SOGIESC references from CMW, and therefore without trans or intersex references as well. Further engagement by defenders may help to revert this situation. Issues specifically faced by trans populations may be raised such as the disproportionate level of violence faced by trans domestic workers, discrimination in employment, healthcare and problems related to documentation.}

\textit{Intersex advocates may submit reports on documentation problems, discrimination in accessing healthcare for intersex migrant workers, and the existence of harmful practices that force intersex persons to leave their home country.}

**Women**

As in previous years, CMW did not make any references specific to LBTI women in 2022, including in the Lists of Issues/Lists of Issues Prior to Reporting.

\textbf{The incorporation of a gender sensitive approach is frequent in the work of the CMW and other Committees. Gender-based violence, gender-sensitive healthcare, and gender-sensitive programmes are some of the topics that CMW usually includes in its work. Based on this practice, advocates may be willing to raise issues before the Committee with a specific impact on LBTI women, such as intersectional discrimination.}

**Individual Communications**

\textbf{Under Article 77 of the ICMW, the Committee has the competence to receive and consider Individual Communications on alleged violations of the ICMW by States parties, provided they have made the necessary declaration under this article. However, the Individual Complaint mechanism will only come into force once ten States parties have made such a declaration. Currently, only seven countries, namely Chad, Ecuador, El Salvador, Guatemala, Mexico, Türkiye, and Uruguay have recognised the competence of CMW under Article 77 of the ICMW. Updated information on declarations can be found here.}

**General Comments**

In 2022, CMW did not adopt any General Comment. However, it did call for inputs for the Draft General Comment No. 6 on the Convergence between the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the Global Compact for Safe, Orderly and Regular Migration.

\textsuperscript{206} See report on Venezuela by Human Rights Center of the Andrés Bello Catholic University and others.
The draft outline of the General Comment No. 6 includes a reference to the vulnerability suffered by migrants upon arrival based on several grounds, including gender identity.

SOGIESC references have been previously included by the CMW in its General Comments. Defenders are encouraged to keep engaging with the Committee on new General Comments.

**Follow-up Procedure**

In 2022, CMW did not make any SOGIESC recommendations which could be selected for follow-up. It also did not assess progress on any previously made recommendations.

The advocacy for the inclusion of SOGIESC recommendations in State reviews may be followed by the request to include such recommendation in the CMW’s follow-up procedure, and relevant monitoring of its implementation. For more information on CMW’s follow-up procedure see [here](#).
9. Committee on Enforced Disappearances

General information

In 2022, the Committee adopted SOGIESC-inclusive Concluding Observations in all five States reviewed, namely Czech Republic, Greece, Mali, Niger, and Uruguay (see Table 10). With nine references, it is the second highest number of SOGIESC references ever made by CED (see Figure 52). Additionally, it is the first time that 100% of the Committee’s Concluding Observations include SOGIESC references.

Figure 52. SOGIESC-inclusive Concluding Observations: CED (2014-2022)

In 2022, the Committee also included SOGIESC-inclusive references in the Lists of Issues of all five States receiving them (Cambodia, Gambia, Morocco, Nigeria, and Ukraine).

Table 10. CED country review, 2022

<table>
<thead>
<tr>
<th>State</th>
<th>SOGIESC in previous COs</th>
<th>LOI</th>
<th>Shadow reports mentioning SOGIESC</th>
<th>Stand-alone SOGIESC shadow reports</th>
<th>References to SOGIESC in COs</th>
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</tr>
</tbody>
</table>
In 2022, all five countries with COGIESC-inclusive Concluding Observations were reviewed by CED for the first time, and hence also received their first recommendations on SOGIESC.

None of the countries that received SOGIESC-inclusive references in their Concluding Observations had SOGIESC-related questions from the Committee in the Lists of Issues.

There was only one SOGIESC-inclusive CSO submission on Nigeria that suggested a List of Issues relating to LGBTI rights.207

**Themes**

In 2022, the theme that the CED addressed the most was statistical information and data collection. In the majority of SOGIESC-inclusive Lists of Issues and Concluding Observations, the Committee requested from States statistical information and made recommendations to collect accurate and up-to-date data on disappearances, disaggregated by different criteria including sexual orientation and gender identity.

The other main theme addressed by the Committee was compensation and reparations for victims of enforced disappearances, which is sensitive to the needs of the victim, including their SOGI. Similar recommendations were made by the Committee in 2016-2021.

It should be noted that in the List of Issues for Nigeria, the Committee expressed concern about abductions perpetrated by Boko Haram, including allegations of disappearance of LGBTI people, and asked the State about measures to address them.

**Criminalization**

None of the States receiving Concluding Observations criminalise same-sex sexual acts. However, three of the five States receiving Lists of Issues (Gambia, Morocco, and Nigeria) do have such criminalization. All the three criminalizing States received SOGIESC-inclusive questions, but no one was related to criminalization.

**Gender Identity and Gender Expression/Sex Characteristics**

In 2022, CED made trans references and/or references to gender identity in all nine SOGIESC-inclusive references in its Concluding Observations, yet none of them were trans-specific (see Figure 53). The Committee also did not incorporate any intersex-inclusive or intersex-specific references in its Concluding Observations (see Figure 54).

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207 See report on Nigeria by The Advocates for Human Rights
Figure 53. GIGE references, CED Concluding Observations (2014-2022)

Figure 54. Intersex references, CED Concluding Observations (2014-2022)
Women

As in previous years, the Committee made no specific references to LBTI women in 2022.

In the last two years, there has been an increase in the number of SOGIESC references made by the Committee, showing its willingness to incorporate such issues in its work. Yet, a wider diversity of topics can be included in the Committee’s reviews through CSO submissions, such as enforced disappearances of LGBTI persons derived from criminalization and marginalization; socio-economic vulnerability; and, reparations to families of enforced disappearance victims. Advocating for a family definition that recognizes partners and children of LGBTI victims is also encouraged.

Indeed, CED is not used to receiving many CSO submissions, serving as an opportunity for CSOs to draw attention to LGBTI issues and foster the Committee to make SOGIESC questions and recommendations.

Individual Communications and General Comments

CED did not publish any decisions on Individual Communications in 2022. The Committee is yet to adopt any General Comments. The Committee, however, has a forthcoming General Comment on Enforced Disappearances in the context of migration.210

SOGIESC in Individual Communications was mainly included by CED through its guidance notes for submitting urgent action requests and individual communications. Hence, the Committee is concerned about LGBTI people’s enforced disappearances, and defenders can consider making Individual Communications in that regard.

The Committee has made a call for submissions on the first Draft of the General Comment on Enforced Disappearances in the context of migration,211 which already includes references to SOGI. Nevertheless, CSOs are encouraged to submit further information for the inclusion in the General Comment.

Follow-up Procedure

In 2022, CED selected one SOGI-inclusive recommendation for its follow-up procedure. The Committee selected a recommendation concerning systems of reparation for victims in the Concluding Observations on Uruguay (State party report due by 23 September 2025).

In 2022, the Committee also assessed Colombia’s implementation of two recommendations. The first one concerns the registration of disappeared persons, and the need to include the gender identity of the victim at the moment of registration. The Committee reported that the actions taken by the State were not satisfactory, including because the State ruled out the inclusion of the gender identity and sexual orientation of the victim in the registry. The second was about the implementation of a differential


In its assessment of Peru’s implementation of previously made recommendations, the Committee addressed, inter alia, measures to ensure that the system for awarding reparations takes into account the personal circumstances of the victims, such as their sex, sexual orientation and gender identity. The Committee found the State’s actions not satisfactory and requested some additional information to be submitted by 18 April 2025.

The CMW is willing to include SOGIESC recommendations in its follow-up procedure. Thus, defenders are encouraged to advocate not only for more SOGIESC recommendations in Concluding Observations, but also more SOGIESC recommendations selected for the follow-up review. For more information on CED’s follow-up procedure see here.
## Annexes

### Annex 1 – List of countries reviewed by Treaty Bodies in 2022

<table>
<thead>
<tr>
<th>Committee</th>
<th>SOGIESC-inclusive Concluding Observations</th>
<th>SOGIESC-inclusive List of Issues/List of Issues Prior to Reporting</th>
<th>No SOGIESC references in the Concluding Observations</th>
<th>No SOGIESC references in the List of Issues/List of Issues Prior to Reporting</th>
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Annex 2 – Civil Society Submissions

Committee on Economic, Social and Cultural Rights

71 Session (14 Feb 2022 - 04 Mar 2022)

Belarus

- Submission by the Equal Rights Trust - (Brief references to employment discrimination of LGBTI persons).
- Submission by Eurasian Harm Reduction Association (EHRA) - (A standalone submission with recommendations on harm reduction of people living with HIV and key population groups).

Bulgaria

- Submission by Bulgarian Helsinki Committee - (A section on the effects of poverty and social exclusion on vulnerable groups defined by sexual orientation and gender identity, access to health of trans and intersex people).

Czech Republic

- Submission by FORUM (Forum for Human Rights) - (A brief section on sterilisation requirement for legal gender recognition of trans people with proposed question: ‘Please inform the Committee about all plans to abolish the requirement of compulsory surgery and sterilisation and for transgender persons who wish to obtain legal recognition of their gender, especially the provisions of Article 29 § 1 of the Civil Code and relevant provisions of the Act on Specific Health Services’).
- Submission by Prague Pride z.s., ARA ART Amnesty International PROUD - Platform for Equality, Recognition and Diversity Queer Geography Trans*parent Czech AIDS Help Association ILGA World - (A standalone report covering the status of the same-sex marriage bill, discrimination of children brought up by same-sex couples, access to reproductive health care by same-sex couples, gender affirming procedures, mental health of LGBT+ people, people living with HIV).

DRC

- Submission by Focus Droits et Accès (FDA) & ILGA World - (A standalone report covering discrimination, violence, and so-called ‘corrective’ violence against LGBT people, hate speech by religious authorities and media, violation of economic, social and cultural rights, including rights to education, employment and social security).
- Submission by Oasis RD Congo Rainbow Sunrise Mapambazuko (RSM) Action pour la lutte contre l’injustice sociale (ALCIS) Mouvement Pour la Promotion du Respect et Égalité des droits et santé, (MOPREDS) Association internationale des personnes lesbiennes, gays, bisexuelles, trans et intersexes, ILGA World - (A standalone report covering the right to health, education, employment and access to work).
- Submission by WEKA Organisation and ILGA World - (A standalone report on cases of discrimination, evictions, denied access to education, employment and healthcare).
Submission by Youth for the Peace in Great Lakes Region & ILGA World - (A standalone report on the situation of LGBT communities in the East of DRC).

Ecuador

Submission by TCM et al - (They highlight the persistence of hate acts, discrimination and violence against LGBTI persons. Legal mechanisms against violence do not include the LGBTI community. They recommend Ecuador to include the principle of equality and non-discrimination on the grounds of sexual orientation, gender identity and expression).

El Salvador

Submission by Centre for Reproductive Rights - (They quote the Commission’s Concluding Observations on El Salvador (2017) to point out that the provision of information should take into consideration sexual orientation, gender identity and intersex status).

Submission by Fundación de Estudios para la Aplicación del Derecho - (Section on institutional setbacks, such as the elimination of the Secretariat of Social Inclusion, that dealt with issues such as sexual diversity).

Submission by The Advocates for Human Rights (TAHR) - (A section on the prevention of discrimination based on sexual orientation and gender identity in terms of legislation, healthcare and others. They also mention the threats and attacks trans women suffer by gangs because of their gender identity).

Serbia

Submission by Equal Rights Trust - (They mention a case on discrimination towards bisexual women, referred to as ‘M’).

Submission by Platform of Organizations for Cooperation with UN Human Rights Mechanisms and others - (Section on the lack of recognition of same-sex partnerships, issues regarding obtaining hormone treatment for trans persons, legal gender recognition and healthcare).

Slovakia

Submission by IHRC Loyola Law School - (Section that points out that 'Under Government Regulation 20/2007, resort to ART is allowed only "between a man and a woman" who declare that they have “an intimate physical relationship”’ (para. 94), which is discriminatory towards homosexuals).

Uzbekistan

Submission by Estonian Network of People Living with HIV (EHPV) - (An extended standalone report on discrimination, decriminalisation and right to health of people living with HIV and LGBT people in Uzbekistan).

Submission by HIV Legal Network and the Eurasian Harm Reduction Association - (A standalone report on the right to health of people living with HIV).

Submission by Human Rights Watch - (A separate section on SOGI and decriminalisation of Article 120 in the Criminal Code of Uzbekistan).

Submission by International Commission of Jurists (ICJ) - (A brief mention of decriminalisation of Article 120 in the Criminal Code of Uzbekistan and the existence of a gap in their anti-discrimination legislation that prohibits discrimination on grounds of sexual orientation or gender identity).
• Submission by International Partnership for Human Rights (IPHR) and Association for Human Rights in Central Asia (AHRCA) - (A report with a section on the criminalisation of sex between consenting adults of the same gender. They point out that the 2021 Criminal Code retains criminal punishment for consensual sex between men. They recommend introducing legislation to ensure that HIV centres treat information about clients’ sexual orientation, gender identity and health confidentially).

71 Pre-Sessional Working Group (PSWG) (17 Oct 2022 - 21 Oct 2022)

Cyprus

• Submission by Human Rights Platform - (They state that the thematic report is on the implementation of the International Covenant on Economic, Social and Cultural Rights from the perspective of their thematic areas, which includes the LGBTI+ community).

• Submission by Symfiliosi - (A section about discrimination in the access to hormone replacement therapy by trans persons, discrimination in employment based on sexual orientation, gender reassignment surgery, among others).

Honduras

• Submission by Fundación Red Nacional de Derechos Humanos (RENADDHH) and others - (A section on persons deprived of liberty that states that gender identity should be considered when providing healthcare).

• Submission by Human Rights Watch - (A section on discrimination and violence against LGBT people, especially in terms of access to employment and education, domestic violence, sexual assault and murder. Honduras lacks a comprehensive civil law that prohibits discrimination on the basis of sexual orientation and gender identity).

• Submission by Red de Mujeres Unidas Luchando por Nuestros Derechos and others - (Reference to violence against trans female sex workers).

• Submission by The Advocates for Human Rights (TAHR) - (A section that underlines that Honduras fails to guarantee positive measures to overcome systemic discrimination on the grounds of sexual orientation or gender identity. They enquire the State about the measures taken to guarantee the right to work of trans and gender-diverse people and to ensure their inclusion in the labour market).

• Submission by WORLD Policy Analysis Center - (A section that quotes article 295 of the Criminal Code, which prohibits discrimination at work on the basis of sexual orientation and gender identity. They point out that even though there is legislation that protects persons with disabilities in the hiring stage, they do not have a broad protection towards discrimination, or against discrimination in remuneration and promotions).

Peru

• Submission by Centro de Desarrollo de la Mujer Negra Peruana (CEDEMUNEP) and others - (Section that highlights the need to create guidelines for sexual and reproductive healthcare services with differential services focused on sexual orientation).

• Submission by Fundación Red Nacional de Derechos Humanos (RENADDHH) and others - (Section on LGBTI rights that focuses on discrimination and violence faced by the community, including in detention centres).
• Submission by Grupo Impulsor para poner fin a la violencia contra las niñas, niños y adolescentes and others - (They recommend the State to guarantee the implementation of continuous and mandatory training programs on gender based violence prevention as well as an approach that aims for the implementation of sexual diversity throughout the justice system).

• Submission by The Center for the Promotion and Protection of Sexual and Reproductive Rights (PROMSEX) and the Center for Reproductive Rights (CRR) - (A section on the situation of violence and discrimination against LGBTI persons, that includes the right to health, particularly sexual and reproductive health services, references to the systematisation of information about the situation of violence against LGBTI persons and the legal framework, the lack of due diligence faced by LGBTI persons when they are victims of violence and/or discrimination and the importance of training the Peruvian National Police and members of the Armed Forces on the rights of LGBTI persons).

Philippines

• Submission by Intersex Philippines - (They seek to highlight the key issues faced by the intersex community. They point out the absence of a law that deals with the legal rights and recognition of intersex individuals, that there is no legal gender recognition law and they also underline the consequences of surgical and medical interventions).

72 Session (26 Sep 2022 - 14 Oct 2022)

Guatemala

• Submission by Asociación de Estudiantes Universitarios (AEU) - (Includes a section on the LGTBIQ+ community and highlights the inexistence of public policies focused on non-discrimination based on gender identity and sexual orientation).

• Submission by Comunidad de Acción Nosotras Lideramos en Guatemala and others - (A report that highlights the sexual and reproductive rights of lesbian, bisexual, trans and intersex women. They point out the inexistence of statistical data on violence against migrant women segregated by gender identity and sexual orientation).

• Submission by The Advocates for Human Rights - (A report with a section on LGBTI persons. They highlight that Guatemala fails to investigate human rights violations against LGBTI persons and note with concern the passing of the ‘Life and Family Protection Law’, which prohibits same-sex marriage and education).

• Submission by Visibles ONG y Colectivo Trans-Formación - (A report of trans persons’ human rights. They point out that legislations fail to protect LGBTQ+ children and adolescents, the existence of hate crimes towards LGBTQ+ persons and violence against human rights defenders).

Italy

• Submission by Forum Italiano sulla Disabilità - (A report that points out the lack of a mechanism for the monitoring and implementation of law no 67/2006 and that there is no reference to multiple and intersectional discrimination that includes, for instance, gender and sexual orientation).

• Submission by Forum Italiano sulla Disabilità - (Reference to the fact that the application of anti-discrimination law is carried out in separate categories without any reference to the
different grounds of discrimination or to the recognition of multiple identities, for example, sexual orientation and disability).

- Submission by GenderLens (GL) - (A report on the conditions of trans’ rights in Italy. They include topics such as the current legislation on gender affirmation, recognition of transgender childhood, discrimination in the medical and healthcare environment, sexual and reproductive rights of transgender people, genital mutilation of intersex people and domestic violence between LGBTQIA+ partners).

- Submission by International Human Rights Center - (Refers to restrictions that cannot be reconciled with Italy’s obligation under the ICESCR, such as Law 40/2004, that still bars access to ART (artificial reproductive technologies) treatments to homosexual couples).


- Submission by Pangea and others - (They highlight homophobia in the political sphere and in educational institutions).

Luxembourg

- Submission by Centre LGBTIQ+ Cigale - (A report on LGBTIQ+ people and their environment, same-sex parenthood, discrimination towards same-sex parents and transgender parents, training of school teachers on the subject of gender and sexual diversity, homophobic and transphobic bullying, and others).

Mongolia

- Submission by the LGBT Center of Mongolia & ILGA World - (A report on issues LGBTI persons face in the workplace, systemic discrimination, prejudice and stigma based on gender identity and expression, homelessness, and others. They underline the absence of a legislation that prohibits discrimination on the basis of sexual orientation and gender identity and other issues such as the inability same-sex couples have to legally adopt).

Senegal

- Submission by Human Rights Watch - (A report that includes discrimination based on sexual orientation and gender identity. They point out that Senegalese law criminalises consensual homosexual conduct and the amount of police arrests based on perceived sexual orientation).

Tajikistan

- Submission by Eurasian Coalition on Health, Rights, Gender and Sexual Diversity (ECOM) - (A standalone report on human rights violations based on sexual orientation and gender identity and topics such as the lack of legal provisions that consider sexual orientation, gender identity, gender expression and protected characteristics. They highlight the fact that the Criminal Code mentions “sodomy” and “lesbianism”).

- Submission by Human Rights Watch - (Reference to the wide-ranging discrimination and homophobia faced by lesbian, gays, bisexual, and transgender people).

- Submission by International Partnership for Human Rights and others - (This report includes a section on LGBT people and a separate one for trans people. They suggest the prohibition of discrimination towards LGBT people in the domestic legislation and the development of a
comprehensive legislation and legal mechanisms for the ‘confirmation and change of sex of trans people in identity and other documents that is in line with international human rights standards’, among others).

**70 Pre-Sessional Working Group (PSWG) (07 Mar 2022 - 11 Mar 2022)**

Ireland

- Submission by the [Irish Human Rights and Equality Commission](https://www.humanrights.ie) - (A report with a section on the development of equality data, that suggests the need of a study on best-practices regarding asking about sexual orientation and gender identity in surveys and census. They also include that racisms intersects with grounds such as sexual orientation).

Kyrgyzstan

- Submission by [Kyrgyz Indigo](https://www.kyrgyz-indigo.org) and ECOM - (A standalone report on discrimination and economic, social and cultural rights of LGBT people in Kyrgyzstan).
- Submission by [Tais Plus](https://www.taisplus.org) - (A standalone report on violation of ESC rights of sex workers in Kyrgyzstan with references to LGBT communities, transgender sex workers, and people living with HIV).

**71 Session (14 Feb 2022 - 04 Mar 2022)**

Czech Republic

- Submission by [Amnesty International](https://www.amnesty.org) - (A report with sections on the rights of people born with variations of sex characteristics).
- Submission by [FORUM](https://www.forum.cz) - (Reference to the sterilisation requirements in cases of transgender persons. Transgender persons wishing to obtain legal recognition of their gender, must undergo as a precondition, an invasive and irreversible surgical operation).
- Submission by [Public Defender of Rights](https://www.ofse.cz) (Ombudsperson) - (Reference discrimination. They point out that if a person seeks protection from discrimination, in cases of suspected discrimination based on sexual orientation, the provision only concerns the area of work and labour and does not apply to access to housing, health and social care).

Denmark

- Submission by [Prague Pride z.s., ARA ART z.s., Amnesty International and others](https://www.amnesty.org) - (A report on the measures taken to combat prejudice and discrimination based on sexual orientation and gender identity, the status of the same-sex marriage bill, assisted reproduction for same-sex couples, gender affirming procedures, legal gender recognition, among others).
- Submission by [The Danish Institute for Human Rights](https://www.digh.dk) - (A report that includes references for the inclusion of non-discrimination on the grounds of sexual orientation, gender identity and gender expression. It also highlights the lack of national civil legislation explicitly prohibiting discrimination outside the labour market on grounds of gender identity and gender expression).
Ecuador

- Submission by Asociación ALFIL, REDLACTRANS and others - (A report on the systemic discrimination trans people face, and other issues in the realms of health, education and work).
- Submission by Fundación Pakta - (A report about the situation of LGBTIQ+. They state that there is limited data on LGBTIQ issues and that discrimination and segregation is mostly faced in terms of work and social security, education and right to family. They also explore topics such as public policies on LGBTI rights, sexual diversity in the education system and the legislative lack of compliance with rulings of the Constitutional Court of Ecuador in LGBTI cases).
- Submission by Pacto por la Niñez y Adolescencia and others - (Reference to the double vulnerability faced by LGBTI children at schools, where they suffer discrimination, stigmatisation, intimidation, bullying and harassment. They point out that the State should investigate the life conditions of LGBTI children).

Serbia

- Submission by Belgrade Centre for Human Rights and others - (Reference to abuse and violence towards young LGBTI persons in terms of education, housing and domestic violence).
- Submission by ERA - LGBTI Equal Rights Association for Western Balkans and Turkey - (References to the position of the LGBTI community in the state, equality before the law in terms of sexual orientation, gender identity and expression and sex characteristics, recognition of same-sex partnerships and same-sex families, the recognition of same-sex partners to inherit in their first hereditary line, among others).
- Submission by PIN - Psychosocial Innovation Network - (It includes a reference about equal accessibility and acceptability to healthcare for LGBT persons).
- Submission by Platform of Organizations for Cooperation with UN Human Rights Mechanisms and others - (References to the protection of same-sex partners and families throughout resettlement procedures. They enquire the State to collect data disaggregated by sexual orientation, gender identity and expression and characteristics).

Switzerland

- Submission by Plateforme des ONG suisses pour les droits humains - (References to discrimination based on sexual orientation, gender identity, gender expression and sex characteristics, same-sex couples adoption of children and violence towards LGBTIQ asylum seekers).
- Submission by Plateforme des ONG suisses pour les droits humains - (Report with a section on LGBTQI. They pose the following question: ‘If it (the Federal Council) refuses to include gender identity and sexual orientation in Article 261 bis of the criminal code, which could nevertheless grant protection against discrimination to these groups, how does the Federal Council aim to protect persons who are discriminated against based on their gender identity or expression, sex characteristics or sexual orientation?’). They also inquire whether measures have been taken to provide training to management staff at the federal centres on the specificities and vulnerabilities linked to SOGIESC).
Human Rights Committee

136 Session (10 Oct 2022 - 04 Nov 2022)

Ethiopia

- Submission by Consortium of Ethiopian Human Rights Organisations (CEHRO) and others - (A separate section on non-discrimination, that enquires the State to provide information about discrimination on the basis of sexual orientation and gender identity).

- Submission by The Advocates for Human Rights - (A separate section on the State’s failure to protect women and LGBTQ+ individuals from violence and harmful traditional practices, arbitrary arrests, criminalisation of same-sex couples and human rights violations against LGBTQ+ individuals).

Iran

- Submission by Abdorrahman Boroumand Center (ABC) and others - (Brief reference to a person that was arrested on the grounds of ‘acting against national security through activities toward normalization of homosexuality’).

- Submission by All Human Rights for All in Iran - (Brief mention of the ‘Human Rights of Lesbian, Gay, Bisexual and Trans persons’).

- Submission by Amnesty International - (Brief mention of the death penalty for consensual same-sex sexual conduct).

- Submission by ARTICLE 19 and others - (They mention gender or sexual orientation as basis for marginalisation and gender reassignment surgery).

- Submission by the Centre for Supporters of Human Rights (C SHR) and others - (Reference to discrimination and violence based on sexual orientation and gender identity).

- Submission by Equality Now - (Brief mention of ‘homosexual sexual activity either between men or women’ and the amount of witnesses required according to the Penal Code).

- Submission by Jubilee Campaign - (Brief mention of consensual same-sex sexual conduct as a basis for death penalty).

- Submission by Maat for Peace and others - (Brief mention of consensual same-sex sexual conduct as a basis for death penalty).

- Submission by NGO Monitor - (A separate section on discrimination of LGBTQ+ persons. They mention that ‘(…) despite some progress in certain areas, such as access to education and health care, the human rights arena for women and members of the LGBTQ+ community in the Islamic Republic of Iran continues to be characterized by inequality and exclusion’).

- Submission by The Advocates for Human Rights - (References to the death penalty as an available sentence for some same-sex consensual relations, the State's failure to protect members of the LGBT community from harassment, prosecution, violence and discrimination, executions of homosexuals, and other issues).

- Submission by The Advocates for Human Rights, World Coalition Against the Death Penalty and others - (Reference to the State’s failure to protect members of the LGBT community from harassment, persecution, violence and discrimination, and mention the death penalty as sentence for same-sex consensual relations).
• Submission by 6Rang (Iranian Lesbian and Transgender Network) - (A report on the right to non-discrimination, the right to life, freedom from torture, the right to liberty and security and the right to fair trial. They point out the extreme hostility towards the LGBT community and any form of same-sex sexual conduct or non-binary gender expression, the existence of patterns of prosecution of LGBT individuals and activists. They highlight that the criminalisation of sexual orientation and gender identity negatively impacts the access to secondary education).

Japan
• Submission by Amnesty International - (A separate section on discrimination based on sexual orientation, gender identity and expression).
• Submission by Amnesty International for the UN Universal Periodic Review - (A separate section on the rights of lesbian, gay, bisexual, transgender and intersex persons).
• Submission by “fair” - (A standalone report on human rights violations based on sexual orientation and gender identity in Japan, that includes topics such as housing, COVID-19, sexual violence and children).
• Submission by Human Rights Now - (This report includes a section on the Japanese government’s compliance with its obligations under the Covenant regarding discrimination based on sexual orientation and gender identity).
• Submission by Human Rights Now - (This report includes LGBT discrimination as an area of concern).
• Submission by Human Rights Watch - (Report on the abuse of children's rights by education technologies, with a section on discrimination based on sexual orientation and gender identity and the transgender legal recognition process).
• Submission by International Federation for Human Rights and Center for Prisoners' Rights - (This report includes a section on the treatment of transgender inmates).
• Submission by Japan Federation of Bar Associations - (This report includes a section on the LGBTI community that mentions the inexistence of a non-discrimination legislation that prohibits discrimination based on sexual orientation and gender identity, suicide rates of LGBTI persons, detention of trans persons, housing issues, same-sex marriage, and others).
• Submission by Japan Federation of Bar Associations - (This report includes a section on discrimination based on sexual orientation and gender identity).
• Submission by Japan NGO Network for the Elimination of Racial Discrimination (Part 1) - (They refer to the situation of same-sex couples in the context of the previous concluding observations (CCPR/C/JPN/CO/6)).
• Submission by Japan NGO Network for the Elimination of Racial Discrimination (Part 3) - (They include a case on a transgender detainee at the Tokyo-based detention centre).
• Submission by Society for Abolishing the Family Registration System and Discrimination against Children Born out of Wedlock (AFRDC) - (Reference to LGBT people raising children together and the negative reaction of lawmakers).
• Submission by Women’s Active Museum on War and Peace and others - (Reference to the Unification Church and the Liberal Democratic Party, which promote hatred of homosexuals).
Kyrgyzstan

- Submission by **Coalition for Equality** - (An alternative report that mentions the use of homophobia by the State, the level of extortion and illegal detention by police against LGBT+ people, the right to peaceful assembly and other topics).


- Submission by **Human Rights Watch** - (It includes a section on sexual orientation and gender identity, ill-treatment, extortion and discrimination by state and non-state actors against LGBT people).

- Submission by **International Partnership for Human Rights (IPHR), Legal Prosperity Foundation (LPF) and CIVICUS** - (They include a section on the ‘Promotion of the so-called traditional values’, where they express their concern ‘given the fact that policymakers and activists opposed to liberal principles often invoke the alleged defence of such values to justify restrictions and attack civil society actors who advocate for universal human rights, including the rights of women and sexual minorities’).

- Submission by **Justice for Journalists Foundation and other** - (Reference to a concern pointed out in the previous periodic report about a proposed law that allegedly encouraged ‘non-traditional sexual relations’).

- Submission by **PU “Kyrgyz Indigo” and ILGA World** - (Report on hate crime, the inclusion of LBQT+ women in the Gender Programs, the inexistence of research on gender-based violence and discrimination against LBQT+ women, conversion therapy and others).

Nicaragua

- Submission by **Asociación Diversidad Sexual Nicaragüense (ADISNIC) and Plataforma Nacional Juvenil (PNJ)** - (A report that includes as one of their main concerns the fact that the government has ignored the complaints about serious violations of civil and political rights on the basis of gender identity or sexual orientation of LGBTIQ persons, and the fact that they lack a legislation on gender identity).

- Submission by **Centro de Asistencia Legal Interamericano en Derechos Humanos** - (They request the Committee to include in its recommendations that the State publishes the number of trans women political prisoners, to adopt measures to ensure that trans women political prisoners are not exposed to human rights violations, and other related requests).

- Submission by **Colectivo de Derechos Humanos Nicaragua Nunca Más, Unidad de Registro (UDR), Unidad de Defensa Jurídica (UDJ) and others** - (Reference to the amount of trans women that have reported having been subjected to torture).

- Submission by **Unidad de Defensa Jurídica** - (Reference to cases of inhuman and degrading treatment against transgender women deprived of liberty).

Philippines

- Submission by **Amnesty International** - (A report with a section on the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people).
• Submission by Catholics for Reproductive Health and others - (They include in their footnotes ‘An Act Decriminalizing Induced Abortion To Save The Lives of Women, Girls and Persons of Diverse Gender Identities (…)’).

• Submission by CIVICUS - (They refer to the event occurred on 1 July 2020, where the police arrested 20 peaceful LGBTQI+ protesters attending a Pride event and protesting against the Anti-Terrorism Bill).

• Submission by Tanggol Bayi-Philippines and Karapatan Alliance Philippines - (They point out that ‘Since 2000, an anti-discrimination bill which penalizes acts that promote discrimination on the basis of one's sexual orientation or gender has been filed in the Senate and House of Representatives. To date, there is no legislation yet recognizing the rights of persons regardless of sexual orientation and gender identity and providing penalties for discriminatory acts on the said basis’ (para. 50). The report includes other issues and recommendations on LGBT rights).

Russian Federation

• Submission by the Association of Russian Speaking Intersex (ARSI) - (A report on sex interventions on intersex children, discrimination of intersex people based on their legal gender marker and other topics).

• Submission by the Eurasian Coalition on Health, Rights, Gender and Sexual Diversity (ECOM), “Coming Out” LGBT group and others - (A report on systemic discrimination towards the LGBT community that includes verbal and physical abuse, homophobic legislation, hate crimes, stigmatising patriarchal rhetoric, obstruction to the right to health, and others).

• Submitted by Freemuse, OVD-Info and Coming Out - (A report with a section on the repressive dismantling of freedom of expression and LGBTI rights).

• Submitted by Human Rights House Foundation (HRHF) - (They pointed out that ‘International attention on the Chechen Republic increased due to the trial against Oyub Titiev and the crackdown on LGBTI people in 2017’).

• Submitted by Human Rights Watch - (References to Russia’s discriminatory law forbidding the dissemination of “gay propaganda” among people under the age of 18, to the LGBT situation in Chechnya and to violence against and persecution of LGBT people).

• Submitted by OVD-Info and others - (A report with a section on LGBTQ rights that includes the LGBT persecution in the North Caucasus, violence and access to justice, discrimination and the LGBT right to peaceful assembly).

• Submitted by OVD-Info, Mass Media Defence Centre and SOVA Centre for Information Analysis - (A report with a reference to the existence of ‘the register of unregistered public associations – “foreign agents” contained 7 associations (almost of all them protect the rights of LGBTQ+)’. Moreover, they include that the Kuibyshevsky District Court of St. Petersburg issued a decision to liquidate the Charitable Foundation “Sphere”. Prior to that, the Ministry of Justice stated that ‘all the actual activities of the organization are aimed at supporting the LGBT movement in Russia, which is inconsistent with constitutional traditional values’).

• Submitted by OVD-Info, No to Violence, Stitching Justice Initiative and others - (A report with a section on LGBTQI rights that includes, for instance, prosecution for LGBT propaganda and the bill on new legislation around LGBT propaganda).

• Submitted by Stimul - (References to LGBTQI-people seeking asylum, their legislation on ‘non-traditional sexual relations’, investigation of hate crimes towards LGBTQI people, the illegality of same-sex marriage, and others).
• Submitted by The Advocates for Human Rights and Moscow Community Center for LGBTQ+ initiatives - (References to discrimination based on sexual orientation and gender identity and expression, targeting of victims based on their sexual orientation, gender identity or gender expression, unlawful detentions, lack of access to healthcare for LGBTI persons, and others).

Venezuela

• Submission by Asociación Venezolana de Juristas - (Brief mention of their legislation against hate, that includes the prohibition of war propaganda and messages of intolerance and hatred based on sexual orientation and gender identity).

• Submission by AVESA and others - (Brief mention of transgender women as a factor of discrimination in the context of healthcare).

• Submission by Centro de Derechos Humanos de la Universidad Católica Andrés Bello - (Brief mention of transgender people in the context of human trafficking).

• Submission by Centro de Justicia y Paz and others - (They request the Committee to inquire the State about the measures taken to achieve equality for lesbian, bisexual, trans and intersex women).

• Submission by Con Ellas - (Report that includes a section on the right to non-discrimination on the basis of sexual orientation and the prohibition of same-sex marriage and legal gender recognition for trans persons. They also include statistics about health and how lesbians, trans women and non-binary persons are the most affected).

• Submission by Fundación Género con Clase and others - (Brief mention of ‘women of sexual diversity’).

• Submission by Observatorio Venezolano de Prisiones - (Brief reference to gays, lesbians, bisexual, trans, transvestites, intersex and queer persons in prison. They also mention the existence of irregular situations in prisons based on sexual orientation and gender identity).

• Submission by Red por los Derechos Humanos de Niños, Niñas y Adolescentes (REDHNNA) and others - (Brief mention of the State’s lack of consideration in their policies of the discrimination faced by children based on their sexual orientation and gender identity).

• Submission by Unión Afirmativa - (Report that includes a section on the right to non-discrimination on the basis of sexual orientation, gender identity and gender expression, measures to enforce it, and access to remedies. It also includes sections on the protection of same-sex couples and families, hate speech, transphobia, homophobia, torture and arbitrary detentions against LGBTI people and the right to legal personality of trans and intersex persons).

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China (Hong Kong)

• Submission by Amnesty International - (Report that includes a section on discrimination on the grounds of sexual orientation, gender identity, gender expression and sex characteristics).

• Submission by Hong Kong Human Rights Information Centre and Hong Kong Rule of Law Monitor - (Sections on discrimination against same-sex couples and non-recognition of same-sex partnership or marriage, gender recognition of transgender persons, hate speech,
harassment, discrimination and violence against LGBT persons and transgender persons rights in custody).

- **Submission by Human Rights in China** - (Brief mention of gender discrimination affecting rights of LGBTI persons).

- **Submission by International Service for Human Rights** - (Brief reference to how the Hong Kong Legislative Council used to provide a platform for NGOs and civil society in general to express their views on a range of issues from human rights, and the rights of LGBTI people, to the environment and climate change).

- **Submission by Lawyers for Lawyers and The 29 Principles** - (They state that 'On 21 April 2022, a law firm which represented several famous activists including Joshua Wong and always took cases about LGBTQ rights, announced to close down without citing any reason').

- **Submission by Society for Community Organization** - (They require the following: ‘Please discuss why the Government has not introduced comprehensive legislation against all forms of discrimination, including age, sexual orientation, religious beliefs or other statuses’ and ‘Please clarify whether the HKSAR Government recognizes the rights for homosexual and transgender partners to marry and form a family’).

- **Submission by 12 Hong Kong LGBTIQ+ Organisations** - (Report on non-discrimination against LGBTI persons, the situation of LGBTI activists (hate speech, harassment and violence), gender recognition of transgender persons, discrimination against same-sex couples, non-recognition of same-sex partnership or marriage and involuntary surgeries on intersex infants and children).

**China (Macau)**

- **Submission by Macao Society for Human Rights Studies** - (This report provides information of Macau’s implementation of the International Covenant on Civil and Political Rights for the Committee’s reference, with a focus on freedom of the press, LGBT rights, right to privacy and freedom of assembly).

- **Submission by Macau Research Group** - (Section on the recognition of transgender persons, the exclusion of same-sex couples from the scope of domestic violence law, the limits of their anti-discrimination legislation, and others).

- **Submission by Rainbow of Macau** - (Report on discrimination based on sexual orientation and gender identity in the areas of housing, education, healthcare, public administration, gender recognition, among others. They point out that the Macau Special Administrative Region is the only jurisdiction in the People’s Republic of China that does not allow transgender people to have their gender identity reflected on the identity documents).

**Colombia**

- **Submission by Center for Reproductive Rights** - (Section on how LGBTI organisations questioned in a report the legal strategy of the JEP).

**Georgia**

- **Submission by Eurasian Coalition on Health, Rights, Gender and Sexual Diversity (ECOM) and Equality Movement** - (Report on issues faced by the LGBT+ community, such as violence (public and private), hate speech, the violation of freedom of assembly and human rights violations based on sexual orientation and gender identity).
• Submission by Human Rights Education and Monitoring Center (EMG) and Georgian Young Lawyers’ Association (GYLA) - (Section on discrimination on the grounds of sexual orientation and gender identity).

• Submission by Human Rights House Foundation - (Reference to threats to the freedoms of peaceful assembly and expression of the LGBTQI+ community and human rights defenders).

Ireland

• Submission by Irish Centre for Human Rights (ICHR) - (The report includes recommended questions about LGBTIQ groups).

• Submission by Irish Council for Civil Liberties - (The report includes a section on conversion practices, surgeries on intersex children and gender recognition).

• Submission by Irish Traveller Movement - (The report briefly includes that ‘LGBTQI Government funding to the Traveller LGBTQI network was welcome and the LGBTI Strategy launched’).

Luxembourg

• Submission by Intersex & Transgender Luxembourg - (A standalone report on the human rights of intersex people, harmful interventions, IGM practices, intersex children, among others).

Uganda

• Submission by Center for Reproductive Rights - (The report addresses the Access to Information Act 2005 and the Access to Information Regulations 2011 and how the information should be provided taking into consideration the needs of the individual and their sexual orientation and gender identity. It also mentions the stigma and stereotypes against LGBTQI+ persons in sexual and reproductive health information).

• Submission by Lawyers for Lawyers - (Reference on how lawyers are discouraged to visit their LGBTQ+ clients. Lawyers are hindered in carrying out their professional functions, by both private actors and state actors, especially those working on LGBTQ+ cases).

• Submission by National Coalition of Human Rights Defenders - (The report includes a section on non-discrimination that mentions the LGBT community and a separate section on discrimination against LGBTI people).

• Submission by The Advocates for Human Rights - (The report addresses Uganda’s compliance with its international human rights obligations towards LGBTI persons).

Uruguay

• Submission by ASSCI Uruguay Asociación Síndrome de Sensibilidad Central Internacional Uruguay and others - (The report includes a section on discrimination based on sexual orientation and gender identity against LGBTI persons with disabilities).

• Submission by Colectivo Ovejas Negras and others - (A report on the human rights situation of LGBTI persons in Uruguay that includes inequality in access to rights, violence against trans and non-binary people, violations to the right to family, among other issues).

• Submission by Laboratorio de Casos Completos en Derechos Humanos de la Facultad de Derecho de la Universidad de la República - (Reference to sexual orientation and gender identity and to sexual violence towards trans women).
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Bolivia

- Submission by **Carter Centre** - (A brief reference to LGBTI right in the context of non-discrimination and public participation).

- Submission by **Coalitional report by Bolivian CSOs** - (A separate chapter on discrimination and LGBT rights, including a section on the Gender Equality Law regulating legal gender recognition procedure of transgender people).

- Submission by **Equality Now and others** - (They mention that ‘The Human Rights Community (Comunidad de Derechos Humanos) is a group of civil society organizations based in Bolivia that have a feminist vision of democracy which includes social justice and gender equality that guarantees the full validity of human rights, in particular of women, girls, boys, adolescents and the LGBTI population (…)').

- Submission by **Equal Rights Trust and Comunidad de Derechos Humanos** - (A brief reference to the legal gender recognition procedure).

- Submission by **Manodiversa** - (Report on the situation of the civil and political rights of persons of diverse sexual orientation and gender identity).

- Submission by **ONG IGUAL Bolivia, Red de Litigantes LGBTI de las Américas, Akahatá – Equipo de Trabajo en Sexualidades y Géneros, Synergía - Initiatives for Human Rights, and Sexual Rights Initiative (SRI)** - (A standalone report on LGBTI rights, including right to life, right to judicial personality, right to protection against unlawful and arbitrary interference in private life, incitement to discrimination, hostility and violence, right to family, right of the child to protection by his family, society and the State, right to political participation and right to equality before the law).

- Submission by **The Carter Center** - (A brief reference to sexual orientation and gender identity in the context of participation and non-discrimination. They also include a reference to Law 45 of 2010, mentioning that a positive aspect is that the definitions consider conducts as homophobia and transphobia, which helps identify specific types of discrimination and violence).

Brazil

- Submission by **ARTIGO 19** - (Brief reference to the right to freedom of artistic expression, related to cultural productions linked to expressions of gender, race or sexual orientation).

- Submission by **Conectas Direitos Humanos** - (References to the increase of political violence and attacks against LBT women and LGBTI+ people).

- Submission by the **Ecumenical Forum ACT Brazil (FE ACT Brasil) and National Council of Christian Churches of Brazil (CONIC)** - (References to conservative Christian groups’ efforts in framing LGBTQIA+ rights as a threat to the traditional family and consequent violence against women, LGBTQIA+ people and religious minorities).

Cambodia

- Submission by **Cambodian Centre for Human Rights (CCHR)** - (A brief separate section on discrimination and social exclusion faced by LGBTIQ people, including ‘lack of legislation permitting same-sex marriage, denial of full and equal adoption rights, and the absence of legal gender recognition of self-defined gender identity’ (para. 16.2)).
• Submission by the International Commission of Jurists - (They include ‘sexual orientation’ and ‘gender identity’ in a footnote about the Independent Expert).

Egypt

• Submission by Amnesty International - (One reference on harassment, intimidation and prosecution of LGBTI rights defenders).
• Submission by Amnesty International - (One reference on gender-based violence and discrimination against LGBTI persons and recommendations on LGBTI rights).
• Submission by Cairo Institute for Human Rights Studies (CIHRS), Committee for Justice (CFJ), Egyptian Front for Human Rights (EFHR), Egyptian Initiative for Personal Rights (EIPR), EuroMed Rights, and International Service for Human Rights (ISHR) - (A brief section on the misuse of morality and debauchery laws to target and persecute women and LGBTQI people and HRDs. They include information about 92 documented arrests for alleged same-sex conduct in 2019 and the government’s crackdown on LGBT people (arrests, assaults, torture, forced anal exams)).
• Submission by Conscience and Peace Tax International - (Reference to issues regarding visas on the grounds of homosexuality).
• Submission by Human Rights Watch - (A separate section on discrimination, arbitrary arrest, torture and ill-treatment based on SOGI. They mention the authorities’ campaigns to intimidate, track, and arrest LGBT people since 2013, and the cases of Sarah Hegazy and Malak al-Kashef).
• Submission by Women’s International League for Peace and Freedom (WILPF) - (References to persecution of WHRDs and LGBTQI+ persons using surveillance and digital technologies, including entrapment on social media applications and dating apps).

Iraq

• Submission by Human Rights Watch - (A separate section on vaguely worded criminalisation of ‘immodest act’ in public that could target homosexuality and gender diversity; attacks, kidnappings, torture and killings of gay men and transgender people in 2009 and 2012; arbitrary arrests of LGBT people by Iraqi security forces in 2021 and state’s failure to hold the perpetrators accountable).
• Submission by Maat for Peace, Development and Human Rights - (They express their concern about the spread of discriminatory stereotypes in the State against individuals do to their sexual orientation).

Qatar

• Submission by Jubilee Campaign - (A reference to imprisonment for sodomy).

Turkmenistan

• Submission by Freedom Now - (A reference to discrimination of LGBT people in detention prisons).
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Benin

- Submission by Synergie Trans Benin and others - (References to non-conforming gender identity, sexual minorities, sexual orientation, gender identity, lesbians, non-binary persons, gender expression, sexual characteristics, homophobia and transphobia).

Fiji

- Submission by Fiji NGO Coalition - (Section on making government led institutions gender responsive and accountable, on the active engagement and consultative processes of women, older women, women in leadership, gender bias and stereotyping in judicial sentencing, trafficking and prostitution, and others. They reference persons of different SOGIESC, same-sex partnerships and gender non-binary people).

Guatemala

- Submission by Human Rights Watch - (The submission addresses articles 1, 10, 11 and 12 of CEDAW and covers access to education during Covid-19 school closures, discrimination and violence against lesbian, bisexual and trans women, and abortion access).

- Submission by Visible, Transmen Collective ‘Transformacion’ and ILGA World - (Report on the situation of violence and access to justice for lesbian, bisexual and trans women in Guatemala, LGR for trans people and the classification of crimes motivated by prejudice towards sexual orientation and gender identity, violence against women HRDs, among others).

- Submission by The Lutheran World Federation - (Reference to violence and prejudice against LBT women and sexual diversity).

- Submission by We Lead - (References to LBTI women, gender identity, gender expression, sexual orientation, homophobia, sexual diversity).

Singapore

- Submission by Association of Women for Action and Research (AWARE) - (They include a reference on sexual orientation and a recommendation on LGBTQ+).

Thailand

- Submission by Human Rights Watch - (This submission addresses Articles 1 and 10 of CEDAW and access to education during the Covid-19 pandemic for lesbian, bisexual, transgender and non-binary students, and discrimination against transgender people based on gender identity. They include a section on remote learning for LGBT students and how school shutdowns affected lesbian, bisexual, transgender, and gender-diverse students in Thailand in different ways).

- Submission by International Federation for Human Rights - (FIDH) - (Reference to abuses against women HRDs because of their gender expression).

- Submission by Manushya - (References to discrimination against trans women and vulnerabilities LGBTQ+ women face. They also include sections on hormone replacement
therapy and other treatments associated with gender affirming care, gender non-conforming activists and recommendations on SOGI).

- Submission by Manushya - (References to trans WHRD and sexual harassment in the workplace affecting trans women).
- Submission by Manushya - (They include a section on the representation of the LGBTIQ+ community in the Parliament, transgender women activists, equality in education for transgender women).
- Submission by PATANI Working Group - (References to "gender orientation" in the context of the Gender Equality Act 2558).
- Submission by The Advocates for Human Rights - (They include a reference to transgender people in detention facilities, they mention LGBTIQ people – specifically, transgender people, lesbian, bisexual women, gender non-conforming people, gender identity and gender expression).

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Armenia

- Submission by CEDAW Task Force - Armenia - (Reference to LBTI women, sexual orientation and gender identity).
- Submission by ECOM - Eurasian Coalition on Health, Rights, Gender and Sexual Diversity and NGO “New Generation” - (Alternative report regarding the List of Issues. Includes sections about homophobic provisions in the Criminal Code, hate speech against LBT+ women, healthcare of trans people, and others).
- Submission by ECOM - Eurasian Coalition on Health, Rights, Gender and Sexual Diversity and NGO “New Generation” - (Alternative report regarding Concluding Observations on the right to equality of LBT women, the right to health of trans people and recommendations).
- Submission by Sexual Assault Crisis Center NGO and Pink Human Rights Defender NGO - (This submission centres on gender-based violence, sexual violence crimes, child marriages, discrimination, hate speech and acts on the grounds of sexual orientation and gender identity, as well as attacks on women’s rights defenders).
- Submission by The Advocates for Human Rights and others - (It includes a section on stereotypes and reinforcement of traditional gender roles, LGBTI individuals, discrimination, hate speech and acts on the grounds of sexual orientation and gender identity).
- Submission by The Coalition to Stop Violence Against Women - (It includes a section on the criminalisation of homosexual acts, and about discrimination against lesbian and bisexual women and transgender persons).
- Submission by Women’s Resource Centre and Sexual Assault Crisis Centre - Armenia - (It includes a section on the lack of essential gynaecological care for marginalized groups of women, that mentions LBT women. It also refers to the Armenian Criminal Code and its reference to “homosexual actions”. It includes a reference to homophobic attacks).
- Submission by Women’s Resource Centre NGO, Sexual Assault Crisis Centre NGO, Human Rights House Yerevan, Women’s Rights House NGO, Women’s Empowerment Centre NGO - (It includes a reference to sexual orientation and gender identity and LBTQI+ women).
Belgium

- Submission by Conseil des femmes francophones de Belgique - (Recommendations on sexual orientation and gender identity).
- Submission by Feminists for Peoples Vaccine Campaign - (They state that “Indeed, the Committee will be well aware that the social and economic fall-out of the pandemic has exacerbated gender inequalities with multi-layered intersectional identities of race, class, case, sexual orientation and gender identities (...”).
- Submission by NANSEN, the Belgian refugee Council - (A section on SOGIE-related international protection claims (asylum claims). It points out the issue of the credibility of the SOGIE and persecution).
- Submission by Réseau Faces - (Reference to gender expression).
- Submission by Soroptimist International - (References to sexual orientation, gender identity, transgender people, intersex children, LGBTIQ communities and legal gender recognition).

Finland

- Submission by Amnesty International - (Includes a section on the right to health and other rights of transgender people and intersex children).
- Submission by the Coalition of Finnish Women's Associations - (They include references to “sexual or gender minority” in the Sámi culture).
- Submission by Fem-R - (They include a reference on gender identity in the context of a change to the Non-Discrimination Act).
- Submission by The Finnish League for Human Rights - (This report includes a section on the rights of transgender and intersex persons. It includes recommendations about reforming the Trans Act).

Gambia

- Submission by Gambian Civil Society Organizations - (Reference in the footnotes to violence against persons based on their sexual orientation and gender identity).

Honduras

- Submission by Centro de Derechos de Mujeres (CDM) and others - (Reference to violence towards LGBTI persons, sexual orientation and gender identity).
- Submission by Human Rights Watch - (This submission addresses articles 1, 10, 11, 12 and 16 of CEDAW and covers access to abortion and contraception, discrimination and violence against lesbian, bisexual and trans women).
- Submission by Human rights, women's and feminist organizations - (References to transgender women, LBT women in the context of health, gender identity, and sexual orientation and expression).
- Submission by Plan International - (References to LGBTIQ women and children and specifically trans women).
- Submission by Plan International - (References to trans women).
• Submission by The Advocates for Human Rights - (It includes a section on discrimination based on sexual orientation and gender identity and references to gender-based violence against LBT women).

• Submission by We Lead - (It includes a section on LBT women in the context of sexual and reproductive health. It also refers to gender identity).

• Submission by Women’s Link Worldwide (WLW) and others - (Reference to discrimination based on gender identity and sexual orientation).

Switzerland

• Submission by InterAction Suisse - (This report includes topics such as the lack of access to justice and compensation, the shift in responsibility from the state to the medical profession and shift in responsibility by the medical profession to parents of intersex children, the lack of integration of InterAction into medical psychosocial care, the absence of a strategy or action plan to promote awareness, health and rights and the absence of progress in implementing human rights of intersex children and adults in Switzerland).

• Submission by InterAction Switzerland and ILGA World - (This report includes topics such as the lack of access to justice and compensation, the shift in responsibility from the state to the medical profession and shift in responsibility by the medical profession to parents of intersex children, the lack of integration of InterAction into medical psychosocial care, the absence of a strategy or action plan to promote awareness, health and rights, the absence of progress in implementing human rights of intersex children and adults in Switzerland, intersex genital mutilation and sex characteristics).

• Submission by International Women’s Rights Action Watch Asia Pacific - IWRAW AP - (Reference to an intersex activist and to sexual orientation, gender identity and sex characteristics in the context of Schengen visa applications).

• Submission by NGO-Coordination post Beijing joint submission - (They refer to the integration of trans and non-binary people as well as intersex women into disaggregated data collection. They also include the development of a gender equality strategy with the participation of NGOs, activist networks, specialised agencies and academia, covering a broad range of issues and taking into account diversity of gender identities, sexual orientation and sex characteristics as well as intersectionality, a section on body image and representation, on sexist reporting and advertising in the media, intersex genital mutilation/cutting, gender-based violence against women and others).

• Submission by NGO-Coordination post Beijing joint submission - (This report for the LoIPR includes mentions to gender identity, LGBTIQ people, lesbian women, trans and non-binary people).

• Submission by We-InterAction Suisse - (Report focused on intersex persons. They include the following sections: Introduction and definitions, legal framework for the protection of intersex children rights at national and international level, main areas of concern and list of issues).

Ukraine

• Submission by ADC Memorial and Centre for Social and Gender Research - (References to transgender persons, lesbians and discrimination based on SOGI).

• Submission by Charitable organization “Positive women” and others - (It includes a reference to the situation of lesbians, bisexual women and trans people).
• Submission by Club Eney and the Women and Harm Reduction International Network-WHRIN - (Reference to LBT women).

• Submission by Equality Now, Women’s Perspectives, JurFem, WIGJ, Edgerton and Axelson - (It includes a recommendation on the collection of data disaggregated by sexual orientation, gender identity).

• Submission by FemForYouth Network - (Footnote that states that “The rights of LGBTQ people are still a hidden topic in the school curricula on law or other humanitarian subjects”).

• Submission by The Advocates for Human Rights and Center “Women's Perspectives” - (It includes a section on same-sex relationships).

• Submission by The Women’s International League for Peace and Freedom (WILPF) and others - (It includes a section on hate crimes on the basis of gender identity and sexual orientation and a section on LGTBIQ defenders).

• Submission by Ukrainian Women’s and Feminist NGO coalition - (It includes references to LBT women in the context of discrimination and violence).

• Submission by Ukrainian Women’s and Feminist NGO coalition - (Reference to the discrimination, harassment and hate speech, based on negative stereotypes, against lesbian, bisexual and transgender women. They suggest the Committee to ask the government about the measures taken to provide necessary protection against discrimination and violence against LBT women, particularly through the adoption of anti-discrimination legislation and the revision of the existing discriminatory laws that prohibit intersecting forms of discrimination, and provide access to shelter and assistance for LBT women victims of violence).

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**Iceland**

• Submission by Icelandic Human Rights Centre and others - (It includes references to sexual orientation, trans-related health services, gender reassignment surgery).

**New Zealand**

• Submission by National Council of Women of New Zealand (NCWNZ) & Gender Equal - (It includes a section on data collection and analysis, that mentions disaggregated data by gender identity and sexual orientation).

• Submission by Te Whāriki Takapou and Family Planning New Zealand - (Reference to "The ability to (...) positively express gender identity and sexuality").

**Philippines**

• Submission by Catholics for Reproductive Health and others - (They state that "However, there is currently no codified protection at the national level for Filipinos particularly for persons with diverse sexual orientations and gender identities against many forms of discrimination and violence". They also pose suggested questions related to diverse sexual orientations and gender identity).

• Submission by EnGendeRights - (Submission on discrimination based on SOGIE, including sexual assault, discrimination in education and employment, discrimination by State actors,
discrimination in healthcare, the absence of a marriage equality law, the absence of a gender recognition law, among other topics).

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Azerbaijan

- Submission by Gender Hub Azerbaijan, supported by Anti-Discrimination Centre Memorial and FemACT - (It includes a section on discrimination and hate speech towards LBTQ+ women and violence towards trans sex workers).

- Submission by Human Rights Center of Azerbaijan - (It includes a section on transgender prostitution and a targeted raid against them. It also includes a section about the need to include a non-discrimination approach “toward the homosexual prostitution”).

- Submission by Nafas LGBT Azerbaijan Alliance, Free LGBT Azerbaijan Collective - (The report directs the Committee’s attention to serious and ongoing violations of the CEDAW rights of LBT women and girls and intersex persons in Azerbaijan).

- Submission by Women’s Association for Rational Development (WARD) - (They include a reference to “gender-orientation”).

- Submission by Women’s Rights Monitoring Group in cooperation with the Human Rights Center of Azerbaijan - (Section on LBT women, homophobia and attacks and murders. It includes a section on sexual orientation and gender identity).

Bolivia

- Submission by Coalición de Organizaciones de la Sociedad Civil - (References to sexual orientation and gender identity, access to contraceptives for LGBTIQ+ populations, equal rights for same-sex couples and other topics).

- Submission by Coalición de Organizaciones de la Sociedad Civil - (Brief reference to same-sex partnership in the context of marriage).

- Submission by Equality Now, Latin American and Caribbean Committee for the Defense of Women's Rights - CLADEM and others - (Brief reference to the LGBTI population).

- Submission by ONG Igual Bolivia, Red de Litigantes LGBTI de las Américas, Akahatá - Equipo de Trabajo en Sexualidades y Géneros, Synergia - Initiatives for Human Rights and SRI - Sexual Rights Initiative - (References to non-discrimination based on SOGI and against LBT women, especially in terms of political participation, the right to education and the right to work).

Mongolia

- Submission by LGBT Centre - (The report focuses on Articles 1, 2, 5, 10c, 12.1 and General Recommendation 28 of CEDAW. They include topics such as the introduction of a universal non-discrimination policy inclusive of SOGIE in educational institutions, the adoption of trans healthcare standards in accordance with international standards and best practices, reviewing the family law, among others).

Morocco

- Submission by Advocates for Human Rights and MRA Mobilising for Rights Associates - (It includes a section on prosecutions for homosexuality).
• Submission by The Association Démocratique des Femmes du Maroc (ADFM) & Others - (References to gender diversity, to sexual relations between persons of the same sex).

Namibia  
• Submission by Namibian Association of Differently abled women (NADAWO) and allies - (They include a section on “Disadvantaged groups of women”, that includes LBT women).  
• Submission by Positive Vibes, Women’s Leadership Centre and Young Feminist Movement - (A section on the invisibilisation of LBQ women, women who have sex with women and female-bodied trans men in SRHR, the lack of prioritisation within policies, the lack of available access to SRHR related information, and other related topics).

Portugal  
• Submission by Portuguese Platform for Women’s Rights - (It has a section on positive developments, that mentions the Commission for Citizenship and Gender Equality and the adoption in 2018 of the Law on self-determination of gender identity and gender expression and the protection of sex characteristics. It also includes a section on the elimination of real discrimination that includes sexual orientation).

Türkiye  
• Submission by Association for Monitoring Equal Rights - (They provide a section on discrimination based on gender identity and sexual orientation, a section on freedom of assembly of LGBTI+ identifying women).  
• Submission by Association for Struggle Against Sexual Violence - (They provide a reference on the collection of data on gender identity and sexual orientation).  
• Submission by Baran Tursun International Foundation - (It includes a section on the killing of “a transgender person during solicitation of sex in her flat”).  
• Submission by CASO, GAT and WHRIN - (References to discrimination towards “women who use drugs - including those living with HIV, involved in sex work and/or who are gender non-conforming (...))”.  
• Submission by ERA - LGBTI Equal Rights Association for Western Balkans and Turkey Free Colours Association, Kaos Gay and Lesbian Cultural Research and Solidarity Association (Kaos GL) and others - (They provide information on the situation of LBTT+ women and, by extension, information on other intersecting communities that are relevant, such as sex workers, LBTT+ women in detention and prison facilities and LBTT+ refugees, asylum seekers and migrants).  
• Submission by ERA - LGBTI Equal Rights Association for Western Balkans and Turkey Free Colours Association, Kaos Gay and Lesbian Cultural Research and Solidarity Association (Kaos GL) and others - (List of issues to supplement the information available to the CEDAW Committee in the examination of Turkey on its implementation of CEDAW. They provide information that will give the Committee a clearer overview of the situation of LBTT+ women).  
• Submission by Executive Committee on NGO Forum for CEDAW - (References to sexual orientation, gender identity and homosexuality).  
• Submission by Global Detention Project (GDP) and International Refugee Rights Association (IRRA) - (One reference to LGBTI persons).  
• Submission by Human Rights Watch - (They recommend the Committee to press the State to follow certain recommendations, such as “Ensure that police, prosecutors and family courts
take an inclusive approach to all victims of domestic violence and offer the same protection to all, avoiding any discrimination on the basis of sexual orientation and gender identity”.

- Submission by Maat for Peace, Development and Human Rights - (A reference to “homosexuality”).

United Arab Emirates

- Submission by Human Rights Watch - (Reference to the criminalisation of consensual same-sex relations. They enquire the Committee to ask the State about the efforts made to pass a comprehensive anti-discrimination legislation that includes the grounds of gender identity and sexual orientation).

**83 PSWG (28 Feb 2022 - 04 Mar 2022)**

Albania

- Submission by the Monitoring Network against Gender-based Violence - (A few paragraphs on violence and discrimination against LGBTIQ persons, including physical attacks, sexual abuse and hate speech; discrimination and violence against transgender persons, including in education, employment and housing).

- Submission by The Advocates for Human Rights (AHR) and The Human Rights in Democracy Center (HRDC) - (References to sex characteristics, gender identity and sexual orientation).

Belarus

- Submission by Belarusian Helsinki Committee - (A separate section on LBT women and GNC people with references to violence and discrimination based on SOGI; discriminatory effects of Act No. 362-Z of 2016 on protection of children from harmful information on LBT women and GNC people; persecution of LGBT activists in the aftermath of 2020 elections).

Costa Rica

- Submission by Grupo de Trabajo Agenda CEDAW Costa Rica - (Two SOGI related LOIs recommended to the Committee: (1) Report the actions to address the discrimination exercised by citizens against migrant women, refugees and asylum seekers; as well as against lesbian, bisexual, trans and non-binary women, and discriminatory practices in health care, education and security; (2) Report on the situation of lesbian, bisexual, trans and non-binary women and the actions that have been taken to guarantee access to health).

- Submission by Mulabi - (Report on the situation of discrimination towards LBTI women in Costa Rica).

- Submission by Planeta Interno - (Reference to discrimination towards LBT women).

France

- Submission by Coordination française pour le Lobby Européen des Femmes (La CLEF) - (Reference to “homosexuals”).
81 Session (07 Feb 2022 - 25 Feb 2022)

Dominican Republic
- Submission by Coalition of Organisations for Active Defence of Women’s and Young People’s Rights - (It proposes that the Committee asks the State about the measures taken to ensure access to the labour market for lesbian women).
- Submission by Latin-America and Caribbean Committee for the Defense of the Rights of Women-Dominican Republic (CLADEM-RD) - (References to sexual orientation and gender identity).

Lebanon
- Submission by Human Rights Watch - (References to the systemic discrimination and violence against transgender women, legal gender recognition, gender identity and sexual orientation).
- Submission by Women’s International League for Peace and Freedom - (It includes a section on homophobic discourse and behaviours, an explicit reference to the need to amend the Penal Code in order to include a prohibition on the prohibition and sanction of hate speech against the LGBTIQ+ community).

Panama
- Submission by Comunidad Internacional de Mujeres Viviendo con VIH and others - (This report refers to sexual orientation, gender identity, lesbians, men that have sex with men).
- Submission by Fundación Iguales, Panamá - (References to multiple discrimination of lesbian and trans women; arbitrary detention of trans women during covid-19 pandemic; police violence against and violation of the right to family of lesbian women; criminalisation of homosexuality; ban on blood donation to homosexual and bisexual people).

Peru
- Submission by Amnesty International - (Footnote about a report published by the Ombudsperson on the situation of LGBTI people).
- Submission by Centro de la Mujer Peruana Flora Tristán - (Reference to gender identity in the context of missing persons).
- Submission by Centro de Políticas Públicas y Derechos Humanos (Perú EQUIDAD) y Coordinadora Nacional de Derechos Humanos (CNDDH) - (Reference to a working group on rights of lesbians and a recommendation on gender identity and sexual orientation).
- Submission by Hiperderecho and Privacy International - (They point out that “(...) in 2017, the State conducted the first LGBTIQ+ online survey. However, the platform had major security and privacy flaws that could potentially facilitate the leak of all the personal data of the LGBTIQ+ people who filled out the survey”. They also suggest that the Committee asks expressly the Peruvian Congress to approve the Gender Identity bill, specifying the incorporation of demands regarding the privacy and safety of the LGBTIQ+ community in the digital space).
- Submission by Mas Iguáldad - (A standalone report on (1) the situation of trans women during the state of emergency due to the COVID-19 pandemic; (2) institutionality of the Peruvian
State for the rights of bisexual, lesbian and transgender women; (3) gender violence related to sexual orientation and gender identity of women; (4) marriage and family life; and (5) criminalisation of trans women.

- Submission by Mas Igualdad - (List of issues focused on LBT women).
- Submission by PROMSEX and ILGA World - (A standalone report on (1) discrimination and institutional violence against LGBTI persons and the absence of mechanisms for attention, investigation and sanction; (2) access to justice for LBTI+ women; (3) institutional violence against LBTI+ women during the health emergency of COVID 19; (4) discrimination in the civil regulation of LGBTI partnerships and the protection of their families; (5) the right to legal gender recognition of transgender women).
- Submission by PROMSEX - (References to LGBT persons, gender identity and sexual orientation).
- Submission by an NGO coalition, including Articulación Lesbianas Feministas de Lima, Asociación Aurora Vivar and Lesbianas Independientes Feministas Socialistas-LIFS - (A brief section on violence against LBT women; brief references to health and hate speech against LBT women).

Uganda

- Submission by the Advocates for Human Rights, the World Coalition against the Death Penalty and the Foundation for Human Rights Initiative - (A brief paragraph on violence and hate speech against LBT women, including destruction of property, blackmail, mob violence, "corrective rape," and murder, following 2019 Anti-Homosexuality Act; systemic impunity and police brutalities based on SOGI).
- Submission by FIDA-IWILAP-Musawah-SIHA - (It includes a reference to LGBT activists and to the criminalisation of consensual sexual acts between adults).
- Submission by ISHR and Women Human Rights Defenders Network Uganda (WHRDN-U) - (A brief paragraph with references to Section 145 of the Penal Code Act penalising same-sex relations, and Anti-Homosexuality Act operative for 5 months in 2014. It also includes a footnote on sex workers and LGBTI persons).
- Submission by Uganda’s Women’s Network - (References to the 2014 Anti Homosexuality Act and the criminalisation of same-sex conduct).
- Submission by Western Uganda FBO Network and ILGA World - (A standalone report on LBTI women in Uganda with recommendations on banning forced anal examinations; effective investigations of violations against LBTI; implementation of a guiding criteria for law enforcement agents and officials within the justice system; reparations for the physical and mental harm caused to LBTI women victims of torture and violence; imposing sanctions hate against LGBTI persons in media; revision of health policies targeting LGBTI people implemented during Covid-19).

Uzbekistan

- Submission by Bureau for Human Rights and Rule of Law and Women’s Rights Coalition - (Reference to the lack of an anti-discrimination provision based on sexual orientation and gender identity. Reference to lesbian and transgender women).
- Submission by Equality Now - (They recommend the Committee to “Compile statistics for reported and convicted rape crimes disaggregated based on the victim’s and perpetrator’s sex,
age, race, ethnic origin, nationality, immigration status, disability, sexual orientation, gender identity, and involvement in prostitution (...)

- Submission by Eurasian Women's Network on AIDS and Alliance for Public Health (EWNA-APH) - (A section on criminalisation of HIV transmission and a case of a trial of a trans* woman living with HIV).

Committee on the Rights of the Child

93 PSWG (26 Sep 2022 - 30 Sep 2022)

Albania

- Submission by Child Rights Centre Albania - (References to LGBTI children and adolescents, gender identity).

Finland

- Submission by Central Union for Child Welfare - (References to sexual minorities and LGBTI young people, to the Transgender Persons Act, the physical integrity of intersexual children).
- Submission by Save the Children and Ad Hoc Coalition - (Section on access to care for transgender youth).
- Submission by Save the Children and Ad Hoc Coalition - (It includes a section on intersex children and references to sexual orientation and sexual characteristics).

Ireland

- Submission by Atheist Ireland and others - (References to gender identity, sexual orientation, sexual expression).
- Submission by Children's Rights Alliance - (References to gender identity and sexual orientation in the context of non-discrimination, the Gender Recognition Act and others).
- Submission by Children's Rights Alliance - (References to gender identity and sexual orientation in the context of non-discrimination, the Gender Recognition Act and others).
- Submission by Disabled Women Ireland - (References to non-binary and gender fluid people, children who are LGBTQIA+).
- Submission by Irish Centre for Human Rights - (Reference to sexual orientation).
- Submission by Plan International - (References to gender identity, sexual orientation, LGBTQ children).
- Submission by Stop IGM - (Report on intersex, IGM and human rights in Ireland with a special focus on kids).
- Submission by Stop IGM - (Report on intersex, IGM and human rights in Ireland with a special focus on kids).

Mauritius

- Submission by Coalition Koleftik Drwa Zanfan - (References to sodomy).
• Submission by National Coalition - (References to LGBTQIA+, sexual orientation, gender identity, coming out, the Gender Equality Bill).

New Zealand

• Submission by Children Right's Alliance - (References to LGBTQIA+ children).
• Submission by Children Right's Alliance - (References to transphobic debates. It includes a section on "rainbow children", on conversion practices and related topics).
• Submission by Iain Ferguson - (References to intersex children, sex characteristics, sexual orientation, gender identity and gender expression).
• Submission by Intersex Aotearoa - (Report on intersex children that includes topics such as intersex healthcare reforms, the government’s response, data collection, and recommendations).
• Submission by Jack Byrne - (Report on discrimination, harassment, hate speech against transgender, non-binary and gender diverse children).
• Submission by Ngā Rangatahi-ā-Iwi - (Reference to LBGTI children).
• Submission by New Zealand Medical Students' Association - (Report on the rights of intersex children).
• Submission by Stop IGM - (Report on IGM practices, intersex children and human rights).
• Submission by Stop IGM - (Report on IGM practices, intersex children and human rights).
• Submission by Te Ngākau Kahukura - (A report on rainbow communities, that includes topics such as protection from harmful practices and the Human Rights Act of 1993).
• Submission by The Family Planning - (References to gender diverse students and transgender students).
• Submission by World Policy Analysis Centre - (References to sexual orientation, heterosexual, homosexual, lesbian, and bisexual).

Sweden

• Submission by Civil Society Organizations Working with Child Rights - (This report includes a section on LGBTI people and its relation to sex education, LGBTI topics more broadly and references to sexual orientation and gender identity).
• Submission by ECPAT-UNICEF Sweden and others - (References to LGBTQI people, sexual orientation, homosexuals).
• Submission by Save the Children - (References to homosexual and bisexual, gender identity, homophobia, transgender identity, queer, and others).
• Submission by Save the Children Youth Sweden - (References to queer, sexual orientation and gender identity).
• Submission by RFSL & RFSL Ungdom - (Report on the situation of trans and intersex children in Sweden, as well as children born in families composed of same-sex partners).
• Submission by Stop IGM - (Report on IGM practices in Sweden, intersex children and human rights).
• Submission by Stop IGM - (Report on IGM practices in Sweden, intersex children and human rights).
Türkiye

- Submission by Association for Monitoring Equal Rights - (References to sexual orientation and gender identity in the context of non-discrimination, LGT struggles).
- Submission by Coalition of youth organizations - (References to sexual orientation and gender identity).
- Submission by Partnership Network for the Prevention of Violence against children - (References to "sex change operations of intersex children", LGBTI persons).

91 Session (29 Aug 2022 - 23 Sep 2022)

Germany

- Submission by National Coalition - (References to intersex children, gender identity, sexual orientation and others).
- Submission by National CRC Monitoring Mechanism - (References to sex characteristics).
- Submission by Stop IGM - (Report on IGM and intersex children).
- Submission by Stop IGM - (Report on IGM and intersex children).

North Macedonia

- Submission by First Children’s Embassy in the World Megjashi - (References to sexual orientation and gender identity).
- Submission by Network for protection against discrimination - (Report on the right to education of LGBT and Roma children).

Philippines

- Submission by Children’s NGOs Network - (Report that includes a section and recommendations on LGBTQIA+ children. It also includes references to SOGIE).
- Submission by Civil Society Coalition on the Convention on the Rights of the Child - (Section and recommendations about LGBT children).
- Submission by CRC Coalition - (Reference to "non-binary gender groups").

South Sudan

- Submission by All Survivor Projects - (References to “people with diverse SOGIESC", sexual violence, gender expression, same-sex sexual relations, diverse gender identities, among others).

Ukraine

- Submission by Children Group - (References to sexual orientation).
- Submission by Stop IGM - (Report on IGM, intersex human rights, the treatment of intersex children in Ukraine as harmful practice, among other topics).
Submission by Stop IGM - (Report on IGM, intersex human rights, the treatment of intersex children in Ukraine as harmful practice, among other topics).

90 Session (03 May 2022 - 03 Jun 2022)

Cambodia

Submission by Child Rights Coalition Cambodia - (This report includes a section on discrimination against LGBTIQ children).

Canada

Submission by Action Canada for Sexual Health & Rights and Sexual Rights Initiative - (References to sexual orientation and gender identity, gay, queer).

Submission by Action Canada for Sexual Health & Rights and Sexual Rights Initiative - (References to sexual orientation and gender identity, gay, queer).

Submission by A Way Home Canada - (References to sexual orientation, gender identity, LGBTQ2S+ and others).

Submission by A Way Home Canada - (References to LGBTQ2S+).

Submission by Canada Without Poverty and others - (References to LGBTQ2S, gender-diverse people).

Submission by Canadian Students for Sensible Drug Policy, Centre on Drug Policy Evaluation, and HIV Legal Network - (References to "gender minority", “sexual minority adolescents” and “LGBT health”).

Submission by Colour of Poverty Colour of Change - (References to gender identity and sexual orientation in the context of data collection, education and mental health. It also includes references to LGBTQ+).

Submission by Colour of Poverty Colour of Change - (Reference to data disaggregated by gender identity, sexual orientation and homophobia and recommendations).

Submission by Justice for Girls and others - (References to LGBTQ children).

Submission by Justice for Girls - (References to anti-homophobia).

Submission by National Association of Friendship Centres - (References to LGBTQ+ people. Includes a section on mental health with references to the LGBTQ2S).

Submission by National Secular Association - (Reference to "homosexual" and “homosexuality”).

Submission by Native Women's Association of Canada - (Reference to gender diverse people).

Submission by Society for Children and Youth of BC - (References to sexual orientation, gender identity, hormone therapy, LGBTQ2S+, non-binary, transgender “outing” and others).

Submission by South Asian Legal Clinic of Ontario, Black Legal Action Centre, and Colour of Poverty Colour of Change - (Reference to data disaggregated by gender identity, sexual orientation and homophobia).

Submission by Stop IGM - (Report on intersex human rights, the treatment of intersex children in Canada and other related topics).
• Submission by **Stop IGM** - (Report on intersex human rights, the treatment of intersex children in Canada and other related topics).

• Submission by **The Elizabeth Fry Society of Greater Vancouver** - (Reference to “gender diverse”).

• Submission by **The eQuality Project** - (References to LGBTQ children).

**Chile**

• Submission by **Bloque por la Infancia** - (References to LGBTIQ+ children, conversion therapies, same-sex couples, sex-gender diversity, right to identity, gender identity, gender expression and sexual orientation).

• Submission by **Brujula Intersexual and Stop IGM** - (Report on intersex children, IGM and human rights).

• Submission by **Corporación Humanas and others** - (Reference to gender identity and to the legislation on gender identity).

• Submission by **NGO Coalition** - (References to gender identity).

• Submission by **Red de ONG de Infancia y Juventud** - (Reference to homosexual couples and to the legislation on gender identity).

• Submission by **Red de Sobrevivientes de Abuso en Entornos Institucionales de Chile** - (References to gender identity).

• Submission by **Robert Conejeros** - (Reference to sexual minorities).

• Submission by **Rocio Caceres Pizzaro** - (References to homophobic aggressions, diverse gender and others).

• Submission by **Stop IGM** - (Report on intersex genital mutilation).

**Croatia**

• Submission by **Coordination of Associations for children** - (Reference to sexual orientation in the context of non-discrimination).

• Submission by **Coordination of Associations for children** - (Reference to sexual orientation in the context of non-discrimination).

• Submission by **Stop IGM** - (Report on intersex genital mutilation and human rights violations of children with variations of reproductive autonomy).

**Cuba**

• Submission by **Conscience and Peace Tax International** - (Reference to homosexual and bisexual).

• Submission by **FMC** - (Reference to sexual diversity).

**Cyprus**

• Submission by **Stop IGM** - (Report that includes intersex, IGM, human rights, prenatal “therapy”, the treatment of intersex children and other topics).
Greece

- Submission by [Greek Helsinki Monitor and others](#) - (Reference to a case of a transgender person).
- Submission by [Greek Helsinki Monitor and others](#) - (Reference to LGBTQI+).
- Submission by Intersex Greece & NNID Foundation - (Report on the rights of intersex children in Greece).

Iceland

- Submission by [Stop IGM](#) - (Report on intersex genital mutilation).

Zambia


**89 Session (31 Jan 2022 - 11 Feb 2022)**

Netherlands

- Submission by Antillean Federation for Youth Care - (Reference to LGBTI children in the context of non-discrimination. References to sexual orientation, gender diverse children and transgender children).
- Submission by [Dutch National Youth Council](#) - (Reference to LGBTI youth).
- Submission by Dutch NGO Coalition for Children's Rights - (References to LGBTI, sexual diversity, gender diversity, gender characteristics, gender identity and expression, transgender children, gender diverse children and others).
- Submission by Dutch NGO Coalition for Children's Rights - (References to sexual diversity, gender diversity, gender characteristics, gender identity and expression, transgender children, gender diverse children and others).
- Submission by KinderrechtenCollectief - (A paragraph on bullying of LGBTQI+ students at universities).
- Submission by KinderrechtenCollectief - (A separate section on LGBTI children, lack of violence reporting and monitoring mechanisms; medicalised and pathologising approach to intersex children and recommendations on centring child’s consent).
- Submission by [Netherlands organisation for sex diversity (NNID)](#) - (They include recommendations on trans and gender diverse children, domestic violence and abuse of LGBTI children, gender affirmative mental health support and others).
- Submission by Netherlands organisation for sex diversity (NNID) - (This report includes a section on legal gender recognition, harmful practices, transgender, waiting lists and depathologisation, and others).
Committee against Torture

75 Session (31 Oct 2022 - 25 Nov 2022)

Australia

- Submission by First Peoples Disability Network Australia - (References to gender-based violence against gender diverse people with disabilities).
- Submission by Human Rights Law Centre - (This report includes a section on the failure to protect the safety and dignity of transgender and intersex prisoners and on the failure to “hold transgender and intersex prisoners in more restrictive conditions as a consequence of their gender identity or sex characteristics”).
- Submission by Human Rights Law Centre and others - (They mention that “Many of the people still offshore face difficult living conditions and safety concerns in Nauru and PNG. In Nauru, in May 2022, leaked emails from the Nauruan Police demonstrated their disregard for the safety and well-being of refugees and people seeking asylum who were at risk of suicide and self-harm. Gay men have reported being harassed and subjected to violence by other refugees and the local population in Nauru. While same-sex sexual activity has been legal since May 2016, there is no legal recognition of same-sex unions or protections against discrimination in employment or the provision of goods and services on the basis of sexual orientation”).
- Submission by Intersex Human Rights Australia - (Report on intersex people with sections on LGBTI persons).
- Submission by Organisation Intersex International Australia Limited - (Report on intersex people with references to the LGBTIQ community and homophobia).
- Submission by People With Disability Australia - (Reference to what the Australian government has done in relation to intersex children).
- Submission by Program in International Human Rights Law of Indiana University and others - (Reference to sexual orientation).

El Salvador

- Submission by Agrupación Ciudadana por la Despenalización del Aborto and others - (Reference to incarcerated LGBTI persons).
- Submission by The Advocates for Human Rights - (The report addresses issues related to violence against women and discrimination against LGBTI persons).

Ethiopia

- Submission by The Advocates for Human Rights - (It includes a section on the State’s failure to protect women and LGBTIQ+ individuals from violence and harmful traditional practices).

Malawi

- Submission by Center for Reproductive Rights and Nyale Institute - (Footnote about a report of the Special Rapporteur on torture, that mentions the LGBTI community).
- Submission by Malawi Centre for Human Rights Education, Advice and Assistance and others - (This report includes a section on the ill-treatment of LGBTQI+ people. They provide the
following recommendation: “Urge the Malawian Government to continue the moratorium on
enforcement of section 153 of the Penal Code in order to prevent torture and other cruel,
human or degrading treatment or punishment inflicted on LGBTIQ+ persons and to provide
equal protection of the law to all persons”).

- Submission by Nyasa Rainbow Alliance - (References to SOGIE and violence and discrimination
LGBTIQ+ people).

- Submission by REDRESS and the Centre for the Development of People - (They include a
section on the context of LGBTIQ+ torture in Malawi, the criminalisation of same-sex acts,
forms of LGBTIQ+ violence by State and non-State actors).

Tunisia

- Submission by OMCT - (Two reference to “homosexuals”).

- Submission by The Advocates for Human Rights & Mobilising for Rights Associates - (They
state that “…a transgender woman was arrested for “indecency” and subsequently placed in a
male prison without consideration of their gender identity”).

- Submission by The Advocates for Human Rights, the World Coalition Against the Death
Penalty and others - (They mention that a “feminist and LGBTQI human rights activist, actor
and cinematographer”).

- Submission by Tunisian Organization against Torture and others - (References to
“homosexuality” and the LGBT community).

Uganda

- Submission by The Advocates for Human Rights - (References to the death penalty bill on
LGBTQI+ conduct and recommendations on an awareness-raising campaign on the rights of
LGBTQI+ persons).

74 Session (12 July 2022 - 29 July 2022)

Nicaragua

- Submission by CEJIL and others - (References to incarcerated transgender women and gender-
based violence against transgender women).

- Submission by CEJIL and others - (References to sexual orientation and incarcerated
transgender women).

- Submission by Unión de Presas y Presos Políticos Nicaragüenses and others - (References to
sexual diversity).

State of Palestine

- Submission by Palestinian Coalition Against Torture - (References to sexual orientation and
gender identity in the context of torture).

- Submission by United Nations Watch - (It includes a section on the torture of members of the
Palestinian LGBTQ Community).
**73 Session (19 Apr 2022 - 13 May 2022)**

**Cuba**
- Submission by [Article 19 and others](#) - (This report includes a section on national institutions for the promotion and protection of human rights, and suggests that "They fail to protect and promote the rights of specific groups, including groups vulnerable on the basis of sex, age, disability, sexual orientation (...)". It also includes a section on arbitrary detentions, torture and cruel treatment in the context of human rights advocacy and social protest that mentions torture due to sexual orientation. References to perceived sexual orientation and diverse gender identity in the context of protests are also made).
- Submission by [Centro para la Apertura y el Desarrollo de América Latina (CADAL) and others](#) - (Reference to sexual orientation and gender identity).
- Submission by [Prisoners Defenders](#) - (References to sexual orientation and lesbians).
- Submission by [The Advocates for Human Rights and the World Coalition Against the Death Penalty](#) - (Reference to homosexuality as a crime punishable by death).

**Iraq**
- Submission by [Human Rights Watch](#) - (This report includes a section on torture and ill-treatment of people who are perceived to be LGBT, a section on barriers to justice for at-risk populations, that includes LGBT people).
- Submission by [MADRE and others](#) - (References to LGBTIQ and gender non-conforming people).

**Kenya**
- Submission by [Independent Medico-Legal Unit](#) - (This report includes a section on the upholding of the rights of LGBTIQ+ persons and the existence of laws criminalising consensual same-sex conduct).
- Submission by [Kenyan Human Rights Commission (KHRC) and others](#) - (Reference to the lack of legal provisions on sexual violence of LGBT persons and the criminalisation of homosexual acts between consenting adults).
- Submission by [REDRESS and the National Gay & Lesbian Human Rights Commission (NGLHRC)](#) - (A section on forms of violence against LGBTIQ+ persons, conversion therapy practices, discrimination on grounds of sexual orientation, gender identity, sex characteristics and gender expression, the criminalisation of same-sex activities, violence against LGBTIQ+ refugees, gender non-conforming).
- Submission by [Solidarity Center and others](#) - (Report with a section on non-discrimination on the basis of sexual orientation).
- Submission by [The Advocates for Human Rights and others](#) - (Section on the criminalisation of consensual same-sex relations of LGBTI persons, human rights violations based on SOGI, human rights developments related to SOGI).

**Mexico**
- Submission by [The Advocates for Human Rights](#) - (Report with a section on LGBTI rights).
Montenegro
• Submission by Civic Alliance, Human Rights Action and others - (It includes a footnote on sexual orientation and transgender identity as protected characteristics).

Poland
• Submission by Helsinki Foundation for Human Rights - (Report that includes a section on LGBTQ inmates in prisons).

Togo
• Submission by The Advocates for Human Rights - (Brief reference to “sexual minorities”).

Committee on the Rights of Persons with Disabilities

16 PSWG (15 Sep 2022 - 16 Sep 2022)

Republic of Korea
• Submission by MINBYUN - Lawyers for a Democratic Society - (References to LGBTI persons with disabilities and recommendations on SOGI).

Tuvalu
• Submission by WORLD Policy Analysis Centre - (References to sexual orientation).

27 Session (15 Aug 2022 - 09 Sep 2022)

Bangladesh
• Submission by National Level Advisory Committee - (References to “sexual minority”, “hijra”).
• Submission by Nagorik Uddyog - (References to the collection of disaggregated data including LGBTQI+).

China
• Submission by Canyu - (References to “non-binary women with disabilities”).
• Submission by Chinese Human Rights Defenders - (Reference to LGBTIQ persons with disabilities).

China (Hong Kong)
• Submission by Association of Women with Disabilities - (Reference to “sexual/gender diversity”).

Indonesia
• Submission by Forgotten People - (References to LGBTIQ).
• Submission by Global Initiative to End All Corporal Punishment of Children - (Reference to homosexual sex).
Japan

- Submission by Japan Disability Forum - (References to "sexual identity", "gender minorities" and "sexual minorities").
- Submission by Organization for the Rights of Children with Disabilities - (References to gender-non-conforming persons, sexual diversity).

New Zealand

- Submission by Stop IGM - (Report on intersex people, IGM and human rights in New Zealand).
- Submission by Migrants Against the Acceptable Standard of Health Aotearoa - (Reference to intersex people, gender affirming healthcare, LGBTI persons with disabilities).

Singapore

- Submission by Disabled People's Association - (References to intersex traits, sexual orientation and gender identity).

15th PSWG (28 Mar 2022 - 01 Apr 2022)

Netherlands

- Submission by NNID Foundation - (Report on intersex people, including policy developments, discrimination and healthcare).
- Submission by The Netherlands Disabled Persons' Organizations - (References to LGBTI persons with disabilities).

26 Session (07 Mar 2022 - 25 Mar 2022)

European Union

- Submission by Autism Europe - (References to sexual orientation).
- Submission by EDF - (Reference to lesbian and gay).
- Submission by European Disability Forum - (References to LGBTIQ+ persons with disabilities, sexual orientation, intersex children).
- Submission by European Network on Independent Living (ENIL) - (References to sexual orientation).
- Submission by European Union CRPD Monitoring Framework - (References to LGBTIQ+ persons with disabilities and homosexual persons).
- Submission by Joint Briefing CRPD on Equality and Intersectional issues - (This report includes a section on lesbian, gay, bisexual, trans, queer and intersex people with disabilities).
- Submission by Mental Health Europe - (Reference to sexual orientation in the context on non-discrimination).
- Submission by Validity Foundation - (References to sexual orientation).
Hungary

- Submission by Hungarian Helsinki Committee - (References to sexual orientation and gender identity).

Mexico

- Submission by COAMEX - (References to sexual diversity).
- Submission by COAMEX - Migration & Disability - (References to sexual identity (LGBTI+ community)).
- Submission by La Coalición México para los Derechos de las Personas con Discapacidad (COAMEX) - (References to sexual diversity, sexual minorities).
- Submission by Mexicanas con Discapacidad and Women Enabled International (WEI) - (Reference to the LGBT+ community, asexual).
- Submission by Mexicanas con Discapacidad - (Reference to asexual and gender non-conforming persons).

Switzerland

- Submission by Stop IGM - (A comprehensive standalone report on intersex genital mutilations and its relation to CRPD).
- Submission by StopIGM.org / Zwischengeschlecht.org, Intersex.ch and Verein SI Selbsthilfe Intersexualität - (A comprehensive standalone report on intersex genital mutilations of children in Switzerland).
- Submission by Swiss Disability and Development Consortium (SDDC) - (A brief mention in once of suggested recommendations on adoption of intersectional approach ‘persons with disabilities that are most marginalized and underrepresented, including but not limited to: women, girls, boys, men, gender non-conforming persons, youth, elderly, LGBTIQ+, refugees, internally displaced, indigenous, persons with psychosocial disabilities, intellectual disabilities and deaf blindness’).

Venezuela

- Submission by Fundación Género con Clase - (References to sexual diversity).

Committee on the Elimination of Racial Discrimination

108 Session (14 Nov 2022 - 2 Dec 2022)

Brazil

- Submission by Amnesty International - (They point out that in that document, the term “women” refers to both cisgender and transgender women, and recommend the State to allocate sufficient resources and affirmative action to promote racial and gender equality and combat racism and violence against women and LGBTQIA+ people).
- Submission by Articulação Nacional das Mulheres Indígenas Guerreiras da Ancestralidade ANMIGA - (They state that Indigenous women face violence and human rights violations, which are reinforced by the discourse of a homophobic government).
• Submission by Articulación de Organizaciones de Mujeres Negras Brasileñas and Others - (They highlight the need to affirm the importance to guarantee the lives of LGBTQIA+ populations and to implement public policies for the protection of LGBTQIA+ human rights defenders).

• Submission by Conectas Direitos Humanos - (They point out that 'When dealing with human rights violations by the Brazilian government, the global report of the UN High Commissioner for Human Rights, mentioned two exemplary cases of systemic racism perpetrated by the state security forces against people of African descent. They are the cases of the murder of Luana Barbosa dos Reis Santos, a black woman, lesbian, and peripheral (...').

• Submission by Conexão G - (Overview of violence and violations against the Black LGBTI+ population living in favelas in Rio de Janeiro, Brazil. They highlight an increase of conditions of vulnerability of Black LGBT+ persons, especially in terms of lack of structure in medical care units, housing, schools, general infrastructure, resurgence of police operations in favelas).

• Submission by Criola, GELEDÉS Instituto da Mulher Negra (Institute of Black Women), Black Coalition for Rights and others - (They suggest the Committee to adopt a recommendation on data collection on gender, gender identity and disability, and to recommend the State to restore the LGBTQIA+ participation in the Federal Administration. They highlight that there has been a 92% increase in reports of LGBTQIA+ phobia).

• Submission by Minority Rights Group International and others - (Reference to Federal Law 10.216, which guarantees the rights and protection of people with mental disorders, without considering any form of discrimination based on sexual orientation. They underline that the medical treatment found in institutions lacks respect for sexual orientation and gender identity).

France

• Submission by Ligue Des Droits De L'homme (LDH) - (Reference to Éric Zemmour’s book about the deportation of homosexuals from France due to their sexual orientation).

107 Session (8 Aug 2022 - 30 Aug 2022)

United States

• Submission by Action on Smoking & Health (ASH) - (Reference to the disproportionate impact smoking tobacco has on LGBT individuals. They point out that tobacco-use rates are disproportionately high among certain populations in Washington, DC, including lesbian, gay, bisexual and transgender adults).

• Submission by American Civil Liberties Union and Human Rights Watch - (They require the Department of Justice to modify the 2014 Guidance on the use of race, ethnicity, gender, national origin, religion, sexual orientation, and gender identity and to eliminate border and national security exceptions to racial profiling).

• Submission by Amnesty International - (They highlight that 'The Department of Justice must ensure the collection and publication of nationwide statistics on police shootings in accordance with the Violent Crime Control and Enforcement Act (1994) and the Death in Custody Act (2014). The data collected should be disaggregated on the basis of race, gender, age, nationality, sexual orientation, gender identity and indigenous status').
• Submission by Bell Global Justice Institute, AgroBiz, and the Broward Sheriff’s Office Social Justice Taskforce - (They state that ‘The 2022 Re-Authorization of VAWA expands protections by increasing jurisdiction of Tribal Courts to prosecute non-Native perpetrators on tribal lands, increasing services and support for marginalized communities, including the LGBTI community, improving prevention and response to sexual assault, improving a trauma informed response to gender-based violence by law enforcement and improving the healthcare system’s response to domestic violence and sexual assault’).

• Submission by Black Alliance for Just Immigration (BAJI) - (They point out the dual racist and homophobic violence and discrimination Black LGBTQ asylum seekers from Jamaica face).

• Submission by Center for Constitutional Rights - (Reference to the criminal legal system in the United States and how it uses mass criminalisation, incarceration, and surveillance of racialised people, particularly LGBTQIA+ communities. Highlights that trans and gender non-conforming people are disproportionately threatened by incarceration and precarious conditions of confinement).

• Submission by Center for Reproductive Rights and others - (Reference to the importance of sexual and reproductive health and rights for achieving substantive equality for transgender and non-binary people of colour. They point out that trans persons and non-binary people of colour are likely to offer physical, emotional and informational support to individuals across a range of reproductive life experiences. They mention that ‘Taking away an individual’s right to make their own decisions about pregnancy would turn back the clock on incremental – but essential – progress and limit the ability of women, transgender men, and non-binary people of colour to participate fully and equally in society’ (para. 262)).

• Submission by Center for the Human Rights of Children (CHRC) - (They include in a footnote that states that ‘DHS also adheres, where applicable, to DOJ’s 2014 Guidance for Federal Law Enforcement Agencies Regarding the Use of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation, or Gender Identity’ (footnote xxxvi)).

• Submission by Erica Nanton - (They recommend supporting descendant of African slaves around the world, including transgender/intersex people).

• Submission by Global Justice Center & HRW & AI - (They include in a footnote, a reference to the Senator Jesse Helmes, ‘whose racist, homophobic, and misogynistic views were widely known, and which underpin the policy’).

• Submission by Junior Mayema (Human Rights for All Non-Profit - HRA) - (They include a section on ‘Human Rights Violations of Targeted (LGBT) and other Immigrant’s people of color (Black) whom are Refugees and Asylum Seekers’, and the effects of laws criminalising same-sex sexual conduct).

• Submission by Leadership Conference on Civil and Human Rights and The Leadership Conference Education Fund - (Reference to the disproportionate criminalisation of the behaviours of children of colour, including those with disabilities or LGBT).

• Submission by National Education Association (NEA) - (Reference to the need of dismantling systems of oppression that prevent children from accessing a great public education because of their race, gender, sexual orientation, culture or nationality. They highlight that the school-to-prison pipeline disproportionately affects students of colour, including those who identify as LGBTQ+).

• Submission by NICHUSAK - (They report that the United States government repeatedly has failed Indigenous peoples, especially gender-diverse individuals, through state policies and practices. For instance, these groups face institutionalized discrimination, racism and sexism).
• Submission by Othering & Belonging Institute at UC Berkeley - (A submission on the pervasiveness of Islamophobia. They state that 'In December 2014, the Department of Justice updated a policy on profiling which instructs that law enforcement under federal supervision may not consider race, ethnicity, national origin, gender identity, gender, religion, or sexual orientation when making procedural or spontaneous decisions').

• Submission by Pittsburgh Human Rights City Alliance - (They express their concern that vulnerable groups such as LGBTQ, formerly incarcerated, disabled, and families with young children are particularly harmed by routine discrimination when seeking rental housing).

• Submission by Poverty & Race Research Action Council and National Fair Housing Alliance - (They inquire about the progress made to analyse the intersection of sexual orientation/gender identity and race in housing discrimination).

• Submission by Southern Poverty Law Center - (They report the insurrection of hate and suppression targeting people of colour and attacks on inclusive education and LGBTQ+ people. They report statistics on hate crimes on the basis of sexual orientation and gender identity).

• Submission by Southern Poverty Law Center and Southeastern Immigrant Freedom Initiative of SPLC - (They mention that migrants suffer discrimination at the hands of state and federal agencies, because of their immigration status, because of race and, in particular, because of their sexual orientation or LGBTQ identity).

• Submission by The Advocates for Human Rights on Immigration and Racial Discrimination - (They highlight that the United States fails to meet the Mandela Rules for minimum standards of treatment in detention, allowing for improper facilities for transgender people).

• Submission by The Advocates for Human Rights on Rights of Women and Girls of Color - (They point out that 'Disparities in healthcare place women and children of colour at a higher risk (List of Themes, paragraph 18). In its State Party responses to the 2022 List of Themes, the United States committed to "expanding access to quality, affordable health coverage and prohibiting discrimination based on race, colour, national origin, sex (including sexual orientation and gender identity), age or disability in various health programs"').

• Submission by The Advocates for Human Rights (Sex Trafficking and Transactional Sex Markets) - (They state that 'People of color, indigenous people, transgender individuals, and the LGBT community face specific stigma and discrimination in accessing high quality health care'. They also mention that societal hierarchies based on skin colour, gender identity, class, and belonging to an immigrant community can impact how sex buyers treat the person providing sex, and that LGBTQ youth and other young adults are forced to engage in survival sex to meet basic needs such as housing).

• Submission by The International Association of Official Human Rights Agencies and the Northeastern University School of Law Program on Human Rights and the Global Economy - (They point out that the City of Los Angeles established the Los Angeles Civil + Human Rights and Equity Department in 2020, which supports the city commission of the Transgender Advisory Council).

• Submission by The Leadership Conference on Civil and Human Rights and The Leadership Conference Education Fund - (They remark that 'The most recent federal attempt to reduce racial profiling was introduced in 2014 when the Obama administration issued "Guidance for Federal Law Enforcement Agencies Regarding the Use of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation, or Gender Identity" (2014 guidance)\)).
• Submission by the **United Nations Association of the United States of America** - (They highlight that at the federal level a hate crime is defined as a crime motivated by bias against race, colour, religion, national origin, sexual orientation, gender identity, or disability).

• Submission by the **University of Miami School of Law Human Rights Clinic (on Policing and Human Rights Violations of Low-Wage Immigrant Workers)** - (Reference to the disproportionate impact to LGBTQ Black men, Black transgender women, Middle Eastern transgender women and Latina transgender women in terms of homelessness and gender-based violence).

• Submission by the **U.S. Alliance of Women, Nonbinary Persons and Other Gender Minorities with Disabilities and others** - (Reference to intersectional discrimination faced by gender minorities. They suggest that disaggregated data on access to healthcare for LGBT people with disabilities from marginalized races is extremely sparse).

• Submission by the **U.S. Human Rights Cities Alliance** - (Reference to hate crimes and how these are targeted against LGBTQ people).

• Submission by the **U.S. Southern Prisons Coalition** - (Reference to the existence of little research on the intersection of race and sexual orientation in the context of school discipline, and they point out that this population is overrepresented in the ‘pathways’ to prisons, such as homelessness, substance abuse, victimisation and mental health issues).

• Submission by **Women Enabled International (WEI)** - (Reference to the increased risk of gender minorities during humanitarian crisis. They state that women and other gender minorities with disabilities from minoritized races face discrimination in the U.S. criminal justice system and in the education system, and that LGBTIQ people are overrepresented in the prison population).

• Submitted by **Women’s All Points Bulletin (WAPB)** - (Reference to the targeting of transgender women of colour by the police, and that African American women who are gender non-conforming, queer, lesbian, or transgender experience homelessness at a disproportionate rate than their Anglo counterparts, they are more apt to interact with law enforcement officials and police officers for petty crimes of survival).

**106 Session (11 Apr 2022 - 29 Apr 2022)**

**Cameroon**

• Submission by **The Cameroon Women’s Peace Movement (CAWOPEM) and a coalition of national NGOs** - (They examine in general terms cross-cutting issues of minority groups including the statistical composition of the main ethnic groups in Cameroon and LGTBQI persons. They state that amongst the communities considered most vulnerable to racial discrimination in Cameroon, one finds LGTBQI persons, as their social vulnerabilities intersect with their identities either as Anglophone minorities or refugees and asylum seekers).

**Kazakhstan**

• Submission by **Feminita** (Kazakhstan Feminist Initiative) - (Situation of lesbian, bisexual and transgender women in Kazakhstan, reference to anti-gender movements and hate crimes).

• Submitted by the **Kazakhstan International Bureau for Human Rights and Rule of Law** - (Reference to the active use of hate speech in social media, including by media personalities, government officials, prominent members of the society and anti-gender organizations, against the LGBTIQ community).
Committee on Migrant Workers

35 Session (19 Sep 2022 - 30 Sep 2022)

Türkiye
- Submission by Global Detention Project and International Refugee Rights Association - (Reference to LGBTI persons).

Venezuela
- Submission by CEPAZ - (Reference to gender identity).
- Submission by Human Rights Center of the Andrés Bello Catholic University and others - (Reference to transgender people in the context of human trafficking. They include a recommendation in that regard).
- Submission by Participación Activa y Social por los Derechos de la Mujer y por la Paz (PAS) - (References to sexual orientation, gender identity and gender expression).

34 Session (28 Mar 2022 - 08 Apr 2022)

Cabo Verde
- Submission by Equal Rights Trust and others - (Footnote that includes a reference to an LGBTI association).

Peru
- Submission by Global Detention Project and others - (They refer to the need to collect disaggregated data on detained LGTBQI persons).
- Submission by PROMSEX - (Reference to sexual orientation and gender identity in the context of data collection).

Committee on Enforced Disappearances

22 Session (28 March 2022 - 08 Apr 2022)

Nigeria
- Submission by The Advocates for Human Rights - (Suggested List of Issues Relating to LGBTI Rights).

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