



UN Treaty Bodies Quarterly Report

No. 1/2021 — January– April 2021
05 May 2021

ILGA World’s **UN Treaty Bodies Quarterly Report** provides main information on SOGIESC references made by UN Committees in their Lists of Issues and Concluding Observations under country periodic review process, as well as adopted General Comments and Individual Complaints.

If you have any questions or comments regarding this Quarterly Report or engagement with Treaty Bodies, please contact us on untreaties@ilga.org.

!!! Due to the COVID-19 outbreak, several sessions of Treaty Bodies were postponed and some of them will be held online.

**SOGIESC-inclusive
Concluding Observations**

- ⇒ Check LGBTI recommendations to your country
- ⇒ Organize follow-up activities to inform your community about recommendations and to encourage your government to implement the recommendations

Finland
Kenya
Latvia
Denmark
Estonia

**SOGIESC-inclusive
Lists of Issues**

- ⇒ See what information was requested from your country before the formulation of recommendations
- ⇒ Collect information and provide your comments to inform Treaty Bodies’ future recommendations

Democratic People's Republic of Korea	Germany
Fiji	South Africa
Grenada	United Kingdom of Great Britain and Northern Ireland
Iceland	Brazil
Malawi	China
Nepal	Hong Kong (SAR China)
Sao Tome and Principe	Lithuania
Seychelles	Panama
United Republic of Tanzania	Macau (SAR China)
Bolivia (Plurinational State of)	Namibia
North Macedonia	Uganda
	Bhutan
	Chile

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COUNTRY-SPECIFIC QUESTIONS AND RECOMMENDATIONS

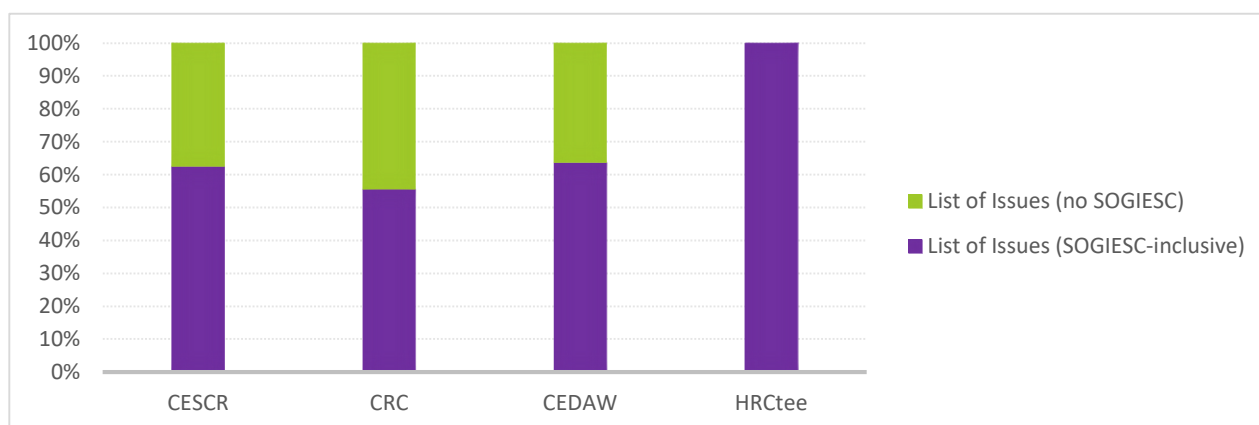
This section contains information about recommendations in Concluding Observations, as well as questions in Lists of Issues to specific countries under country periodic review process.

[**Bold**] = SOGIESC-inclusive questions or recommendations

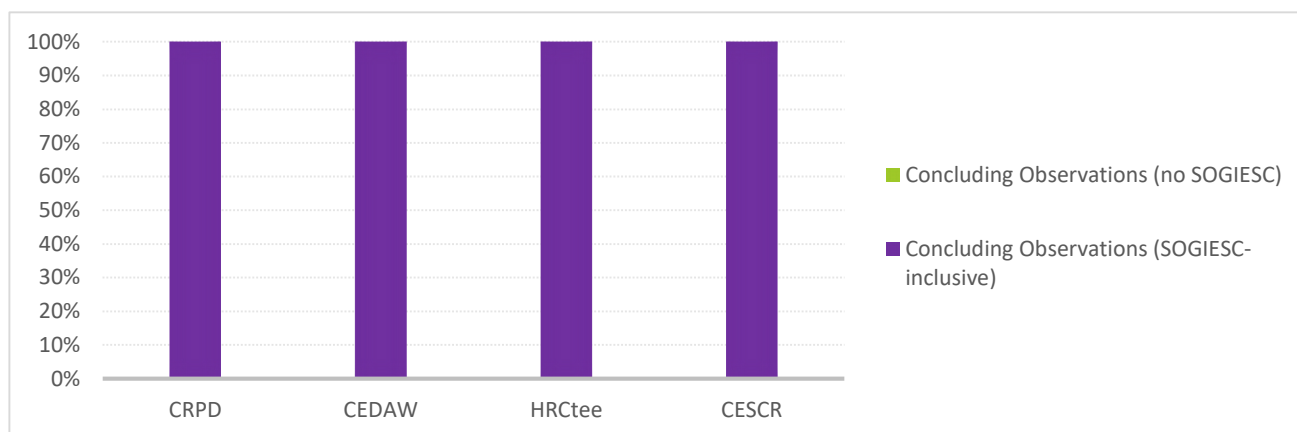
Committee Session / PSWG		Countries
HRCtee 131 Session : 01 Mar–26 Mar 2021	List of Issues:	Democratic People’s Republic of Korea, Fiji, Grenada, Iceland, Malawi, Nepal, Sao Tome and Principe, Seychelles, United Republic of Tanzania
	Concluding Observations:	Finland, Kenya
CESCR 68 PSWG : 08 Mar- 12 Mar 2021 69 Virtual Session : 15 Feb-05 Mar 2021	List of Issues:	Brazil, Cambodia, China, Hong Kong (SAR China), Macau (SAR China), Lithuania, Panama, Portugal
	Concluding Observations:	Finland, Latvia
CEDAW 80 Virtual PSWG : 01 Mar – 05 Mar 2021 78 Virtual Session : 15 Feb-25 Feb 2021	Lists of Issues:	China, Hong Kong (SAR China), Macau (SAR China), Hungary, Mauritania, Namibia, Uganda, United Arab Emirates, Bhutan, Chile, Italy
	Concluding Observations:	Denmark
CRC 88 PSWG : 08 Feb – 12 Feb 2021	Lists of Issues:	Afghanistan, Azerbaijan, Bolivia (Plurinational State of), Germany, North Macedonia, South Sudan, Uzbekistan, South Africa, United Kingdom of Great Britain and Northern Ireland
	Concluding Observations:	Estonia
CRPD 24 Virtual Session : 08 Mar-01 Apr 2021	Concluding Observations:	Estonia

PSWG – Pre-Sessional Working Group | HRCtee – Human Rights Committee | CESCR – Committee on Economic, Social and Cultural Rights | CEDAW – Committee on the Elimination of Discrimination against Women | CRC – Committee on the Rights of the Child | CRPD – Committee of the Rights of Persons with Disabilities

Percentage of SOGIESC-inclusive List of Issues by Treaty Bodies (January-April 2021)



Percentage of SOGIESC-inclusive Concluding Observations (January-April 2021)



GENERAL COMMENTS

This section contains information about General Comments (General Recommendations) adopted by Treaty Bodies. These documents provide the Committees' interpretation of the content of human rights provisions regarding thematic issues or methods of work.

Committee	General Recommendation
<p>CRC</p> <p>General Comment No. 25 on children's rights in relation to digital environment.</p>	<p>Two references to SOGI:</p> <ul style="list-style-type: none"> The Committee calls upon States parties to take proactive measures to prevent discrimination on the basis of sex, disability, socioeconomic background, ethnic or national origin, language or any other grounds, and discrimination against minority and indigenous children, asylum-seeking, refugee and migrant children, lesbian, gay, bisexual, transgender and intersex children [...] (<i>para. 11</i>). The digital environment can enable children to form their social, religious, cultural, ethnic, sexual and political identities and to participate in associated communities and in public spaces for deliberation, cultural exchange, social cohesion and diversity [...] (<i>para. 64</i>).

CRC– Committee on the Rights of the Child | CRC Convention – Convention on the Rights of the Child

INDIVIDUAL COMPLAINTS

This section contains information about decisions made by the Committees on individual complaints. Individual complaint is a formal complaint, from an individual who claims that their rights under one of the treaties have been violated by a State party, which most of the treaty bodies are competent to consider.

Committee Decision	Treaty's articles Issue Result
HRCtee Alekseev v. Russian Federation Communication No. 2727/2016 Decision published on 16 Oct 2021 ¹	<i>Arts. 21 and 26 of the ICCPR</i> Unjustified restrictions to the right of peaceful assembly; discrimination against LGBT people Violation
HRCtee Alekseev v. Russian Federation Communication No. 2757/2016 Decision published on 26 Mar 2021 ²	<i>Arts. 21 and 26 of the ICCPR</i> Unjustified restrictions to the right of peaceful assembly; discrimination against LGBT people Violation
HRCtee M.I. v. Sweden Communication No. 3246/2018 Decision published on 06 Nov 2020 ³	<i>Art. 7 of the ICCPR</i> Non-refoulement. Asylum on the grounds of SOGI Inadmissible
CAT H.T. v. Switzerland Communication No. 888/2018 Decision published on 30 Dec 2020 ⁴	<i>Arts. 3 and 22 of the CAT Convention</i> Deportation of a lesbian woman to Cameroon Inadmissible
CRC A.B. v. Finland Communication No. 51/2018 Decision published on 04 Feb 2021	<i>Arts. 2, 3, 13, 14, 16, 17, 19, 22 and 29 of the CRC Convention</i> Best interests of the child; discrimination; asylum based on parent's sexual orientation, non-refoulement Violation

HRCtee– Human Rights Committee | **ICCPR** – International Covenant on Civil and Political Rights | **CAT** – Committee against Torture | **CAT Convention** – Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment | **CRC**– Committee on the Rights of the Child | **CRC Convention** – Convention on the Rights of the Child.

Update! The new forms and guidance notes for individual complaints are available in the main website of the following Committees:

[HRCtee](#), [CERD](#), [CESCR](#), [CEDAW](#), [CAT](#), [CRC](#), [CRPD](#), [CED](#)

¹ Individual Communication from the [130 Session](#) (12 Oct 2020 – 06 Nov 2020) published in 2021.

² Individual Communication from the [130 Session](#) (12 Oct 2020 – 06 Nov 2020) published in 2021. The advanced unedited version of the decision does not specify the date of its adoption.

³ Individual Communication from the [130 Session](#) (12 Oct 2020 – 06 Nov 2020) published in 2021.

⁴ Individual Communication from the [70 Session](#) (26 Apr 2020 – 28 Apr 2020) published in 2021.

SUMMARY OF SESSIONS: COUNTRY PERIODIC REVIEWS

This section contains more detailed information on SOGIESC questions, recommendations and follow-up reviews adopted by specific Committees under the country periodic review process.

[**Bold**] = SOGIESC-inclusive recommendations in the Concluding Observations

[Light] = SOGIESC-inclusive concerns and questions in the Concluding Observations and List of Issues respectively

Human Rights Committee

131th Session: 01–26 Mar 2021

Nine LGBTI-inclusive **recommendations** in the Committee's Concluding Observations on:

[Finland](#) (paras. **15,20,21**)

[Kenya](#) (paras. **11,12,13** and 32,36,42)

- One urgent recommendation regarding measures taken to combat hate speech and hate crimes based on SOGI (Finland) [Deadline: March 26th 2022]
- Legislation to eradicate all forms of discrimination, stigmatisation and violence based on SOGI (Finland, Kenya)
- Legislation and other measures to ensure legal gender recognition for transgender children (Finland)
- Legislation and other measures to effectively prevent irreversible medical interventions against intersex children (Finland, Kenya)
- Decriminalization of consensual same-sex sexual acts between adults (Kenya)
- Actions to address the expulsion of children from schools on the basis of their actual or suspected SOGI (Kenya)
- Implement efforts to investigate complaints of arbitrary arrest and detention of LGBT individuals (Kenya)*
- Strictly uphold the principle of non-refoulement in both law and practice, particularly with LGBT refugees and asylum seekers (Kenya)*
- Ensure the exercise of freedom of expression of LGBT individuals, including online expression (Kenya)*

* The Committee mentioned LGBT explicitly in its concerns on these topics even though not in recommendations. Yet, the recommendations could be interpreted to include LGBT individuals.

Seven LGBTI-inclusive **questions** in the Committee's List of Issues:

[Republic of Korea](#) (para. 6)

[Fiji](#) (paras. 6, 7, 10)

[Grenada](#) (paras. 5,6)

[Iceland](#) (para. 7)

[Malawi](#) (paras. 5,6,7,12)

[Nepal](#) (paras.7,8,12)

[Sao Tome and Principe](#) (para.7)

[Seychelles](#) (para. 7)

[Tanzania](#) (para. 6)

- Measures to adopt anti-discrimination laws and combat discriminatory laws and social practices based on SOGI (Republic of Korea, Fiji, Grenada, Iceland, Malawi, Nepal, Sao Tome and Principe, Seychelles)
- Measures to combat discrimination, stigmatization, violence and hate speech based on SOGI (Fiji, Malawi, Nepal, Tanzania)
- Measures to address all forms of violence against women (including LBT women), especially during the COVID-19 pandemic (Fiji, Nepal)
- Decriminalization of same sex consensual relations and measures to protect persons harassed, threaten or prosecuted because of their SOGI (Grenada, Malawi, Tanzania)
- Measures to prevent unnecessary surgical interventions to intersex children without consent (Iceland)
- Information of the use of excessive violence by the police against LGBTI persons during the COVID-19 pandemic (Malawi)
- Implement a mechanism to monitor cases of violence based on SOGI and provide access to health care for LGBTI persons (Malawi)

Committee on Economic, Social and Cultural Rights

68 PSWG : 08 - 12 Mar 2021 | 69 Virtual Session: 15 Feb-05 Mar 2021

Three LGBTI-inclusive **recommendations** in the Committee's Concluding Observations on:

[Finland](#) (paras. 39,46,47)

[Latvia](#) (paras. 12,13)

- Ensure social support and housing without discriminating LGBTI persons (Finland)
- Measures to prohibit discrimination and bullying in school curricula and ensure inclusive education for LGBTI pupils (Finland)
- Anti-discrimination legislation and measures adopted to combat discrimination based on SOGIESC (Latvia, China, Hong Kong [SAR China], Lithuania, Panama)
- First SOGIESC recommendations from this Committee for Latvia and Finland

Ten LGBTI-inclusive **questions** in the Committee's List of Issues:

[Brazil](#) (paras. 2,19)

[China](#) (para. 12)

[Hong Kong \(SAR China\)](#) (paras. 7,8)

[Lithuania](#) (paras. 8)

[Panama](#) (paras. 9, 16)

- Measures taken to protect LGBTIQ persons from the health and economic crises arising from the COVID-19 pandemic (Brazil)
- Information on the impact of the Social Security Reform disaggregated by women, people of African-descent, traditional peoples and communities, and LGBTIQ persons (Brazil)
- Measures against discrimination and harassment faced by LGBTI persons in employment, housing, healthcare, education and social services (Hong Kong [SAR China])
- Statistical data on the practice of early surgery and medical interventions on intersex children (Hong Kong [SAR China])
- Any measures to recognize same-sex couples, including those married abroad (Hong Kong [SAR China])
- Measures to address challenges faced by transgender persons in the enjoyment of their economic, social and cultural rights, including legal gender recognition (Lithuania)
- Measures for protection and care of transgender persons subjected to physical, sexual, psychological or any other type of violence. In particular during the COVID-19 pandemic (Panama)

Committee on the Elimination of Discrimination against Women

[80 Virtual PSWG](#): 01 – 05 Mar 2021 | [78 Virtual Session](#): 15 -25 Feb 2021

One LGBTI-inclusive **recommendation** in the Committee's Concluding Observations on:

[Denmark](#) (paras. **11, 19**)

- One urgent recommendation to implement temporary special measures in the context of the COVID-19 pandemic to redress long-standing inequalities for women, including LBT women and intersex persons (Denmark) [Deadline: 08th March 2023]

Eight LGBTI-inclusive **questions** in the Committee's List of Issues:

[China](#) (para. 20)

[Hong Kong \(SAR China\)](#) (para. 20)

[Macau \(SAR China\)](#) (para. 20)

[Namibia](#) (para. 18)

[Uganda](#) (para. 20)

[Bhutan](#) (para. 22)

[Chile](#) (para. 5)

- Measures taken to combat multiple and intersecting forms of discrimination against LBT women- (China, Hong Kong [SAR China], Macau [SAR China], Namibia)
- Measures to protect women from violence based on their SOGI via public awareness and training to law enforcement officials (Uganda)
- Steps adopted to revise the illegality of same-sex relations and marriages (Uganda)
- Measures to ensure LBT women's access to justice, sexual and reproductive health services, income-generating opportunities and social and gender-based violence protection programmes (Uganda)
- Data on the number of cases of gender-based discrimination disaggregated by, inter alia, sex and sexual orientation (Chile)
- Measures to ensure that the intersecting nature of violence and discrimination is recognized under the law, including LBT women and intersex persons (Chile)
- Measures to ensure that legislation on migration addresses the risks faced by LBT women and intersex persons who are victims of persecution in their countries of origin (Chile)
- Information on the draft law on same-sex marriage (bill No. 11422-07) In the light of the Committee's previous recommendations (para. 51) (Chile)

Committee on the Rights of the Child

88 PSWG: 08 – 12 Feb 2021 | 86 Session Postponed due to the COVID-19: 18 Jan -05 Feb 2021

Fifteen LGBTI-inclusive **questions** in the Committee's List of Issues:

[Bolivia \(Plurinational State of\)](#) (para. 11)

[Germany](#) (paras. 4,7, 18)

[Luxembourg](#)⁵ (paras. 18, 37)

[North Macedonia](#) (para. 4)

[South Africa](#) (para. 12,18)

[United Kingdom of Great Britain and](#)

[Northern Ireland](#) (paras. 13, 23, 26,29, 36)

- Measures to prevent and combat multiple and intersecting forms of discrimination against LGBTI- (Bolivia, South Africa, United Kingdom)
- Assessment on the impact of action plans and awareness-raising programmes to combat discrimination against LGBTI children (Germany)
- Statistical data on cases of unnecessary medical or surgical treatment of intersex children and legislative measures to prevent this practice (Germany, Luxembourg, United Kingdom)
- Measures on rehabilitation and redress to intersex children who have undergone unnecessary and irreversible medical or surgical treatment and to provide their families with adequate counselling and support (Luxembourg, United Kingdom)
- Antidiscrimination legislation to protect vulnerable groups, including LGBTI children (North Macedonia)
- Information on the legislative and practical steps taken to prohibit and eradicate all forms of harmful practices, including intersex genital mutilation- (South Africa)
- Measures taken to address the high incidence of mental illness and self-harm, and the causes thereof of LGBTI children (United Kingdom)
- Measures adopted to address bullying in schools, including against LGBT children (United Kingdom, Bolivia)
- Measures adopted to ensure that mandatory sexual and reproductive health education includes material on SOGI (United Kingdom)

⁵ LOIPR issued in 2019.

Committee on the Rights of Persons with Disabilities

[24 Virtual Session](#): 08 Mar– 01 Apr 2021

Three LGBTI-inclusive **recommendations** in the Committee's Concluding Observations on:

[Estonia](#) (paras. **10, 33, 61**)

- Ensure meaningful consultations with organizations of persons with disabilities, including LGBTI and gender diverse persons with disabilities (Estonia)
- Adopt a comprehensive strategy to prevent and combat all forms of violence and exploitation against persons with disabilities and ensure that the Violence Prevention Plan includes LGBTI persons with disabilities (Estonia)
- Develop a system and procedures for data collection on persons with disabilities, disaggregated by age, sex and SOGI (Estonia)
- First SOGIESC recommendations from this Committee for Estonia.