



UN Treaty Bodies Quarterly Report

No. 4/2021 – October-December 2021
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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 Communications.

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 pandemic, several sessions of Treaty Bodies were postponed and some of them are 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

Armenia	Maldives
Azerbaijan	Netherlands
Bolivia	Nicaragua
Botswana	Russia
Guatemala	Saudi Arabia
Ecuador	South Africa
Germany	Sweden
Indonesia	Thailand
Kyrgyzstan	Ukraine

**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

Armenia	Mauritania
Bolivia	Nigeria
Canada	North Macedonia
Chad	Peru
Greece	Romania
Kyrgyzstan	State of Palestine

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COUNTRY-SPECIFIC QUESTIONS AND RECOMMENDATIONS

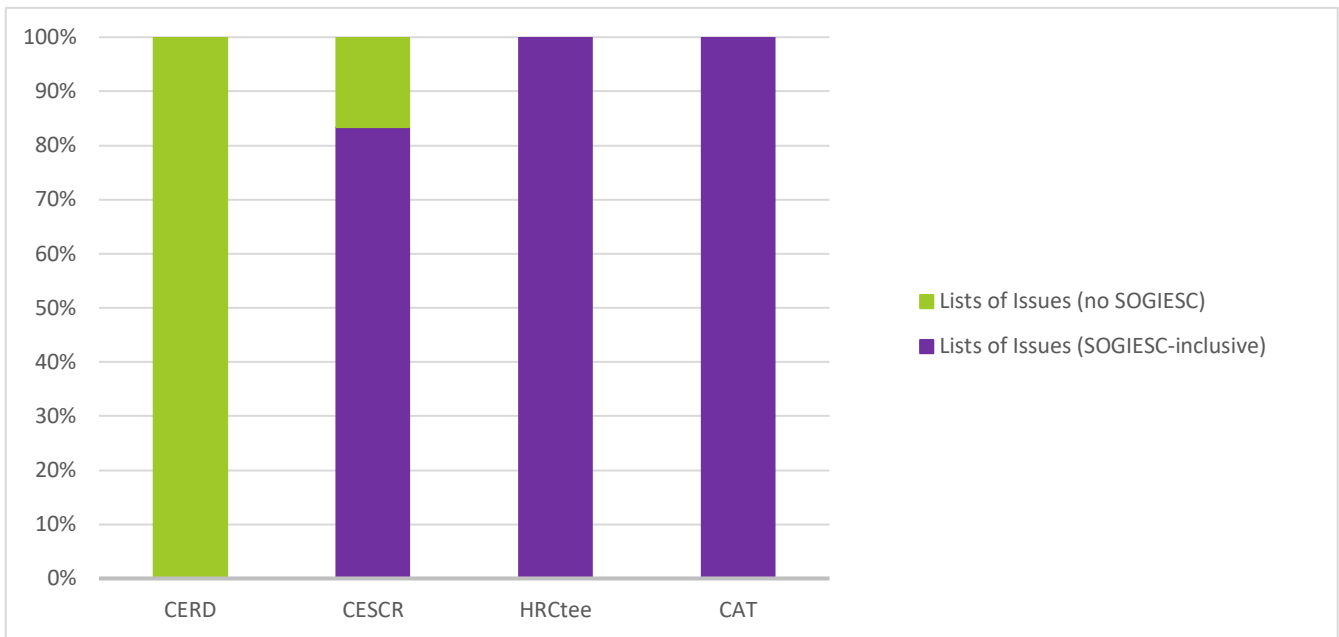
This section contains information about recommendations in Concluding Observations, as well as questions in Lists of Issues to specific countries under country periodic review process.

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

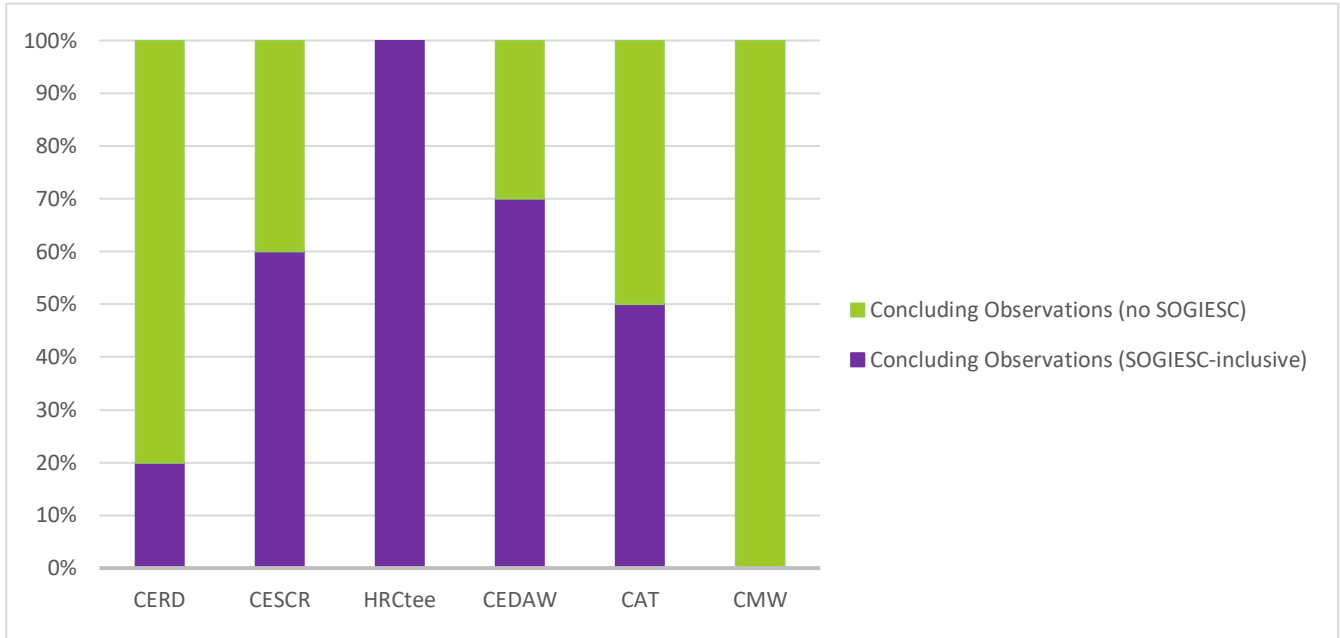
Committee Session / PSWG		Countries
CERD 105 Session : 15 Nov – 03 Dec 2021	Lists of Issues:	Chile, Denmark, San Marino, Singapore, Switzerland, Thailand, Trinidad and Tobago
	Concluding Observations:	Chile, Denmark, Singapore, Switzerland, Thailand
CESCR 70 Session : 27 Sep – 15 Oct 2021 69 PSWG : 18-22 Oct 2021	Concluding Observations:	Azerbaijan, Bolivia , Bosnia and Herzegovina, Kuwait, Nicaragua
	Lists of Issues:	Armenia, Chad, Mauritania, Qatar, Romania, State of Palestine
	Follow-up:	Cameroon, Estonia, Kazakhstan, Mauritius , South Africa
HRCtee 133 Session : 11 Oct – 5 Nov 2021	Lists of Issues:	Greece, North Macedonia
	Concluding Observations:	Armenia, Botswana, Germany, Ukraine
CEDAW 80 Session : 18 Oct – 12 Nov 2021	Follow-up:	Dominican Republic , Hungary, Jordan, Mauritius
	Concluding Observations:	Ecuador, Egypt, Indonesia, Kyrgyzstan, Maldives, Russia, South Africa, South Sudan, Sweden, Yemen
	Follow-up:	Austria, Ethiopia, Fiji, Liechtenstein, Qatar, Serbia, United Kingdom
CAT 72 Session : 08 Nov – 03 Dec 2021	Lists of Issues:	Canada, Guatemala, Netherlands, Peru, Saudi Arabia
	Concluding Observations:	Bolivia, Kyrgyzstan , Lithuania, Nigeria , Serbia, Sweden
CMW 33 Session : 27 Sep – 08 Oct 2021	Concluding Observations:	Azerbaijan, Rwanda

PSWG – Pre-Sessional Working Group | CERD – Committee on the Elimination of Racial Discrimination | CESCR – Committee on Economic, Social and Cultural Rights | HRCtee – Human Rights Committee | CEDAW – Committee on the Elimination of Discrimination against Women | CAT – Committee against Torture | CMW – Committee on Migrant Workers

Percentage of SOGIESC-inclusive Lists of Issues (October-December 2021)



Percentage of SOGIESC-inclusive Concluding Observations (October-December 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

CMW

[General comment No. 5 \(2021\)](#)

on migrants' rights to liberty, freedom from arbitrary detention and their connection with other human rights

Three references to LGBTI:

- In the case of migrant workers and their families who are in vulnerable situations, States' duty of due diligence to effectively protect is greater than in other cases; they should, in particular, take reasonable measures to prevent the deprivation of liberty of those persons. States should avoid detaining migrants who have specific needs or who are particularly at risk of exploitation, abuse, gender-based violence, including sexual violence, or other human rights violations in the context of detention. That includes pregnant and breastfeeding women, older persons, persons with disabilities, survivors of torture or trauma, persons who are victims of crimes such as trafficking, migrants with special physical or mental health needs, **lesbian, gay, bisexual, transgender and intersex persons**, refugees, asylum seekers and stateless persons. [...]. (*para 46*)
- The Committee has received information about various acts of violence, particularly sexual violence, child and forced labour and trafficking for the purpose of sexual exploitation, perpetrated against migrants who have been deprived of their liberty. Women, children, persons with disabilities and **members of the LGBTI+ community** are highly vulnerable to abuse in immigration detention centres. In some cases, the abuse amounts to torture. The Committee notes that migrants are at an increased risk of human rights violations while in detention, and States have an ex-officio obligation to prevent, investigate, prosecute and punish any acts of torture, cruel, inhuman or degrading treatment or punishment or other human rights violations by detention facility personnel, detainees or any other person. (*para 71*)
- In order to guarantee that immigration detention takes place in non-punitive facilities, the States must ensure, among others, that: [...] (b) men and women remain separated, taking into consideration the **particular needs of LGBTI+ people**; [...] and (f) other measures are taken that enable detainees to have an adequate standard of living, which includes appropriate clothing and bedding, heating, sufficient food in line with the physical and health conditions of the migrants and their religious beliefs, and the rights to access to safe water and sanitation and to health care, including health care professionals, independent from detaining authorities. In addition to physical conditions, States should ensure that there are sufficient staff, both men and women, who must be adequately trained in human rights and gender issues and qualified to work with groups of persons who are in vulnerable situations. (*para 85*)

INDIVIDUAL COMMUNICATIONS

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

No decision on SOGIESC were made in October -December 2020

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

Committee on the Elimination of Racial Discrimination

[105 Session](#): 15 Nov – 03 Dec 2021

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

[Thailand](#) (paras 13, 14)

- First LGBTI recommendations from this committee to Thailand
- Combat the intersecting and multiple forms of discrimination faced by LGBTI persons belonging to ethnic and ethno-religious groups, indigenous peoples, migrants, refugees or asylum seekers, including by mainstreaming SOGI into legislative, policy and other measures to combat racial discrimination (Thailand)

Committee on Economic, Social and Cultural Rights

[70 Session](#): 27 Sep – 15 Oct 2021 | [69 PSWG](#): 18-22 Oct 2021

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

[Armenia](#) (paras 7, 23)

[Chad](#) (para 10)

[Mauritania](#) (para 9)

[Romania](#) (para 9)

[State of Palestine](#) (para 10)

- Criminalization of consensual same-sex sexual acts (Mauritania)
- SOGI-inclusive anti-discrimination legislation (Armenia)
- Measures to combat discrimination based on SOGI (Mauritania, Romania) and impact of such measures (Chad)
- Access to justice and low reporting of discrimination by LGBTI persons (Armenia)
- Measures to address discriminatory stereotypes and de facto inequalities of LGBTI persons (Palestine)
- Obstacles to health care services by LGBTI persons (Armenia)
- Implementation of ECtHR decision on legal gender recognition (Romania)

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

[Azerbaijan](#) (paras 18, 19)

[Bolivia](#) (paras 20, 21, 26, 27, 30, 31, 50, 51)

[Nicaragua](#) (paras 17, 18)

- First LGBTI recommendations from this committee to Azerbaijan, Bolivia, Nicaragua
- Adopt a law on hate crimes against LGBTI 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 (Bolivia)
- Adopt SOGI-inclusive anti-discrimination legislation (Azerbaijan)
- Eliminate negative stereotypes and stigmatization of LGBTI persons, including through awareness-raising for the public, health-care providers, teachers, social workers, and law enforcement and other public officials (Azerbaijan)
- Improve the knowledge of health personnel on the rights of LGBTI persons and establish health-care protocols for this group (Bolivia)
- Urgently support jobseekers, particularly LGBTI persons, in the context of the COVID-19 crisis (Bolivia)
- Update legislation to guarantee equality for same-sex couples, particularly on statutory benefits such as health, social security and pensions (Bolivia)
- Two trans-specific recommendations: establish efficient procedure for legal gender recognition irrespective of gender reassignment surgery (Azerbaijan); ensure that Law on Gender Identity is effectively implemented, and that internal regulations are fully aligned with it (Bolivia)

Two LGBTI-inclusive **follow-up** assessment reports to the Committee's previous Concluding Observations:

[Kazakhstan](#)

[Mauritius](#)

- Insufficient progress on SOGI-inclusive anti-discrimination legislation; State requested to provide detailed information in its next periodic (Kazakhstan)
- Insufficient progress on introducing gender identity as a protected ground in anti-discrimination legislation or to provide more effective remedies for victims of violations; State requested to provide detailed information in its next periodic (Mauritius)

Human Rights Committee

[133 Session](#): 11 Oct – 5 Nov 2021

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

[Greece](#) (paras 4, 22)

[North Macedonia](#) (paras 4, 5)

- Measures against SOGI-based discrimination (North Macedonia)
- Any progress to ensure that anti-discrimination law explicitly includes SOGI (North Macedonia)
- Measures against hate crimes, hate speech, discrimination, stigmatization, and violence against LGBTI persons; data on any increase in such crimes in the in the COVID-19 pandemic and specific measures in response (Greece)
- Efforts to prevent and punish hate crime and hate speech against LGBTI persons, including any training and public awareness campaigns to address stigma and discriminatory attitudes and any measures taken to ensure an adequate number of investigations, prosecutions and convictions for such crimes (North Macedonia)
- Comments on attacks against LGBTI human rights defenders (Greece)

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

[Armenia](#) (paras 9, 10, 11, 12, 37, 38)

[Botswana](#) (paras 11, 12)

[Germany](#) (paras 10, 11, 20, 21, 53)

[Ukraine](#) (paras 13, 14, 15, 16, 47, 48, 54)

- First LGBTI recommendations from this committee to Germany
- Repeal laws criminalizing consensual same-sex sexual acts (Botswana)
- Adopt SOGI-inclusive anti-discrimination (Armenia, Botswana, Ukraine) and hate crime and hate speech legislation (Armenia, Ukraine)
- Protect against discrimination and violence based on SOGI, both in law and in practice, and ensure that such conduct is properly addressed and that remedies are provided to victims (Armenia)
- Train judges, prosecutors, law enforcement and other officials and conduct awareness-raising aimed at the public (Armenia, Ukraine)
- Address violations against LGBTI human rights defenders (Armenia, Ukraine)
- One intersex-specific recommendation: ensure that assignment of a sex to intersex children without their consent is prohibited, except when absolutely medically necessary and in the best interests of the child; ensure that victims have access to their health records and remedies, including through a revision of the statutes of limitation; consider establishing a compensation fund (Germany)
- Follow-up recommendations on human rights defenders (Ukraine) and on intersex (Germany)¹

One LGBTI-inclusive **follow-up** assessment report to the Committee's previous Concluding Observations:

[Dominican Republic](#)

- Information on concrete measures taken to implement the Committee's recommendations has not been provided; no information on any measures to ensure protection for LGBTI persons; further information on specific measures requested (Dominican Republic)

¹ States should report on implementation by 5 November 2024.

Committee on the Elimination of Discrimination against Women

80 Session: 18 Oct – 12 Nov 2021

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

[Ecuador](#) (paras 5, 9, 10, 17, 18, 19, 20, 25, 26, 31)

[Indonesia](#) (paras 13, 14, 25, 26, 47, 48)

[Kyrgyzstan](#) (paras 21, 22, 41, 42, 47, 48)

[Maldives](#) (paras 51, 52)

[Russia](#) (paras 22, 23, 34, 35, 46, 47)

[South Africa](#) (paras 5, 9, 10, 23, 24, 59, 60)

[Sweden](#) (paras 10, 20, 28)

- First LGBTI recommendations from this committee to Indonesia and Maldives
- Decriminalize consensual relations between women (Maldives)
- Ensure that the draft criminal code does not discriminate against and does not restrict rights of LGBT women (Indonesia)
- Remove the criminal code's reference to "lesbianism" (Kyrgyzstan)
- Adopt a definition of rape based on lack of free consent that protects all women from rape, including LGBT women (Kyrgyzstan)
- Repeal "anti-propaganda" legislation that discriminate against women based on their SOGI (Russia)
- Criminalize hate speech and attacks against LGBT women and recognize SOGI motives as aggravating circumstances (Kyrgyzstan)
- Combat gender-based violence and discrimination against LGBT women and intersex persons, including hate speech and physical, verbal and emotional abuse (Indonesia)
- Investigate, prosecute and punish violence and hate crimes against LGBT women and intersex persons (Kyrgyzstan, Russia, South Africa), and provide reparation to victims (Russia, South Africa)
- Enforce criminal law provisions on discrimination based on gender identity and legislation prohibiting "sexual reorientation" or "de-homosexualization"; ensure investigation, prosecution and punishment for such cases, and access to protection, shelters, support services, and reparation for victims (Ecuador)
- Prohibit "conversion therapy" and other forced, involuntary or otherwise coercive or abusive treatments against LGBT women (Indonesia)
- Review domestic violence law to take into account the special needs of LGBT women (Kyrgyzstan)
- Address hate speech against LGBT women and intersex persons (Russia)
- Raise awareness on the specific risk of gender-based violence for LGBT women (South Africa)
- Protect LGBT women's and intersex person's human rights and conduct awareness-raising activities to address their stigmatization in society (Indonesia)
- Raise awareness on hate speech and stigmatization of LGBT women and intersex persons in society and in the media and provide capacity-building for law enforcement officials (Russia)
- Raise awareness among women, including LGBT women, about the legal remedies available to them in the event of discrimination (South Africa)
- Ensure access to justice, employment, health care, social protection and food security for LGBT women, taking into account their specific needs (Kyrgyzstan)
- Pay particular attention to LGBT women and intersex persons in gender-sensitive programmes aimed at overcoming consequences of the COVID-19 crisis (Ecuador, Sweden)
- Include LGBT women and intersex persons in temporary special measures (Ecuador, Maldives), including to accelerate their equal participation (Sweden)
- Ensure representation of LGBT women and intersex persons in political and public life (Sweden), include LGBT women in capacity-building on political campaigning and leadership, and ensure their access to campaign funding (Ecuador)
- Ensure that LGBT women can freely participate in political and public life by safely exercising their right to freedom of assembly (Kyrgyzstan)
- Provide information about women facing intersecting discrimination, including LGBT women and intersex persons, and on measures taken to address such discrimination (South Africa)
- One trans-specific recommendations on access of transgender persons, including women, to legal gender recognition (Kyrgyzstan)

Committee against Torture

72 Session: 08 Nov – 03 Dec 2021

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

[Canada](#) (paras 13, 27)

[Guatemala](#) (paras 15, 27)

[Netherlands](#) (paras 17, 20, 24, 25)

[Peru](#) (paras 13, 22)

[Saudi Arabia](#) (para 14)

- Disaggregated statistics on cases of violence, hate crimes or ill-treatment against LGBTI persons and information on the outcome of the investigations and prosecutions conducted in each case and the sentences and penalties imposed (Netherlands)
- Measures to prevent and combat attacks by the police based on SOGI; disaggregated statistical data on complaints, investigations, prosecutions and convictions in cases involving attacks by the police on LGBTI persons (Peru)
- Protocols to meet the needs of LGBTI prisoners (Canada, Netherlands, Peru, Saudi Arabia)
- Mechanisms to ensure safety of LGBTI asylum seekers in asylum centres, including in the quarantine facilities (Netherlands)
- Measures to prohibit coercive or abusive treatments, such as "conversion therapies", on LGBTI persons (Netherlands)
- Measures to guarantee that: treatment for intersex persons is based on consent; non-urgent, irreversible medical interventions are postponed until a child can participate in decision-making; and counselling and support are available for intersex children and their parents; information on investigations on non-consensual medical procedures towards intersex persons (Netherlands)
- Measures taken to guarantee respect for the physical integrity and autonomy of intersex persons and to ensure that no one is subjected during infancy or childhood to non-urgent medical or surgical procedures intended to decide the sex of the child; indicate the number of intersex children who have undergone sex assignment surgery during the reporting period (Canada)
- Information on remedies available against the physical or mental pain and suffering that "conversion therapies" or intersex genital mutilation can inflict; number of cases in which redress was provided to victims, and the type of redress provided (Netherlands)

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

[Bolivia](#) (paras 34, 35)

[Kyrgyzstan](#) (paras 24, 25, 34, 35, 38)

[Nigeria](#) (paras 13, 14, 27, 28)

- First LGBTI recommendations from this committee to Bolivia and Nigeria
- Aim at abolishing death penalty, including for consensual same-sex sexual acts, commute all death sentences down to prison sentences, and consider declaring an official moratorium on the death penalty (Nigeria)
- Develop protocols to address the specific needs of LGBTI persons deprived of their liberty (Bolivia)
- Stop, investigate and prosecute arbitrary detentions and assaults against LGBTI persons, and provide effective remedies to the victims (Nigeria)
- Ensure proper investigation into and prosecution for torture and ill-treatment by law enforcement officers against LGBTI persons, and compensation and rehabilitation to the victims (Kyrgyzstan)
- Follow-up recommendation on investigation, prosecution, and reparation in cases of torture and ill-treatment by law enforcement officers (Kyrgyzstan)²

² State should report on implementation by 3 December 2022.

Committee on Migrant Workers

[33 Session](#): 27 Sep – 08 Oct 2021

No LGBTI-inclusive recommendations