



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

Compilation and Keywords

2021

The seventh edition of *United Nations Treaty Bodies: References to sexual orientation, gender identity, gender expression and sex characteristics* was written and researched by Lara Goodwin, edited by Kseniya Kirichenko, and published by ILGA World. It is copyright-free provided you cite both the author and the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World).

This compilation of references with keywords was prepared by Kseniya Kirichenko with research assistance by Andrea M. Ayala, Alma Aguilar Betancurt, Amira Eid, Jose Guillermo Ricalde Perez and Aigerim Kamidola.

Suggested citation: Kseniya Kirichenko (comp. and ed.), *United Nations Treaty Bodies: References to sexual orientation, gender identity, gender expression and sex characteristics: Compilation and Keywords 2021* (ILGA World, 2023).

Download the report at www.ilga.org or contact untreaties@ilga.org.

On the names of countries and territories in this publication

ILGA World is an organisation with ECOSOC-accredited consultative status at the United Nations and our publications therefore have to follow UN-recommended language on the names of countries and territories. Nothing in an ILGA World publication should be taken as a position made by the organisation on the status of any country or territory. If you have any doubts or queries with regard to this aspect of this publication, please contact ILGA World at info@ilga.org.

List of Acronyms

FOE/FOAA	freedom of expression / freedom of assembly and association
GBV	gender-based violence
GC/GR	general comment / general recommendation
GSO	gender and sexual orientation
HIV/AIDS	human immunodeficiency virus infection and acquired immune deficiency syndrome
HRDs	human rights defenders
ILGA World	International Lesbian, Gay, Bisexual, Trans and Intersex Association
L / G / B / T / Q / I	lesbian / gay / bisexual / trans / queer / intersex
LGR	legal gender recognition
LOI	list of issues
LOIPR	list of issues prior to reporting
PSWG	Pre-sessional working group
SDGs	Sustainable Development Goals
SI	sexual identity
SM	sexual minorities
SO / GI / E / SC	sexual orientation / gender identity / gender expression / sex characteristics
SRHR	sexual and reproductive health and rights
TSM	temporary special measures

Table of Contents

List of Acronyms.....	3
Table of Contents.....	4
Keywords	8
General Comments	12
1. Committee on the Rights of the Child.....	13
General comment No. 25 (2021) on children’s rights in relations to digital environment.....	13
2. Committee on Migrant Workers	14
General comment No. 5 (2021) on migrants’ rights to liberty, freedom from arbitrary detention and their connection with other human rights	14
Decisions on Individual Communications.....	16
1. Human Rights Committee.....	17
H.G. v. Sweden, communication No. 3266/2018, decision of 23 July 2021	17
Vladimir Ivanov v. Russian Federation, communication No. 2635/2015, decision of 4 May 2021	22
2. Committee against Torture.....	27
H.S. v. Denmark, communication No. 792/2016, decision of 19 July 2021.....	27
3. Committee on the Rights of the Child.....	35
A.B. v. Finland, communication No. 51/2018, decision of 4 February 2021	35
Lists of Issues, Concluding Observations	46
and Follow-up Assessment	46
1. Committee on Economic, Social and Cultural Rights.....	47
Armenia – List of Issues – 69 th PSWG, 15 November 2021, 4 th review	47
Azerbaijan – Concluding Observations – 70 th Session, 2 November 2021, 4 th review	48
Bolivia – Concluding Observations – 70 th Session, 5 November 2021, 3 rd review	49
Brazil – List of Issues – 68 th PSWG, 7 April 2021, 3 rd review	51
Chad – List of Issues – 69 th PSWG, 15 November 2021, 4 th review.....	52
China – List of Issues – 68 th PSWG, 7 April 2021, 3 rd periodic review	53
Finland – Concluding Observations – 69 th session, 30 March 2021, 7 th periodic review	54
Hong Kong, China – List of Issues – 68 th PSWG, 7 April 2021, 4 th review.....	55
Kazakhstan – Follow-up Assessment – 70 th Session, 10 November 2021, 2 nd review	56
Latvia – Concluding Observations – 69 th session, 30 March 2021, 2 nd periodic review.....	57
Lithuania – List of Issues – 68 th PSWG, 12 April 2021, 3 rd review.....	58
Mauritania – List of Issues – 69 th PSWG, 16 November 2021, 2 nd review.....	59
Mauritius – Follow-up Assessment – 70 th Session, 10 November 2021, 5 th review	60
Nicaragua – Concluding Observations – 70 th Session, 11 November 2021, 5 th review.....	61
Panama – List of Issues – 68 th PSWG, 13 April 2021, 3 rd review	62
Romania – List of Issues – 69 th PSWG, 15 November 2021, 6 th review	63
State of Palestine – List of Issues – 69 th PSWG, 16 November 2021, initial review.....	64
2. Human Rights Committee.....	65
Albania – List of Issues prior to reporting – 132 nd Session, 19 August 2021, 3 rd review.....	65
Armenia – Concluding Observations – 132 nd Session, 25 November 2021, 3 rd review	66
Botswana – Concluding Observations – 132 nd Session, 24 November 2021, 2 nd review.....	68

Burundi – List of Issues – 132 nd Session, 18 August 2021, 3 rd review.....	69
Canada – List of Issues prior to reporting – 132 nd Session, 24 August 2021, 7 th review.....	70
Democratic People's Republic of Korea – List of Issues prior to reporting – 131 st Session, 22 June 2021, 3 rd review.....	71
Dominican Republic – Follow-up Assessment – 133 rd Session, 17 December 2021, 6 th review.....	72
Ecuador – List of Issues prior to reporting – 132 nd Session, 27 August 2021, 7 th review	74
Fiji – List of Issues prior to reporting – 131 st Session, 9 August 2021, initial review	75
Finland – Concluding Observations – 131 session, 01 April 2021, 7 th periodic review.....	76
France – List of Issues prior to reporting – 132 nd Session, 24 September 2021, 6 th review	78
Germany – Concluding Observations – 132 nd Session, 30 November 2021, 7 th review.....	79
Greece – List of Issues prior to reporting – 132 nd Session, 2 December 2021, 3 rd review.....	81
Grenada – List of Issues prior to reporting – 131 st Session, 14 May 2021, initial review	82
Iceland – List of Issues prior to reporting – 131 st Session, 22 September 2021, 6 th review.....	83
Kenya – Concluding Observations – 131 st Session, 11 May 2021, 4 th periodic review.....	84
Malawi – List of Issues prior to reporting – 131 st Session, 28 May 2021, 2 nd review.....	87
Mozambique – List of Issues prior to reporting – 132 nd Session, 19 August 2021, 2 nd review	88
Nepal – List of Issues prior to reporting – 131 st Session, 27 May 2021, 3 rd review	89
North Macedonia – List of Issues prior to reporting – 132 nd Session, 6 December 2021, 4 th review.....	90
Sao Tome and Principe – List of Issues prior to reporting – 131 st Session, 22 September 2021, initial review	91
Seychelles – List of Issues prior to reporting – 131 st Session, 27 May 2021, initial review	92
Togo – Concluding Observations – 132 nd Session, 24 August 2021, 5 th review	93
Türkiye – List of Issues prior to reporting – 132 nd Session, 25 August 2021, 2 nd review	94
Ukraine – Concluding Observations – 132 nd Session, 11 November 2021, 8 th review	95
United Republic of Tanzania – List of Issues prior to reporting – 131 st Session, 23 April 2021, 5 th review.....	97
3. Committee on the Elimination of Discrimination against Women.....	98
Armenia – List of Issues – 81 st Virtual PSWG, 9 July 2021, 7 th review	98
Bhutan – List of Issues prior to reporting – 80 th Virtual PSWG, 10 March 2021, 10 th review.....	99
Chile – List of Issues prior to reporting – 80 th Virtual PSWG, 10 March 2021, 8 th review	100
China – List of Issues – 80 th Virtual PSWG, 10 March 2021, 9 th review.....	102
Denmark – Concluding Observations – 78 th session, 9 March 2021, 9 th periodic review	103
Ecuador – Concluding Observations – 80 th Session, 24 November 2021, 10 th review.....	105
Estonia – List of Issues prior to reporting – 81 st virtual PSWG, 9 July 2021, 7 th review	108
Finland – List of Issues – 81 st Virtual PSWG, 9 July 2021, 8 th review.....	109
Honduras – List of Issues – 81 st virtual PSWG, 9 July 2021, 9 th review	110
Indonesia – Concluding Observations – 80 th Session, 24 November 2021, 8 th review	112
Kazakhstan – Follow-up Assessment – 81 st Session, 24 February 2022, 5 th review.....	114
Kyrgyzstan – Concluding Observations – 80 th Session, 29 November 2021, 5 th review.....	115
Luxembourg – Follow-up Assessment – 78 th Session, 5 March 2021, 6 th -7 th review.....	117
Maldives – Concluding Observations – 80 th Session, 23 November 2021, 6 th review.....	118
Namibia – List of Issues – 80 th Virtual PSWG, 10 March 2021, 6 th review.....	119
Netherlands – List of Issues prior to reporting – 81 st Virtual PSWG, 9 July 2021, 7 th review.....	120
Russian Federation – Concluding Observations – 80 th Session, 30 November 2021, 9 th review.....	122
South Africa – Concluding Observations – 80 th Session, 23 November 2021, 5 th review.....	124

Sweden – Concluding Observations – 80 th Session, 24 November 2021, 10 th review.....	126
Türkiye – List of Issues – 81 st Virtual PSWG, 9 July 2021, 8 th review	128
Uganda – List of Issues – 80 th Virtual PSWG, 10 March 2021, 8 th -9 th review.....	129
4. Committee on the Rights of the Child	130
Bhutan – List of Issues prior to reporting – 90 th PSWG, 30 November 2021, 6 th -7 th review ...	130
Bolivia – List of Issues – 88 th PSWG, 4 March 2021, 5 th -6 th review	131
Bulgaria – List of Issues prior to reporting – 89 th PSWG, 9 July 2021, 6 th -7 th review.....	132
Czechia – Concluding Observations – 88 th session, 22 Oct 2021, 5 th -6 th review	133
Ecuador – List of Issues prior to reporting – 90 th PSWG, 28 October 2021, 7 th review	134
Estonia – List of Issues prior to reporting – 90 th PSWG, 27 October 2021, 7 th review.....	135
Eswatini – Concluding Observations – 88 th session, 22 Oct 2021, 2 nd -4 th review	136
Fiji – List of Issues prior to reporting – 89 th PSWG, 30 September 2021, 5 th -6 th review	137
Germany – List of Issues – 88 th PSWG, 4 March 2021, 5 th -6 th review.....	138
Guatemala – List of Issues prior to reporting – 90 th PSWG, 22 October 2021, 5 th -7 th review.	139
Liechtenstein – List of Issues prior to reporting – 89 th PSWG, 30 June 2021, 3 rd -4 th review.	140
Luxembourg – Concluding Observations – 87 session, 21 June 2021, 5 th -6 th review.....	142
North Macedonia – List of Issues – 88 th PSWG, 9 March 2021, 3 rd -6 th review.....	143
Poland – Concluding Observations – 88 th session, 6 Dec 2021, 5 th -6 th review	144
South Africa – List of Issues prior to reporting – 88 th PSWG, 4 March 2021, 3 rd -6 th review...	146
Switzerland – Concluding Observations – 88 th session, 22 Oct 2021, 5 th -6 th review.....	147
Tunisia – Concluding Observations – 87 th Session, 7 June 2021, 4 th -6 th review	149
United Kingdom of Great Britain and Northern Ireland – List of Issues prior to reporting – 88 th PSWG, 4 March 2021, 6 th -7 th review	150
5. Committee against Torture	152
Bolivia – Concluding Observations – 72 nd Session, 29 December 2021, 3 rd review.....	152
Canada – List of Issues prior to reporting – 72 nd Session, 6 January 2022, 8 th review	153
Chile – List of Issues prior to reporting – 70 th Session, 17 May 2021, 7 th review	154
Czechia – List of Issues prior to reporting – 70 th Session, 10 June 2021, 7 th review.....	155
Guatemala – List of Issues prior to reporting – 72 nd Session, 7 January 2022, 8 th review.....	156
Kyrgyzstan – Concluding Observations – 72 nd Session, 21 December 2021, 3 rd review.....	157
Netherlands – List of Issues prior to reporting – 72 nd Session, 6 January 2022, 8 th review ...	158
Nigeria – Concluding Observations – 72 nd Session, 21 December 2021, initial review	159
Norway – List of Issues prior to reporting – 70 th Session, 16 June 2021, 9 th review	160
Peru – List of Issues prior to reporting – 72 nd Session, 7 January 2022, 8 th review	161
Russian Federation – List of Issues prior to reporting – 70 th Session, 21 June 2021, 7 th review	162
Saudi Arabia – List of Issues prior to reporting – 72 nd Session, 5 January 2022, 3 rd review..	163
Senegal – List of Issues prior to reporting – 70 th Session, 25 May 2021, 5 th review	164
Serbia – Concluding Observations – 72 nd Session, 20 December 2021, 3 rd review	165
6. Committee on the Rights of Persons with Disabilities	166
Estonia – Concluding Observations – 24 th Session, 1 April 2021, initial report	166
France – Concluding Observations – 25 th Online Session, 4 October 2021, initial report	168
7. Committee on the Elimination of Racial Discrimination	170
Belgium – Concluding Observations – 103 rd Session, 21 May 2021, 22 nd review	170
Netherlands – Concluding Observations – 104 th Session, 16 November 2021, 22 nd -24 th review	171
Thailand – Concluding Observations – 105 th Session, 10 February 2022, 4 th -8 th review.....	172
8. Committee on Migrant Workers	173

El Salvador – List of Issues prior to reporting – Intersessional period, 23 February 2021, 3 rd review.....	173
Jamaica – List of Issues prior to reporting – Intersessional period, 2 March 2021, initial and 2 nd review.....	174
Nigeria – List of Issues prior to reporting – Intersessional period, 9 March 2021, initial and 2 nd review.....	175
Philippines – List of Issues prior to reporting – Intersessional period, 22 February 2021, 3 rd review.....	176
9. Committee on Enforced Disappearance	177
Brazil – Concluding Observations – 21 st session, 3 November 2021, initial review	177
Colombia – Concluding observations on the additional information under article 29 (4) of the Convention – 20 th session, 11 May 2021, initial review	178
France – Concluding observations on the additional information under article 29 (4) of the Convention – 21 st session, 19 October 2021, initial review	181
Mongolia – Concluding Observations – 20 th session, 11 May 2021, initial review.....	182
Panama – Concluding Observations – 21 st Session, 4 November 2021, initial review	183
Slovakia – Follow-up Assessment – 21 st Session, 2 November 2021, initial review	184

Keywords

A

access to justice .22, 35, 47, 60, 70, 84, 95, 98, 99,
100, 115, 120, 124, 132, 134, 150, 160
action plan 103, 105, 107, 124, 148, 166
adolescents..... 131, 134, 137, 140, 145, 148
adoption 140
Afghanistan..... 17
aggravating circumstance66, 94, 115, 117
Albania..... 65
anti-discrimination legislation47, 48, 52, 53, 55, 56,
57, 60, 61, 64, 65, 66, 68, 71, 75, 76, 82, 83,
84, 87, 89, 90, 91, 92, 95, 112, 114, 144, 168,
173, 174, 175, 176
Armenia47, 66, 98
arrest.....157, 159, 164
asylum-seekers/refugees .17, 27, 35, 86, 100, 103,
105, 122, 129, 158, 171, 172
awareness-raising campaign48, 49, 66, 68, 72, 74,
76, 79, 82, 84, 87, 90, 93, 95, 109, 113, 122,
124, 129, 137, 138, 139, 144, 147, 149
Azerbaijan..... 48

B

Belgium..... 170
Bhutan 99, 130
Bolivia49, 131, 152
Botswana 68
Brazil.....51, 177
Bulgaria..... 132
bullying..... 35, 54, 130, 131, 144, 145, 148, 150
Burundi 69

C

Canada70, 153
Chad 52
children 13, 35, 54, 55, 70, 76, 79, 80, 83, 84, 120,
130, 131, 132, 133, 134, 135, 137, 138, 139,
140, 141, 142, 143, 144, 145, 146, 147, 148,
149, 150, 152, 154, 155, 156, 159, 160, 179
Chile..... 100, 154
China 53, 102
Colombia..... 178
consultation 79, 106, 112, 124, 147, 166, 168, 169,
171, 178
conversion therapy74, 106, 112, 156, 158, 160
corrective rape 27
court..... 17, 22, 35, 88, 100, 124, 181

criminalisation (decriminalisation)27, 59, 68, 69,
82, 84, 86, 87, 93, 97, 112, 118, 129, 164

Czechia..... 133, 155

D

data collection.....47, 51, 55, 57, 69, 71, 75, 76, 79,
82, 87, 89, 95, 108, 124, 128, 132, 138, 140,
141, 148, 153, 157, 162, 167, 169, 178, 179,
183
death penalty 159
decision-making process.....50, 126, 127, 147, 166,
168, 178
Democratic People's Republic of Korea..... 71
Denmark 27, 103
detention.....14, 85, 86, 87, 93, 115, 129, 152, 153,
154, 155, 156, 157, 158, 159, 160, 161, 162,
163, 164
discrimination13, 22, 35, 47, 49, 54, 55, 58, 59, 61,
62, 63, 66, 69, 70, 71, 72, 74, 75, 76, 81, 82,
84, 87, 88, 89, 90, 92, 94, 95, 97, 98, 100, 102,
103, 104, 105, 106, 107, 108, 109, 110, 112,
113, 115, 118, 119, 120, 122, 124, 125, 126,
129, 130, 131, 132, 134, 136, 137, 138, 139,
140, 143, 144, 146, 147, 149, 150, 158, 164,
168, 170, 172, 173, 174, 175, 176
domestic violence75, 105, 110, 115, 120, 126, 157
Dominican Republic 72

E

Ecuador 74, 105, 134
education48, 54, 55, 57, 58, 59, 62, 74, 82, 84,
102, 103, 106, 109, 119, 130, 131, 137, 140,
144, 145, 147, 148, 150, 155, 170
El Salvador 173
employment.....49, 55, 57, 58, 59, 62, 63, 82, 102,
103, 105, 106, 107, 108, 115, 119, 120, 126,
167, 170, 173, 174, 175, 176
Estonia..... 108, 135, 166
Eswatini 136

F

family35, 72, 101, 110, 140
Fiji 75, 137
Finland.....35, 54, 76, 109
FOE/FOAA [freedom of expression / freedom of
peaceful assembly and association] ..22, 67, 69,
81, 86, 88, 96, 115
follow-up 35, 56, 60, 72, 77, 80, 96, 100, 104, 114,
117, 165, 179, 181, 183, 184

forced marriage 146, 148
 France..... 78, 168, 181
 free and informed consent.... 70, 76, 79, 80, 83, 84,
 98, 109, 115, 118, 120, 140, 148, 158, 168

G

GC/GR [general comments / general
 recommendations].. 13, 14, 57, 76, 96, 100, 106,
 112, 115, 120, 122, 126, 127, 128, 133, 142,
 144, 145, 166, 168, 170
 gender reassignment surgeries 48, 155
 Germany 79, 138
 Greece 81
 Grenada..... 82
 Grounds
 GI [gender identity]..... 58, 60, 106, 178, 183
 SC [sex characteristics]..... 70, 83
 SO [sexual orientation]... 17, 22, 27, 35, 86, 100,
 137, 147, 164, 170, 171
 SOGI [sexual orientation and gender identity]
 47, 48, 49, 55, 56, 57, 59, 61, 62, 63, 65, 66,
 68, 69, 70, 71, 72, 74, 75, 76, 82, 84, 87, 89,
 90, 91, 93, 94, 95, 97, 108, 109, 110, 114,
 122, 128, 129, 144, 145, 150, 156, 161, 162,
 164, 167, 168, 169, 172, 173, 174, 175, 176,
 177, 178, 179, 181, 182, 183, 184
 Guatemala 139, 156

H

harassment.. 27, 35, 49, 55, 66, 67, 69, 84, 86, 93,
 96, 109, 113, 129, 130, 146, 157
 hate crimes .. 49, 65, 66, 70, 72, 76, 77, 78, 79, 81,
 88, 90, 94, 95, 97, 110, 115, 117, 120, 122,
 124, 128, 156, 158, 162, 164
 hate speech . 65, 66, 70, 75, 76, 77, 78, 79, 81, 83,
 87, 88, 90, 94, 95, 97, 98, 109, 113, 115, 117,
 120, 122, 124, 144
 health 47, 48, 49, 50, 51, 55, 57, 58, 59, 62, 63, 87,
 100, 102, 103, 106, 115, 119, 130, 135, 140,
 145, 147, 150, 160, 171
 HIV/AIDS ... 47, 52, 65, 68, 84, 87, 90, 97, 98, 115,
 125, 136, 137, 146
 Honduras 110
 Hong Kong, China 55
 housing 54, 55, 58, 82, 119, 170
 HRD [human rights defenders]... 27, 67, 81, 85, 86,
 88, 96, 110, 124, 165, 178

I

Iceland 83
 IDP [internally displaced persons]..... 95
 Indonesia 112

internet 65, 67, 70, 75, 76, 79, 83, 86, 97, 112, 122,
 131, 148
 intersectionality... 13, 14, 35, 48, 52, 61, 62, 75, 89,
 98, 100, 103, 104, 105, 106, 109, 110, 112,
 115, 118, 124, 125, 168, 170, 172, 173, 174,
 175, 176, 184
 investigation.. 65, 66, 67, 72, 74, 76, 79, 82, 85, 87,
 88, 90, 91, 92, 95, 96, 106, 122, 125, 144, 156,
 157, 158, 161, 162, 164, 165, 178
 Iran..... 17

J

Jamaica 174
 jurisprudence 17, 22, 27, 35

K

Kazakhstan 56, 114
 Kenya..... 84
 killings 74, 110, 178
 Kyrgyzstan 115, 157

L

Latvia 57
 law enforcement officials 48, 66, 72, 76, 79, 84, 85,
 93, 95, 122, 129, 157, 161, 162
 legislation 22, 49, 56, 58, 60, 66, 70, 71, 72, 74, 76,
 79, 82, 83, 84, 86, 88, 89, 90, 93, 94, 95, 97,
 100, 101, 103, 107, 108, 109, 110, 112, 113,
 114, 115, 117, 118, 122, 124, 128, 136, 138,
 142, 143, 144, 146, 147, 159, 162, 168, 172,
 173, 174, 175, 176, 177, 182, 184
 LGR [legal gender recognition] .. 48, 58, 62, 63, 72,
 76, 109, 115, 155
 Liechtenstein 140
 Lithuania 58
 Luxembourg..... 117, 142

M

Malawi..... 87
 Maldives 118
 marriage 101, 110, 129
 Mauritania..... 59
 Mauritius 60
 measures 35, 47, 51, 52, 53, 56, 57, 59, 60, 61, 62,
 69, 70, 71, 72, 75, 76, 78, 81, 82, 84, 87, 88,
 89, 90, 92, 94, 97, 98, 99, 102, 103, 104, 105,
 108, 109, 110, 113, 114, 115, 118, 119, 120,
 122, 124, 126, 127, 129, 130, 131, 132, 134,
 135, 136, 137, 138, 139, 140, 143, 144, 146,
 147, 148, 150, 155, 156, 158, 160, 161, 162,
 163, 164, 166, 170, 172, 177, 178, 181, 182,
 183
 media 76, 79, 83, 94, 95, 117, 122

medical professionals .47, 48, 50, 74, 98, 145, 160, 171
Mongolia 182
Mozambique 88

N

Namibia..... 119
Nepal 89
Netherlands 120, 158, 171
Nicaragua 61
Nigeria 159, 175
North Macedonia 90, 143
Norway..... 160

P

Panama 62, 183
participation 106, 120, 127
partnership..... 49, 101, 110
Peru 161
Philippines 176
Poland..... 144
police 74, 76, 84, 85, 87, 122, 159, 161, 164
policy 103, 104, 105, 107, 110, 113, 124, 126, 134, 137, 140, 142, 144, 145, 147, 148, 166, 172, 178

Populations

G [gay]..... 17, 22
I [intersex].. 55, 70, 76, 79, 80, 83, 84, 120, 132, 133, 138, 140, 141, 142, 146, 148, 149, 150, 153, 158, 160, 162, 166, 168
L [lesbian] 27, 35
LBT [lesbian, bisexual and trans]... 99, 102, 103, 106, 109, 112, 115, 119, 120, 124, 129
LBTI [lesbian, bisexual, trans and intersex] ... 98, 100, 103, 104, 105, 106, 108, 110, 113, 118, 120, 122, 124, 125, 126, 127, 128, 132, 134
LGBT [lesbian, gay, bisexual and trans] .. 22, 35, 66, 67, 76, 83, 140, 145, 157
LGBTGD [lesbian, gay, bisexual, trans and gender diverse] 166
LGBTI [lesbian, gay, bisexual, trans and intersex] 13, 14, 27, 47, 48, 49, 50, 51, 52, 53, 54, 55, 58, 64, 70, 72, 74, 75, 76, 78, 79, 81, 82, 84, 85, 86, 87, 88, 90, 92, 95, 96, 103, 105, 107, 124, 130, 131, 132, 134, 135, 136, 137, 138, 139, 140, 143, 144, 145, 146, 147, 148, 149, 150, 152, 153, 154, 155, 156, 158, 159, 160, 161, 162, 163, 164, 165, 166, 168, 171, 172, 179
LGBTQI [lesbian, gay, bisexual, trans, queer and intersex] 144
SGM [sexual and gender minorities] 22
SM [sexual minorities] 22, 70, 89, 117

T [trans] ..48, 49, 58, 62, 63, 72, 75, 76, 98, 109, 115, 148, 155
prevention..... 62, 70, 74, 81, 88, 94, 133, 140, 148, 166, 178

privacy 115, 160, 167
professional groups ..48, 54, 66, 74, 76, 79, 85, 93, 95, 137
propaganda 35, 122, 162
prosecution .66, 74, 76, 78, 79, 83, 87, 90, 95, 106, 115, 120, 122, 125, 156, 157, 158, 161, 164
protected grounds..... 56, 60, 65, 66, 75, 82, 83, 84, 87, 90, 91, 92, 93, 95, 114, 128, 134, 144, 147, 168, 173, 174, 176
psychiatry 76
punishment ...49, 66, 72, 74, 76, 79, 80, 83, 85, 90, 95, 96, 106, 115, 120, 122, 125, 128, 144, 156, 157, 158, 161, 164, 166

R

refoulement..... 17, 27, 35, 86
remedy... 22, 35, 49, 55, 60, 61, 65, 66, 67, 75, 76, 79, 80, 84, 87, 88, 91, 92, 95, 100, 106, 122, 124, 125, 132, 133, 149, 150, 157, 158, 160
reparation 35, 67, 72, 95, 106, 114, 122, 124, 125, 133, 148, 149, 157, 177, 179, 181, 182, 183, 184
Romania 63
Russian Federation 22, 35, 122, 162

S

same-sex couples. 17, 27, 35, 49, 55, 72, 101, 129, 134, 140, 159
Sao Tome and Principe 91
Saudi Arabia 163
SDGs [Sustainable Development Goals] . 103, 104, 105, 110, 112, 126, 128, 133, 136, 145, 148, 149, 166, 168
Senegal 164
service provision... 55, 99, 100, 102, 106, 120, 128, 132, 133, 140, 143, 145, 146, 147, 171
sexual violence ...14, 62, 89, 98, 99, 109, 110, 124, 128, 130, 157
sexuality education 137, 150
Seychelles 92
shelters 106
Slovakia 184
social protection..... 105, 115, 120, 126, 146
social security 49, 51, 99
South Africa 124, 146
SRHR [sexual and reproductive health and rights] 98, 99, 103, 112, 115, 120, 132, 134, 135, 137, 145
State of Palestine 64

stereotypes 48, 64, 72, 76, 79, 80, 87, 95, 98, 109,
122, 143, 166, 171
sterilisation.....76, 98, 109, 118, 155
stigmatisation17, 35, 47, 48, 53, 58, 65, 66, 68, 69,
75, 76, 84, 87, 88, 90, 92, 95, 97, 100, 113,
122, 129, 134, 136, 149, 166
suicide..... 140, 148
support services 62, 132, 133, 140, 142, 148, 149,
150, 158, 166, 177, 181
surgical/medical intervention 55, 70, 76, 79, 80, 83,
84, 118, 120, 132, 133, 138, 140, 141, 142,
146, 148, 149, 150, 153, 158, 160, 162, 168
Sweden..... 17, 126
Switzerland 147

T

Thailand..... 172
Togo..... 93
torture/ill-treatment ... 14, 17, 27, 93, 157, 158, 160
trainings54, 66, 72, 74, 76, 79, 85, 90, 95, 98, 106,
122, 129, 137, 144, 145, 162
TSM [temporary special measures]..103, 106, 118,
126

Tunisia 149
Türkiye 94, 128

U

Uganda27, 129
Ukraine 95
United Kingdom of Great Britain and Northern
Ireland 150
United Republic of Tanzania 97

V

violence . 14, 17, 27, 49, 62, 65, 66, 72, 75, 76, 77,
84, 87, 88, 89, 92, 97, 98, 99, 100, 103, 105,
110, 112, 113, 115, 120, 122, 124, 125, 126,
128, 129, 131, 132, 134, 146, 156, 157, 162,
164, 166, 169, 175, 178

W

women27, 35, 87, 98, 99, 102, 103, 106, 107, 108,
109, 110, 112, 115, 120, 122, 152, 154, 155,
156, 158, 179

General Comments

1. Committee on the Rights of the Child

General comment No. 25 (2021) on children's rights in relations to digital environment¹

Keywords: *LGBTI; children, discrimination, GC/GR, intersectionality*

III. General principles

A. Non-discrimination

11. 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, children who are victims and survivors of trafficking or sexual exploitation, children in alternative care, children deprived of liberty and children in other vulnerable situations. Specific measures will be required to close the gender-related digital divide for girls and to ensure that particular attention is given to access, digital literacy, privacy and online safety.

[...]

VI. Civil rights and freedoms

D. Freedom of association and peaceful assembly

64. 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. Children reported that the digital environment provided them with valued opportunities to meet, exchange and deliberate with peers, decision makers and others who shared their interests.

¹ [CRC/C/GC/25](#).

2. Committee on Migrant Workers

General comment No. 5 (2021) on migrants' rights to liberty, freedom from arbitrary detention and their connection with other human rights²

Keywords: *LGBTI; detention, GC/GR, intersectionality, sexual violence, torture/ill-treatment, violence*

IV. Fundamental principles of the Convention regarding the right to liberty of migrant workers and members of their families

E. Principle of non-detention of persons in vulnerable situations

46. 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. [...].

[...]

V. Legal obligations of States parties to the Convention to protect the right to liberty of migrant workers and members of their families

E. Prohibition of torture and cruel, inhuman or degrading treatment or punishment (article 10 of the Convention)

71. 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.

[...]

J. Conditions of detention

85. 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

² [CMW/C/GC/5](#).

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.

Decisions on Individual Communications

1. Human Rights Committee

H.G. v. Sweden, communication No. 3266/2018, decision of 23 July 2021³

Keywords: SO; G; asylum-seekers/refugees, court, jurisprudence, refoulement, same-sex couples, stigmatisation, torture/ill-treatment, violence

Subject matter: Deportation of a gay man to Afghanistan

Substantive issues: Torture; cruel, inhuman or degrading treatment or punishment; right to family life

Articles of the Covenant: 7 and 17

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

Facts as presented by the author

- 2.1 The author is of Hazara ethnicity. He is originally from Ghazni, Afghanistan, but he grew up in the Islamic Republic of Iran. He is homosexual and has converted to Christianity while in the State party. The author notes that, as he grew up in the Islamic Republic of Iran, he does not know Afghanistan and lacks a social network in that country. He claims to have left the Islamic Republic of Iran because of stigmatization and pressure due to his sexual orientation. He arrived in Sweden in 2015, where he applied for asylum. That application was denied. The author notes that he was too ashamed to mention his sexual orientation in his initial application for asylum.
- 2.2 The author has a boyfriend in the State party from whom he does not want to be separated. They have been together for over two years. The author has been threatened by his ex-boyfriend's family in Afghanistan, as they feel he has violated the family's honour. He met his ex-boyfriend in the Islamic Republic of Iran when he was 13 years old. They had a relationship for a year but their families found out about it and a conflict ensued between the families. The author was beaten by his family, threatened with a knife by his boyfriend's brother and faced harassment in the Islamic Republic of Iran. His mother took him to see a doctor to "cure him". As the doctor told his mother that there was nothing to cure, his mother took him to a "community leader" who told her the author had to cure himself of his sins by praying and studying the Qur'an. The fact that his mother saw his homosexuality as a disease affected the author's self-esteem and made him ashamed of himself. He was therefore unable to mention his sexual orientation in his initial application for asylum.
- 2.3 The author submitted an application for impediment to enforcement of the deportation decision against him on 30 January 2018 on the basis of his sexual orientation. The application was denied by the Migration Agency on 28 February 2018. The Agency noted that he had not mentioned his sexual orientation in his first asylum interview, despite the fact that at that point, he had already been in Sweden for two years. Nor did he invoke it during the appeals proceedings or during the conversation with the Agency about his return to Afghanistan after the expulsion order had gained legal force. The Agency noted that it did not question that a person with a background in a country with negative views of homosexuality might have difficulty in openly telling someone about their sexual orientation. It noted, however, that at the time of the discussion about his return to Afghanistan, the author had been in Sweden for almost two years and would have known that views about homosexuality were more permissive in Sweden and could be invoked as grounds for asylum.

³ [CCPR/C/132/D/3266/2018](#).

- 2.4 The author subsequently submitted a baptism certificate and invoked his conversion and baptism on 12 June 2018 as a ground for impediment to enforcement of the deportation decision against him. The Migration Agency rejected that application on 16 July 2018. It found that the reasons provided by the author for his conversion were general in nature, and that he had not made it probable that he had converted based on genuine religious conviction. The decision was upheld by the Migration Court on 31 August 2018. The Court also found the author to be vague and not credible in his account of events and unable to express his feelings about his sexual orientation and conversion in a reliable way. The author's application for leave to appeal was denied by the Migration Court of Appeal on 9 October 2018. The author argues that the domestic authorities did not take into account his young age and cultural background in assessing his asylum claims. He also argues that the domestic authorities failed to understand that his choice to convert was linked to his sexual orientation and to the severe harassment he was subjected to because of it while in the Islamic Republic of Iran. The author notes that he has previously made one suicide attempt and will do so again if he is deported to Afghanistan, as he refuses to relive the treatment to which he was subjected while in the Islamic Republic of Iran.

Complaint

3. The author claims that his deportation to Afghanistan would expose him to a real risk of treatment contrary to article 7 of the Covenant because of his sexual orientation and conversion to Christianity. He claims that he would be at risk of violence if deported to Afghanistan, as his ex-boyfriend's family, who is powerful, have returned to Afghanistan, and as he has received threats on social media attributed to both his faith and sexual orientation. He further claims that by separating him from his boyfriend the State party would violate his rights under article 17 of the Covenant.

State party's observations on admissibility and the merits

- 4.4 As to the merits of the complaint, the State party notes that the Migration Agency held an introductory interview with the author in connection with his asylum application on 8 November 2015. On 29 November 2016, an extensive asylum investigation that lasted three hours was held in the presence of the public counsel. The minutes from the interview and the investigation were communicated to the public counsel. Both the interview and the investigation were also conducted with the assistance of interpreters, whom the author confirmed that he understood well. After the initial grounds claimed by the author for asylum had been investigated and examined by the domestic migration authorities and the decision to expel him had become final, the author was granted a new examination of the issue of a residence permit based on newly invoked grounds for international protection. The Migration Agency held a new asylum investigation with the author on 12 February 2018, lasting more than four hours and focusing primarily on his alleged sexual orientation. On 14 February 2018, a supplementary investigation was held, lasting one hour and still focusing on the author's alleged sexual orientation. The minutes from the investigations were subsequently communicated to the public counsel. Upon appeal, the Migration Court held an oral hearing with the author on 5 June 2018.

[...]

- 4.7 The State party notes that it was only while the author was placed in detention on 4 December 2017 and awaiting expulsion that he first claimed that he was homosexual and that he had converted from Islam to Christianity. It notes that pursuant to chapter 4, section 1, of the Aliens Act, a risk of persecution due to sexual orientation can constitute a ground for protection. On 2 October 2015, the Swedish Migration Agency adopted a general legal position paper concerning the method for a forward-looking risk assessment of a cited need for protection on grounds of sexual orientation, transgender identity or expression. According to that paper, an applicant must first plausibly demonstrate that he or she belongs to or is perceived in his or her country of origin as belonging to, a group that risks persecution on those grounds. It is furthermore emphasized that the task of the Agency is not to determine an applicant's sexual orientation but to assess whether an asylum seeker has plausibly demonstrated that he or she belongs to such a group.

- 4.8 The State party also refers to the judgment of the European Court of Human Rights in *M.K.N. v. Sweden*,¹ in which the Court assessed the credibility of the applicant's claim that he would be subjected to treatment contrary to article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) owing to an alleged homosexual relationship. The Court found that the applicant had not presented a reasonable explanation for not having invoked his claim regarding his sexual orientation until the appeal against the Migration Agency's expulsion order, more than one year after his arrival in Sweden. With regard to the circumstances of that case, the Court considered that the applicant's claim concerning the cited homosexual relationship was not credible.
- 4.9 The State party reiterates that the Migration Agency held two separate investigations with the author lasting a total of five hours and focusing on his alleged sexual orientation. A specialist also took part in the assessment. Despite the author being given ample opportunities to explain his cited need for protection, both orally and in writing, the Agency, *inter alia*, considered his account to be vague and lacking in detail regarding his personal perception of and feelings related to his alleged sexual orientation. During the asylum investigations, he was given the opportunity to describe his alleged relationship in the Islamic Republic of Iran and to explain how he perceived his sexual orientation during his childhood. The author stated that he had felt ashamed after he was discovered together with the boy by his mother, and afterwards felt different since his mother had become upset. However, the Agency noted that he had been unable to explain how his alleged shame was expressed in his daily life or to explain what he was thinking when he realized that he was attracted to people of the same sex. The Agency further considered that his personal reflections were of a general nature without any real connection to events as perceived by him. He was moreover unable to describe in a detailed way how he experienced his alleged relationship in Sweden, even though he claimed that that relationship was an essential part of his life. In an overall assessment, the Agency concluded that the complainant had not been able to plausibly demonstrate that he belonged to a group that was at risk of persecution in Afghanistan owing to sexual orientation or ascribed sexual orientation.
- 4.10 The State party notes that on appeal, the Migration Court held an oral hearing to give the author the opportunity to again describe his cited need for protection owing to sexual orientation. The Court initially noted that it had been more than two years after arriving in Sweden and after his expulsion order had become final that he first cited that he was homosexual, while he claimed to have known the Swedish authorities' view about homosexuality before arriving in Sweden. That fact had a negative impact on his credibility. Furthermore, the Court considered his account relating to his thoughts and feelings about his sexuality to be remarkably vague, even considering his cultural background. During the hearing, he was given the opportunity to develop his personal perception of and feelings regarding the alleged relationship in the Islamic Republic of Iran. He stated, *inter alia*, that he did not have any thoughts or feelings about being different and stated that everything had felt good and natural. He further claimed that he had lacked knowledge about the view of homosexuality in the Islamic Republic of Iran and about the different attitudes towards heterosexual and homosexual relationships. The Court noted in that regard that peoples' thoughts and feelings relating to those kinds of questions were highly personal and individual. However, it was not deemed credible that the author lacked knowledge about views on homosexuality in the Islamic Republic of Iran. Moreover, the Court considered the complainant's replies regarding his feelings of shame and fear after his mother had allegedly apprehended him with the boy in the Islamic Republic of Iran to be mechanical and without nuance. Taking into account all the events the author claimed to have experienced and the context in which he grew up, the Court considered that he should have been able to give a more detailed account. Consequently, the Court considered that he had not plausibly demonstrated that he belonged to a group that, owing to sexual orientation or ascribed sexual orientation, was at risk of persecution in Afghanistan.

Author's comments on the State party's observations on admissibility and the merits

- 5.4 The author reiterates the claims raised in his initial complaint. Regarding the State party's referral to *M.K.N. v. Sweden*, the author notes that the circumstances in said complaint were very different from his situation. The applicant in *M.K.N. v. Sweden* was an adult married man with two children who wished to stay with his wife and had no intention of living as a homosexual. The author argues that in his case, his claims have been assessed with a negative bias and without a human rights perspective, with a burden of proof impossible to attain. He argues that his refugee claims were not assessed in a rational and objective manner but were biased and based on subjectivity.
- 5.5 The author notes the State party's argument that his claims were not found credible as he did not invoke them until the deportation order against him had become final. He argues that this is unreasonable as he was only 16 years old when he came to Sweden. He had suffered from harassment and violence for three years in the Islamic Republic of Iran because of his sexuality. He was beaten by his family who regarded him as sick. In those circumstances, he could not be expected to invoke his sexuality at an early stage. He notes the State party's argument that the domestic authorities found his account to be vague and that he was unable to express his feelings. He argues that it was difficult for him to talk about his sexual orientation owing to his previous experience in the Islamic Republic of Iran and to the fact that he grew up in a homophobic country. When he started a relationship in Sweden, he was at first afraid that the situation in the Islamic Republic of Iran would repeat itself, that is, that people would treat him the way he was treated in that country. He has explained that he was afraid that rumours would spread. Furthermore, he argues that no consideration was made for the fact that he was not used to talking about his sexuality, or for cultural differences between Sweden and Afghanistan. Sweden is an individualistic society and Afghanistan is not. Citizens of Afghanistan often do not have the experience to reflect on questions involving oneself, and questions relating to one's personality. It is especially hard to reflect on issues that are taboo.
- 5.6 The author reiterates his arguments that he would be at risk of treatment contrary to article 7 of the Covenant owing to his conversion to Christianity. He argues that he has clearly expressed his reasons for converting and that the conversion is genuine. He further argues that in cases such as his, it is important to assess the cumulative effect of the risks when an asylum seeker belongs to several vulnerable groups or risk profiles. The needs for protection (apostasy and sexuality) are intertwined and together they constitute a great part of his identity. In his case, his religion and sexuality are intertwined and his choice to convert and to leave Islam is linked to his sexuality and the severe harassment that he has previously faced.

Issues and proceedings before the Committee

Consideration of admissibility

- 6.4 The Committee notes the author's claims that his deportation to Afghanistan would expose him to a real risk of treatment contrary to article 7 of the Covenant because of his sexual orientation and his conversion to Christianity. The Committee notes the State party's submission that the author has failed to substantiate his claims for the purposes of admissibility. It notes the State party's argument there is no reason to conclude that the decisions of the domestic authorities were inadequate or that the outcome of the domestic proceedings was in any way arbitrary or amounted to a denial of justice. It notes the State party's argument that the Migration Agency held two separate investigations with the author lasting a total of five hours and focusing on his alleged sexual orientation, in which a specialist took part, but that the author's account was found to be vague and lacking in detail and personal perception. The Committee further notes the State party's argument that the Migration Court also held an oral hearing to give the author the opportunity to again describe his cited need for protection owing to sexual orientation and the Court's finding that his claims were not credible, given, among other factors, that it had been more than two years after his arrival in Sweden and after his expulsion order had become final that he first cited that he was homosexual, while he claimed to have known the Swedish authorities' view about homosexuality before arriving in Sweden. The Committee

also notes the State party's argument that the author has not submitted any evidence in support of his claim that he has received threats from persons in Afghanistan, either before the Committee or before the domestic authorities. It also notes the State party's argument that the author's conversion was found to not be genuine by the domestic authorities as it took place after his expulsion order had become final, while he was being held in detention awaiting the enforcement of the expulsion order, and as his account was found to be vague and lacking in detail and personal conviction.

- 6.5 The Committee notes the author's argument that the domestic authorities did not take into account his young age and cultural background in assessing his asylum claims and his claim that he initially was too ashamed to raise his claims based on his sexual orientation before the domestic authorities. It notes his argument that his claims were assessed with a negative bias by the domestic authorities and with a burden of proof impossible to attain. It also notes his argument that it was difficult for him to talk about his sexual orientation owing to his previous experience in the Islamic Republic of Iran and owing to his having grown up in a country with negative views on homosexuality. The Committee also notes his argument that the domestic authorities had failed to understand that his choice to convert was linked to his sexual orientation and his argument that he clearly expressed his reasons for converting.
- 6.7 The Committee recalls its jurisprudence that an author carries the burden of proof to support the allegations of a personal and real risk of irreparable harm if deported, including the obligation to submit evidence sufficiently in advance of the decisions of the national domestic authorities, unless the information could not have been presented before. In the present case and as concerns the author's claims that he would be at risk of persecution if returned to Afghanistan owing to his sexual orientation, the Committee notes that the author states that he came to the realization about his sexual orientation at a young age. It notes that he arrived in Sweden in 2015 but did not invoke his protection claims on the basis of his sexual orientation until January 2018, after the rejection of his initial application for asylum had become final and while he was in detention facing removal to Afghanistan. The Committee further notes the domestic authorities' findings that the author's account was found to be vague and lacking in detail regarding his personal perception of and feelings related to his alleged sexual orientation. It also notes the Migration Court's finding that the author's claims were not considered credible, given that he invoked them more than two years after his arrival in Sweden, even though he had stated during the asylum proceedings that he had knowledge about the State party authorities' view of homosexuality before arriving in Sweden. The Committee considers that the author's allegations regarding the examination of his claims related to his sexual orientation mainly reflects his disagreement with the factual conclusions drawn by the State party's authorities about the credibility of his claims. The Committee, however, notes that the domestic authorities considered all the claims raised by the author and it finds that the author has not demonstrated that the conclusions of the domestic authorities were clearly arbitrary or amounted to a manifest error or denial of justice.

Vladimir Ivanov v. Russian Federation, communication No. 2635/2015, decision of 4 May 2021⁴

Keywords: SO; G, LGBT, SGM, SM; access to justice, court, discrimination, FOE/FOAA, jurisprudence, legislation, remedy

Subject matter: Right to peaceful assembly; non-discrimination

Substantive issues: Unjustified restrictions on the right of peaceful assembly; discrimination against LGBT persons

Articles of the Covenant: 21, 26

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

Facts as submitted by the author

- 2.1 The author is a documentary film director and an activist in the field of lesbian, gay, bisexual and transgender rights in the Russian Federation. Together with other activists, he made numerous attempts to organize peaceful assemblies on lesbian, gay, bisexual and transgender rights in Moscow, which were denied for nine consecutive years. On 10 April 2014, together with other activists, he informed the Lenin District administrative authority in Sevastopol of the intention to hold a gay pride parade on 23 April 2014, indicating the aims of the parade, its location and duration, and the number of participants (no more than 200 persons). The organizers also stated that they were ready to accept any proposal of the authorities if changes in the route of the parade were deemed necessary.
- 2.2 On 14 April 2014, the head of the Lenin District administrative authority refused to grant permission for the gay pride parade, citing considerations of public order and referring to the laws on the protection of the morality of minors and banning the dissemination among minors of propaganda on non-traditional sexual relations.

Complaint

- 3.1 The author claims a violation of his rights under article 21 of the Covenant, because the authorities clearly interfered with his right to peaceful assembly by refusing permission to hold the gay pride parade.
- 3.2 The author also claims a violation of article 26, read in conjunction with article 21 of the Covenant, owing to the discriminatory grounds for the refusal to hold the parade. Reference to the federal law banning the dissemination among minors of propaganda of non-traditional sexual relations suggests that the authorities would not allow any public events to be held by sexual minorities owing to opposition from the majority in society and the necessity to protect the morality of minors. The authorities could not demonstrate any objective and reasonable justification for the different treatment deriving from the sexual orientation of the participants in, and the beneficiaries of, the parade and the ideas the public event was aimed at promoting.

State party's observations on admissibility and the merits

- 4.4 The State party further reiterates the facts of the case and notes that the aim of the gay pride parade, according to the author, was to draw the attention of the public and authorities to the human rights of

⁴ [CCPR/C/131/D/2635/2015](#).

persons with a homosexual orientation, to discrimination and homophobia, fascism and xenophobia. However, the court concluded that the intention of the participants to organize a parade calling for tolerance towards “sexual minorities”, which would take place in recreational areas used by citizens with children and near educational institutions, violated the restrictions prescribed by law. The decision to refuse to authorize the gay pride parade was taken by the Lenin District administrative authority and confirmed by the first instance court on the basis of possible violations of Federal Law No. 436 of 2010 on the protection of children from information harmful to their health and development and of Federal Law No. 124 of 1998 on the basic guarantees of the rights of the child. By applying the provisions of these laws, the court aimed to prevent the dissemination of information that could lead to minors, as persons deprived of the opportunity to evaluate critically and independently such information, forming a view of traditional and non-traditional marriage relations as having socially equal value. Children, due to their physical and intellectual immaturity, need special protection and care, including appropriate legal protection. In its decision, the court took into consideration that several educational and school institutions were located in the immediate vicinity of the route of the parade. The purpose of the court decision was to protect minors from information, propaganda and agitation harmful to their health and moral and spiritual development.

[...]

- 4.7 According to the State party, the decision of the first instance court was upheld by the higher instances as lawful and well-founded, given that its aim was to protect minors from the negative influence of homosexual propaganda on their development. The State party endorses the position of the courts and maintains that the rights of the author under the Covenant were not violated.

Author’s comments on the State party’s observations on admissibility and the merits

- 5.4 In addition, the author submits that attempts to appeal, both in cassation proceedings and supervisory review proceedings before the Supreme Court, in similar cases concerning the rights of lesbian, gay, bisexual and transgender persons in the Russian Federation have failed, as the Supreme Court has upheld the lower-court decisions to refuse permission for such public events.
- 5.5 The author submits that two other applications submitted to the European Court of Human Rights⁹ combined the claims of several organizers concerning the refusal of over 250 public events in several cities in the State party between 2008 and 2014, all in support of the rights of sexual and gender minorities and aimed at promoting tolerance. He emphasizes that in its observations of 8 June 2016, with regard to those applications, the State party did not raise the issue of exhaustion of domestic remedies, although in the majority of those cases the authors had not appealed on cassation to the Supreme Court. In the cases they had, all cassation appeals had been dismissed.
- 5.6 In a letter dated 23 July 2016, the author reiterates his previous comments in extenso. In support, he refers to the case law of the European Court of Human Rights, notably *Alekseyev v. Russia*, concerning the refusal of the Moscow City authorities to permit pride parades in 2006, 2007 and 2008, in which the Court found that the authorities had violated the right to peaceful assembly and the prohibition of discrimination. He also refers to the jurisprudence of the Committee, in particular *Fedotova v. Russian Federation*, and *Alekseev v. Russian Federation*. The author notes also the European Commission for Democracy through Law (Venice Commission) opinion on the issue of the prohibition of so-called “propaganda of homosexuality” in the light of recent legislation in some member States of the Council of Europe.

Issues and proceedings before the Committee

Consideration of admissibility

- 6.4 In the present case, the author does not argue that he did not have access to the new cassation procedure, which was de facto available to him. The author, however, contests the effectiveness of such a procedure in his particular case, namely concerning public events organized by the LGBT

community in the context of overall state opposition to such events. In this respect, the Committee notes the author's assertion, undisputed by the State party, that between 2008 and 2014 at least 252 mass events on LGBT-related topics in several cities in the State party could not be organized owing to persistent refusals by the authorities and that so far there was not a single court judgment quashing negative decisions of municipal authorities concerning LGBT assemblies.

- 6.5 In assessing the effectiveness of the new cassation procedure in relation to the present communication, the Committee notes that the cassation procedure, introduced by Federal Law No. 353-FZ of 9 December 2010, and which entered into force on 1 January 2012, allows for the revision, on points of law only, of court decisions having the force of *res judicata*. The decision on whether to refer a case for hearing by the cassation court is discretionary in nature and is made by a single judge. These characteristics lead the Committee to believe that such cassation reviews contain elements of an extraordinary remedy. In addition, the Committee notes that, in the cassation procedure, the only grounds for the quashing or varying binding judgements are significant violations of substantive or procedural law. The State party must therefore show that there is a reasonable prospect that such a procedure would provide an effective remedy in the circumstances of the case at stake. In cases before it, the Committee notes that the municipal authorities and domestic courts have consistently denied the author and other activists the possibility of organizing rallies based on legislation banning the promotion of non-traditional sexual relations among minors. In this regard, the Committee refers to para. 10 (d) of its 2015 concluding observations on the Russian Federation, where it expressed concern at the existence of such legislation, its discriminatory effect on LGBT individuals and the disproportionate restriction on their rights under the Covenant. The Committee referred, in particular, to two Constitutional Court rulings, No. 151-O-O of 19 January 2010 and No. 24-P of 23 September 2014, which upheld the legality of such legislation. The Committee considers that the systematic application of this legislation to LGBT assemblies by the authorities, and the support of this practice by the courts, in particular by the Constitutional Court of the State party, render improbable a successful outcome in the cassation appeal procedure for the author. In the absence of information from the State party on changes in the legislation or administrative practice on this matter, and on the potential effectiveness of the new cassation recourse to challenge the application of this legislative scheme to the author, and in the absence of examples of judicial decisions quashing administrative decisions denying authorization of LGBT assemblies since 2015, the Committee finds that, in the circumstances of the present case, the cassation procedure under the Civil Procedure Code is not to be considered a remedy which the author was required to exhaust for the purpose of admissibility. The Committee therefore finds that it is not precluded by article 5 (2) (b) of the Optional protocol from examining the present communication.
- 6.6 The Committee notes the author's claim that his rights under articles 21 and 26 have been violated since he was denied an opportunity to hold a Gay Pride Parade and he was discriminated against based on his sexual orientation. The Committee considers that these claims have been sufficiently substantiated for the purposes of admissibility. It therefore declares them admissible and proceeds with their examination of the merits.

Consideration of the merits

- 7.2 The Committee has taken note of the author's claim of violations of his rights under articles 21 and 26 of the Covenant. The Committee recalls that the right of peaceful assembly "protects the ability of people to exercise individual autonomy in solidarity with others. Together with other related rights it also constitutes the very foundation of a system of participatory governance based on democracy, human rights, the rule of law and pluralism." Moreover, "States must ensure that laws and their interpretation and application do not result in discrimination in the enjoyment of the right of peaceful assembly, for example on the basis of ... sexual orientation or gender identity."
- 7.6 In the present case, the Committee observes that both the State party and the author agree that the failure to authorise a gay pride parade in Moscow on 23 April 2014 was an interference with the

author's right of assembly, but the parties disagree as to whether the restriction in question was permissible.

- 7.7 The Committee notes the State party's contention that its decision refusing the holding of the parade with the stated purpose – promotion of the rights and freedoms of sexual minorities – was necessary and proportional, and the only possible measure in a democratic society for protecting minors from information detrimental to their moral and spiritual development and health. The Committee also notes the State party's claim that it would not be possible to hold the parade owing to the fact that it would coincide with the celebration of the religious holiday Easter, as well as the celebration of the 70th anniversary of the liberation of Sevastopol from the German-fascist occupation. The Committee also notes the author's information that he was willing to exercise his right to peaceful assembly with the announced purpose, while guaranteeing respect for the public order and norms of public morality, and informing the authorities about his readiness to modify the route of the parade.
- 7.8 The Committee notes that restrictions on peaceful assemblies should only exceptionally be imposed for the protection of "morals". If used at all, this ground should not be used to protect understandings of morality deriving exclusively from a single social, philosophical or religious tradition and any such restrictions must be understood in the light of the universality of human rights, pluralism and the principle of non-discrimination. The Committee recalls that "restrictions based on this ground may not, for instance, be imposed because of opposition to expressions of sexual orientation or gender identity."
- 7.9 Restrictions imposed on an assembly on the ground that they are for the protection of the rights and freedoms of others may relate to the protection of Covenant or other rights of people not participating in the assembly. In this case, the Committee considers that there is no evidence suggesting that the "mere mention of homosexuality", or public expression of homosexual status, or the call for the respect of the rights of homosexuals, could have a negative effect on minors.
- 7.10 The Committee also recalls that the participants can freely determine the purpose of a peaceful assembly to advance ideas and aspirational goals in the public domain, and to establish the extent of support for or opposition to those ideas and goals. Central to the realisation of the right of peaceful assembly is the requirement that any restrictions must in principle be content neutral, and thus not be related to the message conveyed by the assembly. A contrary approach defeats the very purpose of peaceful assemblies as a tool of political and social participation. The Committee accordingly considers that in the present case, the State party's restrictions imposed on the author's right to assembly were directly related to the chosen purpose and content of assembly namely an affirmation of homosexuality and the rights of homosexuals. The Committee therefore concludes that the State party has not shown that the restriction imposed on the author's rights were necessary in a democratic society in the interests of the protection of public health or morals or the protection of the rights and freedoms of others. Accordingly, the Committee considers that the facts as submitted reveal a violation of the author's rights under article 21 of the Covenant.
- 7.11 The Committee further notes the author's claim that by prohibiting the parade, the authorities subjected him to discrimination on the basis of his sexual orientation in violation of article 26. The Committee also notes the State party's claim that the motive for prohibiting the parade did not include any manifestation of intolerance towards persons with non-traditional sexual orientation, but was strictly determined by the protection of the rights of minors.
- 7.12 The Committee recalls that article 26 entitles all persons to equality before the law and equal protection of the law, prohibits any discrimination under the law, and guarantees to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. With reference to its case law, the Committee recalls that the prohibition against discrimination under article 26 also extends to discrimination based on sexual orientation and gender identity.

- 7.13 The Committee considers that the authorities were opposed to the homosexual content of the parade and expressly drew a distinction based on sexual orientation and gender identity which constituted a differentiation based on grounds prohibited under article 26.
- 7.14 The Committee further recalls its jurisprudence that not every differentiation based on the grounds listed in article 26 of the Covenant amounts to discrimination, as long as it is based on reasonable and objective criteria and it pursues a legitimate aim under the Covenant. In the circumstances of the present case the State party was obliged to protect the author in the exercise of his 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 against 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. The Committee accordingly considers that the State party has failed to establish that the restriction imposed on the author’s right to peaceful assembly was based on reasonable and objective criteria and in pursuit of a legitimate aim under the Covenant. The prohibition of the assembly planned by the author therefore amounted to a violation of his rights under article 26 of the Covenant.

2. Committee against Torture

H.S. v. Denmark, communication No. 792/2016, decision of 19 July 2021⁵

Keywords: SO; L, LGBTI; asylum-seekers/refugees, corrective rape, criminalisation (decriminalisation), harassment, HRD, jurisprudence, refoulement, same-sex couples, torture/ill-treatment, violence, women

Subject matter: Deportation of a lesbian woman to Uganda

Substantive issue: Non-refoulement; torture

Articles of the Convention: 3

Facts as submitted by the complainant

- 2.1 The complainant first understood that she was a lesbian when she was 14 years old and has had sexual relationships with girls since she was 19 years old. She attended school between 1981 and 1996. During that period, she had relationships with two girls, M. and R. In 1996, her family found her with R. The complainant's father called R. "Satan" and threw her out of the house. From that moment, the complainant was kept at home, as her family tried to hide her homosexuality. Nonetheless, some local people found out about it. They spat and yelled at the complainant and told her to stay away from other girls. In 1998, the complainant was raped by a man who repeatedly told her that a woman should be with a man. The complainant told her father about the incident but he did not react. The complainant's family expelled her from their home and she has not been in contact with her family since then.
- 2.2 The complainant moved to town Z, where she lived with a lesbian friend, B., for nine years. She hid her sexual orientation in order to avoid attacks. She and B. sold second-hand clothes at the local market. Some men suspected the complainant of being a lesbian and called her *bisiyaga*. The complainant tried to avoid encountering this group of men by changing her route to and from the market, hiding and running away from them. She only left her home when necessary and, when at home, locked the doors to avoid being attacked. She feared being outed as a lesbian and being raped.
- 2.3 The complainant was not in a relationship in town Z because of the risk of being exposed as a lesbian. Occasionally, she and B. went to a bar frequented by other homosexuals. Whenever she went to or returned from the bar, the complainant was very discrete and careful. She had sexual encounters with women she met at the bar and sometimes went home with them but they never stayed overnight because of the increased risk of someone finding out.
- 2.4 In May 2007, the complainant met a woman called A. in a bar in town Z and started a relationship with her. In June 2007, the complainant fled Uganda for Denmark with A. because she was not free to live as a homosexual in Uganda and feared being raped and imprisoned because of her sexual orientation.
- 2.8 On 7 October 2013, the Danish Immigration Service concluded that the complainant was not a victim of human trafficking. On 10 April 2014, the Danish Immigration Service rejected the complainant's request for asylum. On 15 April 2014, the complainant contacted LGBT Asylum, an organization that

⁵ [CAT/C/71/D/792/2016](#).

defends the rights of lesbian, gay, bisexual and transgender asylum seekers, and became an active member. On 30 September 2014, the Danish Refugee Appeals Board upheld the Danish Immigration Service's rejection of the complainant's request for asylum, finding that the complainant's account of facts was not credible.

- 2.11 As a member of LGBT Asylum, the complainant has given a number of public statements and participated in pride parades and debates. She has also given anonymous interviews to the Danish media. On 15 December 2016, an article appeared in an online Ugandan gossip publication featuring the complainant's name and photograph. The article portrayed her as "a top Ugandan lesbian" to be deported from Denmark.

Complaint

- 3.1 The complainant claims that in Uganda she will be subjected to persecution by the local population and the Ugandan authorities because of her sexual orientation. She argues that her previous experience of serious ill-treatment due to her homosexuality, in conjunction with the general human rights conditions facing homosexuals in Uganda, give rise to a real, personal and present risk of her being subjected to torture if she were to be deported to Uganda, in violation of article 3 of the Convention.
- 3.2 She maintains that her situation is similar to the circumstances in *J.K. v. Canada* as regards her previous experience of serious ill-treatment on the basis of her sexual orientation, her profile and activism in organizations advocating the rights of lesbian, gay, bisexual, transgender and intersex persons and the general human rights situation for such persons in Uganda.
- 3.3 Concerning her experience of ill-treatment, the complainant refers to the "corrective rape" she was subjected to and the threats she received from members of her family and the local community in Uganda because of her sexual orientation. She claims that, prior to fleeing from Uganda, she had lived in constant fear of being raped and had hidden her sexuality in order to avoid further ill-treatment. In that regard, the complainant notes, with reference to the judgment of the Court of Justice of the European Union in *X, Y and Z. v. Minister voor Immigratie en Asiel*, that homosexual persons cannot be expected to conceal or exercise restraint in the expression of their sexual orientation in their country of origin in order to avoid persecution.
- 3.4 The complainant submits that, since 2014, she has been advocating the rights of lesbian, gay, bisexual, transgender and intersex persons in Denmark, which increases the real and personal risk of her being subjected to ill-treatment contrary to article 3 of the Convention if deported.
- 3.5 She claims that lesbian, gay, bisexual, transgender and intersex persons in Uganda, in particular activists, face a risk of systematic ill-treatment contrary to article 3 of the Convention. She cites a number of reports published from 2014 to 2016 by non-governmental and governmental organizations⁶ and the media according to which lesbian, gay, bisexual, transgender and intersex persons in Uganda have experienced discrimination, harassment and attacks even after the Anti-Homosexuality Act was nullified by the Constitutional Court of Uganda in August 2014. Moreover, according to the reports, lesbians face arrest and incarceration under section 145 of the Penal Code, are subjected to physical and verbal abuse and may endure "corrective rape". Abuses of the rights of lesbian, gay, bisexual, transgender and intersex persons have also reportedly been committed or condoned by the Ugandan police, although on some occasions police officers have protected lesbian, gay, bisexual, transgender and intersex persons. The complainant submits, against this background, that she runs an ongoing risk of being subjected to the kind of "curative rape" to which she has already fallen victim.

State party's observations on admissibility and the merits

- 4.1 In its observations dated 19 January 2018, the State party observes that, following the complainant's communication to the Committee, the Refugee Appeals Board reopened the case and adopted a new

substantive decision on 30 May 2017. The State party submits that the complainant's communication contains no new information about her personal circumstances or about the grounds on which she is requesting asylum beyond the information already considered by the Board in its decisions of 30 September 2014, 5 December 2016 and 30 May 2017. In its decision of 30 May 2017, the Board took into account the background information on Uganda referred to by the complainant, as well as additional and more recent background information. The State party concludes that the merits of all of the complainant's claims have been thoroughly examined by the Board. In its assessment of whether the complainant is at risk of abuse under article 3 of the Convention if deported, the Board considered the following: (a) the abuse to which the complainant was subjected in Uganda and the risk of abuse if deported; (b) the complainant's activities for organizations advocating the rights of lesbian, gay, bisexual, transgender and intersex persons in Denmark; (c) the inclusion, in an article posted on a Ugandan website, of the complainant's name and photograph; and (d) the general conditions for lesbians in Uganda, both in themselves and combined with the complainant's specific circumstances.

[...]

- 4.8 As regards her stay in town Z, during the asylum proceedings the complainant stated that she and B. were afraid of being reported to the authorities, were occasionally asked by men whose advances they had turned down if they were lesbians, were suspected and spoken ill of by people in the village. However, the description given by the complainant of the way in which she and B. were approached by men in no way resembles the information she submitted to the Committee. At no point did she mention to the Danish authorities, as she did to the Committee, that she had feared being outed as a lesbian and being raped or that she only left her home when necessary and, when at home, locked the doors to prevent being attacked in her home.
- 4.9 During the asylum proceedings, the complainant reported that, other than advances made by men, she experienced no problems in town Z. She provided no information about any actual gossip or any other kinds of problems caused by her lifestyle. When asked whether she had been subjected to physical abuse in town Z, she responded in the negative. The State party further observes that her statements in her communication to the Committee about the risks she faced because of going to bars frequented by other homosexuals and coming back home with other women differ from the statements she made to the Danish immigration authorities. When asked whether any problems had arisen because she had frequented homosexual bars, she replied in the negative and stated that, even if people were not open about their homosexuality, they knew who was homosexual. The State party stresses that the complainant and B. indisputably managed to live together in town Z for nine years, that those around them knew they were living together and that they were not subjected to abuse or the like at any point during this long period.
- 4.10 Furthermore, the State party contests the statements given by the complainant to the Committee according to which she had fled Uganda for Denmark because she was not free to live as a homosexual and feared being raped and imprisoned. The State party refers to the complainant's statements before the Refugee Appeals Board according to which she had never attempted to leave Uganda before meeting A. and that their departure was A.'s initiative. The complainant stated that she and A. had been together for a month before deciding to leave and that they had talked about the journey as lovers. When asked why she had travelled to Denmark, the complainant replied that A. had shown her love. When asked whether the reason for her departure with A. was that people in the village had spoken ill of her, the complainant replied that she had not wanted to go to prison, that their love had been strong and that they had been harassed.
- 4.11 The State party also contests the complainant's statement to the Committee according to which she had lived in town Z "avoiding further ill-treatment from the Ugandan authorities". At no time did the complainant state to the Danish authorities that she had had problems with or had been harassed by the Ugandan authorities. It appears from the statement given by the complainant to the Refugee

Appeals Board on 30 September 2014 that she believed that the local council in her parents' village had come to know about her homosexuality before she moved away from her parents, but that she had not been contacted by the police or the local authorities. Against this background, the State party cannot accept the complainant's account of the facts to the Committee. This also applies to the complainant's statement to the Committee according to which she had lived in constant fear of being raped before fleeing Uganda and had hidden her sexuality and taken precautions to avoid further ill-treatment.

- 4.12 Regarding the complainant's previous ill-treatment in Uganda in the form of "corrective rape" and threats from her family and the local community, the State party observes that the Refugee Appeals Board agrees with the complainant that information on previous ill-treatment is an important factor when assessing whether there is an actual risk of ill-treatment but disagrees that it is a decisive indicator of future risk. In accordance with paragraph 8 of the Committee's general comment No. 1 (1996), the Board made a thorough assessment of whether the abuse and treatment to which the complainant had been subjected by other people in the village of her parents imply that, if returned to Uganda, she would be at risk of treatment contrary to article 3 of the Convention. The Board's findings against this hypothesis are partly based on the fact that a long time has passed since she was subjected to the treatment in question⁸ and partly on the fact that, despite her particular vulnerability and mental state resulting from her traumatic experience, the complainant subsequently managed to live for nine years in town Z and had a homosexual relationship with A. there until she departed for Denmark in 2007 with A. and on A.'s initiative.
- 4.13 The State party observes that, in compliance with the judgment of the Court of Justice of the European Union in *X, Y and Z v. Minister voor Immigratie en Asiel*, cited by the complainant, and in line with article 3 (2) of the Convention, the Refugee Appeals Board conducted a thorough assessment of whether the complainant would be at risk of abuse contrary to article 3 of the Convention in case of her return to Uganda due to the general situation for lesbians in Uganda. The State party refers to the Board's decision of 30 May 2017, for which it examined Ugandan law and the actual situation of lesbian, gay, bisexual, transgender and intersex persons, relying on more recent background information than that referred to by the complainant.
- 4.14 The State party also refers to the decision of the Refugee Appeals Board of 5 December 2016, by which the Board found that the applicant was neither a high-profile homosexual individual nor in conflict with anyone at the time of her departure from Uganda. Regarding the complainant's advocacy activities in Denmark, the State party is of the opinion that the circumstances in *J.K. v. Canada* differ from the circumstances in the case at hand. J.K. had participated actively in efforts to advocate the rights of lesbian, gay, bisexual, transgender and intersex persons in Uganda, had been charged by the Ugandan authorities with "having carnal knowledge against nature" and could have been detained upon his return to Uganda pursuant to those charges. Unlike J.K., the complainant did not engage in any activities in favour of the rights of lesbian, gay, bisexual, transgender and intersex in Uganda and her political activities for organizations advocating the rights of lesbian, gay, bisexual, transgender and intersex in Denmark appear to have been carried out anonymously or at least in such a way as to not have made her a high-profile individual to such an extent that her circumstances would justify the granting of asylum under section 7 of the Aliens Act. The State further submits that the situation in Uganda has changed in recent years and continues to change. The situation during the period 2010–2012, when it was assumed that the Anti-Homosexuality Act could be brought before Parliament again at any time, cannot be compared with the current situation.
- 4.15 Finally, regarding the article containing the complainant's name and photograph that was posted online by a Ugandan gossip publication, the State party observes that, following the complainant's request on 20 July 2016 that the Refugee Appeals Board reopen her case, the Board received an email from the complainant on 21 July 2016 with a link to a Ugandan publication. The article dealt with the Danish authorities' decision to remove two Ugandan lesbians. Neither the complainant's name nor her photograph appeared in the article. In its decision of 5 December 2016, the Board

emphasized that the applicant had not been identified in the article. On 19 December 2016, the complainant once again requested the Board to reopen her case and referred to another article, published on 15 December 2016, featuring her name and photograph. In its decision of 30 May 2017, the Board concluded that the fact that the complainant's name and photograph had appeared in an article on a Ugandan website could not lead to a different assessment because in its previous decision the Board had taken into account background information according to which a number of organizations, mainly in Kampala, had reportedly been actively and openly discussing the rights of lesbian, gay, bisexual, transgender and intersex persons and pursuing cases before the courts with the aim of protecting those rights, according to which support networks for homosexuals had been set up and according to which issues related to the rights of lesbian, gay, bisexual, transgender and intersex persons were being discussed openly in large towns. The State party considers that the Board has taken into account the general situation for homosexuals in Uganda and the complainant's specific profile.

Complainant's comments on the State party's observations on admissibility and the merits

- 5.1 In her comments dated 28 February 2019, the complainant refers to several reports by international non-governmental organizations on the general situation of lesbian, gay, bisexual, transgender and intersex persons in Uganda. She quotes the *World Report 2018* of Human Rights Watch, according to which "same-sex conduct remained criminalized under Uganda's colonial-era law" and "concerns remain that the 2016 NGO law effectively criminalizes legitimate advocacy on rights of lesbian, gay, bisexual and transgender ... people". Moreover, in the report, Human Rights Watch referred to the cancellation of pride celebrations in Kampala and Jinja after the Minister for Ethics and Integrity threatened organizers with arrests and violence and reported on the police's failure to end the practice of forced anal examinations of men and transgender women accused of consensual same sex-conduct.
- 5.2 The complainant further cites an extract from *Freedom on the Net 2018*, in which Freedom House noted that "hacking attacks against gay individuals for the purpose of blackmail" had been reported and, specifically, that "a social worker at the Most at Risk Populations Initiative had their email and Facebook accounts hijacked", a move that activists suggested "may have been perpetrated by the government given the sheer amount of information the social worker possessed about the LGBTI community through their work and private communications". The complainant also invokes the report *Freedom in the World 2018*, in which Freedom House states that the lesbian, gay, bisexual and transgender community "continues to face overt hostility from the government and much of society", "homosexuality remains effectively criminalized under a colonial provision" and "men and transgender women accused of consensual same-sex conduct may be forced to undergo an anal exam". Finally, the complainant refers to the article entitled "Uganda: human rights group targeted in violent break-in", published on 9 February 2018, in which Human Rights Watch describes how human rights non-governmental organizations, including those that defend the rights of lesbian, gay, bisexual, transgender and intersex persons, have been subjected to a string of break-ins, burglaries and attacks without the police having identified or arrested the suspects. The complainant observes that this recent background information confirms that lesbian, gay, bisexual, transgender and intersex persons in Uganda face a difficult situation and that non-governmental organizations working to protect their rights are subject to harassment.

[...]

- 5.4 The complainant contests the State party's assertion about discrepancies between the account of the facts submitted to the Committee and the information she provided during the asylum proceedings. First, she notes that her assertion that she was repeatedly questioned and called derogatory names by men seems very consistent with her statement that she and B. were approached by men who wanted to date them and who, having been turned down, then asked them if they were lesbians. Second, she submits that it is possible that her underlying reason for going to

Denmark with A. was the opportunity to flee Uganda and avoid the risk of being raped and imprisoned because of her sexual orientation. In this respect, she recalls her medical diagnosis according to which she does not take any kind of initiative and leaves it to others to make important decisions regarding her life. She also recalls that she has been identified as a victim of human trafficking. She concludes that, owing to her particular vulnerability and her mental state, she cannot be expected to always explain the underlying reasons “on her own account” and, therefore, it cannot be regarded as “painting a different picture of the actual facts” when she expresses deeper reasons for her behaviour.

State party’s additional observations

[...]

- 6.2 The State party acknowledges that, according to recent background information available to the Refugee Appeals Board, lesbian, gay, bisexual, transgender and intersex persons face a difficult situation in Uganda. However, this does not imply that the complainant, if deported, would face ill-treatment in violation of article 3 of the Convention. The State party notes that the decisive issue is whether the complainant, with her specific profile, would face a real risk of ill-treatment upon return. The State party maintains that the complainant failed to establish substantial grounds for believing that she would be in danger of being subjected to torture or other cruel, inhuman or degrading treatment or punishment in Uganda.

[...]

Issues and proceedings before the Committee

[...]

- 7.4 The Committee considers, however, that the complainant's claim that she risks being subjected to ill-treatment contrary to article 3 of the Convention on account of her sexual orientation has been sufficiently substantiated for the purpose of admissibility.

[...]

Consideration of the merits

[...]

- 8.4 The Committee recalls that the non-refoulement obligation exists whenever there are “substantial grounds” for believing that the person concerned would be in danger of being subjected to torture in a State to which he or she is facing deportation, either as an individual or as a member of a group that may be at risk of being tortured in the State of destination.¹⁵ The Committee also recalls that “substantial grounds” exist whenever the risk of torture is “foreseeable, personal, present and real”.¹⁶ Indications of personal risk may include, but are not limited to: (a) the political affiliation or political activities of the complainant and/or the complainant’s family members; (b) the complainant’s sexual orientation; and (c) the risk of a female complainant being subjected to gender-based violence, including rape.

[...]

- 8.6 The Committee notes the complainant's argument that she would be exposed to a real, personal and present risk of torture if returned to Uganda in the light of the generalized ill-treatment of lesbian, gay, bisexual, transgender and intersex persons in Uganda, her high profile and activism in organizations advocating the rights of lesbian, gay, bisexual, transgender and intersex persons in Denmark and the fact that, in the past, she was subjected to “corrective rape” because of her sexual orientation. The Committee also notes the complainant’s argument that the Danish authorities did not give sufficient consideration to the additional risks she was facing following the publication of an online article featuring her name and photograph.

- 8.7 The Committee further notes the State party's observations that the complainant's personal circumstances, including the media article disclosing her name and photograph, have been thoroughly examined by the domestic authorities, taking into account the general human rights situation for lesbian, gay, bisexual, transgender and intersex persons in Uganda. The Committee notes the State party's argument that the domestic authorities took into account the complainant's diagnosis of post-traumatic stress disorder and accepted the account of the facts she gave to the asylum authorities despite inconsistencies and unlikely elements in her statements. The Committee also notes the State party's argument that some statements submitted in the complainant's communication to the Committee do not correspond to the account of the facts given to the Danish authorities during the asylum proceedings.
- 8.8 The Committee observes that it is not disputed that the complainant was subjected to "corrective rape" on the basis of her sexual orientation in Uganda. The Committee refers to its general comment No. 4 (2017) and recalls that, when applying the principle of non-refoulement, States parties should consider whether, in the State of origin or in the State to which the person is to be deported, the person has been or would be a victim of violence, including gender-based or sexual violence, in public or in private, amounting to torture, without the intervention of the competent authorities for the protection of the victim.¹⁹ When examining allegations of violations of article 3 of the Convention, the Committee should take into account whether the complainant has been tortured or ill-treated by, at the instigation of or with the consent or the acquiescence (tacit agreement) of a public official or other person acting in an official capacity in the past, and, if so, whether this was in the recent past.

[...]

- 8.10 The Committee recalls that ill-treatment suffered in the past is only one element to be taken into account when assessing the risk of a violation of article 3 of the Convention. The principal aim of such an assessment is to determine whether the complainant currently runs the risk of being subjected to torture upon her return to her country of origin. It does not automatically follow from the complainant's former ill-treatment that she would still be at risk of being subjected to torture if returned to Uganda. The Committee notes that, when assessing the complainant's asylum case, the Danish migration authorities took into account the important period of time that had elapsed between the complainant's rape and her departure from Uganda and the fact that, during nine years prior to her departure, she had lived with another woman and had had homosexual relationships without being the victim of aggressions by members of the local community and without being persecuted by the authorities. The Committee further notes that the complainant does not claim that the Ugandan authorities attempted to prevent her from leaving Uganda. Neither has she submitted any evidence suggesting that the Ugandan authorities, such as the police or other security services, have been looking for her.
- 8.11 The Committee notes the State party's argument that the complainant did not engage in activities advocating the rights of lesbian, gay, bisexual, transgender and intersex persons in Uganda and that her activities for organizations involved in such advocacy in Denmark appeared to be anonymous or of a nature that has not made her a high-profile individual to such an extent that she would risk torture if returned to Uganda. The Committee recalls that, when evaluating the risk of a violation of article 3 of the Convention, it is pertinent to take into account whether the complainant has engaged in political or other activities within or outside the State concerned that would appear to make the complainant vulnerable to the risk of being subjected to torture in case of deportation. The Committee considers that, even if her participation in activities advocating the rights of lesbian, gay, bisexual, transgender and intersex persons in Denmark could potentially put her at risk of ill-treatment contrary to article 3 of the Convention, the complainant has failed to adduce sufficient evidence to show that her engagement in advocacy activities has been of such significance that she would attract the attention of the Ugandan authorities.

- 8.12 The Committee notes the complainant's argument that the Refugee Appeals Board failed to consider the risks she could face as a result of the disclosure of her name and photograph in the article of a Ugandan gossip publication. The Committee also notes, however, that, in its decision of 30 May 2017, the Board examined this circumstance and concluded that it did not place the complainant at risk of being subjected to torture if returned to Uganda because a number of organizations, mainly in Kampala, were actively and openly discussing the rights of lesbian, gay, bisexual, transgender and intersex persons and pursuing related rights cases before the courts and because lesbian, gay, bisexual, transgender and intersex issues were being discussed openly in large towns.
- 8.13 The Committee notes that, in line with article 3 (2) of the Convention, in order to determine whether there are grounds for believing that a person would be in danger of being subjected to torture if returned to another State, the competent authorities should take into account the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights, including harassment and violence against minority groups. The Committee notes with concern the reports of human rights violations committed against lesbian, gay, bisexual, transgender and intersex persons in Uganda. The Committee recalls, however, that the occurrence of human rights violations in a complainant's country of origin is not sufficient in itself to conclude that he or she runs a personal risk of torture upon return to that country. Therefore, the mere fact that the human rights of lesbian, gay, bisexual, transgender and intersex persons are reportedly violated in Uganda is not in itself sufficient to conclude that the complainant's removal to that country would constitute a violation of article 3 of the Convention.
- 8.14 The Committee recalls that it is generally for the instances of States parties to the Convention to review or evaluate facts and evidence in order to determine the existence of danger of persecution.²⁷ It appears from the information available to the Committee that the Danish authorities took into consideration a large amount of background information and concluded that lesbian, gay, bisexual, transgender and intersex persons were not subjected to targeted abuse by Ugandan authorities or by the general public. The Committee notes that, while she disagrees with the factual conclusions of the State party's authorities, the complainant has not shown that they were arbitrary, manifestly erroneous or amounted to a denial of justice.

3. Committee on the Rights of the Child

A.B. v. Finland, communication No. 51/2018, decision of 4 February 2021⁶

Keywords: *SO; L, LGBT; access to justice, asylum-seekers/refugees, bullying, children, court, discrimination, family, follow-up, harassment, intersectionality, jurisprudence, measures, propaganda, refoulement, remedy, reparation, same-sex couples, stigmatisation, women*

Subject matter: Deportation of a Russian lesbian couple and their child to Russia

Substantive issues: Best interest of the child; discrimination based on sexual orientation; non-refoulement

Articles of the Convention: 2, 3, 13, 14, 16, 17, 19, 22 and 29

1. The author of the communication is A.B., a national of the Russian Federation born on 27 June 2010. He claims that the State party has violated his rights under articles 2, 3, 13, 14, 16, 17, 19, 22 and 29 of the Convention. The author is represented by counsel. The Optional Protocol entered into force for the State party on 12 February 2016.

Facts as submitted by the author

- 2.1 The author was born and lived in the Russian Federation until 2015. His biological mother, V.B., is a lesbian who lived with her female partner, A.S. V.B. and A.S. concealed the nature of their relationship in the Russian Federation out of fear of persecution and discrimination, given the very hostile environment for the lesbian, gay, bisexual and transgender communities within Russian society. They also hid it from A.B., fearing that he might speak about it outside their inner circle. They disclosed their true relationship only to their closest friends and relatives. They participated in activities supporting lesbian, gay, bisexual and transgender rights anonymously. When an article describing the author's family was published on a public Internet portal, albeit with fake names, V.B. and A.S. were threatened in comments made under the article.
- 2.2 When the author talked about his family at his kindergarten, the attitude of the staff at the kindergarten changed, and they started to treat him rudely and aggressively. The author started to cry more often and became reluctant to go to kindergarten. The family moved him to another kindergarten, but the staff there indicated to V.B. that her family structure was "abnormal" and treated the author poorly, including by yelling at him, hitting him and not preventing him from eating food to which he was allergic. Other children in the kindergarten also started bullying the author, saying that "homosexuals should not exist". The author's parents reported the bullying to kindergarten staff, to no avail. The author had no friends, and the parents of other children "took their children away from him and his family". As a result of the situation that he experienced, A.B. became anxious and started to express suicidal thoughts.
- 2.3 In 2015, when the author was 5 years of age, the family moved to Finland. On 10 April 2015, they filed requests for asylum and for humanitarian residence permits on compassionate grounds, based on the persecution and discrimination that they had faced and the fear of further infringement of their rights due to V.B.'s and A.S.'s sexual orientation.

⁶ [CRC/C/86/D/51/2018](#).

- 2.4 While their applications were being processed, the family lived in Finland for about two and a half years. In the meantime, the author started to learn Finnish and attended a preschool, where he made friends. V.B. and A.S. spoke to the author about their relationship for the first time, and the author started to call both of them “mother”. The family engaged actively with other same-sex parent families and the author learned about different types of family structures. According to a preschool teacher, the author seemed happy and open during his stay in Finland.
- 2.5 After they applied for asylum and residence permits in Finland, the Finnish Immigration Service interviewed V.B. and A.S. three times, where they explained that families with same-sex parents lived in the Russian Federation under strong pressure and in constant fear of threats and persecution. However, the author was never heard in the context of the proceedings.
- 2.6 On 19 July 2016, the Finnish Immigration Service rejected all of their applications, concluding that the family could be deported to the Russian Federation without a risk of being subject to persecution, severe disadvantage or inhumane or degrading treatment, or be returned to a different area. The Immigration Service noted that the negative rhetoric against lesbian, gay, bisexual and transgender people had increased in the Russian Federation in recent years, both by public officials and media, and that the “gay propaganda law” adopted in 2013 had legitimized the authorities’ harassment, arrest and even conviction of activists promoting the rights of sexual minorities. It also noted that the gay propaganda law and the generally stricter societal attitudes has led to increased violence against sexual and gender minorities, which was met with permissiveness and impunity from authorities. Regarding the author’s family, the Immigration Service accepted as a fact that V.B. and A.S. had experienced discrimination within Russian society in the past, but considered that such discrimination did not meet the threshold of persecution and did not consider that V.B. and A.S. would be in danger of severe violations of their rights if returned to their home country, given that they had lived as lesbians in the Russian Federation without becoming victims of violence or other severe violations of their rights and without having experienced problems with the authorities due to their sexual orientation. As for the author, the Immigration Service accepted as facts that V.B.’s and A.S.’s sexual orientation might have partly affected the author’s negative treatment by staff and other children at the kindergarten and that he had been bullied. However, it noted that other factors might have also influenced the said treatment and that the bullying nevertheless did not meet the criteria of persecution, because the actions taken against the author were not particularly severe and some acts, such as yelling, could be part of normal discipline at the kindergarten. The author had not been prevented from attending the kindergarten or subjected to other unreasonable actions that would severely violate his rights. The Immigration Service indicated, in its assessment of the family’s applications for residence permits on compassionate grounds, that it was in the best interests of any child to be allowed to live together with his or her parents. The Immigration Service therefore decided that deportation of the family to the Russian Federation was not against the best interests of the child.
- 2.7 The Finnish Immigration Service noted that the fear among sexual and gender minorities of having their children taken away from them had increased since 2014 in the Russian Federation. However, the Immigration Service was not aware of any cases where persons belonging to a sexual minority had lost custody of their child due to their sexual orientation, and it therefore did not accept that V.B. and A.S. would be at risk of having the author removed from their custody if returned to the Russian Federation. The Immigration Service concluded that the author and his family would not be at risk of being subjected to serious violations of their rights in their home country.
- 2.8 The author’s family appealed the decision of the Finnish Immigration Service to the Helsinki Administrative Court, alleging that the Immigration Service had failed to justify the absence of a risk of future persecution of the family, insisting that the discrimination that they had experienced should be considered as persecution and that the lack of previous experience of persecution should not be considered as evidence of an absence of such a risk. The family also insisted that, even if they were not considered eligible for international protection, taking into account all the facts of the case, as

well as a human rights-centred interpretation of the law and the principle of the best interests of the child, they should have been granted residence permits on compassionate grounds.

- 2.9 By a decision of 14 March 2017, the Helsinki Administrative Court confirmed the decision of the Finnish Immigration Service. The Court took note of the report submitted by the author's family documenting a case where a Russian national had lost custody of her child for having a same-sex relationship. However, the Court found that the report did not explain the case in detail and that a single case did not allow it to conclude that the family had a well-founded fear that the author might be removed from their custody if returned to the Russian Federation. The Court recognized that sexual and gender minorities in the Russian Federation, especially those who were open about their homosexuality, might be at risk of becoming victims of violence and other severe violations of their rights. However, the Court concluded that V.B. and A.S. would not be in danger of being subjected to severe violations of their rights or serious harm if returned to their home country. In the judgment, there was no reference to the best interests of the child.
- 2.10 On 30 March 2017, the family applied for leave to appeal to the Supreme Administrative Court of Finland, arguing that the Finnish Immigration Service and the Helsinki Administrative Court had failed to assess the best interests of the child. The family claimed that there was no assessment of how the openly hostile environment, the persecution and discrimination of lesbian, gay, bisexual and transgender persons and families with same-sex parents in the Russian Federation would affect the author's rights. Moreover, they alleged that neither the Immigration Service nor the Administrative Court had given any weight to the fact that, if returned to the Russian Federation, in order to protect himself and his family, the author would need to learn to conceal and lie about his family. On 4 July 2017, their leave to appeal was rejected. Consequently, the judgment of the Administrative Court on the matter became final.
- 2.11 On 25 July 2017, the author, V.B. and A.S. applied for assisted voluntary return. The application was granted on 27 July 2017 and, on 7 August 2017, the author left Finland with V.B. and A.S., assisted by the International Organization for Migration.
- 2.12 Upon their return to the Russian Federation, V.B. and A.S. felt compelled to tell the author to conceal the true nature of their relationship. The author has not made any friends in his new school and has started to question whether there is something wrong with his parents' relationship, given that Russian society openly criticizes same-sex relationships. Given that the attitude of the school staff has become rude towards the author and V.B., the family suspects that the nature of the relationship between V.B. and A.S. may have been disclosed and that they may need to move again. The family continues to live under constant fear of further persecution and discrimination.

Complaint

- 3.1 The author claims to be a victim of a violation of article 3 of the Convention, read in conjunction with article 22 of the Convention. He alleges that the Finnish authorities neglected to conduct a proper assessment of the best interests of the child in the examination of his and his family's applications for asylum or residence permits in Finland. Although the Finnish Immigration Service mentioned the best interests of the child in its decision, it was done in a superficial manner and only concerned the concept of being in the best interests of any child to be allowed to live with his or her parents. The Helsinki Administrative Court and the Supreme Administrative Court of Finland did not take any stand on, or even mention, the best interests of the child in their respective decision or judgment. The author therefore alleges that such an inadequate assessment of the best interests of a child seeking refugee status, in itself, constitutes a violation by the State party of article 3 of the Convention, read in conjunction with article 22 of the Convention.
- 3.2 The author argues that the Russian gay propaganda law constitutes a continuous violation of the right to privacy of lesbian, gay, bisexual and transgender people and their families, by stigmatizing their ways of life. There exists a risk of children of lesbian, gay, bisexual and transgender parents

being taken into custody against their or their parents' will. To avoid future discrimination and mental and physical violence, the author is therefore forced to hide, and even to lie about, what he knows about his parents' relationship. In Russian society, the author is also restricted from receiving any information concerning homosexuality and lesbian, gay, bisexual and transgender people, including on family life, which would be essential for his health and well-being, as a child belonging to such a family. The author is also denied the right to education that would develop his personality, as a member of his family, and that would guide other children to respect him and his human rights. Furthermore, an ongoing State-run media campaign describes lesbian, gay, bisexual and transgender people in derogatory terms and characterizes them as part of a foreign conspiracy to undermine Russian values. The author stresses that such continuous statements about the inferiority of lesbian, gay, bisexual and transgender people and their families contribute to social intolerance towards them and their families and that there is an increasing and more coordinated use of violence by extremist groups towards lesbian, gay, bisexual and transgender people and a failure of the police to respond adequately to such incidents.

- 3.3 In that context, the author claims that the decision by the Finnish authorities to deport him and his family to the Russian Federation was contrary to his best interests, as any interpretation of the law or decision by the Finnish authorities leading to the risk of renewed maltreatment, and subjecting him to the risk of said violations, cannot be in the best interests of the child within the meaning of article 3 of the Convention.
- 3.4 Furthermore, the author alleges that his undisputed maltreatment in the Russian Federation violates his right not to be discriminated against based on special characteristics or other status of the child or his or her family and his right to be protected from being hurt and mistreated, physically or mentally, under articles 2 and 19 of the Convention. He asserts that there were violations of his rights under articles 13, 14, 16 17 and 29 of the Convention, including his rights to freedom of expression, including freedom to seek, receive and impart information and ideas of all kinds, freedom of thought, to privacy, which should protect a child from attacks against his or her way of life, good name, family and home, to obtain information that is important to his health and well-being and to education that develops a child's personality, talents and abilities to the fullest and encourages children to respect others, human rights and their own and other cultures, in the light of the increased hostility and violence against lesbian, gay, bisexual and transgender people in the Russian Federation.
- 3.5 The author asserts that, even though his mother, V.B., filed a complaint with the European Court of Human Rights, that complaint concerned his mother's rights and not his and is therefore different from the present complaint. Furthermore, the European Court of Human Rights declared that it could not examine V.B.'s application, because she had not complied with all the conditions set forth in the Rules of the Court. The application was not amended in time, and the substance of the case was therefore not examined.

State party's observations on admissibility

- 4.1 In observations dated 22 October 2018, the State party submitted that the communication should be declared inadmissible.
- 4.2 Concerning the author's allegation based on articles 3 and 22 of the Convention, the State party claims that the same matter has been examined by another procedure of international investigation or settlement and that therefore the communication should be declared inadmissible under article 7 (d) of the Optional Protocol. The State party notes that the fact that the author's mother did not comply with the conditions set forth in the Rules of the Court is due to her own actions, and it appears that the family is trying to find another way to challenge the outcome of their asylum case, after having failed to do so through the European Court of Human Rights. Although the present communication has a different author, the matter raised herein is substantially the same as that raised before the European Court of Human Rights. The case should therefore be declared inadmissible on the

grounds of article 7 (d) of the Optional Protocol and in accordance with rule 16 (3) (f) of the Committee's rules of procedure under the Optional Protocol.

- 4.3 The State party also alleges that the author's central claim is based on the fact that he is not satisfied with the outcome of the domestic asylum proceedings. In that regard, the State party notes that the Committee should not be used as a court of fourth instance. The Committee should not re-evaluate the facts and evidence duly considered by the national authorities, nor question the findings and conclusions of such decisions. The State party adds that, in reaching their decisions, the Finnish authorities took the best interests of the child into account, together with other factors, such as the protection of family life and the author's cultural and social connections to his family's home country, when considering the author's request for a residence permit and his asylum application. The State party reiterates that the author left Finland voluntarily in August 2017, assisted by the International Organization for Migration.
- 4.4 The State party argues that the author has not been able to substantiate his claims before the Committee and that the communication therefore should be deemed inadmissible as manifestly ill-founded within the meaning of article 7 (f) of the Optional Protocol.
- 4.5 The State party concludes by arguing that the author's claims under articles 2, 13, 14, 16, 17, 19 and 29 of the Convention are inadmissible for failure to exhaust domestic remedies, as required by article 7 (e) of the Optional Protocol. The State party adds that those parts of the author's communication should nevertheless be declared inadmissible under article 7 (f) of the Optional Protocol as insufficiently substantiated.

Author's comments on the State party's observations on admissibility

- 5.1 The author provided comments dated 5 February 2019 on the State party's observations on admissibility.
- 5.2 Regarding the State party's allegation that the communication should be declared inadmissible because the case was submitted to the European Court of Human Rights, the author stresses that, due to a failure to meet the procedural conditions, the Court rejected his mother's application without taking any stand on the admissibility or the merits of the case and that therefore the matter brought before the Committee has not been examined by another international procedure within the meaning of article 7 (d) of the Optional Protocol and rule 16 (2) (f) of the Committee's rules of procedure under the Optional Protocol.
- 5.3 As for the State party's allegation that the author is using the Committee as a court of fourth instance, the author notes that he does not simply disagree with the result of the domestic proceedings, but claims that the Finnish authorities failed to conduct a proper assessment of the best interests of the child in his case, which led to a decision that was clearly contrary to the best interests of the child and a denial of justice. The author notes that, although existing domestic legislation would have allowed the Finnish authorities to consider the best interests of the child within the asylum proceedings, it was not done in his case. The issue is not the incompatibility of the domestic legislation with the rights guaranteed in the Convention as such, but the domestic authorities' failure to comply with the principle of the best interests of the child.
- 5.4 The author notes that, since they returned to the Russian Federation, he and his family have been forced to move to a different city three times already, due to their local community and/or people at the author's school discovering that his parents are a same-sex couple. To date, the author's parents continue to try to hide the nature of their relationship from the author's school by claiming that one of his mothers is actually his aunt, although maintaining that lie has become more difficult, given that the author himself now knows the true nature of their relationship and sometimes accidentally shares it with other people. The situation has led to the author experiencing psychological problems and having to visit a neurologist. He is anxious and often unable to sleep. It has also entailed physical

symptoms, such as issues with the author's eyesight caused by the constant nervous tension, which has caused the blood vessels in his eyes to spasm.

- 5.5 With regard to exhaustion of domestic remedies, the author reiterates that he invoked a violation of his rights under article 3, read in conjunction with article 22, of the Convention in domestic proceedings. The author also asserts that he has also invoked other rights under the Convention in the communication to demonstrate the different elements that the Finnish authorities should have considered when assessing the best interests of the child in his case. The State party's observations in that regard emphasize the author's view that the Finnish authorities failed to conduct a proper analysis of the best interests of the child, which is based on all the rights set forth in the Convention.

State party's additional observations on admissibility and its observations on the merits

- 6.1 In observations dated 21 February 2019, the State party reiterated its previous observations on the admissibility of the communication and submitted that the communication was without merit. The State party submits that the author's allegation that he had not been heard during the process should be declared inadmissible for non-exhaustion of domestic remedies under article 7 (e) of the Optional Protocol. The State party argues that neither the author nor his family ever invoked that the Finnish Immigration Service should have heard him in person. During the domestic proceedings, an oral hearing before the Helsinki Administrative Court was requested, but it was not explicitly indicated that they wished to let the author be heard in the appeal. The Administrative Court therefore did not find that an oral hearing would be needed in order to elucidate the facts and make a decision on the matter.
- 6.2 Referring to the general legal framework to protect the rights of asylum seekers, the State party highlights that, under the Aliens Act, special attention is paid to the best interests of the child and to circumstances related to the child's development and health. Before a decision is made concerning a child who is at least 12 years of age, the child should be heard, unless such hearing is manifestly unnecessary, and the child's views should be taken into account in accordance with the child's age and level of development. A younger child may also be heard if the child is sufficiently mature to have his or her views taken into account. The State party notes that, when considering whether to hear from a minor, the authorities must emphasize the relevance of the best interests of the child and determine whether the child's interests possibly differ from those of the guardian(s). It would be unnecessary to hear a child in certain matters on which the guardian has filed the petition on the child's and his or her own behalf and the child's interests cannot be considered to conflict with those of the guardian. The State party notes that, in the present case, the author arrived in Finland when he was 4 years of age. At the time of the Immigration Service's decision, he was 6 years of age. Taking into account his age and level of maturity, the Immigration Service decided not to hear him during the asylum investigation. In that connection, the best interests of the child were not considered to conflict with those of his guardians.
- 6.3 Regarding the alleged violation of article 3 of the Convention, the State party submits that the best interests principle is fully reflected in the national legislation outlined above and in the national authorities' decisions, which complied with requirements under article 3. The State party notes that, when considering whether to grant a residence permit on compassionate grounds, the Finnish Immigration Service held that it is in a child's best interest primarily to live and reside together with his or her parents, who are best placed to take care of their children, to cater for their well-being and to give the children the support and guidance needed for their growth and development. Therefore, refusing them residence permits, denying them asylum in Finland and sending them back to their home country did not conflict with the best interests of the child. Accordingly, the best interests of the child have been duly assessed, not only when considering whether to grant a residence permit on compassionate grounds, but also when examining the family's application for asylum and return to the Russian Federation. The national authorities have therefore carefully considered the situation of the author as a whole, in accordance with the Committee's specific guidance. Other case-specific

circumstances have also been taken into account, including the author's situation of vulnerability, the protection and safety of the child and his cultural and social ties.

- 6.4 Regarding the alleged violation of article 22, the State party notes that the Convention does not guarantee the right of children to enter or reside in a particular country. The State party stresses that the best interests principle can be used to inform the interpretation of a certain element of the definition of a refugee in the Convention relating to the Status of Refugees, but not as an alternative or replacement of that definition. The State party refers to the Committee's case law relating to the deportation of children, where the Committee assessed that there was a specific and personal risk of a serious violation of a child's rights or real risk of irreparable harm to a child. According to the case law, the State party concludes that it is clear that a certain characterization or a degree of gravity of the potential risk is required for the risk to imply an obligation of non-refoulement for States parties to the Convention. The State party argues that no risk of a serious violation of the author's rights or irreparable harm to the child exists, reiterating that the Finnish authorities made thorough assessments of the situation of sexual minorities in the Russian Federation, as well as the specific and personal situation of the author, including his fear of being removed from his family if returned to the Russian Federation, with the best interests of the child taken into account. The migration authorities also considered that the bullying suffered by the author did not meet the criteria of persecution, because the acts against him were not particularly serious. Therefore, the migration authorities concluded that there were no relevant grounds for believing that the author would face a real risk of irreparable harm in his home country, corroborated by the fact that the author does not seem to indicate that he has suffered serious harm or persecution after his return.
- 6.5 The State party also submits that the author's allegations under articles 2, 13, 14, 16, 17, 19 and 29 do not raise any separate issues.

Author's comments on the State party's additional observations on admissibility and its observations on the merits

- 7.1 In comments dated 19 August 2019, the author reiterated his previous comments on admissibility. Regarding the State party's argument of non-exhaustion of domestic remedies concerning his allegation of not having been heard, the author notes that the fact that the Finnish authorities decided not to hear him during domestic proceedings has not been presented as a self-standing claim of violation of the Convention. The fact has been presented simply to clarify the contents of the domestic proceedings in the author's case.
- 7.2 The author asserts that the domestic authorities' examination does not meet the criteria of a systemically conducted assessment of the best interests of the child. The author contends that they should have conducted an in-depth and child-sensitive assessment of the existence of a risk of a serious violation of the Convention, taking into special consideration the vulnerability of the author as part of a minority group with his lesbian parents, as well as the vast amount of information available on the current situation of the children of lesbian, gay, bisexual and transgender parents. In that regard, the author adds that the domestic authorities failed to assess the psychological and emotional impact on him of the abusive treatment, for example, in the kindergarten and, more broadly, in the openly hostile environment and discriminatory policies of the Russian Federation towards sexual minorities. No assessment of how safe and protected the author would be if returned to the Russian Federation was undertaken. Given that the domestic authorities had accepted as a fact that people belonging to sexual minority groups are at risk of being subjected to violence or other severe violations of their rights in the Russian Federation, an individual assessment of the author's safety as a child of lesbian parents should have been conducted. In that context, the author highlights that, unlike the previous time, it would be impossible to hide the relationship between his mother and her female partner in the future because he had become aware of it while the family was residing in Finland, and, upon the family's return to the Russian Federation, knowledge of the relationship was bound to spread and make the author more prone to being a victim of a violation of his rights.

- 7.3 The author also argues that the existence of personal and serious risk to him has been further substantiated by the physical and psychological symptoms that he has experienced since the family's return to the Russian Federation, as well as by the fact that the family has been forced to move three times already, after the author accidentally revealed his parents' relationship, causing the local community to turn hostile towards them. Accordingly, the Finnish authorities' decision to return the author to the Russian Federation has left him at risk of severe violations of his rights under the Convention.

Third-party intervention

- 8.1 On 15 April 2020, a third-party intervention was submitted by the Child Rights International Network, the International Commission of Jurists, the International Lesbian, Gay, Bisexual, Trans and Intersex Association-Europe, the International Lesbian, Gay, Bisexual, Trans and Intersex Association-World and the Network of European LGBTIQ* Families Associations, with the purpose of providing information relevant for the assessment of the best interests of children of lesbian, gay bisexual, transgender and intersex parents in the context of deportation to the Russian Federation.
- 8.2 The third parties draw special attention to the importance of taking a "holistic and child-centred" approach, considering the "child's individual and specific circumstances and needs", as well as to two procedural aspects. The first aspect is that the child's right to be heard must be emphasized at the procedural level, demonstrating the importance that must be attached to giving the child the opportunity to express his or her views. The second aspect is, as the Committee has clarified, that it is not sufficient for the decision maker to refer superficially to the child's best interests. Any decision must be motivated, justified and explained, explicitly addressing all the factual circumstances regarding the child, the elements that were found to be relevant in the assessment of the best interests of the child, the context of those elements in the specific case and how they were weighted to determine the child's best interests.
- 8.3 Regarding the best interests of the child and non-refoulement, the third parties reiterate that the best interests of the child must be taken fully into consideration in granting or refusing applications for entry into or residence in a country and that, because they should be a primary consideration, they therefore should have a high priority.
- 8.4 Referring to international standards and jurisprudence, sexual orientation constitutes a fundamental aspect of an individual's identity and awareness and lesbian, gay, bisexual and transgender people are as much entitled to freedom of expression and association as others. The fact that an applicant may be able to avoid persecution by concealing or by being "discreet" about his or her sexual orientation or gender identity, or has done so previously, is not a valid reason to deny refugee status. Concealing one's sexual orientation requires the suppression of a fundamental aspect of one's identity, and being compelled to conceal one's sexual orientation may also result in significant psychological and other harms. That is of particular concern if asylum seekers whose asylum claims have been rejected are required to conceal their or their relatives' sexual orientation upon their return in an attempt to avoid persecution, given that fear of discovery and the resulting ill-treatment by State or non-State actors may be lifelong. The third parties argue that the same applies to children required to hide their family background in an attempt to avoid bullying or being taken away from their parents and that in some cases psychological harm is persecutory. In particular, risk of discovery is particularly high in cases of young children with lesbian, gay, bisexual and transgender parents, given that young children do not have the ability to fully restrain themselves from talking about their family background. Laws criminalizing same-sex relationships and so-called "anti-propaganda" laws, even if not routinely implemented, essentially require children to conceal their lesbian, gay, bisexual and transgender parents' sexual orientations, because they could be used against their parents at any time. Children in such contexts may therefore choose to hide their familial status out of fear of being teased, ostracized or losing friends and, while doing so, risk isolating and distancing themselves from their peers.

- 8.5 According to the third parties, the lack of legal recognition of their family structure, as well as the existence of laws that stigmatize their parents' sexual orientation, adversely affects children of lesbian, gay, bisexual and transgender parents. Evidence reveals that growing up in a hostile legal and social climate has both direct and indirect impacts on the human rights of the children of lesbian, gay, bisexual and transgender parents, including their rights to health, education and freedom from discrimination.
- 8.6 Regarding the situation of children of lesbian, gay, bisexual and transgender parents in the Russian Federation, the disproportionately negative impact of "anti-propaganda" laws on lesbian, gay, bisexual and transgender children and children of lesbian, gay, bisexual and transgender parents, such as harassment and violence towards such children, is well documented. A number of international and regional human rights bodies have expressed their concerns on that legislation in the Russian Federation, which encourages the stigmatization of and discrimination against, lesbian, gay, bisexual and transgender persons, including children, and children of lesbian, gay, bisexual and transgender parents. The International Lesbian, Gay, Bisexual, Trans and Intersex Association-Europe assessed the Russian Federation as "the worst country in Europe for sexual and gender minorities" and noted that the situation worsened with the adoption of the gay propaganda law. In the context of a broader crackdown on human rights and the rule of law, discrimination and other forms of human rights violations against the lesbian, gay, bisexual and transgender communities are perpetrated in a climate of impunity and generally go unpunished, which also legitimizes violence against lesbian, gay, bisexual and transgender people, influencing public opinion. The non-governmental organization also highlighted that children were at risk of being taken away from their parents by social services and that charges were laid against parents under the propaganda law, referring to several examples. In a recent case, a Russian court ruled for the removal of custody rights from a Russian citizen on the sole basis that the petitioner was part of a same-sex union, and, in another case, a transgender parent had his two adopted children removed and lost custody of them.

Author's comments on the third-party intervention

9. On 18 May 2020, the author submitted his comments on the third-party intervention, noting his agreement with the third parties and reiterating that, as described by the third parties, he is forced to conceal his mothers' sexual orientation in an attempt to avoid persecution, in fear of discovery and the resulting ill-treatment by State or non-State actors. The author believes that results in such psychological harm that it amounts to persecution. Accordingly, the Finnish authorities' decision to return the author and his family to the Russian Federation without an adequate assessment of the best interests of the child clearly constituted an arbitrary refoulement.

State party's comments on the third-party intervention

10. On 20 May 2020, the State party submitted its comments on the third-party intervention, providing that the third parties had not presented anything that would lead to assessing the communication differently than it had done in its previous observations and reiterating its previous observations regarding the assessment of the child's best interests by the migration authorities.

Issues and proceedings before the Committee

Consideration of admissibility

- 11.1 Before considering any claim contained in a communication, the Committee must decide, in accordance with rule 20 of its rules of procedure under the Optional Protocol, whether the communication is admissible.
- 11.2 The Committee takes note of the State party's argument that the author's allegations based on articles 3 and 22 of the Convention are inadmissible, because the same matter has been examined by the European Court of Human Rights. The Committee notes, however, the author's uncontested

assertion that the complaint filed with the European Court of Human Rights concerned his mother's rights and that the Court nevertheless did not examine the case in substance, due to the non-fulfilment of formal requirements. The Committee considers that the Court did not examine the same matter within the meaning of article 7 (d) of the Optional Protocol, and it is therefore not precluded from examining the present communication on the basis of that provision.

- 11.3 The Committee takes note of the author's claims based on articles 2, 13, 14, 16, 17 and 29 of the Convention related to the incidents and constraints that the author experienced as a child of lesbian parents in the legal and social context of the Russian Federation. The Committee, notes, however, that the author has failed to sufficiently substantiate those claims as alleged violations of the State party's non-refoulement obligations and declares those parts of the communication inadmissible under article 7 (f) of the Optional Protocol.
- 11.4 The Committee notes, however, that the author's claims related to an alleged risk of being subjected to renewed maltreatment as a result of the decision by the Finnish authorities to return him to the Russian Federation do fall within the State party's non-refoulement obligations, have been sufficiently substantiated for the purposes of admissibility and raise issues under article 19 of the Convention.
- 11.5 The Committee notes that the author's claims under articles 3 and 22 of the Convention, regarding the alleged failure of the national authorities to take the best interests of the child as a primary consideration in the context of the asylum and residence proceedings, have also been sufficiently substantiated for the purposes of admissibility.
- 11.6 Accordingly, the Committee declares the author's claims based on articles 3, 19 and 22 of the Convention admissible and proceeds with its consideration of the merits.

Consideration of the merits

- 12.1 The Committee has considered the present communication in the light of all the information made available to it by the parties, in accordance with article 10 (1) of the Optional Protocol.
- 12.2 The Committee takes note of the author's claim that the national authorities failed to conduct a proper assessment of the best interests of the child in the examination of his application for asylum or residence permit, in violation of his rights under articles 3 and 22 of the Convention. In particular, the author alleged the absence of an individual assessment of his safety as a child of lesbian parents and the failure to consider his views during the proceedings, the absence of both of which is undisputed by the State party. The Committee recalls that the assessment of the existence of a risk of serious violations of the Convention in the receiving State should be conducted in an age-sensitive and gender-sensitive manner, that the best interests of the child should be a primary consideration in decisions concerning the return of a child and that such decisions should ensure that, upon return, the child will be safe, provided with proper care and ensured the full and effective enjoyment of the rights recognized in the Convention and his or her holistic development. The best interests of the child should be ensured explicitly through individual procedures as an integral part of any administrative or judicial decision concerning the return of a child, and the legal rationale for all judicial and administrative judgments and decisions should also be based on that principle. The Committee recalls that the assessment of a child's best interests must include respect for the child's right to express his or her views freely and that due weight must be given to said views in all matters affecting the child. The Committee also recalls that it is generally for the authorities of States parties to the Convention to review and evaluate the facts and evidence in order to determine whether a risk of a serious violation of the Convention exists upon return, unless it is found that such an evaluation was clearly arbitrary or amounted to a denial of justice.
- 12.3 In the present case, the Committee notes that both the Finnish Immigration Service and the Helsinki Administrative Court referred to the family's past experience of threats and discrimination and to the bullying against the author, but concluded that those factors could not be considered as amounting to persecution. The Committee also notes that the Immigration Service's decision included a

statement that the “best interests of any child was to be allowed to live together with his or her parents”.

- 12.4 The Committee recalls that, in order to demonstrate that the right of the child to have his or her best interests assessed and taken as a primary consideration has been respected, any decision concerning the child or children must be motivated, justified and explained. In describing the motivation, a State party should state explicitly all the factual circumstances regarding the child, what elements have been found relevant in the assessment of the best interests of the child, the context of those elements in the specific case and how they were weighted to determine the child's best interests. In that regard, the Committee observes that the formal and general reference to the best interests of the child by the Finnish Immigration Service, without having considered the author's views, reflects a failure to consider the specific circumstances surrounding the author's case and to assess the existence of a risk of a serious violation of the Convention against his specific circumstances.
- 12.5 The Committee notes that the authorities of the State party, in taking the decision to deport the author, failed to properly consider the real risk of a serious violation of the author's rights, such as violence and harassment, upon his return to the Russian Federation, which was foreseeable at the time of the decision based on his past experiences as the victim of discrimination and bullying. In particular, it notes the lack of consideration of the author's young age at the time of the decision and of the permanent impact that constant bullying and stigmatization based on his mothers' sexual orientation may have on the author. That resulted in the State party's failure to find a real risk of irreparable harm to the author as grounds for the application of non-refoulement obligations.
- 12.6 In the light of the foregoing, the Committee concludes that the State party failed to adequately take the best interests of the child as a primary consideration when assessing the author's asylum request based on his mothers' sexual orientation and to protect him against a real risk of irreparable harm in returning him to the Russian Federation.
13. The Committee, acting under article 10 (5) of the Optional Protocol, is of the view that the facts of which it has been apprised amount to a violation of articles 3, 19 and 22 of the Convention.
14. The State party notes that V.B. and A.S. applied for assisted voluntary return, which was granted, and that they returned to the Russian Federation, together with the author, on 7 August 2017. In the light of that, the Committee considers that, in the circumstances of the present case, the State party is under an obligation to provide an effective reparation to the author, including adequate compensation. The State party is also under an obligation to take all steps necessary to prevent similar violations from occurring in the future, in particular by ensuring that the best interests of the child are effectively and systematically taken into account in the context of asylum proceedings and that children are systematically heard.
15. Pursuant to article 11 of the Optional Protocol, the Committee wishes to receive from the State party, within 180 days, information about the steps it has taken to give effect to the Committee's Views. The State party is requested to include information about any such measures in its reports to the Committee under article 44 of the Convention. The State party is also requested to publish the present Views and to have them widely disseminated in the official languages of the State party.

Lists of Issues, Concluding Observations and Follow-up Assessment

1. Committee on Economic, Social and Cultural Rights

Armenia – List of Issues – 69th PSWG, 15 November 2021, 4th review⁷

Keywords: *SOGI; LGBTI; access to justice, anti-discrimination legislation, data collection, stigmatisation, measures*

II. Issues relating to the general provisions of the Covenant (arts. 1–5)

Non-discrimination (art. 2 (2))

7. Please update the Committee on the status of the draft law on ensuring legal equality,² and the efforts undertaken to ensure that the draft law is fully in line with article 2 (2) of the Covenant with a view to prohibiting all forms of discrimination in all areas relating to economic, social and cultural rights and on all prohibited grounds, including sexual orientation and gender identity. Please provide information on the measures taken to address the low rate of reporting of discrimination, allegedly due to societal pressure or stigmatization, and to improve access to justice, especially by marginalized and disadvantaged individuals and groups, including migrants, people belonging to minority groups and lesbian, gay, bisexual, transgender and intersex persons.

Keywords: *LGBTI; discrimination, health, HIV/AIDS, medical professionals, stigmatisation*

III. Issues relating to the specific provisions of the Covenant (arts. 6–15)

Right to physical and mental health (art. 12)

23. Please provide information on the measures taken, and the outcome thereof: [...]

(b) To address the obstacles faced by migrants, lesbian, gay, bisexual, transgender and intersex persons, persons living with HIV/AIDS and drug users in gaining access to health-care services, including stigmatization, discrimination and compromised confidentiality of medical information by medical professionals, as well as legal liability for HIV transmission and criminalization of the use and possession of drugs; [...].

⁷ [E/C.12/ARM/Q/4](#).

Azerbaijan – Concluding Observations – 70th Session, 2 November 2021, 4th review⁸

Keywords: *SOGI; LGBTI, T; anti-discrimination legislation, awareness-raising campaign, education, gender reassignment surgeries, health, intersectionality, law enforcement officials, LGR, medical professionals, professional groups, stereotypes, stigmatisation*

C. Principal subjects of concern and recommendations

Non-discrimination

18. The Committee is concerned that:

(a) While the constitutional and legislative framework of the State party contains anti-discrimination provisions, there is no comprehensive anti-discrimination legislation and policy framework; [...]

(c) While noting the explanation by the State party's delegation to the effect that there is no provision in law that directly discriminates against lesbian, gay, bisexual, transgender and intersex persons, the prevalence of widespread discrimination in practice, stigmatization and negative stereotypes hinder their access to economic, social and cultural rights;

(d) The absence of legal recognition of the gender identity of transgender persons is a barrier to their effective access to work, education and health services (art. 2 (2)).

19. The Committee recommends that the State party:

(a) Adopt a comprehensive anti-discrimination legislation and policy framework aimed at ensuring equality and addressing direct, indirect, multiple and intersecting forms of discrimination on any ground, including gender identity, sexual orientation, and residence or documentation status, among others;

(b) Strengthen its efforts to ensure non-discriminatory access to adequate housing, employment, education and health care by disadvantaged and marginalized individuals and groups, including internally displaced persons;

(c) Take all measures necessary to eliminate negative stereotypes and stigmatization of lesbian, gay, bisexual, transgender and intersex persons, including through awareness-raising campaigns for the public, health-care providers, teachers, social workers, and law enforcement and other public officials;

(d) Put in place an efficient procedure for legal gender recognition, irrespective of whether or not the person has undergone gender reassignment surgery, to facilitate the equal enjoyment of Covenant rights by transgender persons.

⁸ [E/C.12/AZE/CO/4](#).

Bolivia – Concluding Observations – 70th Session, 5 November 2021, 3rd review⁹

Keywords: SOGI; LGBTI, T; *awareness-raising campaign, discrimination, hate crimes, health, legislation, partnership, punishment, same-sex couples, social security, remedy, violence*

Lesbian, gay, bisexual, transgender and intersex persons

20. The Committee welcomes the adoption of Act No. 807 of 2016 on Gender Identity, but regrets that Constitutional Court ruling No. 0076/2017 restricts the fundamental rights of transsexual and transgender persons. The Committee takes note of Constitutional Decision No. 127/2020 of the Departmental Court of Justice of La Paz, which allowed the registration of a same-sex partnership for the first time, but is concerned that applications made by other same-sex couples have been denied. The Committee is also concerned about the violence and discrimination experienced by lesbian, gay, bisexual, transgender and intersex persons on the basis of their sexual orientation and gender identity, and about the impunity with which such acts are committed (art. 2 (2)).

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;

(b) Ensure that Act No. 807 is effectively implemented and that internal institutional regulations and procedures are fully aligned with it;

(c) Update its legislation to guarantee the same rights for same-sex couples as for heterosexual couples, in particular with respect to access to statutory benefits such as health, social security and pensions.

Keywords: *LGBTI; employment*

Unemployment

26. While welcoming the reduction in unemployment under the 2017–2022 Job Creation Scheme, the Committee regrets that insufficient steps have been taken to tackle job losses resulting from the crisis triggered by the coronavirus disease (COVID-19) pandemic, especially among groups traditionally affected by unemployment, such as young persons, indigenous persons, persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons, and asylum seekers, refugees and migrants (art. 6).

27. The Committee recommends that the State party take urgent measures, in the context of reduced job opportunities due to the crisis triggered by the COVID-19 pandemic, to revive the economy and step up efforts to provide support to jobseekers, particularly those from vulnerable groups. The Committee also recommends that the State party monitor the temporary adjustments to labour legislation implemented in response to the COVID-19 pandemic, with a view to preventing abuses. The Committee draws the State party's attention to its general comment No. 18 (2005) on the right to work.

Keywords: *LGBTI; discrimination, employment, harassment, violence*

Conditions of work

⁹ [E/C.12/BOL/CO/3](#).

30. The Committee is concerned about groups who are exposed to difficult working conditions, violence and abuse in the informal economy, in particular indigenous persons, lesbian, gay, bisexual, transgender and intersex persons, and asylum seekers, refugees and migrants. [...].

31. The Committee recommends that the State party:

(a) Take steps to promote job stability for women, reduce the wage gap, prevent and punish harassment and discrimination in the workplace and promote work-life balance. The Committee also urges the State party to monitor the conditions of employment of domestic workers and ensure that they have access to effective remedies to combat abuse or exploitation; [...]

Keywords: *LGBTI; decision-making process, health, medical professionals*

Right to health

50. The Committee [...] is further concerned that despite the State's Intercultural Family and Community Health Policy, the number of home visits and specialists trained in using an intercultural approach is insufficient and that there are still barriers to access to health services for persons with disabilities and lesbian, gay, bisexual, transgender and intersex persons (arts. 2 (1), 12 and 15).

51. The Committee recommends that the State party:

(a) Strengthen its health system by investing more heavily in infrastructure, equipment and trained personnel to reduce the gaps in access that affect the most disadvantaged groups;

(b) Improve its epidemiological surveillance system, especially with regard to the COVID-19 pandemic;

(c) Promote the involvement of participatory management and citizen oversight bodies in decision-making in shared health management, within the framework of the Intercultural Family and Community Health Policy model;

(d) Ensure that medical facilities, information and communication are accessible for persons with disabilities; improve the knowledge of health personnel on the rights of persons with disabilities and lesbian, gay, bisexual, transgender and intersex persons and establish health-care protocols for those groups.

Brazil – List of Issues – 68th PSWG, 7 April 2021, 3rd review¹⁰

Keywords: *LGBTI; data collection, health, measures*

I. General information

2. Please explain the challenges faced by the State party in preventing deaths due to the coronavirus disease (COVID-19) pandemic, in spite of the measures taken. Please provide information on corrective actions taken, especially with regard to prevention. Please also provide information, including data, where available, on: [...]

(b) The impact of specific measures taken to protect groups such as lesbian, gay, bisexual, transgender, queer and intersex persons, members of *Quilombola* communities and other traditional communities and indigenous peoples from the health and economic crises arising from the COVID-19 pandemic.

Keywords: *LGBTI; data collection, measures, social security*

III. Issues relating to the specific provisions of the Covenant (arts. 6–15)

Right to social security (art. 9)

19. Please describe briefly the changes introduced pursuant to Constitutional Amendment No. 103/2019 on the social security reform as regards eligibility requirements and benefits and clarify the changes introduced in 2015 to the unemployment benefit rules mentioned in paragraph 77 of the State party report. Please provide information, including disaggregated statistical data, on the impact of the reform on women, people of African descent, traditional peoples and communities, and lesbian, gay, bisexual, transgender, queer and intersex persons. Please also explain the measures envisaged by the State party to guarantee the right to social security in the long term in view of the challenges facing its social security system, as described in paragraph 132 of the State party report.

¹⁰ [E/C.12/BRA/Q/3.](#)

Chad – List of Issues – 69th PSWG, 15 November 2021, 4th review¹¹

Keywords: *LGBTI; anti-discrimination legislation, HIV/AIDS, intersectionality, measures*

II. Issues relating to the general provisions of the Covenant (arts. 1–5)

Non-discrimination (art. 2 (2))

10. In light of the anti-discrimination provisions contained in article 14 (1), of the Constitution, please indicate whether the State party intends to adopt comprehensive legislation that: (a) includes a clear definition and criminalization of direct and indirect discrimination, both in the public and private spheres; (b) covers all forms of discrimination, including the grounds listed in article 2 (2) of the Covenant; (c) provides victims with effective remedies against all form of discrimination, including multiple discrimination; and (d) provides for the establishment of an institutional mechanism with a specific mandate to combat all forms of discrimination and to guarantee the protection of the rights set out in the Covenant. Please describe the impact of action taken to combat discrimination – in terms of the exercise of their economic, social and cultural rights – against disadvantaged groups and persons, including women, children, persons with disabilities, the inhabitants of rural areas and disadvantaged urban areas, migrants, refugees, lesbian, gay, bisexual, transgender and intersex persons, households where the head of the household is a woman, persons living with HIV/AIDS and persons with albinism.

¹¹ [E/C.12/TCD/Q/4](#).

China – List of Issues – 68th PSWG, 7 April 2021, 3rd periodic review¹²

Keywords: *LGBTI; anti-discrimination legislation, measures, stigmatisation*

Non-discrimination (art. 2 (2))

12. Please indicate any concrete steps taken to adopt comprehensive anti-discrimination legislation or to review the existing anti-discrimination laws. Please also provide information on the measures taken, and their effectiveness, to combat the widespread social stigma and discrimination against disadvantaged and marginalized individuals and groups, including ethnic and religious minority groups, rural migrants, persons affected by leprosy, and lesbian, gay, bisexual, transgender and intersex persons.

¹² [E/C.12/CHN/Q/3.](#)

Finland – Concluding Observations – 69th session, 30 March 2021, 7th periodic review¹³

Keywords: *LGBTI; discrimination, housing*

C. Principal subjects of concern and recommendations

Homelessness

38. The Committee notes that programmes implemented by the State party in 2018 and 2019 have reduced long-term homelessness by nearly 50 per cent. At the same time, the Committee notes with concern the lack of measures targeted at the prevention of homelessness among certain groups, such as former inmates (art. 11).
39. **The Committee recommends that, as a priority, durable solutions be sought for homeless persons. It also recommends that the State party prevent homelessness by, among other things: [...]**
- (b) Enabling social support and ensuring that housing and rental agencies do not engage in practices that discriminate against groups such as persons with poor or no credit history, former inmates and those who have served community sentences, lesbian, gay, bisexual, transgender and intersex persons, and migrants. [...]**

Keywords: *LGBTI; bullying, children, education, professional groups, trainings*

Right to education

46. The Committee notes with concern the findings of the school health survey highlighting poorer educational outcomes and bullying at school of pupils of migrant origin, children with disabilities, children in alternative care and lesbian, gay, bisexual, transgender and intersex pupils. The Committee is also concerned that Roma pupils continue to experience discriminatory attitudes at school, report higher dropout rates, and are often de facto schooled in segregated classes, in spite of the State party's philosophy of inclusion in the education system (arts. 13 and 14).
47. **Recalling that bullying and discrimination are impediments to the enjoyment of the right to education, the Committee recommends that the State party incorporate the promotion of understanding and tolerance as well as prohibition of discrimination in school curricula, and that it provides the necessary training thereon, including on the provisions of the Non-Discrimination Act and the Act on Equality between Women and Men, to teaching personnel. It also recommends that the State party monitor the effectiveness of the Programme for the Prevention of Discrimination and Bullying in School that it is implementing. Moreover, the Committee reiterates the recommendation in its previous concluding observations, urging the State party to ensure equal access to inclusive education for all children, including children with a migrant background and Roma children. Furthermore, it recommends that the State party address the socioeconomic root causes of dropping out of school and that it ensures that delivery systems at all levels of education respond to the needs of students from different social and cultural backgrounds.**

¹³ [E/C.12/FIN/CO/7.](#)

Hong Kong, China – List of Issues – 68th PSWG, 7 April 2021, 4th review¹⁴

Keywords: *SOGI; anti-discrimination legislation, remedy*

II. Issues relating to the general provisions of the Covenant (arts. 1–5)

Non-discrimination (art. 2 (2))

7. Please provide updated information on the steps taken to adopt comprehensive anti-discrimination legislation. Please clarify the legislative framework that provides for the prohibition of and protection from discrimination based on the grounds that are not covered by the four anti-discrimination laws, including age, language, religion, sexual orientation, gender identity and criminal record, and the avenues for victims of discrimination in such cases to seek legal remedy.

Keywords: *I, LGBTI; children, data collection, discrimination, education, employment, harassment, health, housing, service provision, surgical/medical intervention, same-sex couples*

8. In anticipation of the replies of Hong Kong, China, to the list of issues adopted by the Human Rights Committee (CCPR/C/CHN-HKG/Q/4, para. 8), the Committee also requests Hong Kong, China, to provide information on:
 - (a) The measures taken to address the discrimination and harassment faced by lesbian, gay, bisexual, transgender and intersex persons in accessing employment, housing, health care, education and social services, and the impact of those measures;
 - (b) Any reviews carried out on the practice of early surgery and medical interventions on intersex children, and statistical data on the number of intersex children who have undergone such medical interventions;
 - (c) Any measures taken to recognize same-sex couples, including those married abroad, especially following the decision of the Hong Kong Court of First Instance in *Infinger Nick v. The Hong Kong Housing Authority* (4 March 2020).

¹⁴ [E/C.12/CHN-HKG/Q/4](#).

Kazakhstan – Follow-up Assessment – 70th Session, 10 November 2021, 2nd review¹⁵

Keywords: SOGI; anti-discrimination legislation, follow-up, legislation, protected grounds, measures

Paragraph 11 (a): Adoption of comprehensive anti-discrimination legislation

The Committee recommends that the State party [...] Adopt comprehensive anti-discrimination legislation that addresses direct and indirect discrimination and encompasses all the prohibited grounds of discrimination, including sexual orientation and gender identity, as set out in article 2 (2) of the Covenant, taking also into account the Committee's general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights; [...].

Assessment: Insufficient progress

In its follow-up report, the State party mentioned that the direct or indirect discrimination is prohibited and that separate anti-discrimination legislation is currently being analysed. The Committee thus notes that the State party has not adopted a comprehensive anti-discrimination legislation covering all the prohibited grounds of discrimination, especially sexual orientation and gender identity.

The Committee therefore assesses that the progress is insufficient and requests the State party to provide detailed information about the measures taken in this respect in its next periodic report on the implementation of this recommendation and requests the State party to include more information thereon in the next periodic report [due by 31 March 2024].

¹⁵ [2021-102/CESCR/FU](#).

Latvia – Concluding Observations – 69th session, 30 March 2021, 2nd periodic review¹⁶

Keywords: *SOGI; anti-discrimination legislation, data collection, education, employment, GC/GR, health, measures*

C. Principal subjects of concern and recommendations

Non-discrimination

12. The Committee recognizes the amendments to the State party's legislative framework that prohibit discrimination in the performance of economic activities for remuneration. However, the Committee is concerned about the absence of a comprehensive anti-discrimination legislation and policy framework aimed at ensuring equality and non-discrimination in access to all economic, social and cultural rights. It is also concerned about the reported prevalence of prejudice and discrimination based on colour, language, religion, national or ethnic origin, sexual orientation and gender identity that hinder disadvantaged and marginalized groups' access to economic, social and cultural rights (art. 2 (2)).

13. The Committee recommends that the State party:

(a) Adopt and implement a comprehensive anti-discrimination legislation and policy framework aimed at ensuring equal access to all economic, social and cultural rights without discrimination, taking into account the Committee's general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights;

(b) Take effective measures to combat prejudice and discrimination based on colour, language, religion, national or ethnic origin, sexual orientation and gender identity and facilitate disadvantaged and marginalized groups' access to economic, social and cultural rights, paying particular attention to employment, health and education;

(c) Systematically collect disaggregated statistics on the level of enjoyment of Covenant rights by disadvantaged and marginalized individuals and groups.

¹⁶ [E/C.12/LVA/CO/2](#).

Lithuania – List of Issues – 68th PSWG, 12 April 2021, 3rd review¹⁷

Keywords: *GI; LGBTI, T; discrimination, education, employment, legislation, LGR, health, housing, stigmatisation*

Non-discrimination (art. 2 (2))

8. Please provide information on the progress made in combating social stigma, negative attitudes, misconceptions and discrimination against lesbian, gay, bisexual, transgender and intersex persons, which further exacerbate discrimination against them in accessing their economic, social and cultural rights, especially in respect of health care, education, employment and adequate housing. In light of the Committee's previous recommendations (E/C.12/LTU/CO/2, para. 8), please provide information on measures taken to address challenges faced by transgender persons in the enjoyment of their economic, social and cultural rights, including administrative challenges in obtaining legal recognition of their gender identity. Please also report on the progress made in developing legislation to prohibit discrimination based on gender identity in order to expand legal protection against discrimination, including in access to health care, education, employment and adequate housing, to transgender persons.

¹⁷ [E/C.12/LTU/Q/3.](#)

Mauritania – List of Issues – 69th PSWG, 16 November 2021, 2nd review¹⁸

Keywords: *SOGI; criminalisation (decriminalisation), discrimination, education, employment, health, measures*

II. Issues relating to the general provisions of the Covenant (arts. 1 to 5)

Non-discrimination (art. 2 (2))

9. Please provide information on the steps taken or planned towards repealing article 308 of the Criminal Code, which criminalizes and punishes sexual relations between consenting adults of the same sex, as also recommended by the Human Rights Committee. Please indicate the measures taken to prevent and combat all forms of discrimination based on gender identity or sexual orientation in the enjoyment of economic, social and cultural rights, including access to employment, education and health services. Please also provide information on the steps taken or planned towards rectifying the legal vacuum that exists in respect of rape of the male population, which is not punishable under the Criminal Code.

¹⁸ [E/C.12/MRT/Q/2](#).

Mauritius – Follow-up Assessment – 70th Session, 10 November 2021, 5th review¹⁹

Keywords: *GI; access to justice, anti-discrimination legislation, follow-up, legislation, measures, protected grounds, remedy*

Paragraph 16: Revision of the Equal Opportunities Act

The Committee recommends that the State party revise the Equal Opportunities Act, in particular sections 2 and 19 (2), with a view to ensuring that the Act prohibits all direct, indirect and intersectional forms of discrimination, on any ground, including gender identity, social origin, property and other status, in all spheres relevant to the Covenant rights. The Committee also recommends that the State party provide for effective remedies for victims of discrimination, including through judicial and administrative proceedings. It draws the attention of the State party to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.

Assessment: Insufficient progress

In its follow-up report, the State party indicates that, for the time being, it is not proposing to widen the scope of the Equal Opportunities Act (EOA), to extend it to “any ground”. The Committee regrets that the State party is not proposing to widen the scope of prohibited grounds to include “gender identity, social origin, property and other status”, or to provide more effective remedies for victims of violations, as recommended by the Committee. The Committee concludes that there is insufficient progress in relation to the implementation of this recommendation and requests the State party to include more information thereon in the next periodic report [due by 31 March 2024].

¹⁹ [2021-103/CESCR/FU](#).

Nicaragua – Concluding Observations – 70th Session, 11 November 2021, 5th review²⁰

Keywords: SOGI; anti-discrimination legislation, discrimination, intersectionality, measures, remedy

C. Principal subjects of concern and recommendations

Non-discrimination

17. The Committee is concerned to note allegations that persons who oppose or criticize the Government are subjected to discrimination on the basis of political opinion that affects the exercise and enjoyment of their economic, social and cultural rights, in particular their right to work and their access to health services. It is also concerned about the lack of information on the impact of measures taken to combat discrimination against indigenous and Afrodescendent peoples and discrimination on the grounds of disability, sexual orientation and gender identity (art. 2).
18. **The Committee recommends that the State party take appropriate measures to ensure that no one is subjected to discrimination that affects their access to economic, social and cultural rights, including by adopting comprehensive anti-discrimination legislation that guarantees adequate protection against discrimination, in accordance with article 2 of the Covenant and taking into account general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights. The Committee urges the State party to prevent and combat discrimination on the grounds of political opinion and to ensure that all victims of such acts have access to effective legal and administrative remedies to guarantee their protection.**

²⁰ [E/C.12/NIC/CO/5](#).

Panama – List of Issues – 68th PSWG, 13 April 2021, 3rd review²¹

Keywords: *SOGI; discrimination, education, employment, health, intersectionality, LGR*

II. Issues relating to the general provisions of the Covenant (arts. 1–5)

Non-discrimination (art. 2 (2))

8. Please provide information on the nature and results of any measures that have been taken to prevent and combat discrimination, in particular against indigenous peoples, persons of African descent and persons with disabilities, and discrimination based on gender identity and/or sexual orientation, in the exercise of economic, social and cultural rights and especially in access to employment, education and health services. Please describe the current legal provisions and procedures relating to changes of gender in official documents issued by the State party. [...].

Keywords: *T; measures, prevention, sexual violence, support services, violence*

III. Issues relating to the specific provisions of the Covenant (arts. 6–15)

Protection of the family and children (art. 10)

16. Please describe the measures adopted by the State party to prevent physical, sexual, psychological and all other forms of violence, especially when perpetrated against women and girls, women with disabilities and transgender persons, and to protect victims of violence and provide them with the support they require, with a particular focus on how those measures have been adapted with a view to facilitating access by and ensuring the effective protection of victims during the COVID-19 pandemic.

²¹ [E/C.12/PAN/Q/3.](#)

Romania – List of Issues – 69th PSWG, 15 November 2021, 6th review²²

Keywords: *SOGI; T; discrimination, employment, health, LGR*

II. Issues relating to the general provisions of the Covenant (arts. 1–5)

Non-discrimination (art. 2 (2))

9. Please provide information on the progress made by the State party in combating discrimination based on sexual orientation and gender identity, including in access to services relating to economic, social and cultural rights, particularly employment and health-care services. Please indicate the measures taken to implement the recent judgment of the European Court of Human Rights regarding recognition of the gender identity of transgender persons.²³

²² [E/C.12/ROU/Q/6](#).

²³ European Court of Human Rights, *X and Y v. Romania*, Applications No. 2145/16 and No. 20607/16, Judgment, 19 January 2021.

State of Palestine – List of Issues – 69th PSWG, 16 November 2021, initial review²⁴

Keywords: *LGBTI; anti-discrimination legislation, stereotypes*

II. Issues relating to the general provisions of the Covenant (arts. 1–5)

Non-discrimination (art. 2 (2))

10. Please provide information on the steps taken to enact comprehensive anti-discrimination legislation to guarantee non-discriminatory enjoyment of the rights enshrined in the Covenant. Please indicate the progress made in addressing discriminatory stereotypes and de facto inequalities in the State party, and in ensuring non-discriminatory enjoyment of economic, social and cultural rights, paying particular attention to situations of Bedouin communities, women and girls, persons with disabilities, refugees, and lesbian, gay, bisexual, transgender and intersex persons.

²⁴ [E/C.12/PSE/Q/1](#).

2. Human Rights Committee

Albania – List of Issues prior to reporting – 132nd Session, 19 August 2021, 3rd review²⁵

Keywords: SOGI; anti-discrimination legislation, hate crimes, hate speech, HIV/AIDS, investigation, internet, protected grounds, remedy, stigmatisation, violence

B. Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to the previous recommendations of the Committee

Non-discrimination (arts. 2, 20 and 26)

7. Please report on the measures taken to ensure that the State party's anti-discrimination legal framework, including the amended law on protection from discrimination, provides full and effective protection against direct, indirect and multiple discrimination in all spheres, including in the private sphere, and on all the grounds prohibited under the Covenant, and effective remedies in judicial and administrative proceedings for victims of discrimination. Please provide statistical data on complaints of discrimination brought before the courts and the Commissioner for Protection from Discrimination during the reporting period, and an indication of the basis of the discrimination, the nature of the investigations conducted and their outcome, and any forms of redress provided to victims. Please discuss the efforts made to combat hate crimes, hate speech, including online hate speech, and other acts of discrimination, stigmatization and violence, particularly against women, persons with disabilities, members of the Roma and Egyptian communities, persons living with HIV/AIDS, and on the basis of sexual orientation or gender identity.

²⁵ [CCPR/C/ALB/QPR/3](#).

Armenia – Concluding Observations – 132nd Session, 25 November 2021, 3rd review²⁶

Keywords: *SOGI; aggravating circumstance, anti-discrimination legislation, hate crimes, hate speech, protected grounds, remedy*

C. Principal matters of concern and recommendations

Non-discrimination

9. While noting that the Constitution contains a general non-discrimination clause and that the new Criminal Code punishes discrimination on several grounds prohibited under the Covenant, the Committee remains concerned that the existing legal framework does not afford comprehensive protection against discrimination on all the grounds mentioned in the Covenant and on the grounds of sexual orientation and gender identity. It is also concerned that the draft law on ensuring legal equality: (a) does not contain a comprehensive list of prohibited grounds of discrimination, such as sexual orientation and gender identity; (b) does not clearly prohibit discrimination in all sectors of the private sphere; and (c) does not guarantee the right to effective remedies, including in the private sphere. The Committee further regrets that the new Criminal Code does not explicitly criminalize acts of hate speech and hate crime on all prohibited grounds, including sexual orientation and gender identity, and that hate crimes are only defined as grounds aggravating the punishment or liability for a crime (arts. 2, 20 and 26).

10. The State party should:

(a) Amend the Criminal Code and revise and adopt the draft law on ensuring legal equality to bring them fully into line with the Covenant by including a definition of direct, indirect and multiple discrimination, including in the private sphere, that covers all the grounds mentioned in the Covenant and that encompasses sexual orientation and gender identity and ensure access to effective and appropriate remedies for victims of discrimination, including in the private sphere;

(b) Amend the Criminal Code to introduce a separate definition and prohibition of hate crime and to explicitly criminalize acts of hate speech and hate crime on all prohibited grounds under the Covenant and on the grounds of sexual orientation and gender identity.

Keywords: *SOGI; LGBT; anti-discrimination legislation, awareness-raising campaign, discrimination, harassment, hate speech, investigation, law enforcement officials, legislation, professional groups, prosecution, punishment, stigmatisation, trainings, violence*

Discrimination and violence on grounds of sexual orientation and gender identity

11. The Committee remains concerned about reports of harassment, social stigmatization, discrimination and violence against lesbian, gay, bisexual and transgender persons. It is particularly concerned about:

(a) The lack of prompt and effective investigations into cases of violence against lesbian, gay, bisexual and transgender persons and of prosecution and punishment of perpetrators;

(b) The prevalence of homophobic and transphobic rhetoric by politicians and other public officials with impunity (arts. 2, 7, 9, 17 and 26).

12. The State party should:

(a) Provide effective protection against all forms of discrimination and violence on the basis of sexual orientation and gender identity, both in law and in practice, and ensure that no such

²⁶ [CCPR/C/ARM/CO/3](#).

discrimination or violence is tolerated, that such conduct is properly addressed and that remedies are provided to victims;

(b) Combat homophobic and transphobic discourse, including by providing appropriate training to judges, prosecutors, law enforcement and other officials on combating discriminatory attitudes towards lesbian, gay, bisexual and transgender individuals and by conducting similar awareness-raising activities aimed at the general public.

Keywords: *LGBT; FOE/FOAA, harassment, HRD, investigation, internet, remedy, reparation*

Freedom of expression

37. The Committee is concerned about:

(a) Reports of threats, intimidation, harassment and attacks against journalists, including online journalists, human rights defenders, particularly women, and lesbian, gay, bisexual and transgender human rights defenders and environmental activists, including those working on issues concerning gold mining operations; [...]

38. The State party should:

(a) Refrain from intimidating, threatening, harassing and attacking journalists, human rights defenders and environmental activists who are exercising their right to freedom of expression;

(b) Ensure that all violations committed against members of these groups are investigated thoroughly and impartially so that the perpetrators can be tried and sentenced to penalties commensurate with the gravity of their offences and that the victims can receive redress; [...].

Botswana – Concluding Observations – 132nd Session, 24 November 2021, 2nd review²⁷

Keywords: *SOGI; anti-discrimination legislation, awareness-raising campaign, criminalisation (decriminalisation), HIV/AIDS, stigmatisation*

C. Principal matters of concern and recommendations

Non-discrimination

11. The Committee is concerned about the lack of comprehensive anti-discrimination legislation and about the fact that section 15 (4) (b)–(d) of the Constitution continues to provide for exceptions to the right not to be discriminated against. The Committee is also concerned that the 2019 ruling of the High Court of Botswana in the case *Letsweletse Motshediemang v. Attorney General* requesting that section 164 of the Penal Code criminalizing same-sex relations be repealed has not been implemented yet due to an ongoing appeal by the Attorney General. The Committee is further concerned about the persistence of customary laws and practices that discriminate against women, particularly in relation to marriage and family relations, inheritance, property rights and legal guardianship by men of unmarried women (arts. 2–3, 17 and 26–27).

12. In light of and bearing in mind the Committee's previous recommendations,⁶ the State party should:

(a) Adopt comprehensive legislation prohibiting discrimination, including multiple, direct and indirect discrimination, in all spheres, in both the public and the private sectors, on all the grounds prohibited under the Covenant, including sex, sexual orientation, gender identity, religion, disability, socioeconomic status, HIV/AIDS status, ethnic and political affiliation or other status;

(b) Amend section 15 of the Constitution in order to bring it into line with articles 2–3 and 26 of the Covenant;

(c) Repeal section 164 of the Penal Code;

(d) Review customary laws and practices that discriminate against women to ensure their full compliance with the provisions of the Covenant;

(e) Develop and implement strategies to combat patriarchal attitudes and stereotypes on the roles and responsibilities of women and men in the family and in society at large;

(f) Take concrete steps, such as comprehensive awareness-raising campaigns and activities, to address stigma and discriminatory attitudes and promote sensitivity and respect for diversity among the general public.

²⁷ [CCPR/C/BWA/CO/2](#).

Burundi – List of Issues – 132nd Session, 18 August 2021, 3rd review²⁸

Keywords: *SOGI; criminalisation (decriminalisation), data collection, discrimination, FOE/FOAA, harassment, measures, stigmatisation*

Non-discrimination and equality between men and women (arts. 2, 3, 23, 25 and 26)

4. In view of the Committee's previous concluding observations (para. 8) and the information submitted by the State party regarding the decision to maintain the criminalization of homosexuality (paras. 26–27), please indicate the number of persons who have been arrested, detained and prosecuted for homosexuality during the period under consideration. Please provide information on the measures taken to combat discrimination and stigma based on sexual orientation or gender identity and specify the measures adopted to protect the persons subjected to it from violent assaults and harassment by public officials or private individuals and to uphold in practice their right of peaceful assembly and their right to freedom of expression.

²⁸ [CCPR/C/BDI/Q/3.](#)

Canada – List of Issues prior to reporting – 132nd Session, 24 August 2021, 7th review²⁹

Keywords: *SOGI; discrimination, prevention, measures*

B. Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to the previous recommendations of the Committee

Non-discrimination (arts. 2, 3, 6, 9, 25 and 26)

4. Please describe the legislative and other measures taken within the reporting period to prevent and combat discrimination on the basis of gender, sexual orientation, indigenous status, disability, socioeconomic status, race, sex worker status, religion, HIV status and/or nationality. Please also provide information about any measures taken by the State party to ensure that the coronavirus disease (COVID-19) pandemic does not exacerbate inequality, discrimination and exclusion, including about any measures to guarantee that COVID-19 vaccines reach all vulnerable groups.

Keywords: *LGBTI, SM; hate crimes, hate speech, internet, legislation, measures*

6. Please provide information about the prevalence of hate speech and hate crime within the State party, including against religious, racial and sexual minorities, such as Muslims, persons of African and Asian descent, and LGBTQI persons. Please report on legislative and other measures taken to address such hate crime and hate speech, including that which occurs online. Please also indicate whether there has been an increase in hate crimes and hate speech related to the COVID-19 pandemic and, if so, what specific measures have been taken in response.

Keywords: *SC; I; access to justice, children, free and informed consent, surgical/medical intervention*

Children with variations of sex characteristics (intersex children) (arts. 7, 9, 17, 24 and 26)

12. Please describe measures taken to limit or prohibit medically unnecessary surgery and other medically unnecessary procedures on intersex children until they have reached an age at which they are able to give their free, prior and informed consent. Please provide information about the status of reforms to section 268 (3) of the Criminal Code. Please also describe measures taken to facilitate effective access to justice and redress for those who have been subjected to such surgical procedures and/or other medical treatments without their consent.

²⁹ [CCPR/C/CAN/QPR/7](#).

Democratic People's Republic of Korea – List of Issues prior to reporting – 131st Session, 22 June 2021, 3rd review³⁰

Keywords: SOGI; anti-discrimination legislation, data collection, discrimination, legislation, measures

B. Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to the previous recommendations of the Committee

Non-discrimination (arts. 2, 19–20 and 26)

6. Please describe the legislative and other measures taken during the reporting period to combat discriminatory laws and social practices based on discriminatory grounds, in particular family background (*songbun*), sexual orientation, gender, religion and disability. Please include information on steps taken to collect information on minority and marginalized groups and their needs, and on what anti-discrimination legislation is in place to provide protection from all forms of discrimination.

³⁰ [CCPR/C/PRK/QPR/3](#).

Dominican Republic – Follow-up Assessment – 133rd Session, 17 December 2021, 6th review³¹

Keywords: SOGI; LGBTI, T; awareness-raising campaign, discrimination, family, follow-up, hate crimes, investigation, law enforcement officials, legislation, LGR, measures, punishment, reparation, same-sex couples, stereotypes, trainings, violence

Paragraph 10: Non-discrimination

The State party should take the necessary steps to ensure full protection against discrimination and to eradicate, in law and in practice, stereotypes and discrimination against persons of Haitian descent, including Haitian migrants, persons with disabilities and LGBTI persons, by inter alia increasing the number of training programmes for law enforcement personnel and awareness-raising campaigns promoting tolerance and respect for diversity. In addition, it should adopt laws to prohibit discrimination and hate crimes on grounds of sexual orientation or gender identity and fully recognize the equality of same-sex couples and the legal identity of transgender persons. It should also ensure that cases of discrimination and violence committed by individuals or State officials are systematically investigated, that those held to be responsible are punished with appropriate penalties and that victims have access to comprehensive reparation.

Summary of the State party's reply

Under Decree No. 134-14, the Attorney General's Office, together with other public entities, is responsible for monitoring compliance with the various cross-cutting State policies. The Office's human rights unit is in charge of protecting and defending human rights in the criminal justice system. In addition, in cooperation with other agencies, it is responsible for ensuring respect for these rights nationwide, the effective administration of justice and respect for legal safeguards and due process in judicial proceedings. Particular areas of focus are: (a) follow-up of registered cases in which there was a clear violation of these rights; (b) monitoring and promoting the human rights of all inmates held at any of the national correctional and rehabilitation centres; and (c) referral of cases filed with the Inter-Agency Commission on Human Rights or the Ministry of Foreign Affairs to the inter-American human rights system or other relevant international organizations. The Attorney General's Office handles complaints of discrimination and human rights violations in accordance with the Constitution and the applicable legal framework. Likewise, it also ensures compliance with the public policies on human rights and supports legislative initiatives aimed at preventing and punishing discriminatory practices against vulnerable groups. The State party provided statistics on registered cases of acts of discrimination and the sanctions imposed in the past four years.

Committee's evaluation

Discontinued - [C]: Information/action not satisfactory

While noting the information provided on the functions of the Attorney General's Office, the Committee regrets that the State party has not provided information on concrete measures taken to implement the Committee's recommendation. In particular, the Committee notes with concern that the State party has not referred to any measures taken to ensure protection for persons of Haitian descent, including Haitian migrants, for persons with disabilities and for lesbian, gay, bisexual, transgender and intersex persons. The Committee welcomes the statistics provided by the State party, while nevertheless noting with concern the low number of registered cases of discrimination and of criminal sanctions imposed. It therefore requests information on specific measures taken to fully implement the Committee's recommendation.

³¹ [CCPR/C/133/3/Add.1](#).

The information requested should be included in the State party's next periodic report due in 2025.

Ecuador – List of Issues prior to reporting – 132nd Session, 27 August 2021, 7th review³²

Keywords: *SOGI; LGBTI; awareness-raising campaign, conversion therapy, discrimination, education, investigation, killings, legislation, medical professionals, police, prevention, prosecution, professional groups, punishment, trainings*

Non-discrimination and equal rights of men and women (arts. 2, 3, 17 and 26)

7. In the light of the Committee's previous concluding observations (para. 12), please provide updated information on the measures taken – including training for judges, prosecutors, members of the security forces and medical practitioners, and awareness-raising campaigns and their impact – to prevent and combat violence and discrimination based on sexual orientation or gender identity, including in the education system, and steps taken to prosecute and punish those responsible. Please also provide information on investigations, prosecutions and convictions related to the killings of lesbian, gay, bisexual, transgender and intersex persons; on measures taken, including legal initiatives, to effectively eradicate the practice of placing people in clinics for “treatment to cure sexual identity or gender identity”; and on the investigation, prosecution and punishment of those responsible for such treatments and adequate redress for the victims.

³² [CCPR/C/ECU/QPR/7](#).

Fiji – List of Issues prior to reporting – 131st Session, 9 August 2021, initial review³³

Keywords: *SOGI; anti-discrimination legislation, data collection, discrimination, measures, protected grounds, remedy*

B. Specific information on the implementation of articles 1 to 27 of the Covenant

Non-discrimination (arts. 2, 19, 20, 26)

6. Please describe steps taken to address and prevent discrimination, including whether there has been progress toward adopting comprehensive anti-discrimination legislation, which clearly defines and establishes the offences of direct and indirect discrimination, and contains a comprehensive list of prohibited grounds of discrimination, including sexual orientation and gender identity, race or ethnicity, religion, and disability. Please provide disaggregated information on complaints of discrimination since the ratification of the Covenant and detail any remedies provided to victims.

Keywords: *SOGI; LGBTI; discrimination, hate speech, internet, measures, stigmatisation, violence*

7. Please discuss measures taken to prevent and combat acts of discrimination, stigmatization, violence and hate speech on the basis of sexual orientation and/or gender identity, including specific measures taken towards ensuring that members of the lesbian, gay, bisexual, transgender and intersex community are empowered to report such acts. Please respond to reports: (a) that discriminatory behaviours against lesbian, gay, bisexual, transgender and intersex persons are legitimized by customary, cultural and religious beliefs; and (b) that hate speech against lesbian, gay, bisexual, transgender and intersex persons is prevalent, including among politicians and religious leaders, as well as on social media.

Keywords: *T; domestic violence, intersectionality, measures, violence*

Violence against women, and domestic violence (arts. 2, 3, 6, 7 and 26)

10. Please discuss the measures taken by the State party to address all forms of violence against women, including domestic violence, and its reported increase during the COVID-19 pandemic. Please include information about: (a) how specific protections are ensured for vulnerable women, including those from minority groups, and for transgender persons; [...].

³³ [CCPR/C/FJI/QPR/1.](#)

Finland – Concluding Observations – 131 session, 01 April 2021, 7th periodic review³⁴

Keywords: *LGBTI; anti-discrimination legislation, legislation, measures*

B. Positive aspects

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

(l) Action Plan 2019–2025 for achieving equal opportunities for lesbian, gay, bisexual, transgender and intersex persons in Åland society, in 2019.

Keywords: *SOGI; LGBT; awareness-raising campaign, data collection, discrimination, GC/GR, hate crimes, hate speech, internet, investigation, law enforcement officials, measures, media, police, prosecution, punishment, professional groups, remedy, stereotypes, trainings, violence*

C. Principal matters of concern and recommendations

Hate speech and hate crimes

14. The Committee takes note of the measures taken by the State party to combat hate speech and hate crimes, including the adoption of the national action plan for the prevention of violent radicalization and extremism and the introduction of so-called “Internet cops” to police departments. It is concerned, however, about the persistence of intolerance, prejudice, hate speech and hate crimes against vulnerable and minority groups, including women, African descendants, Muslims, lesbian, gay, bisexual and transgender persons, and Roma and Jewish communities, in particular in the media and on social networks. In that regard, the Committee regrets the lack of specific information about the impact and effectiveness of policy and awareness-raising measures on reducing incidents of hate speech and hate crimes and the insufficient data collection (arts. 2, 19, 20 and 26).
15. **The State party should redouble its efforts to combat discrimination, hate speech and incitement to discrimination or violence on the grounds of, inter alia, race, ethnicity, religion or sexual orientation and gender identity, in accordance with articles 19 and 20 of the Covenant and the Committee’s general comment No. 34 (2011) on freedoms of opinion and expression. It should, inter alia:**
- (a) Improve relevant data collection and take effective measures to prevent both online and offline hate speech, firmly and publicly condemn such speech, and intensify efforts aimed at addressing online hate speech;**
 - (b) Strengthen its awareness-raising efforts aimed at promoting respect for human rights and tolerance for diversity, revisiting and eradicating stereotypical prejudices based on race, ethnicity, religion, or sexual orientation and gender identity;**
 - (c) Encourage the reporting of hate crimes, and ensure that hate crimes are thoroughly investigated, perpetrators prosecuted and punished, and victims provided with effective remedies;**
 - (d) Provide adequate training to central and local authorities, law enforcement officials, judges and prosecutors on addressing hate speech and hate crimes and to media workers on promoting acceptance of diversity.**

Keywords: *SOGI; T, I; children, discrimination, free and informed consent, LGR, psychiatry, remedy, stereotypes, sterilisation, stigmatisation, surgical/medical intervention, violence*

³⁴ [CCPR/C/FIN/CO/7](#).

Sexual orientation, gender identity and intersex status

20. The Committee is concerned about social stigmatization, discrimination and violence against persons based on their sexual orientation or gender identity. While noting the ongoing process to amend the Trans Act, the Committee is concerned about the lengthy procedure for legal gender recognition and the requirements to be sterilized and diagnosed with “transsexualism” which is defined as a mental disorder. It is further concerned that consenting transgender children may be unable to access the procedure for legal gender recognition. The Committee is also concerned that irreversible and invasive medical interventions continue to be performed on intersex children. It notes with concern that such actions are often based on a stereotyped vision of gender roles and carried out before children are of an age to allow them to give their full, free and informed consent (arts. 3, 7, 9, 17, 24 and 26).

21. The State party should take legislative and other measures to:

- (a) Intensify its efforts to eradicate all forms of discrimination and violence against and social stigmatization of persons based on their sexual orientation or gender identity, and provide access to effective remedies for victims of such acts;**
- (b) Establish a simple and accessible administrative procedure for change of civil status with respect to gender identity that is in accordance with the Covenant;**
- (c) Effectively prevent the performance of irreversible medical interventions, especially surgical operations, on intersex children who are not yet capable of giving their full, free and informed consent, unless such procedures constitute an absolute medical necessity. Access to effective remedies for victims of such interventions should also be ensured.**

Keywords: *hate crimes, hate speech, follow-up, violence*

D. 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.

France – List of Issues prior to reporting – 132nd Session, 24 September 2021, 6th review³⁵

Keywords: *LGBTI; hate crimes, hate speech, measures, prosecution*

B. Specific information on the implementation of articles 1–27 of the Covenant, including with regard to the previous recommendations of the Committee

Non-discrimination (arts. 2–3, 6, 19–20 and 26)

4. Please provide information on steps taken to prevent and combat speech and crimes motivated by hatred and intolerance, including against members of religious or ethnic minorities, Roma and travellers, migrants, and lesbian, gay, bisexual, transgender and intersex persons. Please also provide data on the prosecution of hate crimes and the outcomes of such prosecution. Please comment on the measures taken to reduce the number of unpunished racist acts and on the preventive and awareness-raising measures taken to combat racial bias throughout the territory of the State party. Please indicate whether there has been an increase in the prevalence of racist acts during the coronavirus disease (COVID-19) pandemic, including on the Internet, and if so, what specific measures have been taken by the State party in response.

³⁵ [CCPR/C/FRA/QPR/6](#).

Germany – Concluding Observations – 132nd Session, 30 November 2021, 7th review³⁶

Keywords: *LGBTI; awareness-raising campaign, consultation, data collection, hate crimes, hate speech, internet, investigation, law enforcement officials, legislation, media, professional groups, prosecution, remedy, stereotypes, trainings*

C. Principal matters of concern and recommendations**Hate speech and hate crimes**

10. The Committee welcomes the information provided by the State party about high-level political commitment to addressing hate speech and hate crimes, including the formation of a Cabinet committee to combat right-wing extremism and racism and the Federal Government's strategy to prevent extremism and promote democracy. Nevertheless, it remains concerned about continuing reports of hate speech, including verbal attacks, online hatred and hate speech in the context of political discourse, as well as about reports of a range of hate crimes, including violent attacks and the desecration of religious sites, committed against people of African descent, lesbian, gay, bisexual, transgender and intersex persons, Sinti and Roma persons, Muslims, persons of Jewish faith, refugees and migrants. It is also concerned by the State party's statement that it is not considering legal amendments to remove the requirement to disturb public peace from the definition of incitement to hatred (arts. 2, 19–20 and 26).

11. Recalling the Committee's previous recommendation,⁸ the State party should:

- (a) Improve data collection on online and offline hate speech and take effective measures to prevent and punish these phenomena;**
- (b) Consider legal amendments to remove the requirement to disturb public peace from the definition of incitement to hatred;**
- (c) Strengthen awareness-raising efforts aimed at promoting respect for human rights and tolerance for diversity, revisiting and eradicating stereotypical prejudices;**
- (d) Encourage reporting of hate crimes and ensure that all hate crimes are thoroughly investigated, that perpetrators are prosecuted and punished and that victims are provided with effective remedies;**
- (e) Reinforce cooperation among relevant stakeholders, including civil society, and provide adequate training to central and local authorities, law enforcement officials, judges and prosecutors on addressing hate speech and hate crimes and to media workers on promoting acceptance of diversity.**

Keywords: *I; children, free and informed consent, remedy, punishment, stereotypes, surgical/medical intervention*

Intersex persons

20. The Committee is concerned about reports that intersex children have sometimes been subjected to invasive, medically unnecessary and irreversible medical procedures aimed at assigning them a sex. It is also concerned that such actions are often based on a stereotyped vision of gender roles, involve humiliating and painful procedures and are carried out before the affected persons are of an age to give their free and informed consent. It is further concerned that victims of such practices face significant barriers to accessing remedies, despite suffering lasting physical and psychological harm, including owing to statutes of limitations impeding child victims from seeking redress when they are adults,

³⁶ [CCPR/C/DEU/CO/7](#).

difficulties accessing health records and compensation not being available. The Committee commends the State party for introducing the Law on the Protection of Children with Variations in Sex Development in 2021. It nevertheless remains concerned by reports that the Law does not specifically restrict all problematic practices, establish criminal liability or effectively address all barriers to access to remedies for victims (arts. 2–3, 7, 17, 24 and 26).

- 21. The State party should take all steps necessary to ensure that all acts relating to the assignment of a sex to intersex children performed without their free and informed consent are specifically prohibited, except in cases where such interventions are absolutely necessary for medical reasons and the best interests of the child have been duly taken into account. This should include the consideration of amendments to the Law on the Protection of Children with Variations in Sex Development of 2021 within the five-year period allocated for its review, if necessary. The State party should also ensure that all victims have access to remedies, including through a revision of the application of statutes of limitation for violations in childhood, taking steps to ensure that all victims have access to their health records and considering the establishment of a dedicated compensation fund.**

Keywords: I; children, free and informed consent, follow-up, remedy, punishment, stereotypes, surgical/medical intervention

D. Dissemination and follow-up

- 53. In accordance with rule 75, paragraph 1, of the Committee's rules of procedure, the State party is requested to provide, by 5 November 2024, information on the implementation of the recommendations made by the Committee in paragraphs 21 (intersex persons), 31 (institutional care) and 43 (right to privacy) above.**

Greece – List of Issues prior to reporting – 132nd Session, 2 December 2021, 3rd review³⁷

Keywords: *LGBTI; discrimination, hate crimes, hate speech, measures, prevention*

B. Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to the previous recommendations of the Committee

Non-discrimination (arts. 2, 19–20 and 26)

4. With reference to the previous concluding observations (para. 14), please report on the implementation of Law No. 4478/2017 and indicate all the measures that have been taken to ensure respect for the principle of non-discrimination and to combat and prevent hate crimes, hate speech and other acts of discrimination, stigmatization and violence, particularly against migrants, refugees, lesbian, gay, bisexual, transgender and intersex persons and Roma. Please indicate whether there has been any increase in such crimes in the context of the COVID-19 pandemic and, if so, what specific measures have been taken in response. [...].

Keywords: *LGBTI; FOE/FOAA, HRD*

Right to freedom of expression, peaceful assembly and freedom of association (arts. 2, 17 and 19–22)

22. [...] Please also respond to reports alleging attacks against human rights defenders working on human rights and humanitarian issues, particularly issues related to the rights of refugees, migrants and lesbian, gay, bisexual, transgender and intersex persons.

³⁷ [CCPR/C/GRC/QPR/3](#).

Grenada – List of Issues prior to reporting – 131st Session, 14 May 2021, initial review³⁸

Keywords: *SOGI; anti-discrimination legislation, awareness-raising campaign, discrimination, education, employment, housing, measures, protected grounds*

B. Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to the previous recommendations of the Committee

Non-discrimination (arts. 2 and 26–27)

5. Please provide information on the measures taken in law and in practice to ensure protection from all forms of discrimination in the public and private spheres, including direct, indirect and multiple discrimination, and on all the grounds covered by the Covenant, including disability, gender, gender identity and sexual orientation, especially in the areas of healthcare, employment, education and housing. In this regard, please indicate whether the State party intends to adopt comprehensive anti-discrimination legislation that contains all the grounds covered by the Covenant. In the light of the rejection of the proposed constitutional reforms in 2016, please indicate whether the State party has carried out or intends to carry out any public education and awareness-raising campaigns to promote equality and non-discrimination.

Keywords: *SOGI; LGBTI; awareness-raising campaign, criminalisation (decriminalisation), data collection, discrimination, investigation, legislation, measures,*

6. Please provide information on the measures taken in law and in practice to protect persons harassed, threatened or prosecuted because of their sexual orientation or gender identity, and report on investigations conducted into any such incidents and their results. In this regard, please indicate whether the State party plans to decriminalize same-sex consensual relations. Please also report on any public campaigns that have been carried out to discourage discrimination against lesbian, gay, bisexual, transgender and intersex persons.

³⁸ [CCPR/C/GRD/QPR/1](#).

Iceland – List of Issues prior to reporting – 131st Session, 22 September 2021, 6th review³⁹

Keywords: *LGBT; anti-discrimination legislation, hate speech, internet, legislation, media, prosecution, protected grounds, punishment*

B. Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to the previous recommendations of the Committee

Non-discrimination, gender equality and regulation of hate speech (arts. 2–3, 20 and 26)

7. Please report on efforts undertaken to adopt comprehensive anti-discrimination legislation that addresses all spheres of life and provides effective remedies through judicial and administrative proceedings. Please describe the status of the pending bill to amend the Media Act to ensure that the sanctions prescribed also apply to hate speech and that its enforcement extends to social media activities. Please also provide information on legal provisions to counter misogynistic, anti-LGBT, anti-Muslim and ableist remarks, and the status of implementing measures to prosecute and punish perpetrators and compensate victims.

Keywords: *SC; I; children, free and informed consent, legislation, surgical/medical intervention*

Sexual orientation (arts. 2 and 26)

11. Considering the reports of the existence of barriers and risks of lifelong physical and psychological damage for people born with sex characteristics that vary in a range from female to male, and the situation of intersex persons being subjected to medically unnecessary surgery due to stigma and discrimination, please outline measures taken to prevent medical acts, especially surgical operations, on intersex children who are not yet capable of giving their free and informed consent, except in cases where such interventions are absolutely necessary for medical reasons. Please provide information about whether the Act on Sexual and Gender Autonomy 2019 protects persons from such medical practices. Please also describe other measures envisaged to ensure the end of non-emergency, invasive and irreversible surgeries on persons born with variations of sex characteristics.

³⁹ [CCPR/C/ISL/QPR/6.](#)

Kenya – Concluding Observations – 131st Session, 11 May 2021, 4th periodic review⁴⁰

Keywords: *I; legislation, measures*

B. Positive aspects

3. The Committee welcomes the following legislative, institutional and policy measures taken by the State party: [...]

(b) The enactment of the Registration of Persons (Amendment) Bill of 2019, which provides for the legal recognition of intersex persons; [...]

Keywords: *SOGI; anti-discrimination legislation, awareness-raising campaign, discrimination, HIV/AIDS, remedy, protected grounds, stigmatisation*

C. Principal matters of concern and recommendations

Non-discrimination

10. The Committee is concerned about the lack of comprehensive anti-discrimination legislation, in line with article 27 of the Constitution and the provisions of the Covenant, and whether that could impede access to remedies for victims of discrimination. The Committee also notes with concern a lack of information from the State party about the steps taken to address stigma and discriminatory attitudes towards multiple groups and promote sensitivity and respect for diversity among the general public (arts. 2 and 26).

11. The State party should:

(a) Adopt comprehensive legislation prohibiting discrimination, including multiple, direct and indirect discrimination, in all spheres, in both the public and the private sectors, on all the grounds prohibited under the Covenant, including sex, sexual orientation, gender identity, religion, disability, albinism, socioeconomic status, HIV/AIDS status, ethnic and political affiliation or other status;

(b) Guarantee effective remedies for victims of discrimination in judicial and administrative proceedings;

(c) Take concrete steps, such as comprehensive awareness-raising campaigns and sensitization activities, to address stigma and discriminatory attitudes and promote sensitivity and respect for diversity among the general public.

Keywords: *SOGI; LGBTI, I; access to justice, awareness-raising campaign, children, criminalisation (decriminalisation), discrimination, education, free and informed consent, legislation, harassment, law enforcement officials, police, remedy, stigmatisation, surgical/medical intervention, violence*

Sexual orientation, gender identity and intersexuality

12. The Committee is concerned about:

(a) Sections 162 and 165 of the Penal Code criminalizing same-sex relations, and the High Court ruling in 2019 that declared those provisions to be constitutional;

(b) The State party reporting that that prohibition is based upon same-sex relations being unacceptable to Kenyan culture and values but not providing information about any measures taken to address discriminatory attitudes and stigma among the general public;

⁴⁰ CCPR/C/KEN/CO/4.

- (c) Reports of lesbian, gay, bisexual, transgender and intersex individuals experiencing harassment, discrimination and violence, including violations perpetrated by law enforcement officers and vigilante groups, and facing barriers to access justice and remedies;
- (d) Incidences of children being expelled from schools on the basis of actual or suspected sexual orientation and/or gender identity;
- (e) Cases of non-urgent, irreversible surgical procedures, infanticide and abandonment among intersex children (arts. 2, 6, 7, 17 and 26).

13. The State party should take appropriate steps to:

- (a) Amend all relevant laws, including sections 162 and 165 of the Penal Code, to decriminalize consensual sexual relations between adults of the same sex;**
- (b) Address discriminatory attitudes and stigma towards lesbian, gay, bisexual, transgender and intersex persons among the general public, including through comprehensive awareness-raising and sensitization activities;**
- (c) Intensify its efforts to eradicate all forms of discrimination, harassment and violence on the basis of sexual orientation and gender identity and provide access to justice and remedies for victims;**
- (d) Take immediate action to address the expulsion of children from schools on the basis of their actual or suspected sexual orientation and/or gender identity;**
- (e) Strengthen measures to end the performance of irreversible medical acts, especially surgical operations, on intersex children who are not yet capable of giving their full, free and informed consent, except in cases where such interventions are absolutely necessary for medical reasons. Access to effective remedies for victims of such interventions should also be ensured.**

Keywords: *LGBTI; detention, HRD, investigation, law enforcement officials, police, professional groups, punishment, trainings*

Liberty and security of person

- 32. The Committee is concerned about reports of the use of arbitrary arrest and detention, including among human rights defenders, journalists, civil society representatives and lesbian, gay, bisexual, transgender and intersex individuals. It is also concerned about the compatibility of provisions in the Prevention of Terrorism Act (Act No. 30 of 2012), which allows suspects to be held in pretrial detention for up to 90 days, with article 50 of the Constitution and the provisions of the Covenant. The Committee welcomes efforts made by the State party to provide comprehensive training to officers but regrets the lack of information provided about the number of investigations, convictions and punishments undertaken following complaints of arbitrary arrest and detention, and about measures to ensure the promotion of civic space where individuals can meaningfully exercise and promote human rights in a safe environment (art. 9).
- 33. **The State party should continue and strengthen efforts to reform the police force and provide training to judges, prosecutors, lawyers and relevant officers on national provisions and international human rights standards on liberty and security of person. They should amend the Prevention of Terrorism Act (Act No. 30 of 2012) to bring provisions on pretrial detention into line with article 50 of the Constitution and the provisions of the Covenant. The State party should also step up efforts to impartially investigate complaints of arbitrary arrest and detention and to punish such acts, and it should take additional measures to promote civic space, including by operationalizing the Public Benefits Organization Act (Act No. 18 of 2013), and adopting the model human rights defenders policy and action plan developed by the Kenya National Commission on Human Rights.**

Keywords: *SO; LGBTI; asylum-seekers/refugees, criminalisation (decriminalisation), detention, legislation, refoulement*

Treatment of aliens, including refugees, asylum seekers and migrants

36. The Committee is concerned about: [...]

(a) The delay in the enactment into law of the Refugee Bill of 2019, despite the legislative amendment process, which began in 2011, and the urgent need to replace provisions in the Refugees Act (Act No. 13 of 2006), in particular encampment provisions that oblige all refugees and asylum seekers in Kenya to reside in refugee camps and seek authorization to leave them;

(b) Clause 19 (2) of the Refugee Bill of 2019, which allows for broad exceptions to the principle of non-refoulement on the basis of public morality; [...]

(d) Clause 23 (5) of the Refugee Bill, which compels all individuals who have filed an asylum claim to abide by all laws in Kenya and allows for the cancellation of asylum applications and removal from the State party's territory of individuals who violate laws. The Committee is particularly concerned that lesbian, gay, bisexual, transgender and intersex refugees and asylum seekers could be subjected to refoulement on the de facto basis of their sexual orientation, given the continued illegality of same-sex relations; [...].

37. The State party should:

(a) Strictly uphold the principle of non-refoulement in both law and practice;

(b) Amend the Refugee Bill of 2019, including provisions that include prisons, police stations and remand homes in the definition of transit centres, and clauses 19 (2) and 23 (5), to ensure its full compatibility with the Covenant;

(c) Pass an amended version of the Refugee Bill into law and effectively implement its provisions without delay; [...].

Keywords: *LGBTI; FOE/FOAA, harassment, HRD, internet*

Freedom of expression

42. The Committee is concerned about the lack of harmonization of the legal standards in the State party, including sections 132, 181 and 194 of the Penal Code, the Computer Misuse and Cybercrimes Act (Act No. 5 of 2018), the Prevention of Terrorism Act (Act No. 30 of 2012), the Kenya Information and Communications (Amendment) Act (Act No. 41A of 2013) and the Security Laws (Amendment) Act (Act No. 19 of 2014), with articles 33 and 34 of the Constitution and articles 19 and 20 of the Covenant. The Committee is also concerned that national legal provisions have been used to limit online expression, repress lesbian, gay, bisexual, transgender and intersex individuals, and quell criticism of the Government, including among human rights defenders, journalists and civil society organizations. It is further concerned about reports of interference with the free press and attacks against journalists and media workers during the period of the 2017 elections (arts. 19 and 20).

43. The State party should engage in a process of harmonization between all legal standards relating to freedom of expression, including online expression, and the provisions of the Covenant and articles 33 and 34 of the Constitution. The State party should ensure that any restrictions on the exercise of freedom of expression, including online expression, comply with the strict requirements of article 19 (3) of the Covenant. They should also take concrete steps to prevent any interference with the free press during the 2022 elections and protect journalists and media workers from all forms of harassment and violence.

Malawi – List of Issues prior to reporting – 131st Session, 28 May 2021, 2nd review⁴¹

Keywords: *SOGI; anti-discrimination legislation, data collection, discrimination, investigation, protected grounds, remedy*

B. Specific information on the implementation of articles 1 to 27 of the Covenant

Non-discrimination (arts. 2, 20 and 26)

5. Please provide information on the measures taken to ensure that the State party's anti-discrimination legal framework provides: (a) full and effective protection against direct, indirect and multiple discrimination in all spheres, including in the private sphere, and on all the grounds prohibited under the Covenant, including sexual orientation and gender identity; and (b) effective remedies in judicial and administrative proceedings for victims of discrimination. Please provide statistical data on complaints of discrimination brought before the courts during the past three years, along with an indication of the basis of discrimination, the nature of investigations conducted and their outcome, and any forms of redress provided to victims.

Keywords: *SOGI; discrimination, hate crimes, hate speech, HIV/AIDS, measures, stigmatisation, violence, women*

6. Please indicate all the legislative and other measures taken to combat and prevent hate crimes, hate speech and other acts of discrimination, stigmatization and violence, particularly against women, persons with disabilities, persons living with HIV/AIDS, persons with albinism and on the basis of a person's real or perceived sexual orientation or gender identity, as well as measures taken to combat and prevent their social stigmatization and social exclusion.

Keywords: *SOGI; LGBTI; awareness-raising campaign, data collection, discrimination, criminalisation (decriminalisation), health, HIV/AIDS, measures, prosecution, stereotypes*

7. With reference to the Committee's previous concluding observations (para. 10), please provide information on steps taken to repeal provisions that criminalize homosexuality and other consensual sexual activities among adults. Please also provide information on measures taken to: (a) introduce a mechanism to monitor cases of violence against persons on the basis of their sexual orientation or gender identity and enable the prosecution of perpetrators and the provision of compensation for the victims; (b) combat violence and raise awareness to eliminate stereotyping and discrimination; and (c) provide access to health services, including HIV/AIDS treatment, for lesbian, gay, bisexual, transgender and intersex persons.

Keywords: *LGBTI; detention, police, violence*

State of emergency and response to the coronavirus disease (COVID-19) pandemic (arts. 2, 4 and 6–7)

12. Please describe the main restrictions on the exercise of rights protected under the Covenant that have been put in place in connection with the COVID-19 pandemic, the legal basis on which those restrictions are founded and their compatibility with the Covenant. In this regard, please provide information on whether other States parties have been notified, through the Secretary-General, of the measures taken by the State party. Please also comment on information received on: (a) the excessive use of violence by the police during the COVID-19 pandemic, particularly against lesbian, gay, bisexual, transgender and intersex persons and sex workers; and (b) the number of detentions carried out in the context of the COVID-19 pandemic.

⁴¹ [CCPR/C/MWI/QPR/2](#).

Mozambique – List of Issues prior to reporting – 132nd Session, 19 August 2021, 2nd review⁴²

Keywords: *LGBTI; court, discrimination, hate crimes, hate speech, investigation, legislation, measures, prevention, remedy, stigmatisation, violence*

B. Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to the previous recommendations of the Committee

Non-discrimination (arts. 2, 19–20 and 26)

5. Please indicate all legislative and other measures that have been taken to ensure respect for the principle of non-discrimination, aiming to combat and prevent hate crimes, hate speech and other acts of discrimination, stigmatization and violence, particularly against persons with disabilities, persons with albinism, lesbian, gay, bisexual, transgender and intersex persons, sex workers, older persons, migrants and other vulnerable groups, and to protect their lives and integrity. Please provide information on the implementation of the multisectoral action plan to address the issue of the protection of persons with albinism, adopted in 2015, and on attacks and killings of persons with albinism and measures taken to investigate, prosecute and sanction those crimes. Please provide statistical data on complaints of discrimination brought before the courts or relevant administrative bodies during the past five years, and an indication of the basis of the discrimination, the nature of the investigations conducted and their outcome, and any forms of redress provided to victims.

Keywords: *LGBTI; discrimination, FOE/FOAA, HRD, legislation*

Rights to freedom of expression, peaceful assembly and freedom of association and protection of human rights defenders (arts. 2 and 19–22)

24. Please provide information on the legal and regulatory frameworks governing freedom of association. In particular, please provide information on the law on association and explain how it is in conformity with article 22 of the Covenant. Please provide information on the provisions requiring organizations to have 10 founding members and prohibiting foreign organizations from registration if their objectives and/or mandate are deemed contrary to the “national public order”. Please respond to allegations that associations of lesbian, gay, bisexual, transgender and intersex persons have been denied a certificate of registration and comment on the progress of the process of registration of the Mozambican Association for the Defence of Sexual Minorities, which has allegedly been trying to register since 2008.

⁴² [CCPR/C/MOZ/QPR/2](#).

Nepal – List of Issues prior to reporting – 131st Session, 27 May 2021, 3rd review⁴³

Keywords: *SOGI; anti-discrimination legislation, data collection, discrimination, intersectionality, legislation, measures*

B. Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to the previous recommendations of the Committee

Non-discrimination (arts. 2 and 25)

7. In light of the Committee's previous recommendations (paras. 8–9), please describe the legislative and other measures taken during the reporting period to combat laws and social practices that discriminate on the basis of sex, caste, sexual orientation, gender identity, ethnicity, religion, disability or indigenous status. Please include information on steps taken to collect data on minority and marginalized groups and their needs, including those facing intersectional discrimination, as well as whether there has been any progress in developing comprehensive anti-discrimination legislation at the national and subnational levels.

Keywords: *SM; discrimination, legislation, measures*

8. Please provide information on any steps being taken by the State party to ensure greater protection of sexual minorities and gender-diverse people from discrimination. In particular, discuss whether the State party is considering including sexual minorities under article 306 (1) (a) and (m) of the Constitution of Nepal, which explicitly defines minorities and marginalized communities.

Keywords: *SM; sexual violence, violence*

Violence against women (arts. 2–3, 6–7 and 26)

11. Bearing in mind the previous recommendations of the Committee (para. 13), please discuss the measures taken by the State party to address all forms of violence against women, including whether any specific protections are in place to address the vulnerabilities of minority groups, including sexual minorities, indigenous women and Dalit women. [...].

⁴³ [CCPR/C/NPL/QPR/3](#).

North Macedonia – List of Issues prior to reporting – 132nd Session, 6 December 2021, 4th review⁴⁴

Keywords: *SOGI; discrimination, HIV/AIDS, legislation, measures*

B. Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to the previous recommendations of the Committee

Non-discrimination (arts. 2, 19–20 and 26)

4. Please describe the legislative and other measures taken during the reporting period to prevent and combat discrimination on the basis of grounds such as sexual orientation, sex, gender identity, disability, socioeconomic status, age, race, ethnicity, religion, HIV status and/or nationality. Please include information about the efforts made to amend and implement the Law on Prevention of and Protection against Discrimination of 2010, as well as any steps taken to ensure the independent and effective functioning of the Commission for Prevention of and Protection against Discrimination.

Keywords: *SOGI; LGBTI; anti-discrimination legislation, awareness-raising campaign, hate crimes, hate speech, investigation, measures, prosecution, protected grounds, punishment, stigmatisation, trainings*

5. Bearing in mind the Committee's previous concluding observations (para. 7), please discuss whether progress has been made during the reporting period to ensure that any reforms to the Law on the Prevention of and Protection against Discrimination 2010 include explicit prohibition of discrimination on the basis of sexual orientation and gender identity. Please also describe the efforts made during the reporting period to prevent and punish hate crime and hate speech against lesbian, gay, bisexual, transgender and intersex persons, including any training and public awareness raising campaigns organized to address stigma and discriminatory attitudes and any measures taken to ensure an adequate number of investigations, prosecutions and convictions for such crimes.

⁴⁴ [CCPR/C/MKD/QPR/4](#).

Sao Tome and Principe – List of Issues prior to reporting – 131st Session, 22 September 2021, initial review⁴⁵

Keywords: *SOGI; anti-discrimination legislation, investigation, protected grounds, remedy*

B. Specific information on the implementation of articles 1 to 27 of the Covenant

Non-discrimination and equality between men and women (arts. 2–3, 23 and 25–26)

7. With reference to article 15 (1) of the Constitution, please report on the State party's anti-discrimination legal framework and clarify whether: (a) it provides a clear definition of and criminalizes direct and indirect discrimination; (b) it contains a comprehensive list of prohibited grounds of discrimination, in accordance with the Covenant, including sexual orientation, gender identity, disability and other status; and (c) it provides for effective judicial and administrative remedies for victims. Please also include statistical information on complaints of discrimination received in the past two years, along with an indication of the basis of discrimination, the nature of the investigations conducted and their outcome, and any redress provided to victims.

⁴⁵ [CCPR/C/STP/QPR/1.](#)

Seychelles – List of Issues prior to reporting – 131st Session, 27 May 2021, initial review⁴⁶

Keywords: *LGBTI; anti-discrimination legislation, discrimination, investigation, measures, protected grounds, remedy, stigmatisation, violence*

B. Specific information on the implementation of articles 1 to 27 of the Covenant

Non-discrimination (arts. 2, 3, 23 and 25–26)

7. With reference to the previous concluding observations (para. 8), please provide updated information on the measures taken to ensure that the State party's anti-discrimination legal framework provides: (a) full and effective protection against direct, indirect and multiple discrimination in all spheres, including in the private sphere, and on all the grounds prohibited under the Covenant; and (b) effective remedies in judicial and administrative proceedings for victims of discrimination. In particular, please indicate all measures adopted to combat acts of discrimination, stigmatization and violence against persons with disabilities, particularly women and children with disabilities, and lesbian, gay, bisexual, transgender and intersex persons. Please include statistics on complaints of discrimination received during the reporting period, along with an indication of the basis of discrimination, the nature of the investigations conducted and their outcome, and any redress provided to victims.

⁴⁶ [CCPR/C/SYC/QPR/1](#).

Togo – Concluding Observations – 132nd Session, 24 August 2021, 5th review⁴⁷

Keywords: *SOGI; awareness-raising campaign, criminalisation (decriminalisation), detention, harassment, law enforcement officials, legislation, professional groups, protected grounds, torture/ill-treatment*

Non-discrimination and the rights of persons who belong to ethnic and sexual minorities

[...]

17. The Committee takes note of the provisions of the new Criminal Code concerning the criminalization of discrimination. It is, nevertheless, concerned by the fact that there is no clear definition or criminal classification of direct or indirect discrimination that covers all the grounds listed in the Covenant, including sexual orientation and gender identity. It also takes note of the information provided by the State party concerning the non-application, in practice, of criminal law provisions that characterize sex between consenting adults of the same sex as an offence and concerning the importance of first changing mindsets before introducing legislative changes in that area. However, it is concerned by the fact that these provisions have been retained in the new Criminal Code and that the applicable penalties have been increased. It is also concerned by reports that the security forces have subjected persons to harassment, attacks, ill-treatment and arbitrary detention on grounds of their actual or presumed sexual orientation or gender identity. It is, furthermore, concerned by the restrictions imposed on associations concerned with defending persons targeted on account of their sexual orientation or gender identity (arts. 2, 20, 22, 26 and 27).

18. The State party should:

(a) Revise its national legislation to bring it fully into line with the Covenant, by including a definition of direct and indirect discrimination, including in the private sphere, that covers all the grounds mentioned in the Covenant and that encompasses sexual orientation and gender identity;

(b) Amend the Criminal Code to decriminalize sex between consenting adults of the same sex;

(c) Take all measures necessary, including measures to raise awareness among trial judges and prosecutors, as well as law enforcement officials and members of the security forces, to guarantee protection to persons who are targeted on account of their sexual orientation or gender identity and to organizations set up to defend such persons against all forms of targeted harassment, discrimination and violence.

⁴⁷ [CCPR/C/TGO/CO/5](#).

Türkiye – List of Issues prior to reporting – 132nd Session, 25 August 2021, 2nd review⁴⁸

Keywords: *SOGI; aggravating circumstance, discrimination, hate crimes, hate speech, legislation, measures, media, prevention*

Non-discrimination (arts. 2, 3, 6, 25 and 26)

3. Recalling the previous recommendations of the Committee (paras. 8, 9, 10 and 22) and the report on follow-up to the concluding observations of the Committee, please provide information about: (a) the legislative and other measures taken within the reporting period to prevent and combat discrimination on the basis of gender, sexual orientation, disability, race, ethnicity, religion, and/or nationality; (b) any efforts made to strengthen the legislation in place to protect against discrimination on all the grounds enumerated in the Covenant; and (c) measures to curb hate speech by individuals, media outlets and political figures against groups, such as ethnic Kurds and/or persons on the ground of their sexual orientation or gender identity, as well as to address hate crimes, including by reforming the Criminal Code to establish discriminatory motives as aggravating factors in acts of violence.

⁴⁸ [CCPR/C/TUR/QPR/2.](#)

Ukraine – Concluding Observations – 132nd Session, 11 November 2021, 8th review⁴⁹

Keywords: *SOGI; anti-discrimination legislation, awareness-raising campaign, IDP, protected grounds, remedy, stigmatisation*

C. Principal matters of concern and recommendations

Non-discrimination

13. Despite the legislative initiatives to expand the grounds for discrimination in law, including by adding gender identity and sexual orientation as protective grounds, the Committee is concerned about the lack of a comprehensive anti-discrimination legislation, in line with the provisions of the Covenant. The Committee also notes with concern the lack of information from the State party about the steps taken to address stigma and discriminatory attitudes towards multiple groups, including ethnic minorities, LGBTI, internally displaced persons and persons with disabilities, and to promote sensitivity and respect for diversity among the general public. The Committee is also concerned about cases of Roma not being able to access courts to defend their rights due to lack of identity documents (arts. 2 and 26).
14. **The State party should adopt comprehensive anti-discrimination legislation to ensure that its legal framework provides: (a) effective protection against discrimination in all spheres, including in the private sphere, and prohibits direct, indirect and multiple discrimination; (b) a comprehensive list of prohibited grounds for discrimination, including colour, language, political or other opinion, national or social origin, property, disability, sexual orientation or gender identity, or other status, in line with the Covenant; and (c) for effective remedies in cases of violation. It should also take concrete steps, such as comprehensive awareness-raising campaigns and sensitization activities, to address stigma and discriminatory attitudes and promote sensitivity and respect for diversity among the general public. In line with paragraph 4 of the Order of the Cabinet of Ministers of Ukraine No. 701-r of 11 September 2013, the State party should intensify its efforts to assist Roma persons in obtaining identification documents.**

Keywords: *LGBTI; access to justice, awareness-raising campaign, data collection, discrimination, hate crimes, hate speech, investigation, law enforcement officials, legislation, media, prosecution, punishment, professional groups, remedy, reparation, stereotypes, trainings*

Hate speech and hate crimes

15. While noting the legislative measures taken by the State party to combat hate speech and hate crimes, the Committee is concerned about reports of intolerance, prejudice, hate speech and hate crimes against vulnerable and minority groups, including Roma, Hungarians, Jehovah Witness, Crimean Tatars and lesbian, gay, bisexual, transgender and intersex (LGBTI), in the media and often perpetrated by extreme right-wing groups. The Committee is also concerned at reports indicating that the majority of hate crimes against minority groups are not classified as such under article 161 of the Criminal Code. It regrets the very low number of complaints, investigations and convictions of hate crimes as well as reports indicating amicable settlements mediated under article 161 of the Criminal Code, as opposed to access to judicial remedy. Particularly, it notes with concern the slow pace of the investigations and lack of convictions in cases of the attacks on Roma settlements in Kyiv, Ternopil and Lviv in 2018 and those that occurred in 2019 against seven members of the LGBTI community, participating in a KyivPride event (arts. 2, 19, 20 and 26).
16. **The State party should:**
 - (a) **Consider reviewing its legislation to explicitly prohibit hate crimes in accordance with the Covenant and strengthen its efforts to combat intolerance, stereotypes, prejudice and**

⁴⁹ [CCPR/C/UKR/CO/8](#).

discrimination towards vulnerable and minority groups, including Roma, Hungarians, Jehovah Witnesses, Crimean Tatars and LGBTI, by, inter alia, increasing training for law enforcement personnel, prosecutors and the judiciary and conducting awareness-raising campaigns;

(b) Encourage the reporting of hate crimes and hate speech and ensure that such crimes are identified and registered, including through the establishment of a comprehensive, disaggregated data-collection system; and

(c) Strengthen the investigation capacity of law enforcement officials on hate crimes and criminal hate speech, including on the Internet, reinforce the training of judges and prosecutors, and ensure that all cases are systematically investigated, that perpetrators are held accountable with penalties commensurate with the crime and that victims have access to full reparation.

Keywords: *LGBTI; FOE/FOAA, GC/GR, harassment, HRD, investigation, punishment*

Freedom of expression

47. The Committee is concerned at:

(a) The continued reports of intimidation, persecution and assaults committed by various actors, including extreme right-wing groups, against journalists and human rights defenders, particularly anti-corruption, LGBTI and gender-activists; [...].

48. The State party should ensure that officials refrain from any interference with the legitimate exercise of the right to freedom of expression of human rights defenders and journalists, that their effective protection against any kind of threat, pressure, intimidation or attack is guaranteed, and that illegal acts are thoroughly investigated, appropriately charged and those responsible brought to justice. The State party should ensure that any restrictions on the right to freedom of opinion on national security grounds comply fully with the strict requirements of article 19 of the Covenant, in the light of general comment No. 34 (2011) on the freedoms of opinion and expression. It should also ensure, in law and in practice, the protection of the confidentiality of journalistic sources, including through adequate judicial safeguards to prevent undue interference on the right to freedom of expression.

Keywords: *LGBTI; FOE/FOAA, follow-up, GC/GR, harassment, HRD, investigation, punishment*

D. Dissemination and follow-up

54. In accordance with rule 75, paragraph 1, of the Committee's rules of procedure, the State party is requested to provide, by 5 November 2024, information on the implementation of the recommendations made by the Committee in paragraphs 42 (Right to privacy), 44 (Independence of the judiciary and administration of justice) and 48 (Freedom of expression) above.

United Republic of Tanzania – List of Issues prior to reporting – 131st Session, 23 April 2021, 5th review⁵⁰

Keywords: *SOGI; criminalisation (decriminalisation), discrimination, hate crimes, hate speech, HIV/AIDS, internet, legislation, measures, stigmatisation, violence*

B. Specific information on the implementation of articles 1 to 27 of the Covenant

Non-discrimination (arts. 2, 20 and 26)

6. Please indicate all legislative and other measures taken to combat and prevent hate crimes, hate speech, including online hate speech, and other acts of discrimination, stigmatization and violence, particularly against persons with disabilities, HIV/AIDS or albinism, and against persons on the basis of their real or perceived sexual orientation or gender identity, as well as the social stigmatization and social exclusion of these persons. Please indicate whether the State party intends to decriminalize sexual relations between consenting adults of the same sex.

⁵⁰ [CCPR/C/TZA/QPR/5](#).

3. Committee on the Elimination of Discrimination against Women

Armenia – List of Issues – 81st Virtual PSWG, 9 July 2021, 7th review⁵¹

Keywords: *LBTI; discrimination*

National human rights institution

5. In March 2019, the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions encouraged the office of the Human Rights Defender to strengthen the implementation of its anti-discrimination mandate, in particular regarding lesbian, bisexual, transgender and intersex persons' rights and women's rights, and advocated for legislative amendments for the formalization and application of a clear, transparent and participatory selection and appointment process. It also recommended that the office of the Human Rights Defender continue to advocate for the funding necessary to ensure that it could effectively carry out its mandate. Please indicate the steps taken by the State party to implement those recommendations and how it ensures that the office of the Human Rights Defender is able to effectively and independently discharge its mandate in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

Keywords: *LBTI; access to justice, discrimination, hate speech, intersectionality, stereotypes, measures, sexual violence, violence*

Stereotypes

9. [...]. Please also provide information on measures taken to counter stereotypical attitudes towards women and girls who experience intersecting forms of discrimination, including on the basis of their ethnicity, age or disability, and towards people who experience intersecting forms of discrimination for being lesbian, bisexual, transgender or intersex. Please provide information on measures taken to criminalize hate speech and gender-based violence against lesbian, bisexual and transgender women and intersex persons and to ensure that victims of such acts have effective access to justice.

Keywords: *LBTI, T; free and informed consent, HIV/AIDS, medical professionals, SRHR, sterilisation, trainings, women*

Health

15. [...]. Please also provide information on periodic and mandatory training for health workers on women's and girls' sexual and reproductive health and rights, paying particular attention to LBTI women, women with disabilities and women with HIV. Please provide information on measures taken to ensure full consent for any medical procedure such as sterilization of women and girls, specifically women with disabilities or transgender women.

⁵¹ [CEDAW/C/ARM/Q/7](#).

Bhutan – List of Issues prior to reporting – 80th Virtual PSWG, 10 March 2021, 10th review⁵²

Keywords: *LBT; access to justice, measures, service provision, social security, SRHR, sexual violence, violence, women*

Disadvantaged groups of women

22. Please provide information on measures taken by the State party to ensure that older women, women and girls with disabilities and lesbian, bisexual and transgender women have effective access to justice, sexual and reproductive health services, income-generating opportunities, social protection programmes and protection from gender-based violence. [...].

⁵² [CEDAW/C/BTN/QPR/10](#).

Chile – List of Issues prior to reporting – 80th Virtual PSWG, 10 March 2021, 8th review⁵³

Keywords: *SO; access to justice, court, discrimination, GC/GR, service provision, stigmatisation, remedy*

Women's access to justice

5. In the light of the Committee's previous recommendations (para. 15) and its general recommendation No. 33 (2015) on women's access to justice, please provide information on the achievements made and challenges encountered in ensuring that women, especially women belonging to disadvantaged and marginalized groups, have access to justice in cases of gender-based discrimination. Please elaborate on the efforts undertaken: to increase access for women and girls to free legal aid; to shift the burden of proof in such cases and provide judicial remedies; and to take measures to combat the fear of potential stigmatization and victimization for affected women. Please provide information on the progress made in enabling women to exercise their rights to equality and non-discrimination, including by lodging legal complaints and seeking remedies for violations of their rights. Please indicate the outcomes of such cases and whether the Convention has been invoked directly before the courts. Please provide data, disaggregated by sex, age, disability, ethnicity, nationality and sexual orientation, on the number of cases of gender-based discrimination reported over the past four years and on cases in which compensation was awarded to victims. [...].

Keywords: *LBTI; discrimination, follow-up, intersectionality, legislation, violence*

Gender-based violence against women

8. In the light of the Committee's previous concerns and recommendations (paras. 24–25) and its follow-up assessment of 2020, please report on: [...]
 - (b) Measures taken to ensure that the intersecting nature of violence and discrimination is recognized under the law, in particular with regard to migrant women, indigenous women, women with disabilities and lesbian, bisexual and transgender women and intersex persons; [...].

Keywords: *LBTI; asylum-seekers/refugees, health, intersectionality, legislation, service provision, violence*

Disadvantaged and marginalized groups of women

22. Please provide comprehensive statistical data, disaggregated by age, ethnicity, nationality, geographical location and socioeconomic background, on the situation of women belonging to disadvantaged or marginalized groups, such as indigenous women, rural women, women belonging to ethnic minorities, migrant, asylum-seeking and refugee women, older women, women affected by poverty, women and girls living on the street, women with disabilities or women taking care of family members with disabilities or older family members, and other women facing multiple and intersecting forms of discrimination, in all areas covered by the Convention. In particular, please provide information on:
 - (c) Migrant, refugee and asylum-seeking women. In the light of the Committee's previous recommendations (para. 45), please provide information on measures taken to adopt legislation and protocols to conduct the refugee status determination process in a gender-sensitive manner and with full respect for the procedural rights of women. Please inform the Committee of measures taken to ensure that legislation on migration thoroughly addresses the risks faced by women who are victims of persecution in their countries of origin, in particular lesbian, bisexual and transgender women and intersex persons and women of African descent from Colombia and Venezuela (Bolivarian Republic of).

⁵³ [CEDAW/C/CHL/QPR/8](#).

Please provide information on measures taken to ensure that all migrant, refugee and asylum-seeking women have access to basic social services and emergency medical care and are protected from sexual and labour exploitation.

Keywords: *family, legislation, marriage, partnership, same-sex couples*

Marriage and family relations

23. In the light of the Committee's previous recommendations (para. 51), please provide information on the current status of bills Nos. 7567-07 and 5907-13 amending the Civil Code and other legislation on the matrimonial property regime, the draft law on same-sex marriage (bill No. 11422-07) and the amendment to bill No. 9850-18 to raise the minimum age of marriage to 18 years without exceptions.

China – List of Issues – 80th Virtual PSWG, 10 March 2021, 9th review⁵⁴

Keywords: *LBT; discrimination, education, employment, health, measures, service provision, women*

Lesbian, bisexual, transsexual and transgender women

20. Please provide information about the measures taken to combat discrimination against lesbian, bisexual, transsexual and transgender women in employment and education and in terms of access to health-care services.

⁵⁴ [CEDAW/C/CHN/Q/9](#).

Denmark – Concluding Observations – 78th session, 9 March 2021, 9th periodic review⁵⁵

Keywords: *LGBTI; action plan, legislation*

B. Positive Aspects

6. The Committee welcomes the progress achieved since the consideration in 2015 of the State party's eighth periodic report (CEDAW/C/DNK/8) in undertaking legislative reforms, in particular the adoption of: [...]

(g) The First Action Plan to promote the safety, well-being and equal opportunities of lesbian, gay, bisexual, transgender and intersex people, in 2018.

Keywords: *LBTI; discrimination, education, employment, health, intersectionality, measures, policy, SDGs, SRHR, violence*

E. Principal areas of concern and recommendations

General context

10. The Committee commends the State party for upholding its advanced social model, characterized by social redistribution, high unemployment benefits and a large public sector, while, at the same time, maintaining a competitive economy, dependable welfare and low unemployment and poverty rates, which the Committee also considers to be a strong basis for gender-responsive COVID-19 response and recovery strategies, including under the NextGenerationEU recovery plan. However, the Committee is concerned about the prevalence of gender-based violence against women, including domestic violence, and the feminization of poverty, which disproportionately affects women and girls belonging to disadvantaged and marginalized groups, who face multiple and intersecting forms of discrimination, throughout the territory of the State party.

11. **In line with its guidance note on the Convention on the Elimination of All Forms of Discrimination against Women and the coronavirus disease (COVID-19) issued on 22 April 2020, the Committee recommends that the State party:**

(a) **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 unemployed women and women living in poverty, women belonging to ethnic or national minorities, indigenous women, older women, women with disabilities, migrant, refugee and asylum-seeking women, and lesbian, bisexual and transgender women and intersex persons; [...]**

(d) **Ensure that measures taken to contain the pandemic do not limit the access of women and girls, including those belonging to disadvantaged and marginalized groups, to justice, protection from gender-based violence, education, employment and health care, including sexual and reproductive health services; [...].**

Keywords: *LBT; asylum-seekers/refugees, discrimination, TSM, women*

Temporary special measures

18. The Committee notes the statement by the delegation of the State party that progress made in ensuring gender balance in the boards of directors of private companies has been insufficient and that it plans to extend the application of gender equality legislation to management positions. The Committee is

⁵⁵ [CEDAW/C/DNK/CO/9](#).

nevertheless concerned that women are absent from the boards of directors of more than half of the 2,200 largest private Danish companies, that the formula for calculating women's representation in executive boards was amended in 2016 such that a board with two women and five men would be considered to reflect equal gender representation and that the State party, including the parliament, is reluctant to adopt temporary special measures as a means of advancing the achievement of substantive equality of women and men in all areas covered by the Convention and at all levels where women are underrepresented or disadvantaged, in particular in Greenland and the Faroe Islands.

- 19. Reiterating its previous recommendations (CEDAW/C/DNK/CO/8, para. 16), the Committee recommends that the State party make use of temporary special measures, [...]. The Committee also recommends that the State party implement temporary special measures to accelerate de facto equality of women belonging to disadvantaged groups such as migrant women, older women, women with disabilities, indigenous women, lesbian, bisexual and transsexual women and refugee and asylum-seeking women.**

Keywords: LBTI; discrimination, follow-up, intersectionality, measures, policy, SDGs

Follow-up to the concluding observations

- 44. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paras. 11 (a), 15 (b), 21 (a) and 35 (b) above.**

Ecuador – Concluding Observations – 80th Session, 24 November 2021, 10th review⁵⁶

Keywords: *LGBTI; action plan, discrimination, policy*

B. Positive aspects

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption or establishment of the following:

(a) National Equality Agenda for Women and Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Persons, 2018–2021, in 2018;

(b) LGBTI Inter-institutional Round Table, in 2019;

(c) Action Plan to Combat Trafficking in Persons, 2019–2030, in 2019.

Keywords: *LBTI; asylum-seekers/refugees, domestic violence, employment, intersectionality, measures, SDGs, social protection, violence*

General context

9. The Committee notes with concern that the financial and economic crisis triggered by low oil prices, appreciation of the United States dollar, increasing external financing costs and growing trade conflicts has been exacerbated by the coronavirus disease (COVID-19) pandemic. The Committee also notes with concern that the COVID-19 health crisis has triggered a deep recession, leading to increased poverty, and has revealed structural weaknesses, such as a lack of macroeconomic buffers, a high level of informal employment, a poorly prepared health-care system and large gaps in access to public services. The Committee further notes with concern that the austerity measures adopted by the State party in an effort to consolidate public finances have had a disproportionate impact on women in all spheres of life. It is also concerned about the prevalence of gender-based violence against women, including domestic violence, and the feminization of poverty, which disproportionately affects women and girls belonging to disadvantaged and marginalized groups and those facing intersecting forms of discrimination. The Committee reminds the State party that, even in times of fiscal constraint and economic crisis, specific efforts must be made to advance women's rights, sustain and expand social investment and social protection and integrate a gender perspective into policies and programmes, focusing on disadvantaged and marginalized groups of women and seeking to avoid retrogressive measures.

- 10. In line with its guidance note on the obligations of States parties to the Convention in the context of COVID-19, issued on 22 April 2020, the Committee recommends that the State party:**

(a) Undertake a comprehensive study on the consequences of the financial and economic crisis and subsequent austerity measures on women and design an action plan to mitigate the adverse effects of such measures;

(b) Ensure the internal redistribution of its resources to overcome the consequences of the financial crisis, according priority to measures that support social inclusion and gender equality, and implement measures to redress pre-existing gender inequalities by placing women and girls at the centre of recovery strategies in line with the 2030 Agenda for Sustainable Development, with particular attention to unemployed women and women living in poverty, women belonging to ethnic minorities, indigenous women, older women, women with

⁵⁶ [CEDAW/C/ECU/CO/10](#).

disabilities, migrant, refugee and asylum-seeking women, and lesbian, bisexual, transgender women and intersex persons; [...].

Keywords: *LBTI; consultation, discrimination, education, employment, GC/GR, health, intersectionality, participation, TSM, women*

Temporary special measures

17. The Committee [...] reiterates its concern about the absence of temporary special measures in the State party's public policy aimed at reducing the multiple and intersectional discrimination faced by women belonging to disadvantaged groups, such as indigenous, Ecuadorian women of African descent and Montubio women, migrant women, women with disabilities and lesbian, bisexual and transgender women and intersex persons, in areas such as political participation, education, employment and health.

18. In line with its general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party:

(a) Ensure full compliance with the temporary special measures provided for in the Democracy Code, including those relating to ethnic and cultural diversity, in the composition of lists, the definition of constituencies and the method of seat allocation, and introduce a parity rule in single-person candidacies;

(b) In consultation with women from the most disadvantaged groups, define and implement temporary special measures aimed at reducing discrimination against them in order to accelerate de facto equality between men and women.

Keywords: *GI; conversion therapy, discrimination, GC/GR, investigation, prosecution, punishment, remedy, reparation, shelters, service provision, women*

Stereotypes and harmful practices

19. The Committee notes with concern: [...]

(b) That despite the closure of 26 clinics performing "sexual reorientation or 'de-homosexualization' therapies" and proceedings being initiated by the Office of the Attorney General against alleged perpetrators, the involuntary placement of women and girls in such clinics that continue to operate persists.

20. Recalling 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 its previous recommendations (CEDAW/C/ECU/CO/8-9, para. 19), the Committee recommends that the State party: [...]

(b) Strictly enforce article 176 of the Comprehensive Organic Criminal Code on discrimination based on gender identity and legislation that prohibits "sexual reorientation" or "de-homosexualization", ensure that cases are investigated and that perpetrators are prosecuted and, if convicted, punished appropriately, and that women and girls who are victims of such harmful practices have access to protection, including shelters and support services, and reparation.

Keywords: *LBT; GC/GR, participation, trainings, TSM, women*

Participation in political and public life

25. The Committee notes the adoption of the reform of the Democracy Code in 2020, as a result of which 50 per cent of candidates on electoral lists of political parties will be required to be women by the 2025 elections. However, it notes with concern: [...]

(d) The very low rate of participation of women belonging to disadvantaged and marginalized groups in political and public life.

26. Recalling its general recommendation No. 23 (1997) on women in political and public life, as well as target 5.5 of the Sustainable Development Goals, the Committee recommends that the State party: [...]

(c) Provide capacity-building on political campaigning and leadership skills and ensure that women candidates have access to sufficient campaign financing. In doing so, the State party should pay particular attention to underrepresented groups of women, such as indigenous women, women with disabilities and lesbian, bisexual and transgender women.

Keywords: *LGBTI; action plan, discrimination, employment, legislation, policy, women*

Employment

31. The Committee notes that the State party ratified the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization, in 2013. It welcomes the adoption of the National Equality Agenda for Women and LGBTI Persons, 2018–2021, which calls for the redistribution of care work, and article 18 of the 2017 Organic Act on Labour Justice and Recognition of Work in the Home, which establishes penalties for dismissal on discriminatory grounds. [...].

Estonia – List of Issues prior to reporting – 81st virtual PSWG, 9 July 2021, 7th review⁵⁷

Keywords: *LBTI; discrimination, employment, measures, women*

Employment

19. With reference to the Committee's previous recommendations (paras. 28–29), please provide information on the following: [...]

(g) Measures taken to promote equal access to the labour market for women belonging to minority groups, women with disabilities, lesbian, bisexual, transgender women and intersex persons.

Keywords: *SOGI; LBTI; data collection, discrimination, legislation, women*

Rural and marginalized groups of women

22. Please provide comprehensive statistical data, disaggregated by age, ethnicity, nationality, geographical location and socioeconomic background, on the situation of disadvantaged or marginalized women, such as [...] lesbian, bisexual, transgender women and intersex persons, for all areas covered by the Convention. Please inform the Committee of any amendment to the Equal Treatment Act to cover discrimination on the grounds of sexual orientation or gender identity in all spheres of society, and provide information on the implementation and monitoring of the Act. [...].

⁵⁷ [CEDAW/C/EST/QPR/7](#).

Finland – List of Issues – 81st Virtual PSWG, 9 July 2021, 8th review⁵⁸

Keywords: *SOGI; awareness-raising campaign, discrimination, hate speech, intersectionality, measures, stereotypes*

Discriminatory gender stereotypes and harmful practices

10. With regard to the Committee's previous recommendations (CEDAW/C/FIN/CO/7, para. 15), and in view of the reported sharp increase of all forms of hate speech against women in the State party (para. 130), please inform the Committee of any amendment to the Penal Code to criminalize sexist hate speech (para. 135) and other forms of gender-related hate speech [...]. Noting the various efforts reported by the State party to address discriminatory gender stereotypes with regard to women and girls, including those experiencing multiple and intersecting forms of discrimination relating to religion, ethnicity, language, age, disability, sexual orientation, gender identity or other characteristics (paras. 131-142), please provide further information on measures taken to tackle the phenomenon, including awareness-raising and educational campaigns, in particular since 2018 in follow-up to the research undertaken as mentioned in the report (para. 140). [...].

Keywords: *LBT; education, harassment, sexual violence, women*

Education

19. Please provide detailed information on decisive measures taken to reverse the reported worrying trend in Finland of high rates of sexual harassment, in particular with regard to the following: (a) occurrences in educational institutions, which according to the State party affects in particular women and girls who are non-nationals, women and girls with disabilities, and lesbian, bisexual and transgender women and girls and intersex persons; [...].

Keywords: *T; free and informed consent, intersectionality, legislation, LGR, sterilisation*

Health

22. [...]. Please also inform the Committee about the reform of the Act on Legal Recognition of the Gender of Transsexuals (para. 253) and provide justification for why the Sterilization Act, which permits the sterilization of women with disabilities without their consent, has not been repealed (para. 256).

⁵⁸ [CEDAW/C/FIN/Q/8](#).

Honduras – List of Issues – 81st virtual PSWG, 9 July 2021, 9th review⁵⁹

Keywords: *SOGI; discrimination, intersectionality, legislation, measures, policy, SDGs*

Legislative framework and definition of discrimination

4. In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, please provide information on: [...]

(b) Legislative and policy measures to address intersecting forms of discrimination faced by women taken under the new Criminal Code that criminalizes discrimination on several grounds, including ethnicity or race, indigenous or African descent, sex, sexual orientation and gender identity, gender, marital status, family or economic situation, age, and disability (para. 23); [...].

Keywords: *LBTI; discrimination, intersectionality, policy, measures, women*

Stereotypes and harmful practices

10. Reports received by the Committee indicate that there is discrimination against women with disabilities, including through derogatory language and discriminatory provisions in public policies, isolation, abuse, forced sterilization and neglect, as well as harmful and derogatory language used against lesbian, bisexual and transgender women and intersex persons. In the light of the Committee's previous recommendations (CEDAW/C/HND/CO/7-8, para. 21), please provide information on measures taken to address intersecting forms of discrimination against women and girls with disabilities, lesbian, bisexual and transgender women and intersex persons.

Keywords: *LBTI; domestic violence, killings, hate crimes, HRD, measures, sexual violence, violence, women*

Gender-based violence against women

11. Information received by the Committee indicates that there is a high prevalence of gender-based violence against women in the State party, including femicides, disappearances, psychological and sexual violence and hate crimes, disproportionately affecting indigenous women, women of African descent, rural women, lesbian, bisexual and transgender women, intersex persons and women human rights defenders, and that there have been high numbers of reports of domestic violence during the COVID-19 pandemic. [...] please provide information on the measures taken to develop a comprehensive, long-term strategy to combat gender-based violence against women. In particular, please indicate the measures taken to:

(a) Prevent all forms of gender-based violence against indigenous women, women of African descent, women and girls with disabilities, lesbian, bisexual and transgender women, intersex persons and women human rights defenders; [...].

Keywords: *LBTI; family, partnership, marriage*

Marriage and family relations

23. Please provide information on the following: [...]

(c) Measures taken to enable lesbian, bisexual and transgender women and intersex persons to register their partnerships and to repeal article 112 of the Constitution insofar as it bans de facto and marital

⁵⁹ [CEDAW/C/HND/Q/9](#).

unions by lesbian, bisexual and transgender women and intersex persons (CEDAW/C/HND/CO/7-8, para. 49 (d));

Indonesia – Concluding Observations – 80th Session, 24 November 2021, 8th review⁶⁰

Keywords: *LBT; anti-discrimination legislation, consultation, criminalisation (decriminalisation), discrimination, GC/GR, intersectionality, legislation, SDGs, SRHR, women*

Constitutional and legislative framework

13. The Committee commends the State party for conducting consultations with stakeholders when preparing the draft law on gender equality and justice. It further notes that Law No. 23/2014 on local government provides a mechanism to review all by-laws and draft by-laws in line with relevant national laws and international human rights obligations. However, the Committee remains concerned about the following: [...]

(c) The fact that the draft criminal code seeks to criminalize extramarital sex, which may impact lesbian, bisexual and transgender women, restricts women's sexual and reproductive health rights, and authorizes local governments to enact by-laws containing criminal penalties for sexual conduct based on "living law".

14. Recalling its previous recommendations (CEDAW/C/IDN/CO/6-7, para. 18) and its general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention, the Committee recommends that the State party:

(a) Adopt a concrete time frame for the adoption of the draft law on gender equality and justice that defines and prohibits all forms of discrimination against women, including direct and indirect discrimination in the private and public spheres and intersecting forms of discrimination against women, in line with article 1 of the Convention and target 5.1 of the Sustainable Development Goals; [...]

(c) Ensure that the draft criminal code does not discriminate against women or restrict their sexual and reproductive health rights and that the drafting process is fully inclusive and participatory for women.

Keywords: *LBT; conversion therapy, GC/GR, internet, violence*

Gender-based violence against women

25. The Committee welcomes the measures taken by the State party to strengthen the protection of women from gender-based violence, including the establishment of the Integrated Service Centre for the Empowerment of Women and Children. However, the Committee notes with concern:

(a) The increase of gender-based violence against women and girls, especially those belonging to disadvantaged and marginalized groups, both online and offline, in particular during the COVID-19 pandemic; [...]

(e) The persistence of the practice of so-called conversion therapy to change the sexual orientation or gender identity of lesbian, bisexual and transgender women; [...].

26. Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that the State party: [...]

(e) Prohibit the practice of so-called conversion therapy and other forced, involuntary or otherwise coercive or abusive treatments against lesbian, bisexual and transgender women; [...].

⁶⁰ [CEDAW/C/IDN/CO/8](#).

Keywords: *LBTI; awareness-raising campaign, discrimination, harassment, hate speech, legislation, measures, policy, stigmatisation, violence*

Lesbian, bisexual and transgender women and intersex persons

47. The Committee is concerned about discriminatory legislation and provincial and municipal ordinances against lesbian, bisexual and transgender women, including the Islamic Criminal Code in Aceh. It also notes with concern the prevalence of discriminatory practices against lesbian, bisexual and transgender women and intersex persons, such as social exclusion, acts of hate speech and abuse, and arbitrary detention by the police.

48. The Committee recommends that the State party:

(a) Adopt legislative and policy measures to combat gender-based violence and discrimination against lesbian, bisexual and transgender women and intersex persons, including hate speech and physical, verbal and emotional abuse;

(b) Protect the human rights of lesbian, bisexual and transgender women and intersex persons in all areas covered by the Convention and conduct awareness-raising activities to address their stigmatization in society.

Kazakhstan – Follow-up Assessment – 81st Session, 24 February 2022, 5th review⁶¹

Keywords: *SOGI; anti-discrimination legislation, follow-up, legislation, protected grounds, reparation, measures*

Paragraph 26 (i):

Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that the State party: [...]

Ensure that forced sterilization and abortion are criminalized and perpetrators prosecuted, abolish mandatory gender reassignment surgery, in law and in practice, identify and eliminate the barriers preventing victims from gaining access to justice in rural and urban areas and ensure that all victims have access to effective reparation, including compensation; [...].

Assessment:

The Committee notes the information provided by the State party on relevant rights enshrined in its Constitution and in national legislation. While the Committee takes note of the provisions in national legislation on abortion and sterilization cited by the State party, it notes the lack of information on the criminalization of forced sterilization and abortion, to which particularly women with disabilities are subjected, and on the measures taken to ensure the prosecution of perpetrators of such acts. Further, the Committee regrets the absence of information on any steps taken to abolish mandatory gender reassignment surgery, and to ensure that victims of such mandatory surgery and of forced sterilization and abortion have access to justice in rural and urban areas and to effective reparation, including compensation.

The Committee considers that the State party has taken no action to implement the recommendation. It considers that the recommendation **has not been implemented**.

The Committee notes that the information provided by the State party is vague and incomplete, and that it fails to address the recommendation. It thus considers that the quality of the information provided is **unsatisfactory**.

Results:

The Committee recommends that, in relation to **paragraph 26 (b), (c) and (i)** of the concluding observations, the State party provide, in its next periodic report [due in November 2023], information on further actions taken to: (...)

3) Ensure that forced sterilization and abortion are criminalized and perpetrators prosecuted, abolish mandatory gender reassignment surgery, in law and in practice, identify and eliminate the barriers preventing victims from gaining access to justice in rural and urban areas and ensure that all victims have access to effective reparation, including compensation.

⁶¹ [Letter, BN/follow-up/Kazakhstan/81](#).

Kyrgyzstan – Concluding Observations – 80th Session, 29 November 2021, 5th review⁶²

Keywords: *LBT; detention, domestic violence, GC/GR, HIV/AIDS, hate crimes, legislation, prosecution, punishment, violence*

E. Principal areas of concern and recommendations

Gender-based violence against women and harmful practices

21. The Committee welcomes the adoption of the Act on Protection and Defence against Domestic Violence (Act No. 63 of 27 April 2017) and the introduction of more severe penalties for bride kidnapping of women and girls for the purposes of child marriage and forced marriage. However, the Committee remains concerned about the high incidence of gender-based violence against women in the State party, including the spike in domestic violence during the lockdown in the context of the coronavirus disease (COVID-19) pandemic, and the persistence of the harmful practice of bride kidnapping. It also notes with concern: [...]

(d) Reports of gender-based violence against women belonging to religious and ethnic minorities and women using drugs, and arbitrary detention and attacks targeting lesbian, bisexual and transgender women during peaceful marches in 2019 and 2020.

22. Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that the State party:

(a) Review the Act on Protection and Defence against Domestic Violence to ensure that it covers all forms of gender-based violence and takes into account the special needs of disadvantaged and marginalized groups of women, including women with disabilities, migrant women, women living with HIV/AIDS, women using drugs and lesbian, bisexual and transgender women; [...]

(i) Prosecute and adequately punish perpetrators in cases of gender- based violence, arbitrary detention and attacks against women belonging to religious and ethnic minorities, women using drugs and lesbian, bisexual and transgender women.

Keywords: *LBT; access to justice, discrimination, employment, health, HIV/AIDS, intersectionality, measures, social protection, SRHR, privacy, women*

Disadvantaged and marginalized groups of women

41. The Committee is concerned that older women, women with disabilities, women belonging to ethnic minority groups, refugee and asylum-seeking women, migrant women, women living with HIV/AIDS, women using drugs and lesbian, bisexual and transgender women continue to face intersecting forms of discrimination in the State party.

42. The Committee recommends that the State party adopt targeted measures to ensure access to justice, employment, health care, including sexual and reproductive health services respecting the confidentiality of patient information, social protection and food security for disadvantaged groups of women, taking into account their specific needs.

Keywords: *LBT, T; aggravating circumstance, discrimination, FOE/FOAA, free and informed consent, hate crimes, hate speech, legislation, LGR, prosecution*

Lesbian, bisexual and transgender women

47. The Committee is concerned about the discriminatory terminology in relation to lesbian, bisexual and transgender women in the Criminal Code, legislation and procedures that preclude transgender

⁶² [CEDAW/C/KGZ/CO/5](#).

persons, including women, from changing the gender marker on their identity documents, hate crimes and attacks against lesbian, bisexual and transgender women, and the absence of grounds for prosecution in legislation.

48. The Committee recommends that the State party:

- (a) Amend the Criminal Code (articles 162–164) to remove the reference to “lesbianism”;**
- (b) Adopt a definition of rape (article 161) based on lack of free consent that protects all women from rape, including lesbian, bisexual and transgender women;**
- (c) Reinstate the right of transgender persons, including women, to change the gender marker on their passport and other identity documents and their personal identification number, including by repealing the amendments of 1 August 2020 to the civil status law and the procedure for assigning and changing the personal identification number;**
- (d) Criminalize hate speech and attacks against lesbian, bisexual and transgender women and recognize sexual orientation and gender identity as aggravating circumstances if they are the motive for committing such criminal offences;**
- (e) Ensure that lesbian, bisexual and transgender women can freely participate in political and public life by exercising their right to freedom of peaceful assembly without intimidation or reprisals.**

Luxembourg – Follow-up Assessment – 78th Session, 5 March 2021, 6th-7th review⁶³

Keywords: *SM; aggravating circumstance, follow-up, hate crimes, hate speech, legislation, media*

Paragraph 50 (d):

In line with its general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee recommends that the State party: [...]

Establish a mechanism to monitor and counter hate speech, including on social media, against racial, ethnic, sexual and religious minority groups, as well as hate speech based on nationality and migration status, in line with article 457 of its Penal Code, referring to article 454; [...].

Assessment:

The Committee notes the information by the State party regarding the ongoing consideration to provide the Centre for Equal Treatment with capacity to take legal actions in order to strengthen its means of intervention as well as the consultation on the European Union level on the issue of hate speech and means to combat it. The Committee further notes that the State party is examining the option of including the concept of hate crime as aggravating factor in the penal law. The Committee regrets that, despite these initiatives, the State party has not established a mechanism yet as recommended. Furthermore, the Committee regrets the lack of information on approach to monitor and counter hate speech on social media, as well as the lack of information on complaints on hate crimes. [...]. The Committee considers that the State party took some steps towards the implementation of the recommendation, but that it needs to take further action to implement. Thus, it considers that the recommendation has been **partially implemented**.

The Committee notes that the information provided by the State party is thorough and extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

Results:

The Committee recommends that, in relation to **paragraph 50 (d)** of the concluding observations, the State party provide, in its **next periodic report [due in March 2022]**, information on actions taken to:

Accelerate establishing a national mechanism to monitor and counter hate speech, including on social media, against racial, ethnic, sexual and religious minority groups, as well as hate speech based on nationality and migration status.

⁶³ [Letter, BJ/follow-up/Luxembourg/78](#).

Maldives – Concluding Observations – 80th Session, 23 November 2021, 6th review⁶⁴

Keywords: *LBTI; discrimination, criminalisation (decriminalisation), discrimination, intersectionality, free and informed consent, legislation, measures, sterilisation, surgical/medical intervention, TSM*

E. Principal areas of concern and recommendations

Disadvantaged groups of women

51. The Committee expresses its concern at the lack of policies in the State Party to combat the discrimination faced by disadvantaged groups of women due to the intersection with other factors leading to social exclusion, such as ethnicity, religion, nationality, disability, migrant status or membership in the lesbian, bisexual, transgender and intersex community.

52. The Committee recommends that the State Party:

(a) Adopt all necessary measures, including temporary special measures, to combat the intersectional discrimination that disadvantaged groups of women encounter, such as migrant women, women with disabilities, lesbian, bisexual and transgender women and intersex persons, and women professing religions other than Islam, in relation to all aspects covered by the Convention;

(b) Modify its legislation and policies in order to eliminate the forced sterilization of persons in the State Party and ensure the full and informed consent of all persons to all medical procedures;

(c) Decriminalize consensual relations between women.

⁶⁴ [CEDAW/C/MDV/CO/6](#).

Namibia – List of Issues – 80th Virtual PSWG, 10 March 2021, 6th review⁶⁵

Keywords: *LBT; discrimination, education, employment, health, housing, SRHR, measures*

Disadvantaged groups of women

18. [...] Please also provide information on specific measures taken to ensure access to education, health care, including sexual and reproductive health care, basic services, housing, food and employment for other disadvantaged groups of women and girls such as asylum-seeking, refugee and indigenous women, women with disabilities and lesbian, bisexual and transgender women.

⁶⁵ [CEDAW/C/NAM/Q/6](#).

Netherlands – List of Issues prior to reporting – 81st Virtual PSWG, 9 July 2021, 7th review⁶⁶

Keywords: *I; children, free and informed consent, hate speech, measures, participation, surgical/medical intervention, women,*

Stereotypes and harmful practices

8. According to information before the Committee, a recent study on the role of sexism in the political debate on social media and in the press showed that women politicians were subjected to hate and sexist speech during the 2021 parliamentary elections. In the light of the Committee's previous recommendations (para. 22), please provide information on the following: [...]

(f) Measures taken to develop and implement a rights-based health-care protocol for intersex children that ensures that children and their parents are properly informed of all options about irreversible medical interventions and that their choices are fully respected, including decisions to defer such medical interventions where necessary.

Keywords: *LBTI; domestic violence, GC/GR, measures, service provision, violence*

Gender-based violence against women

9. According to information before the Committee, violence against women and girls, including domestic violence, remains prevalent in the State party. Information also indicates the lack of a comprehensive gender-specific analysis of domestic violence, including the absence of a uniform gender perspective based on women, which hinders cooperation between various stakeholders in different sectors. In the light of the Committee's previous concluding observations (para. 24) and in line with the Committee's general recommendation No. 35 (2017) on gender-based violence against women, please provide information on specific measures taken to: [...]

(b) Protect and support victims of violence, in particular women in a situation of irregular migration, lesbian, bisexual and transgender women and intersex persons, and women with disabilities in all municipalities and constituent countries of the State party, as well as to monitor and coordinate measures at the national level; [...].

Keywords: *LBTI; hate crimes, hate speech, prosecution*

10. Please also provide information on concrete measures taken to: [...]

(c) Intensify efforts to combat hate crimes against lesbian, bisexual and transgender women and girls and intersex persons, including through prosecutions; [...].

Keywords: *LBT; discrimination, employment, prosecution, punishment*

Employment

16. Information before the Committee indicates that labour market participation for women is low compared with men and that most women are engaged in part-time employment and receive lower wages. In the light of the Committee's previous recommendations (para. 36), please provide information on the following: [...]

(d) Steps taken to investigate, prosecute and sanction reported cases of pregnancy-related discrimination and sexual harassment, and measures taken to address discrimination faced by lesbian, bisexual and transgender women in accessing the labour market; [...].

Keywords: *LBT; access to justice, social protection, SRHR*

⁶⁶ [CEDAW/C/NLD/QPR/7](#).

Disadvantaged groups of women

22. Please provide information on measures taken by the State party to ensure that older women, migrant women, women with disabilities, and lesbian, bisexual and transgender women have effective access to justice, sexual and reproductive health services, income-generating opportunities and social protection programmes. Please provide information on the situation of women and girls in detention, particularly lesbian, bisexual and transgender women. [...].

Russian Federation – Concluding Observations – 80th Session, 30 November 2021, 9th review⁶⁷

Keywords: *LBTI; discrimination, hate speech, internet, measures, media, stereotypes*

Discriminatory stereotypes

22. The Committee notes the implementation of projects in the State party to highlight success stories in the media about the achievements of women in various spheres of life. The Committee nevertheless notes with concern: [...]

(c) The lack of a regulatory mechanism to address stereotypical and discriminatory portrayals of women in the media, especially as regards lesbian, bisexual and transgender women and intersex persons.

23. The Committee recalls its previous concluding observations ([CEDAW/C/RUS/CO/8](#), para. 20) and recommends that the State party: [...]

(c) Address the use of misogynistic language, hate speech against lesbian, bisexual and transgender women and intersex persons, and sexist portrayals of women in public discourse, the media and on the Internet.

Keywords: *LBTI; asylum-seekers/refugees, GC/GR*

Nationality

34. The Committee notes with appreciation the information on the facilitation of birth registration procedures and legislative amendments to grant refugees and asylum seekers temporary residence permits, and on the procedure in place to grant citizenship of the Russian Federation to Russian-speaking nationals of the former republics of the Soviet Union. However, the Committee is concerned about the slow process of implementation and about reports that women still face barriers in obtaining citizenship and birth registration for their children, particularly refugee and asylum-seeking women, migrant women, lesbian, bisexual and transgender women and intersex persons, Roma women and rural women.

35. The Committee recommends that the State party:

(a) Effectively implement the Federal Act on citizenship and the Federal Act on the legal status of foreign nationals throughout its territory so that women can acquire citizenship of the Russian Federation and register children's births, particularly refugee and asylum-seeking women, migrant women, Roma women and rural women, in line with the Committee's general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women;

(b) Ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

Keywords: *SOGI; LBTI; awareness-raising campaign, hate crimes, hate speech, investigation, law enforcement officials, legislation, media, stigmatisation, police, propaganda, prosecution, punishment, remedy, reparation, trainings, violence, women*

Disadvantaged groups of women

46. The Committee notes with concern discriminatory provisions in the Federal Act No. 135-FZ (2013) banning the "promotion of non-traditional sexual relations to minors", which reinforce discriminatory stereotypes, stigmatization and hate speech in relation to lesbian, bisexual and transgender women and intersex persons, particularly in the North Caucasus region. The Committee is particularly

⁶⁷ [CEDAW/C/RUS/CO/9](#).

concerned about the reported increase in gender-based violence such as femicide, attacks, intimidation and harassment against lesbian, bisexual and transgender women and intersex persons, including on the Internet, and restrictions on their rights to freedom of expression, peaceful assembly and association. It further notes with concern reports of the prosecution and arrest of women based on their sexual orientation, gender identity or gender expression and their limited access to justice due to fear of reprisals and lack of protection.

47. The Committee reiterates its previous recommendation ([CEDAW/C/RUS/CO/8](#), para. 42) and recommends that the State party:

(a) Repeal, within a clear time frame, all provisions in Federal Act No. 135-FZ (2013) that discriminate against women based on their sexual orientation or gender identity;

(b) Conduct public awareness-raising campaigns in all regions, particularly in the North Caucasus region, to address hate speech and stigmatization of lesbian, bisexual and transgender women and intersex persons in society and in the media and provide systematic capacity-building for law enforcement officials, including the police, on their duty to protect the rights of lesbian, bisexual and transgender women and intersex persons;

(c) Investigate, prosecute and adequately punish all acts of gender-based violence and hate crimes against lesbian, bisexual and transgender women and intersex persons and provide reparation to victims.

South Africa – Concluding Observations – 80th Session, 23 November 2021, 5th review⁶⁸

Keywords: *LGBTI; action plan, measures, policy, violence*

B. Positive aspects

5. The Committee notes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption or establishment of the following: [...]

(h) The National Intervention Strategy for Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Sector, which is aimed at responding to and preventing gender-based violence against LGBTI persons, in 2014; [...].

Keywords: *LBT, LGBTI; action plan, awareness-raising campaign, consultation, discrimination, HRD, intersectionality, legislation, policy, sexual violence, violence*

E. Principal areas of concern and recommendations

Gender-based violence against women

9. The Committee acknowledges the efforts to address gender-based violence against women and girls in the State party, including the adoption in 2020 of the National Strategic Plan on Gender-Based Violence and Femicide. However, the Committee notes with concern the persistence of systemic failures in the implementation of legislation and policies to address gender-based violence and of rampant levels of gender-based violence, including femicides, across the State party. In particular, the Committee notes with concern: [...]

(d) The particularly high risk of gender-based violence against women and girls facing intersecting forms of discrimination, such as lesbian, bisexual and transgender women and intersex persons, refugee women, women with disabilities and women and girls with albinism.

10. The Committee urges the State party to:

(a) Raise awareness of women's human rights among traditional and community leaders and the general public, with the active participation of women's organizations and women human rights defenders, and on the specific risk of gender-based violence for women and girls facing intersecting forms of discrimination, such as lesbian, bisexual and transgender women; migrant, refugee and asylum-seeking women; women living with disabilities; and women and girls with albinism; [...]

Keywords: *LBT; access to justice, awareness-raising campaign, court, data collection, discrimination, hate crimes, hate speech, remedy, reparation*

Women's access to justice

23. The Committee notes that Equality Courts hear cases of discrimination, hate speech and harassment, including against women, and that the Commission for Gender Equality is mandated to provide assistance to women complainants in bringing cases to the Equality Courts. The Committee notes, however, that Equality Courts are concentrated in urban areas, which makes it difficult for rural women, in particular those without sufficient means to travel, to access justice and reparations. It further notes that many women are unaware of the Equality Courts as well as the lack of data on the number and outcome of cases brought before the Equality Courts.

⁶⁸ [CEDAW/C/ZAF/CO/5](#).

24. The Committee recommends that the State party:

(a) Raise awareness among women, including women belonging to ethnic minorities, women with disabilities, migrant women, and lesbian, bisexual and transgender women, about the legal remedies available to them in the event of discrimination; [...]

(c) Ensure the collection of disaggregated data on the number and outcome of cases of discrimination against women.

Keywords: LBTI; discrimination, HIV/AIDS, intersectionality, investigation, prosecution, punishment, remedy, reparation, violence

Disadvantaged groups of women

59. The Committee notes with concern information received on the situation of women and girls facing intersecting forms of discrimination, including lesbian, bisexual and transgender women and intersex persons, migrant, refugee and asylum-seeking women, women living with HIV/AIDS, women with disabilities and women with albinism, and the lack of data on measures taken by the State party to comply with its due diligence obligation to prevent and protect these women from gender-based violence.

60. The Committee recommends that the State party:

(a) Ensure that allegations of gender-based violence against women facing intersecting forms of discrimination are promptly investigated, that perpetrators are prosecuted and adequately punished, and that survivors have access to victim support services and adequate reparations;

(b) Provide information in its next periodic report on the situation of women facing intersecting forms of discrimination, including lesbian, bisexual and transgender women and intersex persons, migrant, refugee and asylum-seeking women, women living with HIV/AIDS, women with disabilities and women with albinism, and on measures taken to address such discrimination.

Sweden – Concluding Observations – 80th Session, 24 November 2021, 10th review⁶⁹

Keywords: *LBTI; discrimination, domestic violence, employment, measures, policy, social protection, SDGs, violence*

E. Principal areas of concern and recommendations

General context

9. The Committee commends the State party for its advanced social model, characterized by social redistribution, high unemployment benefits and a large public sector. Noting that it is combined with a competitive economy and a dependable welfare system, as well as low unemployment and poverty rates, the Committee considers the Swedish social model a strong basis for gender-responsive coronavirus disease (COVID-19) responses and recovery strategies, including under the NextGenerationEU recovery plan. However, the Committee is concerned about the prevalence of gender-based violence against women, including domestic violence, and the feminization of poverty, disproportionately affecting women and girls belonging to disadvantaged and marginalized groups and facing intersecting forms of discrimination, across the territory of the State party.

10. In line with its guidance note on the obligations of States parties to the Convention in the context of COVID-19, issued on 22 April 2020, the Committee recommends that the State party:

(a) Consolidate the Swedish 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 pre-existing gender inequalities by placing women and girls at the centre of recovery strategies in line with the 2030 Agenda, paying particular attention to unemployed women and women living in poverty, women belonging to ethnic or national minorities, Sami women, older women, women with disabilities, migrant, refugee and asylum-seeking women, and lesbian, bisexual and transgender women and intersex persons; [...].

Keywords: *LBTI; decision-making process, employment, GC/GR, TSM*

Temporary special measures

19. The Committee remains concerned at the low number of women in leadership positions in academia, in senior management positions and on the boards of private companies. It notes with concern that the representation of women among new board of directors members is decreasing, with only 9 per cent of chief executive officer positions held by women, and that only 25 per cent of senior management positions were held by women in 2020.

20. Reiterating its previous recommendations (CEDAW/C/SWE/CO/8-9, para.23), the Committee recommends that the State party make use of temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, and provide incentives such as gender scorecards, strengthen targeted recruitment and set time-bound goals and quotas in all areas covered by the Convention where women are underrepresented or disadvantaged in both the public and private sectors, including in private companies, in order to significantly increase the number of women who are chief executive officers, the number of women who are members of boards of directors and the number of women who hold senior management positions. The Committee also recommends that the State party implement temporary special measures to accelerate equal participation by women belonging to disadvantaged groups, such as migrant women, older women, women with disabilities, Sami women, Roma women, lesbian, bisexual and transgender women and intersex persons and refugee and asylum-seeking women.

⁶⁹ [CEDAW/C/SWE/CO/10](#).

Keywords: *LBTI; decision-making process, GC/GR, measures, participation*

Equal participation in political and public life

27. The Committee notes that following the 2018 national, regional and municipal elections, 43 per cent of members elected to municipal councils were women. However, the Committee notes with concern that:
- (a) Only 43 per cent of all municipal chief executive officers, 32 per cent of mayors and 29 per cent of regional chief executive officers are women;
 - (b) The Swedish Gender Equality Agency reported that women generally faced more barriers than men to participating in elected bodies and political parties;
 - (c) According to the Swedish National Council for Crime Prevention, women politicians often receive sexist comments, and that 32 per cent of women elected to the Riksdag and at regional and municipal levels stated that they had received threats and were the victims of harassment during the 2018 election year.
28. Reiterating its previous recommendations ([CEDAW/C/SWE/CO/8-9](#), para. 31), and recalling its general recommendation No. 23 (1997) on women in political and public life, the Committee recommends that the State party:
- (a) Continue to take targeted measures to maintain its achievements in ensuring a high rate of representation of women in political and public life in the Riksdag and at the regional and municipal levels. The Committee also recommends that, in doing so, the State party pay particular attention to underrepresented groups of women, such as Sami women, Roma women, women with disabilities and lesbian, bisexual and transgender women and intersex persons, among others; [...].

Türkiye – List of Issues – 81st Virtual PSWG, 9 July 2021, 8th review⁷⁰

Keywords: *SOGI; LBTI; data collection, GC/GR, hate crimes, legislation, protected grounds, punishment, service provision, sexual violence, SDGs, violence*

Gender-based violence against women

9. In line with the Committee's general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and with target 5.2 of the Sustainable Development Goals, to eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, please provide information on specific steps taken to: [...]
- (i) Exercise due diligence to protect lesbian, bisexual and transgender women against discrimination and violence, by including sexual orientation and gender identity in the legislation on hate crimes and among the grounds for prohibited discrimination in Law No. 6701, and ensure that perpetrators of violence against lesbian, bisexual and transgender women do not benefit from the mitigating circumstances provided for in article 29 of the Penal Code; [...]
- (k) Ensure that child support centres consistently collect data and provide specialized services to children who are survivors and/or witnesses of domestic violence, pregnant children and lesbian, bisexual and transgender women and girls and intersex adults and children; [...].

⁷⁰ [CEDAW/C/TUR/Q/8](#).

Uganda – List of Issues – 80th Virtual PSWG, 10 March 2021, 8th-9th review⁷¹

Keywords: *SOGI; LBT; asylum-seekers/refugees, awareness-raising campaign, criminalisation (decriminalisation), detention, discrimination, harassment, law enforcement officials, marriage, measures, same-sex couples, stigmatisation, trainings, violence*

Lesbian, bisexual, transgender and intersex women

20. The State party has reported that there are no data indicating that women have been discriminated against on the basis of their sexual orientation and gender identity (para. 162), and yet, according to information before the Committee, lesbian, bisexual and transgender women, including refugees, continue to face extreme stigma, discrimination and violence and are subject to arbitrary detention and harassment by law enforcement officials. Please explain the measures taken or envisaged to implement the Committee's previous recommendations (CEDAW/C/UGA/CO/7, para. 44) to provide effective protection from violence and discrimination against women based on their sexual orientation and gender identity and prohibit and combat all forms of discrimination against women on account of their sexual orientation and gender identity, including through public awareness-raising and the provision of training to relevant actors, including law enforcement officials. In view of the fact that same-sex relations and marriages remain illegal under the Penal Code, please clarify what steps are being taken to revise this provision.

⁷¹ [CEDAW/C/UGA/Q/8-9.](#)

4. Committee on the Rights of the Child

Bhutan – List of Issues prior to reporting – 90th PSWG, 30 November 2021, 6th-7th review⁷²

Keywords: *LGBTI; children, discrimination, education, health, measures*

C. General principles (arts. 2–3, 6 and 12)

Non-discrimination

13. Please describe the measures taken or envisaged to: [...]

(b) Combat discrimination against girls, children with disabilities, Lhotshampa children, lesbian, gay, bisexual, transgender and intersex children, children deprived of a family environment, children of single parents and undocumented children, including with regard to access to nationality, education and health services.

Keywords: *LGBTI; bullying, children, education, harassment, measures, sexual violence*

I. Education, leisure and cultural activities (arts. 28–31)

Education, including vocational training and guidance

26. Please explain the measures taken to: [...]

(f) Combat violence, sexual harassment and bullying in schools, including against lesbian, gay, bisexual, transgender and intersex children; [...].

⁷² [CRC/C/BTN/QPR/6-7](#).

Bolivia – List of Issues – 88th PSWG, 4 March 2021, 5th-6th review⁷³

Keywords: *LGBTI; adolescents, bullying, children, discrimination, education, internet, measures, violence*

Part I

11. Please indicate: [...]

(e) The measures taken to prevent discrimination, violence and bullying, including cyberbullying, in schools, particularly when pregnant adolescents or lesbian, gay, bisexual, transgender or intersex children or adolescents are the targets; [...].

⁷³ [CRC/C/BOL/Q/5-6.](#)

Bulgaria – List of Issues prior to reporting – 89th PSWG, 9 July 2021, 6th-7th review⁷⁴

Keywords: *LBTI; access to justice, children, measures, SRHR, violence*

II. Rights under the Convention and the Optional Protocols thereto

A. General measures of implementation (arts. 4, 42 and 44 (6))

Comprehensive policy and coordination

5. Please provide information on the measures taken: [...]

(c) To make progress in implementing systemic reforms in areas affecting children, such as violence, child justice, reproductive health and protection of groups in vulnerable situations including Roma, migrants and lesbian, gay, bisexual, transgender and intersex persons;

Keywords: *LGBTI; children, discrimination, measures*

C. General principles (arts. 2–3, 6 and 12)

Non-discrimination

12. Please provide information on the measures taken: [...]

(b) To prevent intolerance and discrimination against lesbian, gay, bisexual, transgender and intersex children; [...].

Keywords: *I; access to justice, remedy, service provision, support services, surgical/medical intervention*

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Harmful practices

17. Please explain the measures taken: [...]

(b) To prevent the unnecessary medical or surgical treatment of intersex children and provide adequate counselling, support and access to effective remedies for children subjected to such treatment during childhood, including by eliminating the statute of limitations for raising a claim against such treatment.

Keywords: *I; data collection, surgical/medical intervention*

III. Statistical information and data

D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

36. Please provide data, disaggregated as described in paragraph 31 above, on: [...]

(b) The number of intersex children who have been subjected to irreversible medical or surgical procedures; [...].

⁷⁴ [CRC/C/BGR/QPR/6-7](#).

Czechia – Concluding Observations – 88th session, 22 Oct 2021, 5th-6th review⁷⁵

Keywords: *I; children, SDGs, GC/GR, prevention, remedy, reparation, service provision, support services, surgical/medical intervention*

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Harmful practices

28. Recalling 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 target 5.3 of the Sustainable Development Goals, the Committee urges the State party to: [...]

(b) Ensure that no child, including intersex children, is subjected to unnecessary medical or surgical treatment during childhood, in line with the rights of children to bodily integrity, autonomy and self-determination, and provide social, medical and psychological services, as well as adequate counselling, support and reparations, to intersex children and families with intersex children; [...].

⁷⁵ [CRC/C/CZE/CO/5-6](#).

Ecuador – List of Issues prior to reporting – 90th PSWG, 28 October 2021, 7th review⁷⁶

Keywords: *LBTI; access to justice, children, measures, SRHR, violence*

II. Rights under the Convention and the Optional Protocols thereto

A. General measures of implementation (arts. 4, 42 and 44 (6))

Comprehensive policy and coordination

5. Please provide information on the following: [...]

(d) Implementation of systemic reforms in areas affecting children, such as violence, child justice, reproductive health and protection of groups in vulnerable situations, including migrant children and adolescents, and lesbian, gay, bisexual, transgender and intersex children and adolescents.

Keywords: *LGBTI; adolescents, children, discrimination, measures, policy, protected grounds, same-sex couples, stigmatisation*

B. General principles (arts. 2–3, 6 and 12)

Non-discrimination

11. Please provide information on measures to ensure full protection against discrimination, including to: [...]

(c) Adopt clear guidelines for public authorities aimed at ensuring non-discrimination against children on any grounds and combating stigma against children of single-parent families, children born to persons deprived of their liberty, children in families composed of same-sex couples, and lesbian, gay, bisexual, transgender and intersex children and adolescents.

⁷⁶ [CRC/C/ECU/QPR/7](#).

Estonia – List of Issues prior to reporting – 90th PSWG, 27 October 2021, 7th review⁷⁷

Keywords: *LGBTI; children, health, measures, SRHR*

II. Rights under the Convention and the Optional Protocols thereto

H. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)

23. Please provide information on the measures taken to: [...]

(e) Provide access to sexual and reproductive health services to all children, in particular to children from disadvantaged backgrounds, children with disabilities, and lesbian, gay, bisexual and transgender children; [...].

⁷⁷ [CRC/C/EST/QPR/5-7](#).

Eswatini – Concluding Observations – 88th session, 22 Oct 2021, 2nd-4th review⁷⁸

Keywords: *LGBTI; discrimination, HIV/AIDS, legislation, measures, SDGs, stigmatisation*

C. General principles (arts. 2–3, 6 and 12)

Non-discrimination

26. While the Committee notes the prohibition of all forms of discrimination in the Children's Protection and Welfare Act, it remains concerned: [...]

(b) About the discrimination against certain groups of children, particularly girls, children living in poverty, children with disabilities, children with albinism, orphans, children infected with and affected by HIV/AIDS, refugee children, asylum-seeking children and lesbian, gay, bisexual, transgender and intersex children.

27. Taking note of target 10.3 of the Sustainable Development Goals, the Committee reiterates its previous concluding observations⁷⁹ and recommends that the State party: [...]

(b) Strengthen its efforts to eliminate discrimination and stigmatization against groups of children in marginalized and disadvantaged situations, particularly girls, children living in poverty, children with disabilities, children with albinism, orphans, children infected with and affected by HIV/AIDS, refugee children, asylum-seeking children and lesbian, gay, bisexual, transgender and intersex children, including by developing policies and addressing the root causes of de facto discrimination; [...].

⁷⁸ [CRC/C/SWZ/CO/2-4.](#)

⁷⁹ Ibid., para. 26.

Fiji – List of Issues prior to reporting – 89th PSWG, 30 September 2021, 5th-6th review⁸⁰

Keywords: SO; LGBTI; adolescents, awareness-raising campaign, children, discrimination, HIV/AIDS, policy

C. General principles (arts. 2–3, 6 and 12)

Non-discrimination

12. Please describe the measures taken to:

- (a) Enact legislation prohibiting all forms of discrimination based on race, sex, disability, HIV/AIDS status and sexual orientation;
- (b) Prevent and address discrimination against children, in particular girls, children from ethnic minorities, children infected and affected by HIV/AIDS, children with disabilities, lesbian, gay, bisexual, transgender and intersex children and adolescent mothers, including through awareness-raising campaigns and the adoption of a national strategy; [...].

Keywords: SO; education, measures, professional groups, sexuality education, SRHR, trainings

I. Education, leisure and cultural activities (arts. 28–31)

Education

28. Please explain the measures taken to: [...]

- (f) Integrate human rights education and sexual and reproductive health education into the mandatory school curriculum and teacher training programmes, and ensure that it includes material on sexual orientation and gender identity; [...].

⁸⁰ [CRC/C/FJI/QPR/5-6](#).

Germany – List of Issues – 88th PSWG, 4 March 2021, 5th-6th review⁸¹

Keywords: *LGBTI; awareness-raising campaign, children, discrimination, measures*

Part I

4. Please explain the measures taken: [...]

(b) To assess the impact of action plans and awareness-raising programmes aimed at combating discrimination against children with a migration background, children with disabilities and lesbian, gay, bisexual, transgender and intersex children; [...].

Keywords: *I; children, legislation, measures, surgical/medical intervention*

7. Please describe the measures taken: [...]

(c) To take legislative measures to prevent the unnecessary medical or surgical treatment of intersex children.

Keywords: *I; children, data collection, surgical/medical intervention*

Part III

Data, statistics and other information

18. Please provide, if available, updated statistical data, disaggregated by age, sex, ethnic origin, national origin, geographical location and socioeconomic status, for the past three years, on the following: [...]

(d) Cases of unnecessary medical or surgical treatment of intersex children; [...].

⁸¹ [CRC/C/DEU/Q/5-6](#).

Guatemala – List of Issues prior to reporting – 90th PSWG, 22 October 2021, 5th-7th review⁸²

Keywords: *LGBTI; awareness-raising campaign, children, discrimination, measures*

II. Rights under the Convention and the Optional Protocols thereto

B. General principles (arts. 2–3, 6 and 12)

Non-discrimination

11. Please provide information on measures taken to address the structural discrimination of children based on their age and the systemic discrimination against and exclusion of girls; indigenous children and children of African descent; children with disabilities; asylum-seeking, refugee and migrant children; and lesbian, gay, bisexual, transgender and intersex children. Please also describe awareness-raising strategies employed at the community level and in schools to ensure an attitude of respect for all children and their recognition as rights holders.

⁸² [CRC/C/GTM/QPR/7](#).

Liechtenstein – List of Issues prior to reporting – 89th PSWG, 30 June 2021, 3rd-4th review⁸³

Keywords: *LGBT; children, measures, policy*

II. Rights under the Convention and the Optional Protocols thereto

A. General measures of implementation (arts. 4, 42 and 44 (6))

Allocation of resources

7. Please specify the efforts made to introduce a child rights approach to budgeting and any budget allocated for children in vulnerable and disadvantaged situations, such as children with disabilities, children living in poverty, child victims of abuse, lesbian, gay, bisexual and transgender children, children in situations of migration and children in institutions, if applicable.

Keywords: *LGBTI; children, data collection, discrimination, measures, same-sex couples*

B. General principles (arts. 2–3, 6 and 12)

Non-discrimination

14. Please provide information on: [...]

(b) Any form of discrimination against children in a vulnerable situation, particularly lesbian, gay, bisexual and transgender children, children of same-sex parents, children with disabilities, children in situations of migration and children from single-parent and/or low-income families, manifested in the State party and the measures taken to address such discrimination;

(c) The efforts made to strengthen data collection on discrimination against children, including with regard to conducting a study on the problems encountered by lesbian, gay, bisexual, transgender and intersex individuals, as recommended by the European Commission against Racism and Intolerance in 2018; [...].

Keywords: *I; children; free and informed consent, prevention, surgical/medical intervention*

D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Harmful practices

21. Please provide information on the legislative and practical steps taken to prevent and protect children from all forms of harmful practices, including female genital mutilation and non-consensual intersex surgery, domestically and abroad.

Keywords: *adoption, family, same-sex couples*

E. Family environment and alternative care (arts. 5, 9–11, 18 (1)–(2), 20–21, 25 and 27 (4))

Family environment

22. Please provide updated information on: [...]

(f) The situation of children of same-sex couples and plans to extend the adoption of children to same-sex couples; [...].

Keywords: *LGBTI; adolescents, children, education, measures, health, service provision, support services, suicide*

⁸³ [CRC/C/LIE/QPR/3-4.](#)

G. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)

Health

26. Please provide information on: [...].

(f) The prevalence of mental health issues among children and adolescents, including depression, anxiety disorders and attempted suicide, and the measures taken to ensure the availability and accessibility of the necessary psychological and psychiatric services, including in schools, with particular attention to lesbian, gay, bisexual, transgender and intersex children and in the context of the COVID-19 pandemic; [...].

Keywords: I; children, data collection, surgical/medical intervention

III. Statistical information and data

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

42. Please provide data, disaggregated as described in paragraph 36 above, on the number of:

(b) Intersex births;

(c) Intersex children subjected to medically irreversible surgery, domestically and abroad; [...].

Luxembourg – Concluding Observations – 87 session, 21 June 2021, 5th-6th review⁸⁴

Keywords: *I; children, GC/GR, legislation, policy*

III. Main areas of concern and recommendations

B. General principles (arts. 2–3, 6 and 12)

Best interests of the child

13. The Committee welcomes the fact that the right of the child to have his or her best interests taken as a primary consideration is routinely invoked in the State party. Nevertheless, with reference to its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions as well as in all policies, programmes and projects that are relevant to and have an impact on children, in particular with regard to unaccompanied children, children deprived of a family environment, intersex children and children with disabilities. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration.

Keywords: *I; children, legislation, support services, surgical/medical intervention*

D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Harmful practices

19. While welcoming the Act of 10 August 2018 on changes of sex designation and forename(s) in civil status records, and the first National Plan of Action to Promote the Rights of Lesbian, Gay, Bisexual, Transgender and Intersex Persons, adopted in 2018, the Committee recommends that the State party ensure that no one is subjected to unnecessary medical or surgical treatment during infancy or childhood, guarantee bodily integrity, autonomy and self-determination to intersex children, and provide families with intersex children with adequate counselling and support.

⁸⁴ [CRC/C/LUX/CO/5-6.](#)

North Macedonia – List of Issues – 88th PSWG, 9 March 2021, 3rd-6th review⁸⁵

Keywords: *LGBTI; children, discrimination, legislation, service provision, stereotypes*

Part I

4. Please explain the measures taken or envisaged to: [...]

(b) Implement the Law on the prevention of and the protection of persons against discrimination, 2020, and combat stereotypes and social norms that perpetuate discrimination against children, in particular Roma children, children with disabilities and lesbian, gay, bisexual, transgender and intersex children, in exercising their rights and with regard to their access to various services; [...].

⁸⁵ [CRC/C/MKD/Q/3-6.](#)

Poland – Concluding Observations – 88th session, 6 Dec 2021, 5th-6th review⁸⁶

Keywords: *discrimination*

III. Main areas of concern and recommendations

5. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: non-discrimination (para. 18); [...].

Keywords: *SOGI; LGBTI, LGBTQI; anti-discrimination legislation, awareness-raising campaign, bullying, children, discrimination, education, hate speech, investigation, protected grounds, punishment, trainings*

C. General principles (arts. 2–3, 6 and 12)

Non-discrimination

18. The Committee is concerned that:

(a) Discrimination is not prohibited in legislation on all grounds, in all aspects of life and in all forms, including multiple forms of discrimination and the phenomenon of territories, workplaces or services declaring themselves as being “free from/unwelcoming to lesbian, gay, bisexual, transgender, queer and intersex persons”;

(b) There is a reported increase in the number of incidents of bullying and discrimination on the basis of ethnicity, religion or lack of religious affiliation, sexual orientation and gender identity and the response by the authorities to such incidents is insufficient; [...].

19. The Committee reiterates its previous recommendations and recommends that the State party:

(a) Amend the relevant legislation to ensure protection against all forms of direct, indirect, multiple and intersectional discrimination, including on the basis of sexual orientation and gender identity, disability and gender, and ensure that such incidents are thoroughly investigated and that perpetrators are brought to justice;

(b) Systematically undertake awareness-raising and education efforts on the issues of discrimination, intolerance and hate speech against children belonging to ethnic, religious and linguistic minority groups, refugee, asylum-seeking and children in situations of migration, children with disabilities and lesbian, gay, bisexual, transgender and intersex children; [...].

Keywords: *children, GC/GR, legislation, measures, policy*

Best interests of the child

20. Recalling its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party:

(a) Integrate and consistently interpret and apply the right of children, including children born to same sex parents, to have their best interests taken as a primary consideration in all legislative, administrative and judicial proceedings and all decisions concerning children, including in custody disputes and all policies, programmes and projects that are relevant to and have an impact on children; [...]

⁸⁶ [CRC/C/POL/CO/5-6](#).

Keywords: *SOGI; LGBTI; adolescents, children, GC/GR, health, medical professionals, SDGs, service provision, sexuality education, SRHR, trainings*

H. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)

Adolescent health

36. The Committee takes note of the efforts of the State party to prevent substance abuse and the measures taken under the national programme for drug prevention and the national programme for the prevention and resolution of alcoholism. Recalling its general comment No. 4 (2003) on adolescent health and development in the context of the Convention and general comment No. 20 (2016) on the implementation of the rights of the child during adolescence, and targets 3.5 and 5.6 of the Sustainable Development Goals, the Committee reiterates its previous recommendations and urges the State party to:

(a) Expand the scope of the compulsory family life education course so that adolescents have access to comprehensive, age-appropriate, science-based and gender stereotype-free education on sexual and reproductive health and rights, including information on the prevention of adolescent pregnancy and high-risk sexual behaviour and the issues of sexual orientation and gender identity, family planning, contraceptives and the prevention and treatment of sexually transmitted infections;

(b) Ensure full access to sexual and reproductive health-care services, tailored to address the needs of adolescent girls, children with disabilities and lesbian, gay, bisexual, transgender and intersex children; [...]

(e) Train health professionals to support children with disabilities and lesbian, gay, bisexual, transgender and intersex children; [...].

Keywords: *LGBT; bullying, children, education, policy*

I. Education, leisure and cultural activities (arts. 28–31)

Education, including vocational training and guidance

39. While welcoming the activities under the programme for the integration of the Roma community in Poland, 2014–2020, in particular the equipping of 98 per cent of Roma students with a school kit, doubling the day-care institutions for children up to 3 years of age and limiting preschool educational fees, the Committee recalls target 4.5 of the Sustainable Development Goals and recommends that the State party: [...]

(g) Address homophobic behaviour by students and teachers targeted at lesbian, gay, bisexual and transgender students and teachers, in particular in the context of religion classes; [...].

South Africa – List of Issues prior to reporting – 88th PSWG, 4 March 2021, 3rd-6th review⁸⁷

Keywords: *LGBTI; children, discrimination, harassment, HIV/AIDS, service provision, social protection, violence*

C. General principles (arts. 2–3, 6 and 12)

Non-discrimination

12. Please provide information on the measures taken: [...]

(b) To eliminate, in practice, the exclusion and discrimination in accessing basic social and child protection services faced by black children, children living in rural areas and in urban informal settlements, children living in poverty and in households headed by unemployed persons, girls, children living with HIV/AIDS, children with disabilities, indigenous children, stateless, migrant, asylum-seeking and refugee children, children in street situations, lesbian, gay, bisexual, transgender and intersex children and children with albinism and to address the heightened exposure of these children to violence, abuse and harassment.

Keywords: *I; children, forced marriage, legislation, measures, surgical/medical intervention*

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Harmful practices

18. With reference to the Committee's previous concluding observations (CRC/C/ZAF/CO/2, para. 40), please provide information on the legislative and practical steps taken to prohibit and eradicate all forms of harmful practices carried out on children in the State party, including the abduction of girls for the purpose of forced marriage (*ukuthwala*), child and forced marriage, so-called "virginity testing", witchcraft, female genital mutilation, polygamy, violent or harmful initiation rites and intersex genital mutilation.

⁸⁷ [CRC/C/MKD/Q/3-6](#).

Switzerland – Concluding Observations – 88th session, 22 Oct 2021, 5th-6th review⁸⁸

Keywords: *SO; children, discrimination, legislation, measures, policy*

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the various legislative, institutional and policy measures taken by the State party to implement the Convention, including the revision of article 261 bis of the Criminal Code to prohibit discrimination based on sexual orientation, the revision of the Asylum Act to accelerate asylum procedures, and the creation of the children and youth policy conference. The Committee notes with appreciation the ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and the Protocol to the Forced Labour Convention, 1930 (No. 29) of the International Labour Organization.

Keywords: *discrimination*

III. Main areas of concern and recommendations

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: [...] non-discrimination (para. 18) [...].

Keywords: *LGBTI; children, consultation, decision-making process*

A. General measures of implementation (arts. 4, 42 and 44 (6))

Cooperation with civil society

15. While welcoming the efforts of the State party to support and collaborate with civil society, the Committee recommends that the State party:

(a) Engage children's organizations, including organizations of children with disabilities and lesbian, gay, bisexual, transgender and intersex children, in the formulation, implementation and monitoring of public policies and programmes concerning their rights; [...].

Keywords: *SO; LGBTI; awareness-raising campaign, children, discrimination, education, health, measures, protected grounds, service provision*

B. General principles (arts. 2–3, 6 and 12)

Non-discrimination

17. The Committee welcomes the efforts to combat discrimination against children in disadvantaged situations and to expand the grounds on which discrimination is prohibited under article 261 bis of the Criminal Code to include sexual orientation. However, the Committee is concerned about de facto discrimination against children in disadvantaged situations, in particular with regard to access to education and health services, and that discrimination on all explicit grounds covered under the Convention, including sex, disability or socioeconomic or other status, is not prohibited under article 261 bis of the Criminal Code.

18. Taking note of target 10.3 of the Sustainable Development Goals, the Committee recommends that the State party: [...]

⁸⁸ [CRC/C/CHE/CO/5-6](#).

(d) Develop policies and awareness-raising measures aimed at addressing the root causes of de facto discrimination, with a view to eliminating discrimination against children in disadvantaged situations, including refugee, asylum-seeking and migrant children, children with disabilities, lesbian, gay, bisexual, transgender and intersex children and socioeconomically disadvantaged children.

Keywords: *I; free and informed consent, forced marriage, measures, reparation, support services, surgical/medical intervention*

C. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Harmful practices

29. The Committee welcomes the measures taken to combat female genital mutilation and to implement the federal programme to combat forced marriage, and recommends that the State party: [...]

(b) 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;

(c) Provide social, medical and psychological services, as well as adequate counselling, support and reparations, to families with intersex children; [...].

Keywords: *T; action plan, adolescents, children, measures, prevention, SDGs, suicide, support services*

G. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)

Mental health

36. The Committee notes with appreciation the measures to promote the mental health of children and address the shortage of psychiatric and psychotherapeutic services for children. Taking note of target 3.4 of the Sustainable Development Goals, the Committee recommends that the State party: [...]

(c) Ensure the effective implementation of the 2016 action plan on suicide prevention, and that it includes preventive measures specifically for transgender adolescents; [...].

Keywords: *LGBTI; action plan, bullying, children, data collection, education, internet, measures, policy, prevention, SDGs*

H. Education, leisure and cultural activities (arts. 28–31)

Early care and education, including vocational training

39. The Committee is concerned about the disparities between Swiss-born children and asylum-seeking, refugee and migrant children in completing upper secondary education, disparities between cantons regarding access to education, and the high rate of children who have experienced bullying in schools. Drawing attention to targets 4.1, 4.2, 4.3, 4.4, 4.5 and 4.a of the Sustainable Development Goals, the Committee recommends that the State party: [...]

(d) Develop national programmes to prevent bullying, including cyberbullying, that encompasses prevention, early detection mechanisms, intervention protocols and harmonized guidelines for the collection of case-related data; provide support to child victims, including lesbian, gay, bisexual, transgender and intersex children and asylum-seeking, refugee and migrant children; and raise awareness about the harmful effects of bullying.

Tunisia – Concluding Observations – 87th Session, 7 June 2021, 4th-6th review⁸⁹

Keywords: *discrimination*

III. Main areas of concern and recommendations

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: non-discrimination (para. 15); [...].

Keywords: *LGBTI; awareness-raising campaign, children, discrimination, SDGs, stigmatisation*

C. General principles (arts. 2–3, 6 and 12)

Non-discrimination

14. The Committee notes with appreciation the legal prohibition of racial discrimination and that the Constitution ensures the protection of children from discrimination. It is however deeply concerned about the following: [...]
 - (c) The persistent stigmatization of lesbian, gay, bisexual, transgender and intersex children; [...].
15. **Taking note of target 10.3 of the Sustainable Development Goals, the Committee recalls its previous recommendations and urges the State party to: [...]**
 - (c) **Conduct awareness-raising activities aimed at ending the stigmatization of lesbian, gay, bisexual, transgender and intersex children; [...].**

Keywords: *I; children, surgical/medical intervention, remedy, reparation, support services*

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Harmful practices

26. The Committee recommends that the State party:

- (a) **Ensure that intersex children are not subjected to unnecessary medical or surgical treatment, in line with the rights of the child to bodily integrity, autonomy and self-determination;**
- (b) **Provide social, medical and psychological services, where necessary, as well as adequate counselling, support and reparations, to families with intersex children.**

⁸⁹ [CRC/C/TUN/CO/4-6](#).

United Kingdom of Great Britain and Northern Ireland – List of Issues prior to reporting – 88th PSWG, 4 March 2021, 6th-7th review⁹⁰

Keywords: *LGBTI; access to justice, children, discrimination, education*

II. Rights under the Convention and the Optional Protocols thereto

C. General principles (arts. 2–3, 6 and 12)

Non-discrimination

13. Please describe the measures taken to: [...]

(c) Eliminate discrimination, with regard to health, education, alternative care and child justice, against children living in poverty, Roma children, gypsy and Traveller children, children belonging to ethnic minority groups, children with disabilities, children in alternative care, asylum-seeking, refugee and migrant children, and lesbian, gay, bisexual, transgender and intersex children; [...].

Keywords: *I; children, surgical/medical intervention, remedy, support services*

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Harmful practices

23. Please describe the measures taken to: [...]

(b) Prevent unnecessary medical or surgical treatment of intersex children and provide adequate counselling and access to remedies for children subjected to such treatment.

Keywords: *LGBTI; health, measures*

G. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)

Health and health services

26. Please describe the measures taken to: [...]

(e) Address the high incidence of mental illness and self-harm, and the causes thereof, in particular among girls, children with disabilities and lesbian, gay, bisexual, transgender and intersex children; [...].

Keywords: *SOGI; LGBTI; bullying, children, education, measures, sexuality education*

H. Education, leisure and cultural activities (arts. 28–31)

Education

29. Please explain the measures taken to: [...]

(c) Improve well-being and address bullying in schools, including against children with disabilities, minority children and lesbian, gay, bisexual and transgender children; [...]

(e) Ensure that mandatory sexual and reproductive health education includes material on sexual orientation and gender identity; [...].

Keywords: *I; children, surgical/medical intervention*

III. Statistical information and data

⁹⁰ [CRC/C/GBR/QPR/6-7](#).

D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

39. Please provide data, disaggregated as described in paragraph 34 above, on: [...]

(g) Intersex children who have received non-urgent and irreversible surgical or other procedures.

5. Committee against Torture

Bolivia – Concluding Observations – 72nd Session, 29 December 2021, 3rd review⁹¹

Keywords: *LGBTI; children, detention, women*

C. Principal subjects of concern and recommendations

Detention conditions in prisons and excessive use of pretrial detention

34. The Committee regrets that overcrowding is still a major problem in the prison system. It therefore welcomes the efforts made by the State party to improve material conditions in places of detention and reduce overcrowding, such as the organization of workshops on easing the burden on the legal system, the holding of virtual hearings, the increases in capacity at the prisons in Cochabamba and Tarija, the construction of new prisons and the extensions to existing facilities in Riberalta, Beni, San Pablo, La Paz and Palmasola, inter alia, and the granting of amnesties and pardons following the measures adopted in response to the coronavirus disease (COVID-19) pandemic. However, it is concerned about: [...]

(d) The insufficient information provided on measures and/or protocols adopted to address the specific needs of women, minors, indigenous persons, persons with disabilities, older persons and lesbian, gay, bisexual, transgender and intersex persons deprived of their liberty (arts. 2, 11 and 16).

35. The State party should:

(a) Step up efforts to reduce overcrowding in detention centres, in particular through recourse to non-custodial measures, and continue to improve existing prison facilities and the general living conditions in prisons. The State must also ensure that the specific needs of the aforementioned vulnerable groups are met and develop protocols to that end. In that regard, the Committee draws the State party's attention to the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules); [...].

(b) Ensure that pretrial detention is used only on an exceptional basis and for the shortest possible time, and hold pretrial detainees separately from convicted prisoners in all detention facilities;

(c) Ensure that the prison system has the necessary human and material resources to operate effectively.

⁹¹ [CAT/C/BOL/CO/3](#).

Canada – List of Issues prior to reporting – 72nd Session, 6 January 2022, 8th review⁹²

Keywords: *LGBTI; detention*

Article 11

13. [...] Please also indicate whether protocols are in place to meet the requirements of other groups of prisoners with particular needs, such as [...] lesbian, gay, bisexual, transgender and intersex persons.

Keywords: *I; data collection, surgical/medical intervention*

Article 16

27. Please indicate the measures taken by the State party 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. Please indicate the number of intersex children who have undergone sex assignment surgery during the reporting period.

⁹² [CAT/C/CAN/QPR/8](#).

Chile – List of Issues prior to reporting – 70th Session, 17 May 2021, 7th review⁹³

Keywords: *LGBTI; children, detention, women*

Article 11

15. In the light of the previous concluding observations (paras. 28, 29 (d), 32 and 33), please provide information on the steps taken by the State party to meet the special needs of women and minors in detention.⁹⁴ [...] Please indicate whether protocols are in place to meet the needs of other groups of prisoners with special needs, such as persons with disabilities, older persons and lesbian, gay, bisexual, transgender and intersex persons.

⁹³ [CAT/C/CHL/QPR/7](#).

⁹⁴ A/HRC/41/6, para. 125.68.

Czechia – List of Issues prior to reporting – 70th Session, 10 June 2021, 7th review⁹⁵

Keywords: *LGBTI; children, detention, education, measures, women*

Article 11

14. Please indicate what steps have been taken since 2018 to improve detention conditions, including with regard to exercise in the open air for persons held in police cells and hygiene and sanitation in all places of detention, and to provide a programme of educational and recreational activities, particularly for juvenile remand prisoners, prisoners segregated from the rest of the prison population and women prisoners. [...]. Please also indicate whether protocols are in place to meet the needs of other groups of prisoners, such as women, older persons, persons with disabilities and lesbian, gay, bisexual, transgender and intersex persons.

Keywords: *T; gender reassignment surgeries, LGR, measures, sterilisation*

Article 16

26. With regard to the previous concluding observations (paras. 34–35), please indicate whether the State party has taken measures to review the policy of using surgical castration in the context of treatment of sex offenders, and to promote less aggressive treatments.⁹⁶ Please also inform the Committee about the legislative measures adopted or planned in order to repeal article 29 (1) of the Civil Code, which provides for the requirement of compulsory surgery and sterilization for transgender persons who wish to obtain legal recognition of their gender, in line with the decision adopted by the European Committee of Social Rights in 2018 in *Transgender Europe and ILGA-Europe v. Czech Republic*.⁹⁷

⁹⁵ [CAT/C/CZE/QPR/7](#).

⁹⁶ See also CCPR/C/CZE/CO/4, paras. 24–25.

⁹⁷ *Ibid.*, paras. 12–13.

Guatemala – List of Issues prior to reporting – 72nd Session, 7 January 2022, 8th review⁹⁸

Keywords: *LGBTI; children, detention, measures, women*

Article 11

15. Please provide information on the measures taken by the State party during the period under review to address the specific needs of women and minors in detention. Please indicate whether there are protocols in place for the treatment of certain groups of prisoners, such as persons with disabilities, foreigners, older persons and lesbian, gay, bisexual, transgender and intersex persons [CAT/C/GTM/CO/7, paras. 40 and 41 (c)]. [...]

Keywords: *SOGI; conversion therapy, hate crimes, investigation, measures, prosecution, punishment, violence*

Article 16

27. Taking into account the previous concluding observations [CAT/C/GTM/CO/7, paras. 40–41], please describe any specific measures taken by the State party to combat violence against individuals based on their actual or perceived sexual orientation or gender identity [CCPR/C/GTM/CO/4, paras. 6–7; A/HRC/46/74, paras. 48–49, 77 and 80; and A/HRC/43/3/Add.1, paras. 82 and 84]. In particular, please provide statistical data, disaggregated by the age, sex and ethnic origin or nationality of the victims, on complaints, investigations, prosecutions and convictions in cases of hate crimes committed against lesbian, gay, bisexual, transgender and intersex persons. Please also describe the measures taken to combat the spread of “conversion therapies” [A/HRC/46/74, para. 49].

⁹⁸ [CAT/C/GTM/QPR/8](#).

Kyrgyzstan – Concluding Observations – 72nd Session, 21 December 2021, 3rd review⁹⁹

Keywords: *LGBT; arrest, detention, harassment, investigation, law enforcement officials, prosecution, remedy, reparation, torture/ill-treatment*

C. Principal subjects of concern and recommendations

Investigation of acts of torture and ill-treatment

24. The Committee is deeply concerned at reports of numerous cases of torture and ill-treatment of persons deprived of their liberty, in particular reports of persons in police custody who have been tortured or ill-treated by law enforcement officials. [...]. Furthermore, the Committee is concerned at reports of police harassment, arbitrary arrest, ill-treatment and torture perpetrated against lesbian, gay, bisexual and transgender persons that have not been investigated. The Committee regrets that no reparation mechanism for acts of torture and ill-treatment has been established and that, in practice, victims of torture do not receive fair and adequate restitution, compensation and rehabilitation for acts of torture and ill-treatment (arts. 2 and 10–16).

25. Recalling its previous recommendation,¹⁰ the Committee recommends that the State party:

(a) Ensure that prompt, independent, impartial and effective investigations are undertaken into all allegations relating to torture and ill-treatment by law enforcement officers, including against lesbian, gay, bisexual and transgender persons, and ensure that the perpetrators are prosecuted and the victims are adequately compensated and rehabilitated; [...].

Keywords: *LGBT; data collection, domestic violence, investigation, law enforcement officials, prosecution, punishment, remedy, torture/ill-treatment, sexual violence, violence*

Data collection

34. The Committee regrets the lack of comprehensive and disaggregated data on complaints, investigations, prosecutions and convictions in cases of torture and ill-treatment by law enforcement, military and prison personnel, as well as on cases of domestic, sexual and gender-based violence, violence against lesbian, gay, bisexual and transgender persons, and trafficking.

35. The State party should compile statistical data relevant to the monitoring of the implementation of the Convention at the national level, including statistics disaggregated, inter alia, by age, gender, ethnicity, crime and geographical location, on complaints, investigations, prosecutions and convictions related to cases of torture and ill-treatment, domestic, sexual and gender-based violence, trafficking in persons and violence against children, and the outcomes of all such complaints and cases, including on means of redress.

Keywords: *LGBT; detention, investigation, law enforcement officials, prosecution, remedy, torture/ill-treatment*

38. The Committee requests the State party to provide, by 3 December 2022, information on follow-up to the Committee's recommendations on the national preventive mechanism, violence against women, including bride kidnapping, and investigation of acts of torture and ill-treatment (see paras. 13, 19 and 25 above). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the concluding observations.

⁹⁹ [CAT/C/KGZ/CO/3](#).

Netherlands – List of Issues prior to reporting – 72nd Session, 6 January 2022, 8th review¹⁰⁰

Keywords: *LGBTI; detention, women*

Article 11

17. [...] Please indicate the protocols applicable in places of detention in each of the constituent countries to meet the needs of other groups of prisoners, such as women, older persons, persons with disabilities and lesbian, gay, bisexual, transgender and intersex persons.

Keywords: *LGBTI; detention, asylum-seekers/refugees, detention, torture/ill-treatment*

20. [...] Please provide details on the mechanisms for reporting ill-treatment in the reception and detention centres for migrants and for guaranteeing the safety of lesbian, gay, bisexual, transgender and intersex asylum seekers in asylum centres, including in the quarantine facilities. [...].

Keywords: *LGBTI; discrimination, hate crimes, investigation, prosecution, punishment, torture/ill-treatment*

Article 16

24. [...] Please provide annual data for each of the constituent countries on cases of violence, hate crimes or ill-treatment against persons of minority communities or from a migrant background [...], such as Muslims, Jews, persons of African descent and Roma, and against lesbian, gay, bisexual and transgender persons, that have occurred since 2018, disaggregated by type of motive or basis of discrimination, sex, age group and ethnic origin or nationality of the victim and by whether the perpetrator was a public official or not. Please also provide information on the outcome of the investigations and prosecutions conducted in each case and the sentences and penalties imposed. [...].

Keywords: *I; LGBTI; conversion therapy, free and informed consent, investigation, measures, remedy, support services, surgical/medical intervention*

25. Taking note of the Committee's previous concluding observations [CAT/C/NLD/CO/7, paras. 52–53], please provide information on the legislative, administrative and other measures taken by the State party to guarantee that full, free and informed consent is ensured in connection with medical and surgical treatments for intersex persons, that non-urgent, irreversible medical interventions are postponed until a child is sufficiently mature to participate in decision-making and give effective consent and that impartial counselling services and psychological and social support are made available for all intersex children and their parents. Please also inform the Committee about the measures taken to prohibit the use of forced, involuntary or otherwise coercive or abusive treatments, such as so-called "conversion therapies", on lesbian, gay, bisexual, transgender and intersex persons. Please indicate whether the State party has initiated investigations in cases involving surgical interventions or other medical procedures performed on intersex persons without effective consent and, if so, the result of the investigations. Please also indicate what criminal or civil remedies are available against the physical or mental pain and suffering that so-called conversion therapies or intersex genital mutilation can inflict. Please also indicate the number of cases in which redress was provided to victims, and the type of redress provided.

¹⁰⁰ [CAT/C/NLD/QPR/8](#).

Nigeria – Concluding Observations – 72nd Session, 21 December 2021, initial review¹⁰¹

Keywords: *LGBTI; arrest, detention, legislation, police*

C. Principal subjects of concern and recommendations

Allegations of torture, ill-treatment, arbitrary detention and excessive use of force

13. [...] The Committee is also concerned at the use of a law of 2014 by the police against lesbian, gay, bisexual, transgender and intersex persons to legitimize arbitrary arrest and detention, among other things; at reports of arbitrary detention of persons who are neither charged nor convicted of crimes; at reports of the ill-treatment of persons with intellectual and psychosocial disabilities in public institutions and private settings, including religious and traditional healing centres; and at the ill-treatment inflicted on drug users, particularly by members of the National Drug Law Enforcement Agency and in drug rehabilitation facilities (arts. 1–2, 11–14 and 16).

14. The State party is urged to: [...]

(c) Stop and investigate arbitrary detentions and assaults against persons with disabilities, drug users or lesbian, gay, bisexual, transgender and intersex persons and investigate those incidents, prosecute alleged perpetrators and provide effective remedies to the victims.

Keywords: *children, death penalty, same-sex couples*

Death penalty

27. While noting the recommendation made in 2003 by a national study group to place a moratorium on the death penalty and the alleged absence of executions since 2016, the Committee regrets that death sentences continued to be pronounced in 2019 and 2020. [...]. The Committee is distressed by reports that capital punishment can be imposed in 12 states that operate under sharia for offences such as adultery, apostasy, witchcraft or sexual relations between same sex persons. It is also distressed that such punishments may be inflicted on juveniles, owing to the vague definition of the child in sharia, which is linked to the onset of puberty, despite the State party's statement that death sentences cannot be imposed on persons younger than 18 years of age (art. 16).

28. The Committee urges the State party to:

(a) Immediately prohibit the death penalty for all persons under the age of 18, in compliance with federal law, including in the states that operate under sharia;

(b) Commute all death sentences already handed down to prison sentences, in accordance with the provisions set out in the Nigerian Correctional Service Act; consider declaring an official moratorium on the death penalty for all crimes in law, covering the whole territory; consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; and provide details on sentences commuted and pardons granted.

¹⁰¹ [CAT/C/NGA/COAR/1](#).

Norway – List of Issues prior to reporting – 70th Session, 16 June 2021, 9th review¹⁰²

Keywords: *LGBTI; detention, health, measures, medical professionals, privacy, torture/ill-treatment*

Article 11

18. Please specify the measures taken to ensure that all detainees, including detained migrants at Trandum Holding Centre, are offered a comprehensive medical examination promptly upon admission, which includes COVID-19 testing, and is conducted by medical staff out of hearing and sight of custodial officers, unless circumstances dictate otherwise, as recommended in the Committee's previous concluding observations (paras. 27-28). Indicate if the State party has taken the necessary measures to ensure that the record of the medical examination contains a full account of objective medical findings, an account of statements made by the person and the doctor's observations evaluating those statements, and that it is made available to the detainee and, upon request, to his/her lawyer. Please also describe the procedure by which medical personnel can document and report signs of ill-treatment without risk of reprisals. Please also provide information on the State party's efforts to increase female prison capacity and meet the special needs of women, in particular with regard to healthcare and rehabilitation services, as well as juveniles in detention, ensuring they are always separated from adult prisoners. Indicate also whether protocols are in place to meet the needs of other groups of prisoners, such as persons with disabilities, older persons and lesbian, gay, bisexual, transgender and intersex persons.

Keywords: *I, LGBTI; access to justice, children, conversion therapy, measures, remedy, surgical/medical intervention*

Article 16

28. Please inform the Committee about the measures taken to prohibit forced, involuntary or otherwise coercive or abusive treatments, such as "conversion therapies", against lesbian, gay, bisexual, transgender and intersex persons. Please also clarify whether nonurgent medical or surgical treatment aimed at determining the sex of an intersex person is permitted and performed on children and adults who are incapable of giving informed consent. Please also indicate what criminal or civil remedies are available against the physical or mental pain and suffering that "conversion therapies" or intersex genital mutilation can inflict, and whether they are subject to any statute of limitations.

¹⁰² [CAT/C/NOR/QPR/9](#).

Peru – List of Issues prior to reporting – 72nd Session, 7 January 2022, 8th review¹⁰³

Keywords: *LGBTI; detention, measures*

Article 11

13. [...] Please indicate whether prisons have protocols on the treatment of certain groups of inmates, such as persons with disabilities, foreign nationals, older persons and lesbian, gay, bisexual, transgender and intersex persons.

Keywords: *SOGI; LGBTI; investigation, law enforcement officials; police, prosecution, punishment*

Articles 12 and 13

22. In light of the previous concluding observations [...], please indicate the specific steps that the State party has taken to prevent and combat attacks by the police on individuals based on those individuals' actual or perceived sexual orientation or gender identity. In particular, please provide statistical data, broken down by the victims' age, sex and ethnic origin or nationality, on complaints, investigations, prosecutions and convictions in cases involving attacks by the police on lesbian, gay, bisexual, transgender and intersex persons. [...].

¹⁰³ [CAT/C/PER/QPR/8](#).

Russian Federation – List of Issues prior to reporting – 70th Session, 21 June 2021, 7th review¹⁰⁴

Keywords: *LGBTI; detention, measures*

Article 11

13. In the light of the Committee's previous concluding observations (paras. 38 and 39 (a)), please provide information on the efforts made by the State party to ensure adequate health-care services and medical staff capacity in prisons, and to meet the particular needs of women and minors in detention.¹⁰⁵ In this regard, please provide information on the concrete measures taken to ensure that children born in prison and their mothers are provided with adequate material and hygienic conditions and have access to appropriate medical care and educational programmes. Please indicate whether protocols are in place to meet the needs of other groups of prisoners with particular needs, such as persons with disabilities, older persons and lesbian, gay, bisexual, transgender and intersex persons, including in terms of safety, security, and prevention of and protection against coronavirus disease (COVID-19).

Keywords: *SOGI; hate crimes, investigation, law enforcement officials, legislation, propaganda, trainings, violence*

Article 16

28. Please provide information on any measures taken to combat racially motivated crimes against persons from minority groups and non-citizens of the Russian Federation. With reference to the Committee's previous concluding observations (paras. 32–33), please indicate what concrete measures have been taken by the State party to combat violence against individuals based on their sexual orientation or gender identity,¹⁰⁶ and in particular to thoroughly investigate the persecution in Chechnya.¹⁰⁷ Please include information on the relevant training given to law enforcement officers and the judiciary in detecting and combating hate-motivated crimes, including those motivated by sexual orientation or gender identity. Please also include detailed information on the measures taken to repeal the law prohibiting "propaganda of non-traditional sexual relations".

Keywords: *I; data collection, measures, surgical/medical intervention*

31. Please indicate the measures taken by the State party 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. Please indicate the number of intersex children who have undergone sex assignment surgery during the reporting period.

¹⁰⁴ [CAT/C/RUS/QPR/7.](#)

¹⁰⁵ *Ibid.*, para. 147.134.

¹⁰⁶ A/HRC/39/13, paras. 147.96, 147.123–147.124 and 147.127.

¹⁰⁷ *Ibid.*, 147.97–147.98, 147.124–147.126 and 147.128–147.129.

Saudi Arabia – List of Issues prior to reporting – 72nd Session, 5 January 2022, 3rd review¹⁰⁸

Keywords: *LGBTI; detention, measures*

Article 11

14. [...]. Please also indicate whether protocols are in place to meet the needs of other groups of prisoners, such as women, older persons, persons with disabilities [...] and lesbian, gay, bisexual, transgender and intersex persons.

¹⁰⁸ [CAT/C/SAU/QPR/3](#).

Senegal – List of Issues prior to reporting – 70th Session, 25 May 2021, 5th review¹⁰⁹

Keywords: *LGBTI; detention, measures*

Article 11

17. [...] Please also provide information on the measures taken to ensure that the rights of persons deprived of their liberty who are particularly vulnerable, such as lesbian, gay, bisexual, transgender and intersex persons and persons with psychosocial disabilities, are respected in accordance with international standards.

Keywords: *SO, SOGI; arrest, criminalisation (decriminalisation), discrimination, hate crimes, investigation, police, prosecution, punishment, violence*

Article 16

28. In view of the Committee's previous concluding observations (paras. 35–36), noting reports of violent arrests motivated by the person's perceived sexual orientation and the State party's inadequate action to protect persons with albinism from ritual attacks and other harmful traditional practices, please indicate whether the State party is considering repealing the third paragraph of article 319 of the Criminal Code, which is invoked to prosecute consensual same-sex conduct,¹¹⁰ and apply a moratorium in the meantime. Please also specify: (a) the measures taken to prevent, investigate, prosecute and secure convictions for violence, including police violence, based on the actual or perceived sexual orientation or gender identity of the victim¹¹¹ or on his or her albinism;¹¹² and (b) the measures in place to protect lesbian, gay, bisexual, transgender and intersex persons and persons with albinism, including to encourage victims to report such violence. Please provide data on cases of hate crime identified since 2018, disaggregated by grounds for discrimination, including the grounds of sexual orientation, gender identity and albinism, by the age group, sex and ethnic origin or nationality of the victim and state whether the perpetrator was a public official. Please also provide information on the outcome of the investigations and prosecutions conducted in each case and the sentences and penalties imposed.

¹⁰⁹ [CAT/C/SEN/QPR/5](#).

¹¹⁰ CCPR/C/SEN/CO/5, para. 15 (b); and A/HRC/WG.6/31/SEN/3, para. 25.

¹¹¹ CCPR/C/SEN/CO/5, para. 15 (c) and (d); and A/HRC/WG.6/31/SEN/3, paras. 34–35.

¹¹² CRPD/C/SEN/CO/1, paras. 27 (a) and 28 (a).

Serbia – Concluding Observations – 72nd Session, 20 December 2021, 3rd review¹¹³

Keywords: *LGBTI; follow-up, HRD, investigation*

C. Principal subjects of concern and recommendations

Pending follow-up issues from the previous reporting cycle

6. In its previous concluding observations, the Committee requested the State party to provide information on its implementation of the Committee's recommendations on taking steps to ensure in practice that detained persons undergo an independent medical examination from the outset of their deprivation of liberty and on publicly condemning and investigating threats to and attacks on human rights defenders, journalists, lesbian, gay, bisexual, transgender and intersex persons and members of the Roma community. The Committee expresses its appreciation for the State party's response on those matters and for the substantive follow-up information provided on 2 August 2016 and in its third periodic report. The Committee considers that the above-mentioned recommendations have been only partly implemented (see paras. 14 (c) and 42 below).

¹¹³ [CAT/C/SRB/CO/3](#).

6. Committee on the Rights of Persons with Disabilities

Estonia – Concluding Observations – 24th Session, 1 April 2021, initial report¹¹⁴

Keywords: *I, LGBTGD; consultation, decision-making process, SDGs, GC/GR*

III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1 and 4)

9. The Committee notes with concern:

(a) The lack of effective involvement of persons with intellectual disabilities, persons with psychosocial disabilities and persons with autism, through their representative organizations, in decision-making processes concerning disability-related laws, policies and programmes, including in processes related to the implementation of the 2030 Agenda for Sustainable Development and its Sustainable Development Goals; [...].

10. The Committee recalls its General comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention, and recommends that the State party:

(a) **Strengthen and implement mechanisms for effective involvement of persons with disabilities through their representative organizations in public decision-making processes, including in implementing, monitoring and reporting on the sustainable development goals. The State party should ensure meaningful consultations with the diversity of organizations of persons with disabilities, including children with disabilities, persons with intellectual disabilities, persons with psychosocial disabilities, intersex persons with disabilities, women with disabilities, persons living in rural areas, persons with autism, Roma and lesbian, gay, bisexual, transgender, and gender diverse persons with disabilities and those requiring higher levels of support [...].**

Keywords: *LGBTI; action plan, measures, policy, prevention, punishment, SDGs, stereotypes, stigmatisation, support services, violence*

Freedom from exploitation, violence and abuse (art. 16)

32. The Committee notes with concern:

(a) The lack of a comprehensive strategy against all forms of exploitation, violence and abuse against persons with disabilities, in all settings, including in the family, at school and in the workplace; [...].

33. The Committee, recalling the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention), and the Sustainable Development Goal 5, targets 5.1, 5.2 and 5.5, recommends that the State party:

(a) **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 and its related programmes explicitly include persons with disabilities, particularly children with disabilities still in institutions, women with disabilities, and lesbian, gay, bisexual, transgender, and intersex persons with disabilities, providing support for victims, and sanctions of perpetrators. The State party should strengthen measures to combat disability stigma and stereotypes, and provide**

¹¹⁴ [CRPD/C/EST/CO/1](#).

persons with disabilities with accessible information about all forms of violence, complaint mechanisms, and redress available for them; (...)

Keywords: *SOGI; data collection, privacy*

B. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

60. The Committee notes with concern:

- (a) The remaining gaps in collecting disaggregated data and statistics on persons with disabilities in all areas covered by the Convention, not only education and employment;
- (b) The lack of systematic and comprehensive research about the living conditions of persons with disabilities and the need to identify the barriers faced by persons with disabilities in exercising their rights.

61. The Committee recalls the Washington Group Short Set of Questions on Disability and the OECD-DAC policy marker on the inclusion and empowerment of persons with disabilities, and recommends that the State party:

- (a) Develop a system and procedures for data collection on persons with disabilities, disaggregated by age, sex, sexual orientation and gender identity, race, ethnicity, income, migrant, asylum-seeking, refugee, level of education, employment situation, and place of residence. These system and procedures should ensure confidentiality and respect for privacy of persons with disabilities; [...].

France – Concluding Observations – 25th Online Session, 4 October 2021, initial report¹¹⁵

Keywords: *LGBTI; consultation, decision-making process, GC/GR*

III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1–4)

9. The Committee is concerned about: [...]

(b) The limited involvement of persons with disabilities, through their representative organizations, in consultations concerning legislation and public policies, including those carried out by the National Consultative Council of Persons with Disabilities, and the municipal and intermunicipal accessibility committees.

10. The Committee recalls its general comment No. 7 (2018) and recommends that the State party: [...]

(b) Ensure meaningful and effective support and consultations with the diverse organizations of persons with disabilities, as outlined in general comment No. 7, paying attention to organizations of persons with intellectual disabilities, autistic persons, persons with psychosocial disabilities, women with disabilities, lesbian, gay, bisexual, transgender and intersex persons with disabilities, persons living in rural areas, Roma persons with disabilities and those requiring high levels of support.

Keywords: *SOGI; anti-discrimination legislation, discrimination, GC/GR, intersectionality, legislation, protected grounds, SDGs*

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

11. The Committee notes with concern:

(a) That the current definition of discrimination does not include multiple and intersectional forms of discrimination on the basis of disability and its intersection with other grounds, such as age, sex, ethnicity, sexual orientation and gender identity; [...].

12. The Committee recalls its general comment No. 6 (2018) on equality and non-discrimination, and targets 10.2 and 10.3 of the Sustainable Development Goals, and recommends that the State party:

(a) Prohibit multiple and intersectional discrimination on the grounds of disability and its intersection with other grounds, such as age, sex, race, ethnicity, gender identity, sexual orientation and any other status, and adopt strategies to eliminate multiple and intersectional discrimination; [...].

Keywords: *I; free and informed consent, surgical/medical intervention*

Protecting the integrity of the person (art. 17)

36. The Committee notes with concern that: [...]

(c) Intersex persons are subjected to medical interventions without their consent.

37. The Committee recommends that the State party: [...]

¹¹⁵ [CRPD/C/FRA/CO/1](#).

(c) Prohibit the practice of subjecting intersex persons to medical interventions without their consent.

Keywords: *SOGI; consultation, data collection, violence*

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

62. The Committee notes with concern the lack of systematic collection of disaggregated data on the situation of persons with disabilities in all areas of life, mainly due to the lack of disability-related questions in the national census.
63. **The Committee recalls the Washington Group short set of questions on disability and the policy marker on the inclusion and empowerment of persons with disabilities of the Development Assistance Committee of the Organisation for Economic Co-operation and Development, and recommends that the State party develop data collection systems on the situation of persons with disabilities with the data disaggregated by a range of factors, such as age, sex, sexual orientation and gender identity, place of residence, socioeconomic status and ethnicity. These systems should cover all areas of life and should include information on violence against persons with disabilities. The Committee also recommends that the State party promote participatory research projects in cooperation with persons with disabilities on matters concerning them.**

7. Committee on the Elimination of Racial Discrimination

Belgium – Concluding Observations – 103rd Session, 21 May 2021, 22nd review¹¹⁶

Keywords: *SO; discrimination, education, employment, GC/GR, housing, intersectionality, measures*

C. Concerns and recommendations

Situation of people of African descent

24. The Committee regrets that the State party did not provide information on measures aimed specifically at people of African descent and is concerned about reports that these people: [...]

(b) Are very much affected by racial discrimination, mainly in the areas of employment, housing and education, as well as by xenophobia and related intolerance, and often face multiple discrimination based on their race, colour, sex, sexual orientation and religious beliefs; [...].

25. Recalling its general recommendation No. 34 (2011) on racial discrimination against people of African descent, the Committee recommends that the State party: [...]

(b) Take effective measures, including special measures, to combat all forms of discrimination against people of African descent, in particular in the fields of employment, housing and education, paying special attention to the multiple discrimination that they encounter; [...].

¹¹⁶ [CERD/C/BEL/CO/20-22.](#)

Netherlands – Concluding Observations – 104th Session, 16 November 2021, 22nd-24th review¹¹⁷

Keywords: *SO; LGBTI; asylum-seekers/refugees, consultation, health, medical professionals, service provision, stereotypes*

C. Concerns and recommendations

Situation of refugees, asylum seekers and undocumented migrants

35. The Committee is concerned by reports that stereotypes may occur while assessing asylum claims based on sexual orientation. The Committee is also concerned by the barriers that undocumented persons face in accessing health care (art. 5).
36. **The Committee recommends that the State party engage in a dialogue with civil society organizations working with and on the issue of lesbian, gay, bisexual, transgender and intersex asylum seekers to explore possible improvements to assessments of such asylum seekers' claims. The Committee also recommends that the State party ensure that essential medical treatment is accessible for undocumented persons throughout the Kingdom of the Netherlands and that undocumented persons as well as medical professionals are aware that all persons residing unlawfully in the Kingdom are entitled to essential medical treatment.**

¹¹⁷ [CERD/C/NLD/CO/22-24.](#)

Thailand – Concluding Observations – 105th Session, 10 February 2022, 4th–8th review¹¹⁸

Keywords: *SOGI; LGBTI; asylum-seekers/refugees, discrimination, intersectionality, legislation, measures, policy*

C. Concerns and recommendations

Intersecting and multiple forms of discrimination

13. The Committee notes with concern the reports of intersecting and multiple forms of discrimination faced by women, children, persons with disabilities and lesbian, gay, bisexual, transgender and intersex persons belonging to ethnic and ethno-religious groups or indigenous peoples, or those who are migrants, refugees or asylum seekers. The Committee notes with concern the reports of various specific barriers faced by these groups in the exercise of their civil, political, economic, social and cultural rights, in particular access to education, health care and employment (arts. 1–2 and 5).
14. **The Committee recommends that the State party take all measures necessary to combat the intersecting and multiple forms of discrimination faced by women, children, persons with disabilities and lesbian, gay, bisexual, transgender and intersex persons belonging to ethnic and ethno-religious groups, indigenous peoples, or those who are migrants, refugees or asylum seekers, including by mainstreaming gender, age, disability, and sexual orientation and gender identity into its measures, including legislative and policy measures, to combat racial discrimination.**

¹¹⁸ [CERD/C/THA/CO/4-8](#).

8. Committee on Migrant Workers

El Salvador – List of Issues prior to reporting – Intersessional period, 23 February 2021, 3rd review¹¹⁹

Keywords: *SOGI; anti-discrimination legislation, discrimination, employment, intersectionality, legislation, protected grounds*

B. Information relating to the articles of the Convention

2. Part II of the Convention

Article 7

10. Please indicate whether national legislation, in particular the Constitution and the laws on labour, immigration and nationality, ensure that all migrant workers and members of their families enjoy the rights established in the Convention, without distinction of any kind, and whether such legislation covers all the prohibited grounds of discrimination, including sex, age, gender identity and sexual orientation, disability, language, national, ethnic or social origin, nationality, economic status, property, marital status, birth or other status.

¹¹⁹ [CMW/C/SLV/QPR/3.](#)

Jamaica – List of Issues prior to reporting – Intersessional period, 2 March 2021, initial and 2nd review¹²⁰

Keywords: *SOGI; anti-discrimination legislation, discrimination, employment, intersectionality, legislation, protected grounds*

B. Information requested, by article of the Convention

2. Part II of the Convention

Article 7

12. Please indicate whether the national legislation, in particular the Jamaica (Constitution) Order in Councils (1962), the Foreign Nationals and Commonwealth Citizens (Employment) Act (1964), the Immigration Restrictions (Commonwealth Citizens) Act (1945), the Aliens Act (1946) and the Jamaica Nationality Act (1962), ensures that all migrant workers and members of their families enjoy the rights established in the Convention, without distinction of any kind, and whether such legislation covers all the prohibited grounds of discrimination, including sex, age, gender identity and sexual orientation, disability, language, national, ethnic or social origin, nationality, economic status, property, marital status, and birth or other status. In the light of the Committee's previous recommendation (para. 29), please provide information on measures taken to review the legislation and repeal all discriminatory provisions. Please also provide information on measures taken to ensure non-discrimination, protection of labour rights and gender equality in all matters relating to migration policy, both in law and in practice, and within the framework of CARICOM.

¹²⁰ [CMW/C/JAM/QPR/1-2.](#)

Nigeria – List of Issues prior to reporting – Intersessional period, 9 March 2021, initial and 2nd review¹²¹

Keywords: *SOGI; anti-discrimination legislation, discrimination, employment, intersectionality, legislation, protected grounds*

B. Information relating to the articles of the Convention

2. Part II of the Convention

Article 7

12. Please provide information on the efforts made to guarantee that all federal legislation, in particular the Constitution, the Labour Act and the Immigration Act of 2015, ensure that all migrant workers and members of their families enjoy the rights provided for in the Convention, without distinction of any kind, and on whether such legislation covers all the prohibited grounds of discrimination enumerated in the Convention (arts. 1 (1) and 7), including sex, age, gender identity and sexual orientation, disability, language, national, ethnic or social origin, nationality, economic status, property, marital status and birth or other status. Please indicate the measures taken to review the State party's legislation in order to repeal all provisions that are discriminatory against migrant workers and members of their families, in particular the provisions in the Constitution that guarantee rights or extend State objectives only to citizens, and those taken to adopt comprehensive anti-discrimination legislation (para. 28). Please also provide information on measures taken to ensure non-discrimination, the protection of labour rights and gender equality in all matters relating to migration policy, both in law and in practice, and within the framework of the ECOWAS common approach on migration.

¹²¹ [CMW/C/NGA/QPR/1-2.](#)

Philippines – List of Issues prior to reporting – Intersessional period, 22 February 2021, 3rd review¹²²

Keywords: *SOGI; anti-discrimination legislation, discrimination, employment, intersectionality, legislation, protected grounds*

B. Information requested, by article of the Convention

2. Part II of the Convention

Article 7

10. Please indicate whether national legislation, in particular the Constitution, the Labour Code, the Migrant Workers and Overseas Filipinos Act and the Immigration Act, ensures that all migrant workers and members of their families enjoy the rights established in the Convention, without distinction of any kind, and whether such legislation covers all the prohibited grounds of discrimination, including sex, age, gender identity and sexual orientation, disability, language, national, ethnic or social origin, nationality, economic status, property, marital status, and birth or other status. In the light of the Committee's previous concluding observations (para. 23), please provide information on the steps taken to amend domestic legislation in order to align it with the Convention so that the exercise of rights under the Convention by migrant workers and members of their families is not subject to the principle of reciprocity.

¹²² [CMW/C/PHL/QPR/3.](#)

9. Committee on Enforced Disappearance

Brazil – Concluding Observations – 21st session, 3 November 2021, initial review¹²³

Keywords: SOGI; legislation, measures, reparation, support services

C. Principal subjects of concern and recommendations

5. Measures to protect and guarantee the rights of victims of enforced disappearance (art. 24)

Definition of victim and right to receive reparation and prompt, fair and adequate compensation

28. The Committee welcomes the definition of disappeared persons provided for in Law No. 13812/2019. Nonetheless, it regrets that it has not received any clarification on whether the State party's domestic law provides for a definition of victim that encompasses the disappeared person and any individual who has suffered harm as the direct result of enforced disappearance, in accordance with article 24 (1) of the Convention. The Committee notes the forms of compensation provided for in the Civil Code for victims of crimes and their relatives; the psychosocial support provided to the families of disappeared persons under Law No. 13812/2019; and the support provided by the Reference Centres for Social Assistance and the Specialized Reference Centres for Social Assistance. Nonetheless, the Committee regrets that the information provided does not clarify whether domestic legislation provides for a comprehensive system of reparation that is fully in line with article 24 (4) and (5) of the Convention (art. 24).

29. The Committee recommends that the State party adopt the measures necessary to ensure that all individuals who have suffered harm as the direct result of enforced disappearance can fully exercise the rights enshrined in the Convention, in particular the rights to justice, truth and reparation. In this respect, the Committee: [...]

(b) Recommends that the State party take the measures necessary to ensure that its domestic legislation provides for a comprehensive system of compensation and reparation that is fully compliant with article 24 (4) and (5) of the Convention and other relevant international standards, that is under the responsibility of the State, that is applicable even if no criminal proceedings have been initiated, and that is sensitive to the specific needs of the victim, in view of, inter alia, their sex, sexual orientation, gender identity, age, ethnic origin, social status or disability.

¹²³ [CED/C/BRA/CO/1](#).

Colombia – Concluding observations on the additional information under article 29 (4) of the Convention – 20th session, 11 May 2021, initial review¹²⁴

Keywords: *GI; data collection, investigation, prevention*

III. Prevention of enforced disappearance and mechanisms for search and investigation

A. Statistical information on enforced disappearances

16. The Committee remains concerned about the lack of clear and reliable information on the number of disappeared persons in the State party, including those who may have been subjected to enforced disappearance. Although the National Register of Disappeared Persons is the only official register of disappeared persons, different institutions still have multiple databases containing conflicting information on such persons. The Committee recognizes that progress has been made towards the cleansing of the National Register and its consolidation as the single source of information but regrets that the process is not yet complete (arts. 1–3, 12 and 24).
17. **The Committee recommends that the State party complete without delay the process of cleansing the National Register of Disappeared Persons, consolidate the information on disappeared persons contained in the various State databases and produce accurate and reliable statistics on disappeared persons, including on those who may have been subjected to enforced disappearance. These statistics should make it possible to identify the different groups of victims, the causes and dynamics of enforced disappearance and patterns of behaviour and serve as a basis for adopting more effective prevention, investigation and search measures. The National Register should be updated systematically, ensuring the uniform, comprehensive and immediate registration of all known disappeared persons. At the very least, it should include: [...]**
- (b) The sex, gender identity, age, nationality and ethnic origin of the disappeared person, as well as the place, date, context and circumstances of the person's disappearance, including all evidence relevant to determining whether it was an enforced disappearance; [...].**

Keywords: *SOGI; consultation, decision-making process, HRD, killings, measures, policy, violence*

D. Protection of complainants and/or of persons participating in the investigation of an enforced disappearance

24. The Committee is still concerned about the killings, threats and reprisals faced by human rights defenders, indigenous peoples, communities of persons of African descent and victims of enforced disappearance and their relatives and representatives, including those appearing before the Special Jurisdiction for Peace, as well as about the high levels of impunity for these acts. It is also concerned about information regarding: (a) shortcomings in the implementation of protection programmes, including failures to ensure that the programmes meet the needs of the intended beneficiaries, particularly women and members of indigenous communities and communities of persons of African descent; and (b) the lack of resources of the National Protection Unit, which limits its effectiveness, particularly in rural areas (arts. 12 and 24).
25. **The Committee urges the State party to redouble its efforts to prevent the acts of violence, threats and reprisals faced by complainants, witnesses, relatives of disappeared persons and their defenders, as well as by those who take part in the investigation of cases of enforced disappearance. In particular, it recommends that the State evaluate and review the current protection model with a view to ensuring: [...]**

¹²⁴ [CED/C/COL/OAI/1](#).

(b) That the protection measures taken by the State authorities are implemented quickly and effectively, ensuring the coordination of the authorities and the participation of the intended beneficiaries in risk assessments and in decisions on the protection measures to be taken and guaranteeing the application of a differential approach that takes into account the person's sex, gender identity, sexual orientation, age, ethnic origin, disability and vulnerability; [...].

Keywords: *LGBTI; children, women*

E. Search for disappeared persons

26. The Committee is concerned about the poor results of the search for the large number of disappeared persons in the State party, including the 84,330 persons and 9,964 children, who, according to figures from the Attorney General's Office, have been subjected to enforced disappearance and the persons who have been disappeared by illegal organized armed groups without the authorization, support or acquiescence of State agents, including child victims of forced recruitment. Although the Committee notes that the Disappeared Persons Investigative Commission has a national search plan and that the Special Unit for the Search for Persons Deemed Disappeared in the Context of and Due to the Armed Conflict has designed a national search plan and regional search plans, it is concerned about delays in the implementation of the latter two. It is also concerned about reports indicating that the urgent search mechanism, which is becoming a bureaucratic process that does not lead to successful search results, is not activated immediately (arts. 2, 3, 12, 24 and 25).

27. The Committee encourages the State party to systematically incorporate the methods of the guiding principles for the search for disappeared persons in the design and implementation of comprehensive search strategies and recommends that it: [...]

(d) Intensify its efforts to search for, locate and free disappeared persons and, if they are found dead, to identify the remains and return them in dignified fashion, adopting a differential approach with regard to women, children, adolescents, lesbian, gay, bisexual, transgender and intersex persons, members of particular ethnic communities and persons with disabilities; [...].

Keywords: *SOGI; data collection, reparation*

IV. Reparation

Right to obtain reparation

32. The Committee is concerned that, of the 185,422 victims of enforced disappearance listed in the Central Register of Victims, only a few (12,490), have obtained reparation, which has been limited to monetary compensation. It is also concerned about the insufficient coordination and cross-checking of data by the Comprehensive Victim Support and Reparation Unit, the Comprehensive System of Truth, Justice and Non-Repetition, the Attorney General's Office and the National Register of Disappeared Persons, as such shortcomings contribute to a lack of accurate and reliable information on the number of victims of enforced disappearance who would be entitled to reparation. The Committee regrets that it has not received sufficient information on the forms of reparation that have been awarded to or are provided for in domestic law for victims of enforced disappearance in contexts other than those of armed conflict, who do not fall within the scope of Act No. 1448 of 2011 (art. 24).

33. The Committee recommends that the State party take the necessary measures to: [...]

(c) Ensure that the system for making reparation awards takes into account the personal circumstances of victims, such as their sex, gender identity, sexual orientation, age, ethnic origin, social status and disability.

Keywords: *LGBTI; children, follow-up, women*

V. Implementation of the rights and obligations under the Convention, dissemination and follow-up

37. In accordance with article 29 (4) of the Convention, the Committee requests the State party to submit, by 7 May 2022, relevant information on action taken in follow-up to the recommendations made by the Committee in paragraphs 17 (on the National Register of Disappeared Persons) [...] and 27 (on the search for disappeared persons) above. [...].

France – Concluding observations on the additional information under article 29 (4) of the Convention – 21st session, 19 October 2021, initial review¹²⁵

Keywords: *SOGI; court, measures, reparation, support services*

C. Action taken on the Committee's recommendations and new developments in the State party

4. Investigation, reparation and sanctions in relation to cases of enforced disappearance

Right to the truth and to reparation

21. [...] The Committee also notes the information on the right to reparation provided by the State party in its written replies to the Committee's questions and during the dialogue. In this respect, it notes that in addition to the possibility of receiving financial compensation, victims can be helped by support associations to obtain, among other things, counselling and psychological care, and that they can bring an action before the courts to request State compensation for damages. The Committee, drawing attention to its previous concluding observations and the assessment contained in its report on follow-up to concluding observations, is still concerned by the State party's failure to ensure that, under domestic law, victims of enforced disappearance are guaranteed access to all the forms of reparation enshrined in article 24 (5) of the Convention.

22. The Committee recommends that the State party adopt the measures necessary to ensuring that all victims of enforced disappearance, regardless of the date of the commission of the offence and even if no criminal proceedings have been instituted, have the right to the truth and to reparation. In this connection, the Committee recommends that the State party: [...]

(b) Take the measures needed to ensure that domestic legislation provides for a system of full reparation that, compatible with article 24 (5) of the Convention, is applicable even if no criminal proceedings have been instituted or the alleged perpetrators have not been identified and takes into account the particular circumstances of the victims, including their sex, sexual orientation, gender identity, age, ethnic origin, social situation and disability.

Keywords: *SOGI; court, follow-up, measures, reparation, support services*

D. Realization of the rights and fulfilment of the obligations under the Convention, dissemination and follow-up

26. Pursuant to article 29 (4) of the Convention, the Committee requests the State party to submit, by 27 September 2024, specific and updated information on the implementation of the recommendations contained in paragraphs [...] 22 (right to the truth and to reparation) of the present concluding observations. [...].

¹²⁵ [CED/C/FRA/OAI/1](#).

Mongolia – Concluding Observations – 20th session, 11 May 2021, initial review¹²⁶

Keywords: *SOGI; reparation, legislation, measures*

C. Principal subjects of concern and recommendations

5. Measures to protect and guarantee the rights of victims of enforced disappearance (art. 24)

Right to receive reparation and prompt, fair and adequate compensation

36. The Committee notes the State party's confirmation that victims of enforced disappearance have a right to submit a separate civil claim for compensation in addition to their criminal proceedings and that dedicated funds have been established to provide compensation to victims of serious crimes in cases where the perpetrators lack sufficient resources. However, the Committee regrets that the State party did not provide information on the average length of relevant proceedings or on the other forms of reparation available to victims of enforced disappearance, in compliance with article 24 (5) of the Convention (art. 24).
37. **The State party should guarantee the right to receive reparation and prompt, fair and adequate compensation of all persons who have suffered harm as a direct result of enforced disappearance. To this effect, the Committee recommends that the State party take the measures necessary to ensure that its domestic legislation provides for a comprehensive system of compensation and reparation that complies fully with article 24 (4) and (5) of the Convention and other relevant international standards, that is under the responsibility of the State, that is applicable even if no criminal proceedings have been initiated, and that is sensitive to the specific needs of the victim, in view of, inter alia, their sex, sexual orientation, gender identity, age, ethnic origin, social status or disability.**

¹²⁶ [CED/C/MNG/CO/1.](#)

Panama – Concluding Observations – 21st Session, 4 November 2021, initial review¹²⁷

Keywords: *GI; data collection, reparation, measures*

C. Principal matters of concern and recommendations

2. Definition of the criminal offence of enforced disappearance (arts. 1–7)

Absolute prohibition of enforced disappearance

10. The Committee regrets that it has not received information about the process of compiling the centralized, permanent register of missing and disappeared persons envisaged in the National Strategy for Public Security and expresses its concern about the lack of clear and precise official information on missing and disappeared persons in the State party, including those who may have been subjected to enforced disappearance during the military dictatorship (1964–1989) or during the period referred to as the “invasion” of 20 December 1989 (art. 1).

11. **The Committee recommends that the State party expedite the compilation of the centralized, permanent register of missing and disappeared persons so that it reflects the total number of missing and disappeared persons in the State party and the number who may have been subjected to enforced disappearance, including those who have been found, whether alive or dead, and those who are still missing. At the very least, the register should include the following information: [...]**

(b) The sex, gender identity, age, nationality and ethnic origin of the missing or disappeared person, as well as the place, date, context and circumstances of the person’s disappearance, including all evidence relevant to determining whether it was an enforced disappearance [...].

Keywords: *SOGI; reparation, measures*

5. Measures to protect and ensure the rights of victims of enforced disappearance (art. 24)

Right to obtain reparation and prompt, fair and adequate compensation

32. The Committee is concerned that the State party’s legal system does not effectively ensure that victims of enforced disappearance have the right to full reparation, in accordance with article 24 (4) and (5) of the Convention. It is also concerned about the lack of information received on the number of victims of enforced disappearance in the State party and any reparations granted to them outside the context of agreements reached within the framework of the inter-American system (art. 24).

33. **The Committee recommends that the State party take the necessary measures to: [...]**

(b) Ensure that the reparations system applies a differential approach that takes into account individual characteristics of victims such as their sex, sexual orientation, gender identity, age, ethnic origin, social situation and disability; [...].

Keywords: *GI; data collection, follow-up, reparation, measures*

D. Dissemination and follow-up

43. In accordance with the Committee’s rules of procedure, the State party is requested to provide, by 27 September 2022, information on the implementation of the recommendations contained in paragraph 11 (compilation of the centralized register of missing and disappeared persons), paragraph 27 (communication by persons deprived of liberty) [...] of the present concluding observations.

¹²⁷ [CED/C/PAN/CO/1](#).

Slovakia – Follow-up Assessment – 21st Session, 2 November 2021, initial review¹²⁸

Keywords: *SOGI; follow-up, intersectionality, legislation, reparation*

Paragraph 25

The State party should guarantee the right to reparation and to prompt, fair and adequate compensation of all persons who have suffered harm as a direct result of an enforced disappearance, regardless of their nationality. To this effect, the Committee recommends that the State party adopt the necessary measures, including revision of the Victims Act, to guarantee that its domestic legislation provides for a comprehensive system of compensation and reparation that complies fully with article 24 (4) and (5) of the Convention and other relevant international standards, for which the State is responsible; that is applicable, even if no criminal proceedings have been initiated; and that is sensitive to the victims' individual characteristics, taking into account, for instance, their sex, sexual orientation, gender identity, age, ethnic origin, social status and disability.

[B]: Reply/action partially satisfactory

The Committee notes the information provided about the other forms of reparation that may be provided under the constitutional and civil law protection of personal rights. It further welcomes that, according to the information provided by the State party, the Ministry of Justice was evaluating the current compensation scheme for the victims of intentional crimes and preparing a proposal for a legislative amendment to Act No. 274/2017 Coll. on victims' rights [...].

The Committee also notes that at the time of the State party's submission of follow-up information, the proposal still had to be considered by the National Council. In view thereof, the Committee requests the State party:

- (a) To provide updated information as to the status of the proposal, including a date for its adoption;
- (b) To specify how the proposal as it stands ensures the full compliance of the new reparation scheme with article 24 (5) of the Convention.

Conclusion

The State party, when implementing the Committee's recommendations and submitting its additional information under article 29 (4) of the Convention, should take into account the specific guidance and request for information contained in the present report, together with the Committee's guiding principles for the search for disappeared persons.

Deadline for the submission by the State party of additional information under article 29 (4) of the Convention: 11 October 2025.

¹²⁸ [CED/C/21/4](#).