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

Compilation and Keywords

2022
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This compilation of references with keywords was prepared by Kseniya Kirichenko with research assistance by Aoife Burke and Andrea Baldwin.


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<tr>
<td>FOE/FOAA</td>
<td>freedom of expression / freedom of assembly and association</td>
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<tr>
<td>GC/GR</td>
<td>general comment / general recommendation</td>
</tr>
<tr>
<td>HIV/AIDS</td>
<td>human immunodeficiency virus infection and acquired immune deficiency syndrome</td>
</tr>
<tr>
<td>HRD</td>
<td>human rights defenders</td>
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<tr>
<td>ILGA World</td>
<td>International Lesbian, Gay, Bisexual, Trans and Intersex Association</td>
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<tr>
<td>L / G / B / T / I / Q</td>
<td>lesbian / gay / bisexual / trans / intersex / queer</td>
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<tr>
<td>LGR</td>
<td>legal gender recognition</td>
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<td>LOI</td>
<td>list of issues</td>
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<td>LOIPR</td>
<td>list of issues prior to reporting</td>
</tr>
<tr>
<td>MSM</td>
<td>Men who have sex with men</td>
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<tr>
<td>PSWG</td>
<td>Pre-sessional working group</td>
</tr>
<tr>
<td>SDGs</td>
<td>Sustainable Development Goals</td>
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<tr>
<td>SI</td>
<td>sexual identity</td>
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<tr>
<td>S / G / M</td>
<td>sexual minorities / gender minorities</td>
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<tr>
<td>SO / GI / E / SC</td>
<td>sexual orientation / gender identity / gender expression / sex characteristics</td>
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<tr>
<td>SRHR</td>
<td>sexual and reproductive health and rights</td>
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General Comments
1. Committee on the Elimination of Discrimination against Women

General Recommendation No. 39 (2022) on the rights of Indigenous women and girls, CEDAW/C/GC/39

Keywords: LBTI; free and informed consent, GC/GR, health, intersectionality, measures, policy, privacy, service provision, women

IV. General obligations of States parties in relation to the rights of Indigenous women and girls under articles 1 and 2 of the Convention

A. Equality and non-discrimination, with a focus on Indigenous women and girls and intersecting forms of discrimination

22. The Committee, in its general recommendation No. 34 (2016) on the rights of rural women, underscored the importance of the rights of Indigenous women to land and collective ownership, natural resources, water, seeds, forests and fisheries under article 14 of the Convention. These rights are also guaranteed to Indigenous women as members of their peoples and communities by the Declaration and related international legal norms. (…). Indigenous women with disabilities often face intersecting forms of discrimination on the basis of their sex; gender; disability; and Indigenous origin, status or identity, reflected in the denial of their full legal capacity, which further increases their risk exposure to exploitation, violence and abuse and undermines their rights to land, territories and resources. Moreover, lesbian, bisexual, transgender and intersex Indigenous women and girls regularly face intersecting forms of discrimination. The Committee is concerned about the forms of inequality, discrimination and gender-based violence that affect Indigenous women and girls in the digital space, including the Internet, social media and all technology platforms.

23. The Committee recommends that States parties:

(a) Develop comprehensive policies to eliminate discrimination against Indigenous women and girls, centred around the effective participation of those living inside and outside Indigenous territories, and pursue collaboration with Indigenous Peoples more broadly. The policies should include measures to address intersectional discrimination faced by Indigenous women and girls, including persons with disabilities and those with albinism; older women; lesbian, bisexual, transgender and intersex women; women and girls in situations of poverty; women living in rural and urban areas; forcibly displaced, refugee and migrant women inside and outside their countries; and women and girls who are widows, heads of households or orphaned owing to national and international armed conflicts. States parties should collect data, disaggregated by age and disability status, on the forms of gender-based discrimination and violence faced by Indigenous women and girls, and undertake these efforts in ways that respect the languages and cultures of Indigenous Peoples; (…).

V. Obligations of States parties in relation to specific dimensions of the rights of Indigenous women and girls

E. Right to health (arts. 10 and 12)

52. The Committee recommends that States parties:

(a) Ensure that quality health services and facilities are available, accessible, affordable, culturally appropriate and acceptable for Indigenous women and girls, including those with disabilities, older women, and lesbian, bisexual, transgender and intersex women and girls, and ensure that free, prior and informed consent, confidentiality and privacy are respected in the provision of health services; (…).
2. Committee on the Rights of Persons with Disabilities

General Recommendation No. 8 (2022) on the right of persons with disabilities to work and employment, CRPD/C/GC/8

Keywords: SOGI; discrimination, employment, GC/GR, intersectionality

III. Normative content

B. Prohibition of discrimination on the basis of disability (art. 27 (1) (a))

22. Persons with disabilities are often disproportionately affected by multiple and intersectional discrimination. The diversity of persons with disabilities means that they face diverse barriers to realizing the right to work and follow different pathways into employment throughout their working lives. Multiple discrimination occurs when a person experiences discrimination on two or more grounds, leading to discrimination that is compounded or aggravated, and intersectional discrimination occurs when several grounds interact with each other at the same time in such a way as to be inseparable. The concepts of multiple and intersectional discrimination reflect the fact that individuals do not experience discrimination as members of a homogeneous group but, rather, as individuals with multidimensional layers of identities, statuses and life circumstances. Intersecting layers of identity include age, race, indigenous, national or social origin, refugee, migrant or asylum-seeking status, political or other opinion, religion, sex, sexual orientation and gender identity.
Decisions on Individual Communications and Follow-Up Assessment
1. Human Rights Committee


Keywords: SO, SOGI; G, L, LGBT, SM; adoption, children, court, discrimination, employment, family, follow-up, FOE/FOAA, GC/GR, HRD, jurisprudence, legislation, propaganda, same-sex couples

Subject matter: Right of peaceful assembly; non-discrimination

Substantive issues: Unjustified restrictions on the right to peaceful assembly; discrimination against lesbian, gay, bisexual and transgender people

Articles of the Convention: 21 and 26

Factual background

2.1 The authors are activists in the area of lesbian, gay, bisexual and transgender issues and human rights. In 2013 and 2014, the authors, together with other activists, tried to organize a number of rallies in Moscow, which were all banned by the municipal authorities.

Events relating to communication No. 2953/2017, concerning Nikolai Alekseev, Kirill Nepomnyashchiiy and Sofia Mikhailova

2.2 On 7 October 2013, the authors notified the Mayor of Moscow of their intention to hold a rally dedicated to the third anniversary of the European Court of Human Rights decision in a case concerning the illegality of Moscow gay pride bans. The event, with some 50 participants expected, was to take place on 21 October 2013, from 1 to 2 p.m. in the centre of Moscow. However, on 9 October 2013, the regional security and anti-corruption department had informed the authors that the rally would violate the legislation banning the promotion of non-traditional sexual relations among minors. The authors thus cancelled the planned rally. On 14 October 2013, the authors submitted a complaint to the Tverskoy District Court in Moscow regarding the refusal of the above mentioned department to allow the holding of a public event. The District Court rejected their complaint on 19 December 2013. The Court concluded, among other things, that the authors’ intention to hold a rally in a central location popular among families with children was aimed at disseminating gay culture among the general public, including minors, in violation of the relevant legislation banning the promotion of non-traditional sexual relations among minors. The court thus found that the decision of the regional security and anti-corruption department was lawful and justified. The authors appealed to Moscow City Court on 25 January 2014. The City Court rejected their appeal on 24 March 2014 and upheld the decision of the lower court.

2.3 On 9 October 2013, the authors submitted another notification to the Mayor of Moscow concerning a rally in support of the legal ban on discrimination against lesbian, gay, bisexual and transgender persons in the Russian Federation, scheduled for 22 October 2013. On 14 October 2013, the regional security and anti-corruption department informed the authors that the rally would violate the legislation banning promotion of non-traditional sexual relations among minors. The authors thus cancelled the planned rally. A complaint submitted by the authors to the Tverskoy District Court in Moscow, dated 16 October 2013, was rejected on 19 December 2013. Their appeal to Moscow City Court, dated 25 January 2014, was also rejected on 24 March 2014.

2.4 On 15 October 2013, the authors notified the Mayor of Moscow of their intention to hold, on 28 October 2013, another rally, with about 40 participants expected, against the ban on adoption of Russian children by foreign same-sex couples. On 18 October 2013, the regional security and anti-corruption department informed the authors that the rally would violate the legislation banning the promotion of non-traditional sexual relations among minors. The authors thus cancelled the planned rally. The authors filed a complaint with the Tverskoy District Court in Moscow on 7 November 2013. The District
Court rejected their complaint on 19 December 2013. Their appeal to Moscow City Court, dated 25 January 2014, was also rejected on 24 March 2014.

Events relating to communication No. 2943/2017, concerning Nikolai Alekseev, Kirill Nepomnyashchii and Sofia Mikhailova

2.5 On 11 October 2013, the authors notified the Mayor of Moscow of their intention to hold a rally to condemn the federal law of June 2013 banning the dissemination of propaganda of non-traditional sexual relations among minors. The event, with about 30 participants expected, was planned for 25 October 2013, from 1 to 2 p.m., in the centre of Moscow. On 16 October 2013, the regional security and anti-corruption department informed the authors that the rally would violate the legislation banning the promotion of nontraditional sexual relations among minors. The authors thus cancelled the planned rally. On 26 October 2013, the authors filed a complaint with the Tverskoy District Court in Moscow against the decision of the department. The District Court rejected their complaint on 28 January 2014. The authors appealed to Moscow City Court on 18 February 2014. The City Court also rejected their appeal on 4 April 2014.

2.6 On 18 October 2013, the authors notified the Mayor of Moscow of their intention to hold a rally, with about 20 participants expected, on 29 October 2013, to protest against job dismissals on the ground of sexual orientation. On 24 October 2013, the regional security and anti-corruption department informed the authors that the rally would violate the legislation banning the promotion of non-traditional sexual relations among minors. The authors thus cancelled the planned rally. The authors filed a complaint with the Tverskoy District Court in Moscow on 7 November 2013. Their complaint was rejected on 20 December 2013. Their appeal to Moscow City Court, dated 5 February 2014, was also rejected on 12 March 2014.

2.7 On 22 October 2013, the authors notified the Mayor of Moscow of their intention to hold a rally, with about 20 participants expected, on 29 October 2013, to protest against job dismissals on the ground of sexual orientation. On 24 October 2013, the regional security and anti-corruption department informed the authors that the rally would violate the legislation banning the promotion of non-traditional sexual relations among minors. The authors thus cancelled the planned rally. The authors filed a complaint with the Tverskoy District Court in Moscow on 13 November 2013. The District Court rejected the complaint on 20 December 2013. The authors filed an appeal with Moscow City Court on 5 February 2014, which the City Court rejected on 12 March 2014.

2.8 On 22 October 2013, the authors notified again the Mayor of Moscow of their intention to hold a rally, with about 10 participants expected, on 3 November 2013, to advocate for normal conditions for gay men in the army of the Russian Federation. On 25 October 2013, the regional security and anti-corruption department informed the authors that the rally would violate the legislation banning the promotion of non-traditional sexual relations among minors. The authors thus cancelled the planned rally. The authors filed a complaint with the Tverskoy District Court in Moscow on 13 November 2013. Their complaint was rejected on 29 January 2014. Their appeal to the Moscow City Court, dated 28 February 2014, was also rejected on 4 April 2014.

Events relating to communication No. 2954/2017, concerning Nikolai Alekseev, Kirill Nepomnyashchii and Yaroslav Yevtushenko

2.9 On 21 November 2013, the authors submitted a notice to the Mayor of Moscow about their intention to hold a rally, with 20 participants expected, on 6 December 2013, in support of a ban on the entry of an American homophobe, Scott Lively, to the Russian Federation. On 25 November 2013, the regional security and anti-corruption department informed the authors that the rally would violate the legislation banning the promotion of non-traditional sexual relations among minors. The authors thus cancelled the planned rally. On 29 November 2013, the authors filed a complaint with the Tverskoy District Court in Moscow. The court rejected their complaint on 19 December 2013. The authors appealed to Moscow City Court on 25 January 2014. Their appeal was also rejected on 24 March 2014.

2.10 On 29 November 2013, the authors notified the Mayor of Moscow of their intention to hold a rally on 10 December 2013, with about 20 participants expected, under the slogan “Healthy spirit in a healthy gay”. On 2 December 2013, the regional security and anticorruption department informed the authors that the rally would violate the legislation banning the promotion of non-traditional sexual relations among minors. The authors thus cancelled the planned rally. The authors filed a complaint with the Tverskoy District Court in Moscow on 9 December 2013. Their complaint was rejected on 29 January 2014. Their appeal to Moscow City Court, dated 28 February 2014, was also rejected on 4 April 2014.
2.11 On 29 November 2013, the authors again notified the Mayor of Moscow of their intention to hold a rally on 11 December 2013, with about 30 participants expected, under the slogan “Lesbians have their own pride”. On 2 December 2013, the regional security and anti-corruption department informed the authors that the rally would violate the legislation banning the promotion of non-traditional sexual relations among minors. The authors thus cancelled the planned rally. The authors filed a complaint with the Tverskoy District Court in Moscow on 9 December 2013. Their complaint was rejected on 20 December 2013. Their appeal to Moscow City Court, dated 5 February 2014, was also rejected on 12 March 2014.

(…)

Complaint

3.1 The authors claim that their rights under article 21 of the Covenant were violated by the consistent refusal of the Moscow authorities to allow the rallies for which they had requested permission.

3.2 The authors claim that their rights under article 26 of the Covenant were violated because the Moscow authorities denied permission to hold rallies organized by sexual minorities, under the pretext of protecting minors and avoiding possible protests from the majority of society.

3.3 As a remedy, the authors ask the Committee to find that their rights under the Covenant have been violated.

(…)

State party’s observations on the merits

7.1 On 5 April 2021, the State party submitted its observations on the merits noting that freedom of assembly can be subjected to restrictions, as per interpretation by the Committee and the European Court of Human Rights. Such restrictions should be based on the law, should have a socially meaningful aim and should be proportionate.

7.2 As for the lawfulness of the restrictions, the domestic courts acknowledged that right of peaceful assembly is guaranteed in the Constitution and can only be limited by a federal law inasmuch as necessary for the protection of constitutional order, morality, health, rights and legitimate interests of others, state defense and national security (art. 55 (3) of the Constitution). The courts referred to article 11 of the European Convention of Human Rights and noted that the mechanism of realization of the right to assembly is regulated by the Federal Law of 19 June 2004 No. 54 FZ on Assemblies, Meetings, Demonstrations, Marches and Picketing. The restrictions applied to the authors were based on this law.

7.3 The State party then presents its observations on socially meaningful aim of restrictions applied to the authors. According to the domestic court decisions, the protection of the rights of children made it necessary to apply such restrictions. The aims of the events planned by the authors are among prohibited activities listed in the Federal Laws on Protection of Children from Information Harmful to their Health and Development (art. 5 (2) (4)) and on the Basic Guarantees of the Rights of the Child in the Russian Federation (art. 14 (1)) (propaganda for non-traditional sexual relations among minors).

7.4 While considering the necessity of restrictions, the courts, having in mind the need to protect children from information that could harm their moral and spiritual development and health, lawfully concluded that it was not possible to allow the events to be held in the proposed locations. These locations are open to the public and are traditionally used for child and family recreation. Holding the proposed events in these locations would have a harmful effect, inter alia, on children’s psychological wellbeing. According to the courts, it was impossible to apply less restrictive measures, which would put lesser restriction on the rights of the authors. The courts held that carrying out the events by the authors would lead to more negative than positive consequences and concluded that the restrictions imposed were proportionate.

7.5 The State party concludes that the restrictions on the rights of the authors are in line with the requirements of article 21 of the Covenant and that the authors’ claims are unsubstantiated.

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

8.1 On 20 July 2021, the authors provided comments on the State party’s observations. They claim that the Committee and the European Court of Human Rights found on numerous occasions that the federal legislation on protection of minors from harmful information referred to by the State party, contradicts the international obligations of the Russian Federation under the Covenant and the European Convention on Human Rights. Both, the European Court and the Committee found, in similar cases, violation of the right of peaceful assembly and discrimination based on sexual orientation.
8.2 At the time of submission of the present communications to the Committee, the State party refused to authorize the holding of more than 1500 public events to support rights and freedoms of sexual and gender minorities in more than 400 cities of the Russian Federation. The majority of refusals were based on the federal legislation on prohibition of propaganda of non-traditional sexual relations among minors. Some of these events concerned implementation of the Committee’s Views concerning violations of LGBT rights in the State party.

Committee’s decision on the merits

Consideration of the merits

(…)

9.2 The Committee has taken note of the authors’ claims of a violation of their rights under articles 21 and 26 of the Covenant. The Committee recalls its general comment No. 37, in which it noted 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.

9.3 The Committee further recalled in that same general comment that article 21 of the Covenant protects peaceful assemblies wherever they take place: outdoors, indoors and online and in public and private spaces. No restriction on the right of peaceful assembly is permissible unless it is: (a) imposed in conformity with the law; and (b) necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. The onus is on States parties to justify restrictions on the right protected by article 21 of the Covenant and to demonstrate that they do not serve as a disproportionate obstacle to the exercise of that right. The authorities must be able to show that any restrictions meet the requirement of legality, and are also both necessary for and proportionate to at least one of the permissible grounds for restrictions enumerated in article 21. Restrictions must not be discriminatory, impair the essence of the right, or be aimed at discouraging participation in assemblies or cause a chilling effect. Where this onus is not met, article 21 is violated.

9.4 The Committee notes, moreover, that States parties have certain positive duties to facilitate peaceful assemblies and to make it possible for participants to achieve their objectives. States must thus promote an enabling environment for the exercise of the right of peaceful assembly without discrimination, and put in place a legal and institutional framework within which the right can be exercised effectively. Specific measures may sometimes be required on the part of the authorities. For example, they may need to block off streets, redirect traffic or provide security. Where needed, States must also protect participants against possible abuse by non-State actors, such as interference or violence by other members of the public, counterdemonstrators and private security providers.

9.5 In the present cases, the Committee observes that both the State party and the authors agree that the refusal to permit the holding of public events on a number of occasions was an interference with the authors’ right to assembly, but the parties disagree as to whether the restriction in question was permissible.

9.6 The Committee notes the State party’s contention that its decision not to authorize the events with the announced purpose – promotion of the rights and freedoms of sexual minorities – was necessary and proportionate and the only measure possible in a democratic society in view of the social aim of protecting minors from information detrimental to their moral and spiritual development and health (see para 7.4 above).

9.7 In its general comment No. 37, the Committee noted 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 nondiscrimination. Restrictions based on this ground may not, for instance, be imposed because of opposition to expressions of sexual orientation or gender identity.

9.8 Restrictions imposed for the protection of “the rights and freedoms of others” may relate to the protection of the Covenant or other human rights of people not participating in the assembly. In the present case, the Committee has a common approach with the European Court of Human Rights and considers that
there is no basis on which to assume that the “mere mention of homosexuality”, public expression of homosexual identity or a call for respect for the rights of homosexuals could have a negative effect on minors’ rights and freedoms.

9.9 In its general comment No. 37, the Committee also recalled that States must leave it to the participants to determine freely 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 realization of the right of peaceful assembly is the requirement that any restriction 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 that allows people to advance ideas and establish the extent of the support that they enjoy. The Committee accordingly considers that, in the present cases, the State party’s restrictions on the authors’ right to assembly were directly related to the chosen purpose and content of the assembly, namely an affirmation of homosexuality and the rights of homosexual persons.

9.10 The Committee notes the authors’ claim that, by refusing to authorize the planned events, the authorities subjected them to discrimination on the ground of sexual orientation. The Committee also notes the State party’s claim that the motive for the refusal to authorize the events was determined only by the need to protect minors’ rights (see paras 7.3 and 7.4 above). At the same time, the Committee notes the statement of the State party that the aims of the events in question are included in the list of prohibited activities listed in the Federal Laws on Protection of Children from Information Harmful to their Health and Development (art. 5 (2) (4)) and on the Basic Guarantees of the Rights of the Child in the Russian Federation (art. 14 (1)) (propaganda for non-traditional sexual relations among minors) (see para 7.3 above).

9.11 The Committee notes that, in its general comment No. 37, it recalled that States must not deal with assemblies in a discriminatory manner, for example, on the basis of sexual orientation or gender identity. Particular efforts must be made to ensure the equal and effective facilitation and protection of the right of peaceful assembly of individuals who are members of groups that are or have been subjected to discrimination. Moreover, States have a duty to protect participants from all forms of discriminatory abuse and attacks.

9.12 The Committee recalls that, in paragraph 1 of its general comment No. 18 on nondiscrimination, it observed that article 26 of the Covenant 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 jurisprudence, the Committee recalls that the prohibition against discrimination under article 26 also covers discrimination based on sexual orientation and gender identity.

9.13 The Committee notes that the decisions of domestic authorities did not include direct wording of intolerance towards persons with non-traditional sexual orientation; and that the decisions were directed at protecting minors from factors that may negatively influence their spiritual and moral development. The Committee considers, however, that the authorities disagreed with the homosexual content of the proposed events, drawing a distinction based on sexual orientation and gender identity, and that the decision thus constituted a distinction on grounds prohibited under article 26.

9.14 The Committee further recalls its jurisprudence that not every distinction 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 pursues a legitimate aim under the Covenant. While the Committee recognizes the role of the State party’s authorities in protecting the welfare of minors, it observes that the State party not only did not point to the existence of factors that might justify such an assessment but also failed to demonstrate that the restrictions imposed on the requested peaceful assemblies were based on reasonable and objective criteria.

9.15 In such circumstances, the obligation of the State party was to protect the authors in the exercise of their rights under the Covenant and not to contribute to suppressing those rights. The Committee further notes that it has previously concluded that the laws banning the “promotion of non-traditional sexual relations to minors” in the State party exacerbate negative stereotypes of individuals on the grounds of sexual orientation and gender identity and represent a disproportionate restriction of their rights under the Covenant, and has called for the repeal of such laws. Accordingly, the Committee considers that the State party has failed to establish that the restrictions imposed on the authors’ right of peaceful assembly were based on reasonable and objective criteria, in pursuit of an aim that was legitimate
under the Covenant, and that the prohibition therefore amounted to a violation of their rights under articles 21 and 26 of the Covenant.

9.16 In light of this finding, the Committee decides not to consider separately possible violation of article 19 of the Covenant.

10. The Committee, acting under article 5 (4) of the Optional Protocol, is of the view that the facts before it disclose a violation by the State party of articles 21 and 26 of the Covenant.

11. Pursuant to article 2 (3) (a) of the Covenant, the State party is under an obligation to provide the author with an effective remedy. This requires it to make full reparation to individuals whose Covenant rights have been violated. In the present case, however, the authors request the Committee only to find that their rights under the Covenant have been violated (para. 3.3). Therefore, the Committee considers that the finding of violation in the present Views constitute sufficient remedy for them. The State party is also under an obligation to take all steps necessary to prevent similar violations from occurring in the future. In that connection, the Committee notes that it has dealt with similar cases in respect of the same laws and practices of the State party in a number of earlier communications, and thus the State party should revise its normative framework on public events, consistent with its obligation under article 2 (2), with a view to ensuring that the rights under articles 21 and 26 of the Covenant may be fully enjoyed in the State party.

12. Bearing in mind that, by becoming a party to the Optional Protocol, the State party has recognized the competence of the Committee to determine whether there has been a violation of the Covenant and that, pursuant to article 2 of the Covenant, the State party has undertaken to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant and to provide an effective remedy when it has been determined that a violation has occurred, the Committee wishes to receive from the State party, within 180 days, information about the measures taken to give effect to the Committee's Views. The State party is also requested to publish the present Views and disseminate them widely in the official language of the State party.

Keywords: GI, SOGI; GM, LGBT, T; children, court, discrimination, follow-up, FOE/FOAA, GC/GR, HRD, jurisprudence, legislation, media, propaganda, protected grounds, reparation, stereotypes

*Subject matter*: Right of peaceful assembly; freedom of expression; non-discrimination

*Substantive issues*: Unjustified restrictions on the right of peaceful assembly and freedom of expression; discrimination against lesbian, gay, bisexual and transgender persons; discrimination based on gender identity

*Articles of the Convention*: 19, 21 and 26

**Facts as submitted by the author**

2.1 The author is a member of the lesbian, gay, bisexual and transgender community and a human rights activist for the community in Saint Petersburg, Russian Federation. On 31 March 2013, the International Transgender Day of Visibility, the author was planning to hold several pickets in different venues in Saint Petersburg and submitted requests to the relevant authorities seeking authorization to hold the events. However, all the requests were dismissed and the pickets were therefore not held.

2.2 In particular, on 25 March 2013, the author submitted a notification to the Committee for Justice, Legal Order and Safety of the Saint Petersburg City Administration with information on a picket planned for 31 March 2013 on Pionerskaya Square, in front of the Griboyedov monument, from 3 to 4 p.m., with up to 20 participants. The purpose of the event was to draw the attention of the general public and law enforcement officials to the discrimination faced by transgender and transsexual people and other gender minorities, and to increase the visibility of the transgender community to the authorities and to society in general. The author informed the City Administration of the purpose, date, time and place of the event and also indicated in the notification that the participants were planning to use banners, posters, leaflets and other means of visual propaganda. In his notification to the authorities, the author indicated that posters with the following slogans would be displayed during the event: “My gender - my choice”, “Transition to equality and respect” and “Anatomy doesn't mean destiny”.

2.3 On 27 March 2013, a representative of the City Administration informed him on the telephone that it was not possible to hold the picket, because there was another event planned on the same day at the same location. As an alternative, the representative suggested conducting the picket at another time or at a different location. As an alternative location, the representative mentioned Novoselki, a suburb of Saint Petersburg. The author inquired at what other time the picket could be held on Pionerskaya Square, but the representative could not provide any coherent answer. The author also inquired as to what time the other event would commence and finish, but the representative stated that he did not know.

2.4 In a written response, also dated 27 March 2013, the City Administration informed the author that it was not possible to hold the picket on Pionerskaya Square, due to a mass sports event in orienteering organized by the district authorities at the same place on 31 March 2013, and that holding a picket at the same time would violate the rights of others who were not participating in the picket. The City Administration again suggested to the author that he consider changing the date and/or time of the planned event or, alternatively, hold it on the planned date and time but in a different location, in Novoselki in the Vyborg district of Saint Petersburg. The author was requested to inform the City Administration in writing of his decision regarding the suggested change. He was also informed that he would not be authorized to hold the event unless the suggested change was agreed upon.

2.5 On 24 April 2013, the author challenged the response by the City Administration before the Smolninsky district court of Saint Petersburg, complaining that the prohibition of the picket was unjustified, as the planned sports event did not automatically render the author’s picket impossible to conduct. He also complained that the alternative location proposed by the City Administration would not serve the purpose of the planned picket and would not reflect its social and political significance, owing to its remote location and the limited passage of people through it. Although the location was formally within
the Saint Petersburg city boundaries, it was far from the city centre and it would take about two hours to get there by public transport. In contrast, Pionerskaya Square was located in the city centre and would be easily accessible for both participants and representatives of the media.

2.6 At the hearing before the district court on 30 April 2013, the author additionally submitted that Pionerskaya Square had been empty on 31 March 2013 and it seemed that no other event had been held there. He requested the court to summon as a witness a person who had been present on Pionerskaya Square on 31 March 2013, had observed it and had taken pictures. He also requested the court to admit in evidence the pictures demonstrating that the square was empty. However, both requests were dismissed.

2.7 On 30 April 2013, the district court rejected the author’s complaint, having found that the contested response by the City Administration was taken in accordance with the relevant provisions of domestic legislation and did not violate the author’s right to freedom of expression and of assembly. It found, in particular, that it was obvious that the public authorities could not approve the holding of several events at the same time and place, as this would obviously violate the rights of participants in each of the events. The author was not deprived of the possibility to hold the event at the alternative venue suggested by the City Administration, or to come up with his own suggestion as to another place or time for holding the event.

2.8 The author appealed the decision of the district court to the Saint Petersburg city court. On 17 July 2013, the city court dismissed the appeal and, without providing its assessment of the grounds put forward by the City Administration in the contested response, found that the refusal to approve holding the picket at the venue and date chosen by the author was justified. The city court noted in this respect that the Griboyedov monument on Pionerskaya Square, where the event was planned, was located in the immediate proximity of a children’s theatre, which meant that children of different ages passed through the square going to or coming from the theatre. With reference to the relevant provisions of domestic legislation, including federal laws No. 124-FZ on the basic guarantees of the rights of the child and No. 436-FZ on the protection of children from information harmful to their health and development, the city court found, in particular, that “the attempt of the participants in the picket planned for 31 March 2013 to distribute leaflets and other means of visual propaganda calling for tolerance towards transgender, transsexual and other gender minorities near the [children’s theatre], while the slogans contained in the notification were not exhaustive, should be considered impossible due to its potential threat to the moral and spiritual development of children”. It further found that “the non-approval by the [City Administration] of holding the picket by the [author] at Pionerskaya Square did not violate the [author’s] rights, as it in fact prevented the dissemination, in the immediate vicinity of a cultural institution … offering theatre performances for children, of information capable of forming distorted ideas about the social equality of traditional and non-traditional marital relationships among persons who are unable, due to their age, to critically assess such information independently”.

2.9 The author lodged a cassation appeal before the Presidium of the Saint Petersburg city court. The appeal was rejected as unfounded on 18 October 2013.

Complaint

3.1 The author claims a violation of his rights under articles 19 and 21, as the refusal to permit the holding of the picket on 31 March 2013 constituted an interference with his rights, which was not provided for by the law, did not serve a legitimate aim and was not necessary in a democratic society.

3.2 The author further claims that the refusal to permit the holding of the picket on 31 March 2013 amounts to a violation of his rights under article 26 of the Covenant, as the refusal constituted a difference in treatment based on gender identity and, therefore, in the absence of a reasonable and objective justification of such difference in treatment, was discriminatory within the meaning of article 26 of the Covenant. The author notes, in particular, that the refusal to hold the picket in his case was related to the content and purpose of the public event and was a de facto prohibition of the dissemination of any information about transsexual and transgender persons and other gender minorities among minors. He also notes the general situation concerning public events held by the lesbian, gay, bisexual and transgender community in the State party and submits that between 2008 and 2013, the majority of notices on public events organized in support of that community that were submitted to various competent authorities were rejected.

State party’s observations on admissibility and the merits

(...)

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4.3 With regard to the merits of the case, the State party points out the contradictions between the arguments put forward by the author in his communication to the Committee and the circumstances of the case as established by the domestic courts, noting that in the proceedings before the domestic courts the author did not refer to the fact that he was a member of the lesbian, gay, bisexual and transgender community and that he had planned to hold numerous public events on 31 March 2013, but the authorities refused him permission to hold any of the events. The State party also notes that the information concerning the place of the planned picket is inaccurately indicated in the communication as “Pionerskaya Square, in front of the Griboyedov monument”, whereas in the notification of 25 March 2013, the place was indicated as “Pionerskaya Square (next to the Griboyedov monument)”. The latter wording, in the opinion of the State party, demonstrates that the author intended to hold the picket in the entire area of the square and not only in front of the monument, which justifies the application by the domestic courts of the relevant legislation relating to guarantees of the rights of minors.

4.4 The State party further submits that the information provided by the author on the content of his telephone conversation of 27 March 2013 with the representative of the City Administration has not been corroborated by any evidence. It also notes that the contested written response by the City Administration, also dated 27 March 2013, did not contain a refusal to hold the planned picket. In their response, the authorities rather offered the author the possibility of holding the event at a different time or in a different location owing to the necessity to respect the rights and interests of other persons who planned to hold a sports event on Pionerskaya Square on the date chosen by the author. The alternative location proposed to the author was within the city boundaries and was accessible by public transport to any person interested in the author’s event. In addition, the proposed alternative location was closer to the author’s place of residence than Pionerskaya Square.

4.5 Providing its assessment to the author’s argument that the restriction on his rights was unlawful, unjustified and did not pursue a legitimate aim, the State party notes that the necessity of the restriction was confirmed in the framework of the proceedings before the domestic courts, as the purpose of the event formulated in the notification of 25 March 2013, the planned participation of up to 20 persons in the picket, the intention to use not only banners and posters but also to distribute leaflets, the content of which was not indicated in the notification, as well as the intention to ensure media coverage of the event, demonstrate that the planned event was not neutral and was in breach of Russian law.

4.6 Assessing the decision of 17 July 2013 adopted by the Saint Petersburg city court on appeal, the State party notes that the findings made by the city court were in conformity with the provisions of the Convention on the Rights of the Child and domestic legislation, including law No. 124-FZ on the basic guarantees of the rights of the child and law No. 436-FZ on the protection of children from information harmful to their health and development. The city court took into account the particular circumstances of the case, including the fact that the venue of the event planned by the author was in close proximity to a cultural institution for children; the date of the event coincided with the period of spring school holidays; and the content of the slogans proposed for distribution on posters, leaflets and other visual materials was not exhaustive. It found that it was prohibited to distribute near cultural institutions “information exploiting the interest of children under the age of 16 in sex, which may have a real negative impact on their moral and spiritual development”.

4.7 The State party further submits that, in considering the case, the domestic courts took into account the possibility under certain circumstances of imposing restrictions on the rights at issue. The courts, based on the moral standards and rules of public order generally accepted in the State party, assessed the nature of the public event planned by the author. They found that the restriction on the author’s right was prescribed by law and permissible. Furthermore, the State party notes that, as can be seen from the content of the contested response by the City Administration, the author was not refused permission to hold the public event in the chosen location but was rather invited to determine a different time for the event or to hold it at the desired time and date but in a different location. The State party submits that the author voluntarily waived his rights by not following the proposal of the authorities for an alternative venue or by not changing the time of his event. It further submits that the author sets out the circumstances of the case in such a way that he holds the authorities responsible for his own refusal to decide on an alternative place or time for holding the picket and presents the facts as if the authorities not only refused permission to hold the picket, but also threatened him with detention. It was open for the author not to follow the proposal made by the City Administration, but to decide on his own about changing the time of the event if the specific date of the picket was important to him.

4.8 The State party concludes that there has been no violation of the author’s rights under articles 9, 21 and 26 of the Covenant.
Author’s comments on the State party’s observations

(…)

5.2 The author further addresses each of the arguments raised by the State party in its observations concerning the merits of the case. He submits, in particular, that the information about similar public events planned for 31 March 2013 was irrelevant in the framework of the domestic proceedings in which he contested the 27 March 2013 decision by the City Administration in relation to his notification of 25 March 2013 to conduct the picket. The information on the outcome of other planned pickets was provided to the Committee in order to demonstrate the background and general pattern of discrimination against gender minorities and the lesbian, gay, bisexual and transgender community in general. As for the State party’s observations relating to the place of the planned picket, the author notes that in his notification of 25 March 2013, he explicitly indicated the place as Pionerskaya Square, in front of the Gribojedov monument, which implied the area in the immediate vicinity of the monument and could not be understood as covering the entire square. The domestic courts correctly interpreted the information in his notification concerning the place of the planned picket and did not make any findings in the sense that he would actually be planning to spread the picket across the whole of Pionerskaya Square.

5.3 Commenting on the grounds for the refusal of the domestic authorities to authorize the holding of the picket on Pionerskaya Square because another public event was already planned at the same place and that holding two public events at the same time and place would be impossible, the author notes that domestic legislation does not prohibit the holding of two different events at the same venue. With reference to the case law of the Constitutional Court of the Russian Federation, the author notes that the public authorities could propose only such alternative options for changing the time and/or venue of the event that would allow for the purposes of the event to be realized. He further emphasizes that the conclusion of the domestic authorities as to the impossibility of conducting two different events at the same time was reached without their having examined the specific circumstances of the planned sports event and that of the author. The authorities did not take into account that the picket would involve no more than 20 participants, who were going to hold a stationary meeting for only one hour at a very specific point of Pionerskaya Square - in front of the Gribojedov monument. The author also notes that the City Administration failed to propose that he conduct the picket on the same day, but at a different time, before or after the sports event, and that the domestic courts did not duly assess this failure. Moreover, in the contested response of the City Administration, there was no indication of the exact time of the sports event, which excluded any possibility of a discussion about conducting the picket before or after that event on the same day. The author also submits that the State party did not advance any relevant arguments capable of demonstrating that the purpose of the event could be achieved in the proposed alternative venue, which is a remote area, with limited passage of people. He notes that the refusal to approve the picket in his case constituted an unjustified interference with his right to freedom of peaceful assembly, which could not be cured by a proposal to hold the picket in a deserted location on the outskirts of Saint Petersburg.

5.4 Commenting on the State party’s argument that the author voluntarily agreed not to conduct the picket in the circumstances of the case, the author submits that, in its response of 27 March 2013, the City Administration not only refused to approve the picket in the planned location, but also warned him about his liability if he conducted the picket without approval. Fearing possible detention and the liability that could be imposed on him for violating the rules for conducting public events, he was forced to abandon the idea of holding the picket. With reference to the findings of the European Court of Human Rights in the case of Berladir and others v. Russia, the author notes that, under Russian law, a public event could not be conducted lawfully if the organizer of the event had dismissed a proposal by the public authorities for another venue and/or timing of the event. If the organizer conducts an event at a non-approved location, such an event could be dispersed and its organizers and participants could be arrested and convicted for administrative offences. The author notes in this respect that conducting the picket on Pionerskaya Square after the authorities had refused to approve it would put the author and other participants at risk of prosecution for an administrative offence, while holding the picket at the location proposed by the authorities would deprive the picket of any sense.

5.5 Concerning the reasoning advanced by the Saint Petersburg city court in its decision of 17 July 2013 on appeal, the author submits that it reveals the discriminatory aim of the refusal to hold the picket, namely preventing gender minorities from becoming visible to the public and from attracting public attention to their concerns. The author submits that by implicitly invoking the prohibition of “propaganda of homosexuality/transgendereness” among minors in its reasoning, the city court reveals a predisposition in its findings that the messages planned to be conveyed during the picket were not sexually explicit, aggressive or advocating for any particular sexual activities or
behaviour. He further notes that domestic legislation already provides for criminal liability in respect of lecherous acts against minors and the dissemination of pornography to minors. The State party did not advance any reasons as to why those provisions were insufficient and why they considered that minors were more vulnerable to abuse in the context of transgender and transsexual issues than in the context of sexuality and gender in general.

5.6 The author finally submits that the refusal to approve the picket in his case was based on negative stereotypes and prejudices about transsexual and transgender persons and other gender minorities, and therefore was discriminatory and not necessary in a democratic society.

Issues and proceedings before the Committee

(…)

Consideration of the merits

(…)

7.2 The Committee has taken note of the author's claims of a violation of his rights under article 21 of the Covenant. It recalls its general comment No. 37 (2020), in which it noted 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.

7.3 The Committee further recalls in general comment No. 37 (2020) that no restriction on the right of peaceful assembly is permissible unless it is (a) imposed in conformity with the law and (b) necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. The onus is on States parties to justify restrictions on the right protected by article 21 of the Covenant and to demonstrate that they do not serve as a disproportionate obstacle to the exercise of that right. The authorities must be able to show that any restrictions meet the requirement of legality and are both necessary for and proportionate to at least one of the permissible grounds for restrictions enumerated in article 21. Restrictions must not be discriminatory, impair the essence of the right, be aimed at discouraging participation in assemblies or cause a chilling effect. Where this onus is not met, article 21 is violated.

7.4 The Committee notes, moreover, that States parties have certain positive duties to facilitate peaceful assemblies and to make it possible for participants to achieve their objectives. States must promote an enabling environment for the exercise of the right of peaceful assembly without discrimination and put in place a legal and institutional framework within which that right can be exercised effectively.

7.5 In the present case, the Committee observes that both the State party and the author agree that the refusal to authorize the holding of the picket on Pionerskaya Square in Saint Petersburg was an interference with the author's right to freedom of peaceful assembly, but the parties disagree as to whether the restriction in question was permissible.

7.6 The Committee notes the State party's contention that its decision not to authorize the picket with the announced purpose of drawing the attention of the general public and law enforcement officials to the discrimination faced by transgender and transsexual persons and other gender minorities, as well as increasing the visibility of the transgender community to the authorities and society was lawful, necessary and proportionate, in view of the aim of protecting the rights of others, namely minors from information detrimental to their moral and spiritual development, and participants of another public event organized at the same venue and date (paras. 4.4–4.6 above).

7.7 In its general comment No. 37 (2020), the Committee noted 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. Restrictions based on this ground may not, for instance, be imposed because of opposition to expressions of sexual orientation or gender identity.

7.8 The Committee also noted in general comment No. 37 (2020) that peaceful assemblies may in principle be conducted in all spaces to which the public has access or should have access, such as public
squares and streets. Peaceful assemblies should not be relegated to remote areas where they cannot effectively capture the attention of those who are being addressed or of the general public. While the time, place and manner of assemblies may under some circumstances be the subject of legitimate restrictions under article 21, given the typically expressive nature of assemblies, participants must as far as possible be enabled to conduct assemblies within sight and sound of their target audience. Any restriction on participation in peaceful assemblies should be based on a differentiated or individualized assessment of the conduct of the participants and the assembly concerned.

7.9 Restrictions imposed for the protection of “the rights and freedoms of others” may relate to the protection of the Covenant or of other human rights of people not participating in the assembly. In the present case, the Committee considers that, similarly to its approach in cases concerning public expression of homosexual identity, a public call for respect for the rights of transgender, transsexual persons and other gender minorities, drawing attention to the discrimination faced by such persons in society, could not have a negative effect on minors’ rights and freedoms. In its general comment No. 37 (2020), the Committee also recalled that States must leave it to the participants to determine freely 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 realization of the right to freedom of peaceful assembly is the requirement that any restriction 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, which allows people to advance ideas and establish the extent of the support that they enjoy. The Committee accordingly considers that in the present case, the State party’s restrictions on the author’s right to freedom of assembly were directly related to the chosen purpose and content of the assembly, namely the rights of transgender and transsexual persons and other gender minorities, and do not appear to meet the standards of necessity and proportionality under article 21 of the Covenant.

7.10 As to the aim of protecting the rights of persons participating in another public event planned for the same venue, the Committee notes in this respect that neither the City Administration nor the domestic courts have provided any justification based on an individualized assessment of the two planned public events as to how, in practice, the author’s public events would have violated the rights and freedoms of others, as set out in article 21 of the Covenant. The State party has also failed to show that sufficient alternative measures were taken to facilitate the exercise of the author’s rights under article 21. The Committee observes in this respect that limiting pickets to certain isolated locations does not appear to meet the standards of necessity and proportionality under article 21 of the Covenant.

7.11 The Committee therefore concludes that the State party has not shown that the restriction imposed on the author’s rights was necessary in a democratic society in the interests of the protection of public health or morals or the protection of the rights and freedom of others. Accordingly, the Committee considers that the facts as submitted reveal a violation of the author’s right under article 21 of the Covenant.

7.12 In the light of the finding above, the Committee decides not to consider separately a possible violation of article 19 of the Covenant.

7.13 The Committee further notes the author’s claim that by refusing to authorize the planned event, the authorities subjected him to discrimination on the grounds of gender identity in violation of article 26 of the Covenant. The Committee also notes the State party’s claim that one of the motives for the refusal to authorize the event was determined by the need to protect the rights of minors (paras 4.5–4.6 above).

7.14 The Committee notes that, in its general comment No. 37 (2020), it recalled that States must not deal with assemblies in a discriminatory manner, for example on the basis of sexual orientation or gender identity. Particular efforts must be made to ensure the equal and effective facilitation and protection of the right of peaceful assembly of individuals who are members of groups that are or have been subjected to discrimination. Moreover, States have a duty to protect participants from all forms of discriminatory abuse and attacks.

7.15 The Committee recalls that in paragraph 1 of its general comment No. 18 (1989), it observed that article 26 of the Covenant 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 jurisprudence, the Committee recalls that the prohibition against discrimination under article 26 also extends to discrimination based on sexual orientation and gender identity.
7.16 The Committee considers that the authorities were opposed to the content of the proposed event (paras. 2.8 and 4.5–4.6 above) and expressly drew a distinction based on sexual orientation and gender identity, which constituted a differentiation based on grounds prohibited under article 26 of the Covenant.

7.17 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 pursues a legitimate aim under the Covenant. While the Committee recognizes the role of the State party’s authorities in protecting the welfare of minors, it observes that the State party has failed to demonstrate that the restriction imposed on the proposed peaceful assembly was based on reasonable and objective criteria. Moreover, no evidence that would point to the existence of factors that might justify that restriction has been advanced by the State party.

7.18 In such circumstances, the obligation of the State party was to protect the author in the exercise of his rights under the Covenant and not to contribute to a suppression of those rights. The Committee further notes that it has previously concluded that the laws banning the promotion among minors of non-traditional sexual relations in the State party have exacerbated negative stereotypes of individuals on the grounds of sexual orientation and gender identity and represent a disproportionate restriction of their rights under the Covenant, and it has called for the repeal of such laws. Accordingly, the Committee considers that the State party has failed to establish that the restriction imposed on the author’s right to freedom of peaceful assembly was based on reasonable and objective criteria and in pursuit of a legitimate aim under the Covenant. The prohibition therefore amounted to a violation of the author’s rights under article 26 of the Covenant.

8. The Committee, acting under article 5 (4) of the Optional Protocol, is of the view that the facts before it disclose a violation by the State party of articles 21 and 26 of the Covenant.

9. Pursuant to article 2 (3) (a) of the Covenant, the State party is under an obligation to provide the author with an effective remedy. This requires it to make full reparation to individuals whose Covenant rights have been violated, 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 that regard, the Committee reiterates that, pursuant to its obligations under article 2 (2) of the Covenant, the State party should review its legislation with a view to ensuring that the rights under article 21 of the Covenant, including organizing and conducting peaceful assemblies, and article 26 may be fully enjoyed in the State party.

10. Bearing in mind that, by becoming a party to the Optional Protocol, the State party has recognized the competence of the Committee to determine whether there has been a violation of the Covenant and that, pursuant to article 2 of the Covenant, the State party has undertaken to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant and to provide an effective remedy when it has been determined that a violation has occurred, the Committee wishes to receive from the State party, within 180 days, information about the measures taken to give effect to the Committee’s Views. The State party is also requested to publish the present Views and disseminate them widely in the official language of the State party.

Keywords: SO; L, LB, LBTI, LGBTI, SM; access to justice, arrest, awareness-raising campaign, court, criminalisation (decriminalisation), data collection, discrimination, employment, family, follow-up, forced marriage, FOE/FOAA, GBV, GC/GR, harassment, hate crimes, HRD, intersectionality, investigation, jurisprudence, legislation, media, police misconduct, privacy, propaganda, prosecution, protected grounds, remedy, reparation, same-sex couples, stereotypes, stigmatisation, support services, violence, women

Subject matter: Equality, non-discrimination, modification of social and cultural patterns, non-discrimination in matters regarding marriage and family, especially in relation to property

Substantive issues: Criminalization of female same-sex sexual activity in Sri Lanka

Articles of the Convention: 2(a) and (c)-(g), 5(a) and 16

1. The author of the communication is Rosanna Flamer-Caldera, a national of Sri Lanka born in 1956. She claims that the State party has violated her rights under articles 2(a) and (c)-(g), 5(a) and 16 of the Convention. In addition, the Committee notes that the third-party intervener raises claims under articles 7(c) and 15 of the Convention. (…)

Facts as submitted by the author

2.1 The author is a lesbian. She dresses in what is considered “masculine” attire and wears her hair short. She is open about her sexuality and is a prominent activist for lesbian, gay, bisexual, transgender and intersex rights in Sri Lanka. She founded and is the Executive Director of Equal Ground, the only organization in Sri Lanka that represents the entire lesbian, gay, bisexual, transgender and intersex community on issues of non-discrimination.

2.2 The author has suffered discrimination and abuse due to being a lesbian. As a teenager, she suffered from stigma associated with her sexual orientation and attempted to commit suicide when she was 17 years old. Not long after, she left Sri Lanka for the United States of America, where she could be open about her sexuality. She returned to Sri Lanka permanently in 1990. However, she found it difficult to find a job and to run her business being and dressing as who she is.

2.3 In 1997, the author discovered that same-sex sexual activity between consenting adults was a criminal offence under section 365A of the Penal Code of 1883. Previously encompassing only men, it was amended by the Penal Code (Amendment) Act No. 22 of 1995 to include sexual conduct between women, replacing the previous wording “male person” with “person”.

2.4 In 1999, the author co-founded a support group for lesbian and bisexual women, the Women’s Support Group. She has since been threatened frequently and has faced abuse from the media and the public. When the members of the Women’s Support Group spoke about organizing a lesbian conference in 1999, a letter was published in the press calling on the police to release convicted rapists so that lesbians might get a taste of the real thing. A complaint about this to the Press Council by a non-governmental organization proved fruitless. During this time, the Press Council published a ruling denouncing lesbianism.

2.5 In 2004, the author founded a new organization called Equal Ground. She has faced continual challenges running the organization. In December 2012 and February 2013, the Women and Children’s Bureau of the police made presentations asserting that child abuse was increasing mostly due to the “growing homosexual culture”. The author’s picture was shown together with her name and position with Equal Ground, claiming that she and her organization were responsible for spreading homosexuality, implying that they were also responsible for spreading paedophilia. She did not submit
a complaint to the police out of fear of being arrested. The Criminal Investigation Department has placed her and Equal Ground under surveillance, which forced her to move the organization’s materials to a secure location, as the Department had deemed any homosexual material to be pornography, which could provoke arrest.

2.6 In July 2013, a partner organization of Equal Ground was raided by the Criminal Investigation Department on the basis of the allegation that it was “spreading homosexuality”. The author has been subjected to discrimination, harassment, stigmatization, threats, high-profile attacks on her character and threats of violence by State officials and members of the public, including on social media. She has been targeted due to her openness about her sexual orientation, her “masculine” attire, her failure to conform to gender stereotypes and her advocacy for lesbian, gay, bisexual, transgender and intersex persons in Sri Lanka. In April and May 2018, she was verbally abused and was threatened with violence in a driving altercation and by a bread delivery man.

2.7 According to the author, the criminalization of same-sex sexual activity has meant that the discrimination, violence and harassment faced by the lesbian, gay, bisexual, transgender and intersex community in Sri Lanka continue with impunity. Members of the community are not protected against police harassment. The law has altered how she lives and conducts herself in public and private. She has a constant fear of arrest and keeps her door locked and curtains drawn when she is at home with her girlfriend.

2.8 The author submits that she has no means to challenge section 365A of the Penal Code of 1883, as the Sri Lankan Constitution explicitly prohibits any constitutional challenge to the validity of enacted legislation, as confirmed by the State party. In 2016, the Supreme Court of Sri Lanka confirmed the validity of sections 365 and 365A of the Penal Code in SC Appeal No. 32/11 and upheld the conviction of two men.

Complaint

3.1 The author argues that the criminalization of female same-sex sexual activity and the concomitant potential for arrest and prosecution amount to discrimination on the grounds of gender and sexual orientation, in violation of her right to non-discrimination under article 2 (a) and (d)–(g) of the Convention.7 While section 365A of the Penal Code of 1883 applies equally to men and women, it is by virtue of the intersecting forms of discrimination they face as women and as sexual minorities that lesbian and bisexual women suffer a compounded impact from the provision.

3.2 According to the author, the criminalization of same-sex sexual activity violates the jus cogens principle of equality and non-discrimination under article 2 (d) of the Convention. Lesbian and bisexual women suffer significant societal discrimination and stigmatization. The criminalization has created significant barriers to accessing justice as well as a culture where discrimination, harassment and violence against lesbians has been allowed to flourish. As such, the author has been subjected to threats and harassment based on her sexuality and her non-conformity with stereotypical roles and appearances for women, causing her to fear for her own safety and that of her family. As a human rights defender, she has been particularly vulnerable to discrimination, as demonstrated by the vilification, monitoring, surveillance and harassment to which she has been exposed. The failure to address this discrimination amounts to a violation of article 2 (f) and (g) of the Convention.

3.3 Under article 2 (c)–(g) of the Convention and general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the author affirms that the criminalization of same-sex sexual activity between women exacerbates gender-based violence against women, including at the hands of their community and family. It creates a context in which lesbians and bisexual women are forced into heterosexual marriages, in the absence of a criminal prohibition of marital rape, and suffer violations of their right to sexual and bodily autonomy. Violations of the rights of lesbian, gay, bisexual, transgender and intersex persons are underreported and are not properly investigated or prosecuted. The criminalization has left the author vulnerable to vilification by the authorities and threats of violence by private actors, in breach of the State party’s obligation to respect and protect her right to be free from violence. She has been targeted as the most prominent defender of the human rights of lesbian, gay, bisexual, transgender and intersex persons in Sri Lanka, in addition to the precautions she has to take as a woman. Thus, she has put in place security protocols for her protection and that of her family, organizes events in safe spaces and ensures that the location of her work is not made public. Given her activism and known sexual orientation, she fears falling victim to the continuing practice of “white van disappearances”.

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3.4 Invoking article 5 (a) of the Convention, paragraph 10 of general recommendation No. 25 (2004) on temporary special measures, paragraph 18 of general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention, and paragraph 8 of general recommendation No. 33 (2015) on women's access to justice, the author argues that the criminalization of same-sex sexual activity between women and discrimination against lesbians and bisexual women form part of entrenched patriarchal attitudes that fix gender roles and reduce women to a particular reproductive function. The law violates article 5 (a) of the Convention by criminalizing a sexual activity that does not conform to gender stereotypes and by legitimizing societal prejudice and gender stereotypes and roles. In addition to having faced stereotypes as a woman, including against her having a livelihood, the author has been subjected to harmful stereotyping on account of her sexual orientation, including the accusation that she is spreading paedophilia, as well as vilification, harassment and threats based on such stereotypes.

3.5 The author argues that the criminalization of same-sex sexual conduct between women violates the rights to autonomy and choice underpinning article 16 of the Convention. She affirms that sexual orientation is linked to the right to individual self-determination and sexual autonomy, in accordance with her own choice and convictions. The criminalization brings consensual private activity into the public domain and thus violates the rights to privacy, dignity and personal integrity, as it allows police officers to enter a household on the mere suspicion that two consenting women are in an intimate relationship, and to investigate such aspects of private life and to detain the author. This has made it difficult for her to find a Sri Lankan partner due to fears of persecution, and when she is with someone, she has to make sure the door is locked and windows and curtains are closed.

State party’s observations on the merits

6.1 By note verbale of 3 January 2020, the State party submits its observations on the merits. The State party argues that article 12 of the Constitution is in accordance with article 2 (a) of the Convention as it provides for equality before the law, equal protection of the law and non-discrimination. The State party understands these rights as including non-discrimination on the ground of sexual orientation. There are no laws in Sri Lanka permitting discrimination on the ground of sexual orientation or precluding persons from engaging in their day-to-day activities solely on this basis. Any such laws would be unconstitutional, giving the victim a right to pursue remedies. In addition, numerous policies have been implemented to contribute to the realization of the rights set out in the Convention. Moreover, the Supreme Court’s reasoning in SC Appeal No. 32/11 shows that the attitudes of the courts in this context are evolving.

6.2 The State party notes that article 120 of the Constitution enables the Supreme Court to review the consistency of a bill with the Constitution, which is a procedure that may be invoked by citizens. Whereas the Constitution provides only for pre-enactment judicial review of legislation, the author had the possibility of challenging the Penal Code (Amendment) Act No. 22 of 1995. However, she failed to do so and thus acquiesced in the constitutionality of the law. The State party further notes the existence at every police station in the country of a designated division for the specific needs of women. However, the author has not filed any complaint in Sri Lanka.

6.3 The State party argues that the author wrongly claims to live under a constant threat of arrest. First, certain conditions must be met before an arrest can be made, including the arrestee’s involvement in the commission of a crime, the receipt of a reasonable complaint or credible information, or the existence of a reasonable suspicion of the commission of a crime. Second, the organization of Sri Lankan society militates against the operational relevance of section 365A of the Penal Code, as the aforementioned criteria require a reasonable suspicion of the commission of a grossly indecent act. According to the State party, the author’s other claims lack substantiation and are based on hypothetical scenarios or conjecture.

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

7.1 In her comments of 23 March 2020, the author notes that the State party accepts that legislation in force cannot be challenged. Thus, she has no effective legal remedy to challenge section 365A of the Penal Code. Pre-enactment review by the Supreme Court can be triggered only if a request therefor is filed within one week of the bill being placed on the Order Paper of Parliament (art. 121 (1) of the Constitution). However, the author only became aware of the law two years after it was adopted. As a consistent advocate for the rights of lesbian, gay, bisexual, transgender and intersex persons, she is deeply hurt by the State party’s argument that she acquiesced in the constitutionality of the law.
7.2 The author argues that the State party’s observations on the threshold of arrest and the Supreme Court’s decision in SC Appeal No. 32/11 only confirm that consensual sex between adults remains policed and criminalized. She argues that complaints about matters other than the criminalization of same-sex sexual activity between women are not relevant to the communication.

7.3 On 13 October 2020, the author requested permission to submit a third-party intervention. On 9 November 2020, following the Committee’s approval of the request, the author submitted a third-party intervention. The intervener affirms, inter alia, that the State party violated the author’s rights under article 7 (b) and (c) of the Convention given the inflammatory rhetoric of government leaders, the intimidating surveillance of Equal Ground, the barriers to registering it as a non-governmental organization and the need to find safe spaces to hold events. The State party also breached article 15 (1) of the Convention, as the criminalization of same-sex sexual activity by women denies lesbians, including the author, equal recognition before the law and obstructs them from reporting crimes committed against them.

7.4 Invoking article 16 of the Convention, the intervener notes that the author constantly needs to hide her relationships. In 2005, she and her partner experienced discrimination because of their family status, as a health-care professional refused to provide treatment to her partner with her present. The State party has violated her right to privacy, as the police force is allowed to investigate intimate aspects of her private life. There have also been forced marriages of lesbians, in breach of the right to choose not to marry. Moreover, negative stereotypes of unmarried women have not been countered.

Issues and proceedings before the Committee

Consideration of the merits

(...) 

9.2 The Committee notes the author’s claim that section 365A of the Penal Code of 1883 as amended violates her right to non-discrimination under article 2 (a) and (d)–(g) of the Convention, as the criminalization of same-sex sexual activity by women compounds discrimination against women in Sri Lanka. The Committee recalls that certain groups of women, including lesbian women, are particularly vulnerable to discrimination through civil and penal laws, regulations, and customary law and practices. The Committee notes the author’s claims that, as a well-known activist for the rights of lesbian, gay, bisexual, transgender and intersex persons and being known for being lesbian, she is under constant risk of arrest, detention and investigation of her private life and has had to modify her behaviour accordingly, as the law continues to be enforced. It further notes the author’s argument that this norm has the effect of sanctioning the threats and abuse to which she and her organization have been subjected by State and non-State actors and of obstructing access to procedures for the author to complain hereof. Under the circumstances, the Committee finds that the State party has subjected the author to direct and indirect discrimination emanating from the Penal Code of 1883 as amended. The Committee is concerned that the Code has not been repealed despite previous expressions of concern about its discriminatory effect on women. In the light of the foregoing, the Committee considers that the State party has breached the author’s rights under article 2 (a) and (d)–(g) of the Convention.

9.3 The Committee notes the author’s claim that the criminalization of same-sex sexual activity between women exacerbates gender-based violence against women, including vilification and harassment of and threats against the author. The Committee recalls that gender-based violence against women takes multiple forms, including acts or omissions intended or likely to cause or result in death or physical, sexual, psychological or economic harm or suffering to women, threats of such acts, harassment, coercion and arbitrary deprivation of liberty. The Committee further recalls its recommendation to States parties to repeal provisions that allow, tolerate or condone forms of gender-based violence against women. In the present case, the Committee notes that the author claims to have been targeted by State and non-State actors due to her activism and because of being known as being lesbian, including through frequent threats, abuse, attacks and harassment. She also claims that she has had to put in place security protocols for her protection and that of her family, that she organizes events in safe spaces and that she has to ensure that the location of her work is not made public. The Committee further notes that the State party has neither effectively refuted these allegations nor indicated any legal or other measures taken to respect and protect the author’s right to a life free from gender-based violence. Accordingly, the Committee finds that the State party has breached the author’s rights under article 2 (c)–(f) of the Convention, read in conjunction with general recommendation No. 19 (1992) on violence against women and general recommendation No. 35.
9.4 The Committee notes the author’s claim according to which the State party has failed to eliminate the prejudice and stereotypes to which she has been exposed. The author claims that, in addition to the stereotypes she has had to face as a woman, the authorities have subjected her to harmful stereotyping and accusations on account of her being lesbian, including the accusation that she spreads paedophilia. She also claims that the criminalization of same-sex sexual activity by women legitimizes societal prejudice and gender stereotypes, including through the threats and harassment she receives. The Committee notes that decriminalization of consensual same-sex relations is essential to prevent and protect against violence, discrimination and harmful gender stereotypes. However, the State party has neither effectively refuted the author’s allegations nor indicated any measures taken to eliminate the prejudices to which she has been exposed as a woman, lesbian and activist. Therefore, the Committee finds that the State party has breached its obligations under article 5 (a), read in conjunction with article 1, of the Convention.

9.5 The Committee notes the author’s claim that she has frequently been threatened and faced abuse from the police, the media and the public in connection with her leadership of the Women’s Support Group and Equal Ground, and that she has been unable to report this abuse out of fear of being arrested. The Committee also notes the author’s claim that the Criminal Investigation Department has placed her and Equal Ground under surveillance and has deemed any homosexual material to constitute pornography. This has forced her to move the organization’s materials to a secure location and subjected her to the constant threat of being arrested due to her leadership of Equal Ground. The Committee recalls that States parties should encourage the work of human rights and women’s non-governmental organizations. The Committee also recalls that women’s ability to participate as active members of civil society is among the prerequisites for creating a society with lasting democracy, peace and gender equality. In the present case, the Committee considers that the State party’s authorities have failed to protect the author against, and have partaken in, harassment, abuse and threats against the author’s work promoting the rights of the lesbian, gay, bisexual, transgender and intersex community in Sri Lanka. The Committee finds that these facts amount to a violation of the author’s rights under article 7 (c) of the Convention.

9.6 The Committee notes the author’s claim that she has been unable to approach the police and file complaints concerning the threats and harassment to which she has been subjected, given that the criminalization of same-sex sexual activity renders her vulnerable to arrest and prosecution. The Committee recalls that States parties are obliged, under articles 2 and 15 of the Convention, to ensure that women have access to the protection and remedies offered through criminal law, and that they are not exposed to discrimination within the context of those mechanisms, either as victims or as perpetrators of criminal acts. The Committee also recalls in that regard that women are disproportionally criminalized owing to their situation or status, including as lesbian women. The Committee considers that the criminalization under article 365A of the Penal Code of 1883, as amended, of same-sex sexual activity has resulted in much more significant difficulties for the author for being a lesbian woman. In particular, the Committee considers that the criminalization is incompatible with the author’s right to file complaints concerning the abuse and threats to which she has been subjected. The Committee therefore finds that the author’s rights under article 15 (1) of the Convention have been breached.

9.7 The Committee notes the author’s argument that the State party, by criminalizing same-sex sexual conduct between women, has breached her rights to autonomy and choice underpinning article 16 of the Convention, given that her fear of persecution has rendered it difficult for her to find a Sri Lankan partner, that she is subjected to the risk of her home being entered by the police and of being prosecuted on the suspicion of engaging in same-sex sexual activity, and that she has had to keep her door locked and her windows and curtains closed when she is with her partner. The Committee recalls that, whatever the form of a family, the treatment of women in the family both at law and in private must accord with the principles of equality and justice for all people. The Committee considers that the rights enshrined in the Convention belong to all women, including lesbian, bisexual, transgender and intersex women, and that article 16 of the Convention applies also to non-heterosexual relations. The Committee notes that the criminalization of same-sex sexual activity between women in Sri Lanka has meant that the author has had difficulties finding a partner, has to hide her relations and runs the risk of being investigated and prosecuted in that context. The Committee therefore finds that the State party has breached the author’s rights under article 16 of the Convention. (…) 

10. In accordance with article 7 (3) of the Optional Protocol, the Committee is of the view that the facts before it reveal a violation of the author’s rights under articles 2 (a) and (c)–(g) and 5 (a), 7 (c), 15 and
11. The Committee makes the following recommendations to the State party:

(a) Concerning the author of the communication:

(i) Take immediate and effective action against the threats, harassment and abuse to which the author has been subjected, including through the adoption of preventative and protective measures and, where appropriate, initiate criminal procedures to hold those responsible to account;

(ii) Take all appropriate measures to ensure that the author and her organization can carry out their activism safely and freely;

(iii) Provide the author with appropriate reparation, including adequate compensation, commensurate with the gravity and the ongoing consequences of the violations of her rights;

(b) Generally:

(i) With respect to section 365A of the Penal Code of 1883, decriminalize consensual same-sex sexual conduct between women having passed the age of consent;

(ii) Provide effective protection against gender-based violence against women, including by adopting comprehensive legislation prohibiting discrimination against lesbian, bisexual, transgender and intersex women;

(iii) Provide adequate protection, support systems and remedies, including reparation, to lesbian, bisexual, transgender and intersex women who are victims of discrimination;

(iv) Ensure that victims of gender-based violence against women, including lesbian, bisexual, transgender and intersex women, have access to effective civil and criminal remedies and protection, including counselling, health services and financial support, in line with the guidance provided in the Committee’s general recommendation No. 33;

(v) Collect statistics on cases of hate crimes and gender-based violence against lesbian, bisexual, transgender and intersex women;

(vi) Effectively address discrimination against lesbian, bisexual, transgender and intersex women in the workplace;

(vii) Take specific and effective measures to ensure a safe and favourable environment for women human rights defenders and female activists;

(viii) Provide training to law enforcement agencies on the Convention, the Optional Protocol thereto and the Committee’s general recommendations, in particular general recommendations Nos. 19, 21, 28, 33 and 35, to raise awareness of the human rights of lesbian, bisexual, transgender and intersex women and so that crimes with homophobic undertones committed against lesbian, bisexual, transgender or intersex women will be understood as gender-based violence or hate crimes requiring active State intervention.

12. In accordance with article 7 (4) of the Optional Protocol, the State party shall give due consideration to the views of the Committee, together with its recommendations, and submit to the Committee, within six months, a written response, including information on any action taken in the light of those views and recommendations. The State party is requested to have the Committee’s views and recommendations translated into the official languages of the State party, to publish them and to have them widely disseminated, in order to reach all sectors of society.
3. Committee on the Rights of the Child

A.B. v. Finland (CRC/C/86/D/51/2018), Follow-up progress report on individual communications, 26 August 2022, CRC/C/90/2

Keywords: LGBT, SM; asylum-seekers/refugees, children, family, follow-up, jurisprudence, legislation, reparation

Date of adoption of Views: 4 February 2021
Subject matter: Best interests of the child; discrimination; non-refoulement
Articles violated: Articles 3, 19 and 22 of the Convention

Remedy:

The State party is under an obligation to provide effective reparations 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.

The State party is requested to publish the Committee’s Views and to have them widely disseminated in the official languages of the State party.

State party’s response:

In its submission dated 8 October 2021, the State party provided its comments.

With regard to the requirement that the State party provide reparations to the author in the form of adequate compensation, the State party notes that neither the Convention nor the Optional Protocol thereto include articles which give States an obligation to provide reparations. The State party also observes that the Committee did not specify the kind of compensation which it intended for the State to provide. The State party notes that representatives of the author have confirmed that the author and his family have once again left the Russian Federation and resettled in the Netherlands, where they have been granted asylum.

With regard to taking the necessary steps to prevent similar violations from occurring in the future, the State party notes that section 6 (2) of the Aliens Act provides that a child shall be heard in immigration cases unless such hearing is manifestly unnecessary. Their views are then incorporated into the decision depending upon the child’s age and maturity. The State party asserts that its domestic legislation does not include a “systematic” requirement that children be heard.

The State party notes that, on 2 July 2021, the Legal Section of the Finish Immigration Service issued a memorandum reflecting the Views of the Committee and how those Views would affect their activities. The State party notes that the Immigration Service has developed its decision-making procedures since 2016, when it made the decision in the author’s domestic immigration case. The State party notes that those developments have taken place in consideration of the best interests of the child. It also asserts that the Immigration Service has distributed an internal memo, in which it has established that it shall ensure that the best interests of the child are considered appropriately when examining a matter involving children. The State party notes that the Service has established that, in its decision-making process, it shall guarantee that: (a) asylum applications of children examining asylum seekers will be examined individually regardless of their age; (b) the Service shall consider the threshold for acts of persecution against children to be lower with respect to the standard as applied to adults; and (c) in any decision that the Service makes concerning children’s applications, it shall take into account how their rights could be affected in the future, from the child’s point of view.
The State party also notes that the Asylum Unit of the Immigration Service has assessed its practices for hearing of children accompanying asylum seekers. The State party notes that the practice of the Unit has been to hear accompanying children who are at least 12 years of age. The State party notes that the instructions also provide for hearing of children under 12 years of age, on a case-by-case basis, and that hearing of children under 12 years of age may be necessary where officials suspect that there is a conflict of interest between a child and a parent or where the grounds for asylum specifically relate to the child. The State party observes that the Unit is in the process of expanding their hearing process such that the cases of all children under 12 years of age are heard on a more systematic basis. The Unit has, according to the State party, proposed that all those age 11 and over be provided a hearing, and that children between the ages of 4 and 11 be heard, on a case-by-case basis, at the discretion of authorities on the basis of circumstances emerging from the parents’ hearing and the social worker’s statement or another such report. The Asylum Unit proposed those changes to provide for the systematic hearing of children younger than 12 years of age.

The State party submits that the Committee’s Views have been made public. The State party asserts that those Views have been disseminated to all relevant authorities in the State. The State party ensures that agencies and other subordinate authorities are informed about the Views. The State party has also noted that, on 9 February 2021, the Ministry of Foreign Affairs issued a press release with the Views annexed thereto, in Finnish, Swedish and English. The State party asserts that its Ministry of Foreign Affairs disseminated those Views on 16 February 2021 to various governmental agencies and ministries. The State party notes that those dissemination procedures are standard in its internal processes.

Author’s comments:

In a submission dated 11 November 2021, the author provided comments on the State party’s response to the Committee’s Views. The author welcomes the steps that the State party has taken to prevent violations akin to those which the Committee found in its Views.

The author submits that the State party must not pay closer attention to the specific circumstances in the author’s case, and that it should commit itself to recognizing the adverse effects on children of the lack of legal recognition of the families of lesbian, gay, bisexual and transgender parents. The author wishes that the State party would consider how hostile legal and social climates can affect those families. The author alleges that the State party must carry out more comprehensive screenings of sexual minorities and that it should provide comprehensive training to its agents to address that element in legal cases.

The author confirms that, due to threats to his safety and violations of his rights, his family have left the Russian Federation again and have resettled in the Netherlands with international protection. However, the author claims that the State party’s actions subjected the author to mental and physical suffering. That suffering took place in Finland, while the family feared being deported, and then back in the Russian Federation, where the family was once again subjected to physical and psychological violence.

Noting that suffering in the light of the Committee’s statements that the author must be adequately compensated, the author believes that he should be compensated for non-pecuniary damages in the amount of €10,000.

Decision of the Committee:

The Committee decides to maintain the follow-up dialogue open and to request a meeting with the State party in order to discuss the prompt implementation of the Committee’s Views.
Lists of Issues, Concluding Observations and Follow-Up Assessment
1. Committee on Economic, Social and Cultural Rights

**Albania** – List of Issues – 70th PSWG, 4 April 2022, 4th review, E/C.12/ALB/Q/4

Keywords: LGBTI; action plan, discrimination

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

Non-discrimination (art. 2 (2))

6. Please provide information on the progress achieved, including relevant examples, in preventing and combating discrimination against minorities and marginalized individuals and groups in accessing services relating to economic, social and cultural rights. In this regard, please report on the impact of the national action plan for the integration of Roma and Egyptians, 2016–2020; law No. 96/2017 on the protection of national minorities in Albania; law No. 93/2014 on the inclusion of and accessibility for persons with disabilities; the national action plan for persons with disabilities, 2016–2020, and the national action plan for lesbian, gay, bisexual, transgender and intersex persons, 2016–2020.
**Australia** – List of Issues prior to reporting – 70th PSWG, 7 April 2022, 6th review, E/C.12/AUS/QPR/6

Keywords: LGBTI; discrimination, education, legislation

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

9. Please provide information on any steps taken to reform anti-discrimination legislation at the federal and the state levels with a view to addressing the protection gaps in the existing legislation. In particular, please also indicate any steps taken to address the discriminatory effect of section 38 of the Sex Discrimination Act against lesbian, gay, bisexual, transgender and intersex teachers and students in religious educational institutions. (…).

Keywords: LGBTI; health, legislation, policy, suicide

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

23. Please provide information on the framework legislation and policy on mental health. In particular, please provide information on: (…)

(c) The measures taken to tackle the disproportionately high incidence of suicide, particularly among men, indigenous peoples, lesbian, gay, bisexual, transgender and intersex persons, people in rural areas and children.
Bahrain – Concluding Observations – 71st session, 4 August 2022, initial review, E/C.12/BHR/CO/1

Keywords: LGBTI; anti-discrimination legislation, awareness-raising campaign, discrimination, intersectionality, law enforcement officials, legislation, medical professionals, professional groups, stigmatisation

C. Principal subjects of concern and recommendations

Non-discrimination

14. 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, and the prevalence of widespread discrimination in practice, stigmatization and negative stereotypes hinder the access of certain individuals and groups, such as persons with disabilities and lesbian, gay, bisexual, transgender and intersex persons, to economic, social and cultural rights (art. 2 (2)); (...).

15. While noting that there is no provision in law that is directly discriminatory, the Committee recommends that the State party: (...)

(e) Take all measures necessary to eliminate negative stereotypes and stigmatization of members of marginalized groups, such as persons with disabilities, persons living with HIV, lesbian, gay, bisexual, transgender and intersex persons and refugees, including through awareness-raising campaigns for the public, health-care providers, teachers, social workers and law enforcement and other public officials; (...).
Belarus – List of Issues prior to reporting – 63rd PSWG, 14 November 2018, 7th review, E/C.12/BLR/QPR/7

Keywords: LGBTI

B. Implementation of the Covenant

Non-discrimination

10. Please provide information on the enforcement of the regulations on the registration of civil society organizations working on Covenant-related issues. Please include details on the protection of the rights of drug users, sex workers, lesbian, gay, bisexual, transgender and intersex persons, unemployed persons and single parents. Please indicate to what extent the regulations regarding civil society organizations enable them to operate freely.

Belarus – Concluding Observations – 71st session, 24 March 2022, 7th review, E/C.12/BLR/CO/7

Keywords: LGBTI; discrimination

C. Principal subjects of concern and recommendations

Non-discrimination

9. While noting that there are several sector-specific pieces of legislation in the State party that prohibit discrimination, the Committee is concerned that the sectoral approach of the State party does not provide full protection against discrimination on all the grounds prohibited by the Covenant. The Committee notes reports of discrimination against groups in socially vulnerable situations, in particular women; lesbian, gay, bisexual, transgender and intersex persons; persons with disabilities; persons living with HIV; and linguistic and religious minorities. The Committee is also concerned about the lack of effective remedies for victims of discrimination (art. 2).
Cyprus – List of Issues – 71st PSWG, 9 November 2022, 7th review, E/C.12/CYP/Q/7

Keywords: children, data collection, family, legislation

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

Protection of the family and children (art. 10)

19. Please explain how the change of the Marriage Law (L.104 (I)/2003) by the enactment of Civil Union Act 184(I)/2015A has contributed to the protection of the family and children. Specifically, please provide information on the implementation of the Act since the State party’s last periodic report, including statistical data on the actual take-up of the leave entitlement by each parent, also taking into account families in which the parents are of the same sex and/or gender.
**Czechia – List of Issues – 66th PSWG, 17 April 2020, 3rd review, E/C.12/CZE/Q/3**

Keywords: SOGI; discrimination, family, gender reassignment treatment, LGR, legislation, marriage

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

**Non-discrimination (art. 2 (2))**

9. Please provide an update on: (a) the procedure and conditions of gender reassignment; (b) the status of the same-sex marriage bill, which was presented to the Chamber of Deputies in 2018; and (c) the measures taken to combat prejudice and discrimination based on sexual orientation and gender identity.

**Czechia – Concluding Observations – 71st session, 28 March 2022, 3rd review, E/C.12/CZE/CO/3**

Keywords: SOGI; LGBTI; discrimination, family, intersectionality, marriage, partnership

**Non-discrimination**

12. While noting targeted policies and strategies adopted by the State party, the Committee is concerned about persistent discrimination, hate speech, prejudices and stereotypes directed towards certain individuals and marginalized and disadvantaged groups. The Committee is further concerned that the shift of the burden of proof does not apply in all cases of discrimination. It is also concerned that the failure to report discrimination is associated with the low degree of trust in the government institutions.

Furthermore, the Committee is concerned about discrimination based on gender identity and sexual orientation, and regrets that, in the absence of the recognition of same-sex marriage, registered partnerships do not provide protection equivalent to marriage (art. 2(2)).

13. The Committee recommends that the State party:

(a) Redouble its efforts to prevent and combat discrimination, in particular against Roma, persons with disabilities, migrants, refugees and asylum seekers, lesbian, gay, bisexual, transgender and intersex persons, including by implementing strategies with an intersectional approach; (...)

(e) Ensure that registered partnerships of those in same-sex relationships are provided with protection equivalent to marriage of people in heterosexual relationships; (...).

**Right to health**

38. (…). Moreover, the Committee is concerned that transgender persons are required to undergo gender reassignment and sterilization to change their names and gender. It is further concerned about the lack of regulation on the rights of intersex persons, including to prohibit the performing of surgical procedures on intersex children that are often irreversible and medically unnecessary (arts. 9 and 12).

39. The Committee recommends that the State party: (...)

(c) Amend legislation to ensure that sterilization is not required in the gender affirmation procedure;

(d) Ensure that medically unnecessary procedures on intersex children are not performed until they can give their informed consent; (...).

Keywords: LGBTI; data collection, discrimination, education, health, housing

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

Non-discrimination (art. 2)

11. Please provide information, including statistical data, on the enjoyment of the rights to health, education, housing, water and sanitation by disadvantaged groups (children, persons with disabilities, internally displaced persons and refugees, indigenous peoples, persons with albinism, and lesbian, gay, bisexual, transgender and intersex persons). Furthermore, pending the adoption of the dedicated legislation mentioned in the State party report (E/C.12/COD/6, para. 144), please specify the assistance that is provided to persons with disabilities to prevent them from having to resort to begging in order to survive. Please also specify whether the State party envisages adopting comprehensive legislation to protect against discrimination in all areas.

Democratic Republic of the Congo – Concluding Observations – 71st session, 28 March 2022, 6th review, E/C.12/COD/CO/6

Keywords: SOGI; LGBTI; awareness-raising campaign, criminalisation (decriminalisation), discrimination, education, employment, health, housing, legislation, stigmatisation

C. Principal subjects of concern and recommendations

Discrimination on grounds of sexual orientation and gender identity

28. The Committee is concerned that the Criminal Code, and particularly article 176, is often used to criminalize same-sex relationships. It notes with concern that lesbian, gay, bisexual, transgender and intersex persons face stigmatization and discrimination in the enjoyment of their economic, social and cultural rights, including in access to work, housing, health care and education (art. 2 (2)).

29. The Committee recommends that the State party combat the discrimination and stigmatization that lesbian, gay, bisexual, transgender and intersex persons experience, including by conducting awareness-raising campaigns, and that it ensure that no one is discriminated against in the enjoyment of economic, social and cultural rights, and in access to health services, education and housing in particular, on the basis of their sexual orientation or gender identity. The Committee requests the State party to ensure that article 176 of the Criminal Code is not used to criminalize relations between persons of the same sex.

Keywords: SOGI; discrimination, measures

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

Non-discrimination (art. 2 (2))

9. Please indicate what measures the State party has taken to ensure that the abolition of the Directorate for Sexual Diversity does not have a negative impact on the monitoring and effective implementation of Executive Decree No. 56 on the elimination of all forms of discrimination in the civil service on the grounds of gender identity or sexual orientation.

El Salvador – Concluding Observations – 72nd session, 9 November 2022, 6th review, E/C.12/SLV/CO/6

Keywords: SOGI; LGBTI; awareness-raising campaign, discrimination, education, employment, health, housing, law enforcement officials, measures, medical professionals, professional groups, SP, stereotypes, stigmatisation

Discrimination on the basis of sexual orientation and gender identity

26. The Committee notes the measures taken by the State party to prevent all forms of discrimination on the basis of gender identity and/or sexual orientation in public administration but is concerned that these measures are insufficient. It is also concerned about the widespread prevalence, in practice, of discrimination, stigmatization and negative stereotypes that make it difficult for lesbian, gay, bisexual, transgender and intersex persons to enjoy their economic, social and cultural rights (art. 2 (2)).

27. The Committee recommends that the State party:

(a) Take all necessary measures to ensure that lesbian, gay, bisexual, transgender and intersex persons can fully enjoy their economic, social and cultural rights without discrimination, both in the public and the private sectors, including through strategies to raise awareness and combat stereotypes;

(b) Conduct awareness campaigns targeting the public, health-care providers, law enforcement officers and other public officials to eliminate negative stereotypes and stigma with regard to lesbian, gay, bisexual, transgender and intersex persons;

(c) Ensure that lesbian, gay, bisexual, transgender and intersex persons are able to enjoy their economic, social and cultural rights and have access to health, education, employment, housing, poverty reduction and food security programmes. In this regard, the Committee wishes to draw the attention of the State party to the report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity concerning the socioeconomic and cultural inclusion of lesbian, gay, bisexual, transgender and intersex persons.

Keywords: SOGI; discrimination

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

Non-discrimination (art. 2 (2))

9. Please give details of the specific measures that have been adopted to combat structural discrimination, and explain their concrete impact. In the context of the exercise of economic, social and cultural rights, please describe any programmes in place to reduce inequality gaps, discrimination on the basis of gender identity and/or sexual orientation, and multiple and intersectional discrimination against Maya, Xinca and Garífuna indigenous peoples, Afro-Guatemalans, women, persons with disabilities and migrants. Please provide information on the steps taken to establish mechanisms for the reporting, investigation and punishment of discrimination, in particular discrimination against indigenous peoples. Please also provide details of any affirmative action to promote non-discrimination and equal treatment in the State party.

Keywords: SOGI; discrimination

Protection of the family and children (art. 10)

20. Please describe the measures taken 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 the state of emergency declared in response to the COVID-19 pandemic.

Keywords: COVID-19, measures, support services, violence

Guatemala – Concluding Observations – 72nd session, 11 November 2022, 4th review, E/C.12/GTM/CO/4

Keywords: GI, SOGI; LGBTI; adolescents, children, discrimination, legislation, stigmatisation

Non-discrimination

18. The Committee is concerned at the persistence of discrimination against Indigenous Peoples and persons of African descent in the enjoyment of their economic, social and cultural rights. It is also concerned that persons with disabilities, as well as lesbian, gay, bisexual, transgender and intersex persons, continue to be subjected to stigmatization and discrimination, thus preventing them from enjoying their economic, social and cultural rights on an equal basis with others. The Committee is further concerned that bill No. 5940 on guaranteeing comprehensive protection for children and adolescents against gender identity disorders, which was submitted to the Congress, will contribute to reinforcing the stigma faced by lesbian, gay, bisexual, transgender and intersex persons (art. 2 (2)).

19. The Committee recommends that the State party:

(a) Adopt a comprehensive law on non-discrimination that provides sufficient protection against discrimination in keeping with article 2 of the Covenant and that: (i) explicitly includes all prohibited grounds for discrimination enumerated in that article and in general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights; (ii) defines direct and indirect discrimination in line with the State party’s obligations under the Covenant; (iii) prohibits discrimination in the public and private spheres alike; and (iv) establishes effective judicial and administrative mechanisms to guard against discrimination, including the introduction of provisions on reparations in discrimination cases;

(b) Adopt the measures, including affirmative action and awareness-raising campaigns, necessary to prevent and combat the persistent discrimination against all disadvantaged or marginalized persons and groups, particularly Indigenous Peoples and persons of African descent, so as to guarantee the full exercise of their rights under the Covenant;

(c) Remove from its legal order all legislation and bills that might generate discrimination on account of sexual orientation or gender identity.

Keywords: SOGI; discrimination, legislation, follow-up

D. Other recommendations
60. In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State party is requested to provide, within 24 months of the adoption of the present concluding observations, information on the implementation of the recommendations contained in paragraphs 15 (a) (right of Indigenous Peoples to prior consultation), 19 (c) (non-discrimination) and 53 (a) and (b) (right to education) above.
**Honduras** – List of Issues – 71st PSWG, 7 December 2022, 3rd review, E/C.12/HND/Q/3

Keywords: SOGI; discrimination, measures

Non-discrimination (art. 2, para. 2)

12. Please indicate whether, in addition to the provisions prohibiting discrimination in the Criminal Code, the State party has considered adopting a comprehensive anti-discrimination law that defines direct and indirect discrimination and prohibits discrimination in both the public and private spheres. Please provide information on the impact of the implementation of measures to prevent and combat discrimination in relation to the enjoyment of economic, social and cultural rights by groups most exposed to discrimination. In particular, please provide information on concrete measures taken to combat discrimination based on sexual orientation and gender identity.
Iceland – List of Issues – 71st PSWG, 14 November 2022, 5th review, E/C.12/ISL/Q/3

Keywords: SOGI; data collection, employment, legislation

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

Non-discrimination (art. 2 (2))

9. Please indicate whether, as part of the ongoing constitutional review process, the State party intends to include in the draft constitution a full list of the rights contained in the Covenant. Taking note of the information provided by the State party on legislative measures taken in relation to the entry into force of the Act on Equal Treatment on the Labour Market, No. 86/2018, please provide updates on the implementation of the Act and data regarding the equal treatment of individuals on the labour market, irrespective of their race, ethnic origin, religion, socioeconomic background, disability, working capacity, age, sexual orientation or gender identity. (…).
Indonesia – List of Issues – 70\textsuperscript{th} PSWG, 5 April 2022, 2\textsuperscript{nd} review, E/C.12/IDN/Q/2

Keywords: SOGI; discrimination, legislation

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

Non-discrimination (art. 2 (2))

11. Please provide information on: (…)

(b) The progress made in reviewing and repealing provisions in local laws and by-laws that contain discriminatory provisions, particularly based on sex, sexual orientation, gender identity and religion; (…).
Iraq – List of Issues – 70th PSWG, 6 April 2022, 5th review, E/C.12/IRQ/Q/5

Keywords: LGBTI; data collection, discrimination

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

Non-discrimination (art. 2 (2))

9. (...). Please also provide information, including statistical data, on the progress made in tackling de facto discrimination against disadvantaged and marginalized groups whose access to economic, social and cultural rights has been hindered, paying attention to the situations of women, ethnic and religious minorities, refugees, internally displaced persons, persons with disabilities, and lesbian, gay, bisexual, transgender and intersex persons.
Italy – Concluding Observations – 72nd session, 7 December 2022, 6th review,
E/C.12/ITA/CO/6

Keywords: SO; anti-discrimination legislation, hate speech

Discrimination

27. The Committee is concerned about recent instances of hate speech inciting animosity on the basis of sexual orientation and towards migrant, religious and race-based communities, including proposals to deprive these communities of their economic, social and cultural rights (art. 2 (1)).

28. The Committee recommends that the State party adopt comprehensive anti-discriminatory policies and laws to strengthen protection of the enjoyment by all persons of economic, social and cultural human rights against all forms of discrimination, including hate speech. In this regard, the Committee recalls its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.

Keywords: anti-discrimination legislation, follow-up, hate speech

D. Other recommendations

73. In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State party is requested to provide, within 24 months of the adoption of the present concluding observations, information on the implementation of the recommendations contained in paragraphs 14 (business and human rights), 18 (climate change) and 28 (discrimination) above.
Kyrgyzstan – List of Issues – 70th PSWG, 4 April 2022, 4th review, E/C.12/KGZ/Q/4

Keywords: SO; data collection, discrimination, employment, measures

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

Right to work (art. 6)

12. Please provide statistical data disaggregated by sex, race, origin, sexual orientation, disability and HIV status on workplace discrimination in hiring, promotions and demotions, including in the public sector, and explain how the measures currently in place have contributed to the prohibition of such discrimination. (…).

Keywords: LGBTI; discrimination, housing

Right to an adequate standard of living (art. 11)

22. Please (…) comment on current or planned regulations aimed at protecting lesbian, gay, bisexual, transgender and intersex individuals from discrimination by private landlords and at preventing forced evictions targeted at ethnic minorities. (…).

Keywords: LGBTI, T; follow-up, discrimination, health, support services

Right to physical and mental health (art. 12)

26. With reference to the Committee’s previous concluding observations, please provide information on the implementation and dissemination of the manual on the provision of medical and social care for transgender, transsexual and gender non-conforming persons (2017) and the guidelines on working with vulnerable groups on HIV prevention to guarantee adequate access to health care for lesbian, gay, bisexual, transgender and intersex persons and HIV-positive people without discrimination. Please report on the impact of article 143 of the Criminal Code (on infection with a venereal or incurable infectious disease) on HIV-positive people’s access to health care and HIV-prevention services and provide information on the steps taken to ensure access to health-care services for sex workers. (…).
Luxembourg – Concluding Observations – 72nd session, 15 November 2022, 4th review, E/C.12/LUX/CO/4

Keywords: LGBTI; action plan

B. Positive aspects

3. The Committee welcomes the legislative, institutional and policy measures that the State party has taken to strengthen the protection of economic, social and cultural rights in its territory, such as the establishment of the Centre for Equal Treatment in 2006, the adoption of the National Action Plan for the Promotion of the Rights of Lesbian, Gay, Bisexual, Transgender and Intersex Persons in 2018, and the measures referred to in paragraph 27 of its fourth periodic report in relation to equality between women and men, as well as other measures referred to in these concluding observations. The Committee welcomes the ratification by the State party of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights on 3 February 2015.

Keywords: children, discrimination, family, same-sex couples

Protection of the family and children

30. While noting the information provided by the State party regarding family and child welfare, the Committee is concerned about:

(a) The disadvantage experienced by same-sex couples with regard to recognition of filiation; (…).

31. The Committee recommends that the State party:

(a) Take the necessary measures to establish a legal framework for filiation that fully respects the principle of non-discrimination, including non-discrimination against same-sex couples; (…).

Keywords: SC; I, LGBTI; action plan, children, free and informed consent, health, legislation, surgical/medical intervention

Right to physical and mental health

36. While noting the measures taken by the State party to ensure the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including during the COVID-19 pandemic, the Committee notes with concern that:

(b) There are no regulations prohibiting the performance of surgical procedures on intersex children, which are often irreversible, not medically necessary and harmful to the child's physical and mental integrity; (…).

37. The Committee recommends that the State party: (…)

(b) Ensure that, in practice, surgical procedures are not performed on the sex characteristics of intersex children, in the absence of medical necessity or emergency, until such children are capable of forming their own views and giving informed consent, and expedite the adoption of a law to this effect, as provided for in the National Action Plan for the Promotion of the Rights of Lesbian, Gay, Bisexual, Transgender and Intersex Persons; (…).

Keywords: LGBTI; bullying, children, education, prevention, violence

Right to education

38. The Committee notes the measures taken by the State party to reduce inequalities in education. However, the Committee is seriously concerned about: (…)

(d) Reports of bullying in schools of lesbian, gay, bisexual, transgender and intersex pupils (arts. 13 and 14).

39. The Committee recommends that the State party: (…)

(e) Protect all children from bullying and violence in schools and increase efforts to prevent bullying and violence and to promote understanding and tolerance.
Mongolia – Concluding Observations – 72nd session, 10 November 2022, 5th review, E/C.12/MNG/CO/5

Keywords: SOGI; LGBTI, T; access to justice, awareness-raising campaign, depathologisation, discrimination, education, employment, harassment, health, ICD-11, law enforcement officials, medical professionals, prevention, professional groups, stereotypes, stigmatisation, trainings

C. Principal subjects of concern and recommendations

Rights of lesbian, gay, bisexual, transgender and intersex persons

18. The Committee is concerned about reports that discrimination, stigmatization and harassment against lesbian, gay, bisexual, transgender and intersex persons is widespread, including in employment and education, which hinders their enjoyment of economic, social and cultural rights. The Committee is also concerned that, in spite of the prohibition of discrimination based on sexual orientation and gender identity, victims of such discrimination face challenges in gaining access to justice. The Committee is further concerned about the lack of awareness among health professionals of health-care issues specific to transgender persons (art. 2 (2)).

19. The Committee recommends that the State party:

(a) Take all the measures necessary to prevent and address discrimination, stigmatization and harassment against lesbian, gay, bisexual, transgender and intersex persons in all areas of life, including by conducting awareness-raising campaigns for the general public, health-care providers, teachers, employers, social workers, and law enforcement and other public officials with a view to eliminating negative stereotypes and stigmatization in this context;

(b) Ensure that the prohibition of discrimination based on sexual orientation and gender identity is effectively implemented and continue capacity-building for judges, prosecutors, lawyers and law enforcement officials to this end;

(c) Raise awareness among health-care providers of health-care issues specific to transgender persons and adopt and implement the eleventh revision of the International Statistical Classification of Diseases and Related Health Problems, which, inter alia, removes the labelling of certain such issues as mental health conditions.
Peru – List of issues – 71st PSWG, 28 October 2022, 5th review, E/C.12/PER/Q/5

Keywords: LGBTI; discrimination, health, measures, stereotypes

**Right to physical and mental health (art. 12)**

25. Please provide information on measures taken to prevent discrimination and stereotyping, and to facilitate universal and equal access to testing, treatment and vaccination against smallpox, in particular for the most disadvantaged and marginalized groups such as LGTBI persons and persons living with HIV/AIDS.

Keywords: LGBTI; health, measures, suicide

26. Please provide information on the legislation and policy framework on mental health. In particular, please provide information on

(a) Measures taken to reform the mental health system and to improve mental health services, especially on early diagnosis and timely treatment of mental health disorders; and specific measures taken to ensure access to these services for children, adolescents and young people, persons with disabilities, members of indigenous peoples, refugees and migrants, Afro-Peruvian people and others of African descent, LGTBI persons, persons held in immigration and detention centers, persons living with HIV/AIDS;

(b) Measures taken to address the disproportionately high incidence of suicide, especially among men, indigenous peoples, Afro-Peruvian people and other Afro-descendants, lesbian, gay, bisexual, transgender and intersex persons, persons living in rural areas, and children, adolescents and youth.

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2 Unofficial translation from Spanish.
Poland – List of Issues – 71st PSWG, 11 November 2022, 7th review, E/C.12/POL/Q/7

Keywords: LGBTQI+; discrimination, measures, same-sex couples

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

Non-discrimination (art. 2 (2))

7. Please provide an update on the implementation to date of the national action programme for equal treatment for the period 2021–2030 and indicate how it is linked to the consultations on the Equal Treatment Act that will be conducted by the end of 2024. Please describe the steps being taken to prohibit discrimination on all the grounds, including race, political and other opinions, property, birth and other status. Please provide data on cases of discrimination in relation to the enjoyment of economic, social and cultural rights examined by domestic courts, and their outcome. (…) Please provide information on and measures taken to combat discrimination, including against LGBTQI+ persons, persons from minority groups, persons with disabilities and refugees, in particular refugees of African descent, also in the context of the increase in the number of refugees in the State party. Please also provide information on steps taken to ensure equal rights for same-sex couples.
Senegal – Follow-up Assessment – 72nd session, 27 October 2022, 3rd review, 2022-64/CESCR/FU

Keywords: SO, SOGI; anti-discrimination legislation, criminalisation (decriminalisation), discrimination, follow-up, legislation, protected grounds, remedy

**Paragraph 13: Non-discrimination**

The Committee recommends that the State party adopt comprehensive legislation on non-discrimination that: (a) clearly defines and criminalizes direct and indirect discrimination; (b) gives a comprehensive list of prohibited grounds of discrimination, including descent and colour, sexual orientation, gender identity, disability, residence status and other status; and (c) provides effective remedies for victims. The Committee urges the State party to decriminalize consensual homosexual relations and repeal article 319 (3) of the Criminal Code, along with all other legal provisions that are discriminatory with regard to sexual orientation or gender identity. The Committee draws the attention of the State party to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural right.

**Assessment: Insufficient progress**

**Paragraph 13(a) and (b) – prohibited grounds of discrimination.** The State’s party follow-up report in respect to this recommendation indicates that Senegal has embarked on a process of amending its Criminal Code and Code of Criminal Procedure, encompassing a number of areas not sufficiently covered by its current legislation. It further indicates that the definition of discrimination and the issue of criminalisation would form part of these intended reforms, which should be adopted very soon.

However, the Committee notes that there are no purported amendments of the legislation that effectively prohibit discrimination, nor criminalise any direct or indirect form of discrimination on grounds of descent and colour, sexual orientation, gender identity, disability, residence status and other status.

**Paragraph 13(c) – Sexual orientation.** The State party’s follow up report in relation to this recommendation indicates that Senegal considers the matter of sexual orientation to be a social issue, which the State will address in line with the realities in the country. It further adds that all citizens and residents of Senegal enjoy equal protection under criminal law, regardless of sexual orientation. However, the Committee notes that there is no information on steps taken or contemplated to decriminalise consensual homosexual relations and to repeal article 319(3) of the Criminal Code, along with all the other legal provisions that are discriminatory with regard to sexual orientation or gender identity. There is also no indication of any measures taken to provide effective remedies to victims of discrimination.

Therefore, the Committee accordingly assesses that there has been no progress in regards to these recommendations to address discriminatory provisions in Senegalese law in that respect.
**Serbia** – List of Issues – 65th PSWG, 12 November 2019, 3rd review, E/C.12/SRB/Q/3

Keywords: LGBTI, discrimination, education, employment, family, health, measures

**Non-discrimination (art. 2 (2))**

7. Please provide information on the impact of measures taken to counter discriminatory acts and attitudes against persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons and people living with HIV, specifically in the areas of employment, health, education and family life.

**Serbia** – Concluding Observations – 71st session, 6 April 2022, 3rd review, E/C.12/SRB/CO/3

Keywords: LGBTI; discrimination

**C. Principal subjects of concern and recommendations**

**Non-discrimination**

28. The Committee is concerned about the substantive discrimination faced by disadvantaged and marginalized individuals and groups, in accessing work, social protection, housing, health-care services and education. The situation has further deteriorated due to growing hate speech, including through social media (arts. 2 (2), 6, 9, 10, 11, 12, 13 and 14).

29. The Committee urges the State party to intensify its efforts to promote equality and combat discrimination against Roma and persons belonging to national minority groups, persons with disabilities, refugees, asylum seekers, internally displaced persons, and lesbian, gay, bisexual, transgender and intersex persons. In particular, it recommends that the State party:

   (a) Take the steps necessary to remove all discriminatory legal provisions and adopt the pending anti-discriminatory legislation without delay, and strengthen the enforcement of anti-discrimination legislation, with a view to ensuring the equal enjoyment of economic, social and cultural rights in practice;

   (b) Take measures necessary to ensure that public authorities conduct an equality test when preparing new regulations or policies that have impact on the enjoyment of economic, social and cultural rights by disadvantaged and marginalized individuals and groups, as provided for in the Law on Amendments to the Law on Prohibition of Discrimination;

   (c) Enhance awareness and sensitization, including regarding online hate speech, among public officials and the public.

Keywords: LGBTI; FOE/FOAA, HRD

A. General information

4. In light of the Committee’s previous concluding observations (E/C.12/TJK/CO/2-3, para. 10), please indicate the measures taken to ensure that the amendments to the Public Associations Act are not misinterpreted or abused to obstruct the activities of civil society organizations. Please also provide information on the application of article 14 of the Law on non-governmental associations, and on the measures taken not to abuse or misinterpret the article to impede the registration of civil society organizations, especially those working for the rights of lesbian, gay, bisexual, transgender and intersex persons. Furthermore, please provide information on the status of a draft law on non-commercial organizations, and indicate the measures taken to ensure that civil society organizations and human rights defenders can work without fear of reprisals.

Keywords: SOGI; LGBTI, T; anti-discrimination legislation, discrimination, follow-up, intersectionality, LGR, legislation, stigmatisation, protected grounds

Non-discrimination (art. 2 (2))

9. With reference to the information provided by the State party (E/C.12/TJK/4, para. 44), please clarify whether the bill on protection against discrimination provides for a definition of direct, indirect, multiple and intersectional discrimination, as noted by the Committee, and whether it gives a comprehensive list of prohibited grounds of discrimination, including age, birth, disability, sexual orientation and gender identity, and other status, and indicate the timeline for the adoption of the bill. Please also provide information on the progress made by the interministerial working group in harmonizing non-discrimination provisions in legislation relating to economic, social and cultural rights. Furthermore, please indicate any steps taken to adopt legislation and procedures for legal recognition of gender of transgender persons and the efforts made to combat social stigma, misconceptions and discrimination against lesbian, gay, bisexual, transgender and intersex persons.

Keywords: discrimination, medical professionals

Right to physical and mental health (art. 12)

25. Please provide information on:

(d) Efforts undertaken to combat discrimination against persons with HIV/AIDS, persons who inject drugs and homosexual persons, particularly by medical professionals.

Tajikistan – Concluding observations – 72nd session, 10 November 2022, 4th review, E/C.12/TJK/CO/4

Keywords: LGBTI; FOE/FOAA, HRD

Civil society

10. The Committee is concerned about excessive restrictions, both in law and in practice, on non-governmental organizations concerning their registration and their reporting obligations regarding external grants, particularly on organizations working for the rights of lesbian, gay, bisexual, transgender and intersex persons. The Committee notes that such restrictions hinder operations by these organizations engaged in the protection and promotion of all human rights, including economic, social and cultural rights.

11. The Committee recommends that the State party repeal any legal provisions that unduly restrict the activities of non-governmental organizations, including in relation to their registration and access to grants. It also recommends that the State party guarantee an enabling environment for all non-governmental and non-profit organizations engaged in the promotion and protection of economic, social and cultural rights.

Keywords: SOGIE; anti-discrimination legislation, discrimination, legislation, protected grounds

Non-discrimination

18. The Committee welcomes the adoption of the Act on Equality and Elimination of All Forms of Discrimination, which came into force on 22 July 2022. However, while the Committee notes that this Act prohibits discrimination based on “other circumstances”, it is concerned about its ineffective
implementation when it comes to discrimination not expressly included in the Act, such as discrimination based on criminal records or on sexual orientation, gender identity and gender expression (art. 2(2)).

19. The Committee recommends that the State party ensure the effective implementation of the Act on Equality and Elimination of All Forms of Discrimination for all persons facing discrimination. The Committee refers the State party to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.

Keywords: SOGI; LGBTI, SGM; awareness-raising campaign, discrimination, measures, policy, stigmatisation, violence

Lesbian, gay, bisexual, transgender and intersex persons

20. The Committee is concerned about the stigmatization and discrimination affecting lesbian, gay, bisexual, transgender and intersex persons, which hinder their enjoyment of economic, social and cultural rights, and the lack of government policies, programmes or initiatives aimed at counteracting such stigmatization and discrimination or at promoting tolerance of sexual and gender minorities (art. 2(2)).

21. The Committee recommends that the State party provide effective protection against all forms of discrimination and violence based on sexual orientation and gender identity, which hinders the enjoyment by victims of their economic, social and cultural rights. It also recommends that the State party take all the measures necessary to combat stigmatization and discrimination affecting lesbian, gay, bisexual, transgender and intersex persons, including through awareness-raising campaigns.
Uzbekistan – List of Issues – 66th PSWG, 6 April 2020, 3rd review, E/C.12/UZB/Q/3

Keywords: LGBTI; criminalisation (decriminalisation), discrimination, education, employment, health, housing, measures

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

Non-discrimination (art. 2 (2))

7. Please indicate whether the State party intends to adopt a comprehensive anti-discrimination law, taking into account general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights. Describe the steps taken to combat discrimination against the most disadvantaged and marginalized groups, such as Roma/Lyuli, persons with disabilities and lesbian, gay, bisexual, transgender and intersex persons, regarding access to health care, employment, housing and education. Please specify what steps have been taken, if any, to decriminalize homosexuality. Please provide information on the measures taken to raise awareness, especially among marginalized and disadvantaged persons, to prevent human trafficking, including the budgetary allocation for this purpose.

Uzbekistan – Concluding Observations – 71st session, 31 March 2022, 3rd review, E/C.12/UZB/CO/3

Keywords: LGBTI; awareness-raising campaign, criminalisation (decriminalisation), harassment, law enforcement officials, medical professionals, professional groups, stereotypes, stigmatisation, violence

C. Principal subjects of concern and recommendations

Non-discrimination

20. The Committee notes the information by the State party on the prohibition of discrimination in the Constitution and the legislative framework, as well as the information on the drafting of the Equality and Non-Discrimination Bill, which is being considered by Parliament. The Committee is concerned about: (…)

(b) The criminalization of sexual relations between consenting male adults, under article 120 of the Criminal Code, and the prevalence of intimidation, harassment, violence and stigma against lesbian, gay, bisexual, transgender and intersex persons, which hinder their enjoyment of economic, social and cultural rights; (…).

21. The Committee recommends the State party to: (…)

(b) Repeal article 120 of the Criminal Code; (…)

(e) Conduct awareness-raising campaigns targeting the public, health-care providers, and law enforcement and other public officials to eliminate negative stereotypes and stigma against members of marginalized groups, such as persons living with HIV, and lesbian, gay, bisexual, transgender and intersex persons; (…).

Keywords: LGBTI; awareness-raising campaign, criminalisation (decriminalisation), follow-up, law enforcement officials, medical professionals, professional groups, stereotypes, stigmatisation

D. Other recommendations

64. In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State party is requested to provide, within 24 months of the adoption of the present concluding observations, information on the implementation of the recommendations contained in paragraphs 13 (corruption), 21 (non-discrimination) and 33 (youth unemployment) above.
2. Human Rights Committee

**Bolivia** – List of Issues – 127th session, 2 December 2019, 4th review, CCPR/C/BOL/Q/4

Keywords: GL, SOGI; data collection, discrimination, hate crimes, legislation, violence

**Non-discrimination** (arts. 2, 3, 17, 26 and 27)

5. With regard to paragraphs 90 to 92, 97, 101, 104 and 107 of the report and the Committee’s previous concluding observations (para. 7), please provide additional information on: (a) the resources allocated for the effective implementation of Act No. 045 and the mechanisms developed for this purpose; (b) the programmes mentioned in paragraph 92 of the report and the impact of the Plan of Action 2012–2015; (c) the content of the Multisectoral Plan of the Plurinational State of Bolivia to Combat Racism and All Forms of Discrimination 2016–2020, the resources allocated for its implementation and the results achieved; (d) any public education and awareness-raising campaigns carried out; (e) the units for combating racism and all forms of discrimination; and (f) the content of Act No. 807, on gender identity, mentioned in paragraph 104 of the report. With regard to paragraph 107 of the report, please provide up-to-date statistics on complaints of discrimination filed, including complaints of acts of violence based on sexual orientation or gender identity, and on their outcome. Please also describe the steps taken to ensure respect for the principle of non-discrimination and to eradicate the stereotypes and prejudices that persist in Bolivian society, in particular against indigenous persons and persons of African descent.

**Bolivia** – Concluding Observations – 134th session, 2 June 2022, 4th review, CCPR/C/BOL/CO/4

Keywords: GL, SOGI; LGBTI; children, court, discrimination, family, investigation, killings, legislation, LGR, punishment, reparation, same-sex couples, SRHR, stereotypes, violence

**Discrimination and violence based on sexual orientation and gender identity**

12. The Committee is concerned by reports that lesbian, gay, bisexual, transgender and intersex persons continue to be the object of discrimination and violence, even murder. While it welcomes the adoption of Act No. 807 on Gender Identity, the Committee notes with concern that, in Plurinational Constitutional Decision No. 0076/17 and Constitutional Judgment No. 0028/17, the Constitutional Court declared unconstitutional the part of article 11 (II) of the Act that reads “individuals [who have changed their name, sex and image] may exercise all their fundamental political, labour, civil, economic and social rights”. The Committee is also concerned about the reported barriers faced by trans men in registering the birth of their children. It notes with interest that in 2020 and 2021, through the remedy of amparo, two same-sex couples were granted leave to register their cohabitation or de facto union. However, it notes that such matters remain on the docket of the Constitutional Court and regrets that other same-sex couples have been denied registration (arts. 2, 6–7, 17, 24 and 26).

13. The State party should redouble its efforts to combat stereotypes and prejudice against lesbian, gay, bisexual, transgender and intersex persons and should:

(a) Ensure that offences motivated by the victim’s sexual orientation or gender identity are investigated promptly, that those responsible are brought to justice and appropriately punished and that the victims receive comprehensive reparation;

(b) Adopt as soon as possible the necessary measures to ensure that trans persons can fully exercise all their rights under the Covenant;

(c) Take the necessary steps to ensure that all children born in the State party, irrespective of the gender identity of their parents, are registered immediately after their birth and are issued with an official birth certificate;

(d) Adopt the necessary measures to guarantee that same-sex couples can enjoy the rights enshrined in the Covenant.

Keywords: T; legislation, measures, violence, women

**Violence against women**

14. (…) In addition, the Committee is concerned by reports that the measures taken to combat violence against women do not encompass trans women, although it welcomes the fact that, according to the information provided by the State party, the amendments to Comprehensive Act No. 348 on
Guaranteeing a Violence-Free Life for Women will extend the scope of protection to transgender and transsexual women (arts. 2–3, 6–7, 14, 24 and 26).

15. The State party should intensify its efforts to prevent, combat and eradicate all forms of violence against women and girls. In particular, it should take the necessary measures to: (…)
   (b) Ensure that all measures taken to combat violence against women also protect trans women; (…).

Keywords: *T*; follow-up, legislation, measures, violence, women

D. Dissemination and follow-up

35. In accordance with rule 75 (1) of the Committee’s rules of procedure, the State party is requested to provide, by 25 March 2025, information on the implementation of the recommendations made by the Committee in paragraphs 15 (violence against women), 21 (trafficking in persons and forced labour) and 27 (administration of justice) above.
Keywords: SO; anti-discrimination legislation, discrimination, intersectionality, legislation, protected grounds, measures

Fight against impunity and past human rights violations (arts. 2, 6–7 and 14)

3. Please indicate the legislative and other measures that have been taken to combat discriminatory laws and social practices based on sex, sexual orientation, race, religion, membership of an indigenous group, disability, albinism, socioeconomic status or ethnicity. Please describe the measures taken to protect individuals facing intersecting forms of discrimination. Please provide additional information on the expansion of the anti-discrimination legal framework, including whether this expansion includes steps to develop dedicated anti-discrimination legislation.

Keywords: LGBTI; hate speech, intersectionality

4. Please respond to allegations of increasing hate speech, including by high-level politicians and online, against people of African descent, lesbian, gay, bisexual, transgender and intersex individuals and indigenous peoples. Please describe the measures taken by the State party to protect those at risk, including additional information about the scope and outcomes of the Humaniza Redes programme. Please outline the legal framework in place to prevent and punish hate speech, clarify whether hate speech is criminalized in domestic law and provide data on the number of complaints, investigations, prosecutions and convictions for such offences during the reporting period.

Keywords: LGBTI; criminalisation (decriminalisation), data collection, intersectionality, investigation, killings, legislation, prevention, prosecution, punishment, remedy, violence

Right to life (art. 6)

12. Please respond to reports of high levels of homicide within the State party and to allegations that people of African descent, indigenous peoples and lesbian, gay, bisexual, transgender and intersex persons are disproportionately victimized. Please provide information about the legal framework in place to punish all forms of hate crime, including details as to whether the State party intends to introduce specific legislation to criminalize homophobia. Please provide any available disaggregated data about the number of complaints, investigations, prosecutions and convictions in cases concerning such crimes, and the remedies, including compensation, provided to victims and their families. Please also describe any measures taken to prevent such violence.

Keywords: LGBTI; HRD, harassment, intersectionality, measures, violence

Human rights defenders (arts. 6, 17, 19–22 and 26)

27. Please describe the steps taken by the State party to safeguard civic space, including the measures taken to protect human rights defenders, including environmental defenders, indigenous peoples, religious organizations, people of African descent, women and lesbian, gay, bisexual, transgender and intersex persons from violent attacks, threats, intimidation and harassment. Please include information about the Programme for the Protection of Human Rights Defenders, Communicators and Environmental Defenders and the number of people protected in each state, and respond to reports that the programme is not consistently effective and has been developed and implemented without meaningful consultation with affected stakeholders. Please also explain why the budget for the programme decreased in 2015, 2016 and 2017 and provide up-to-date information on the resources dedicated to the programme.

Keywords: LGBTI; intersectionality, investigation, killings, prevention, professional groups, prosecution, punishment, remedy, violence

Participation in public affairs (arts. 25–26)

28. Please respond to reports of violence, intimidation, threats and harassment directed at political candidates and politicians in the run-up to the 2018 general elections and the 2020 municipal elections. Please provide information about the steps taken to protect political candidates and politicians, including women, people of African descent and lesbian, gay, bisexual, transgender and intersex persons, from such attacks. Please provide information about the investigations undertaken into acts of violence against politicians and political candidates, including Marielle Franco, and clarify the steps that have been taken to hold perpetrators to account and to provide access to remedies for victims. Please include information about the measures taken by the State party to ensure the non-repetition of such human
rights violations and to prevent a chilling effect on political representation, particularly in light of the upcoming 2022 general elections.
**Bulgaria** – Follow-up Assessment – 136th Session, 5 December 2022, 4th review, CCPR/C/136/2/Add.3

Keywords: SOGI; LGBTI; aggravating circumstance, anti-discrimination legislation, discrimination, follow-up, hate crimes, hate speech, internet, investigation, law enforcement officials, legislation, media, prosecution, protected grounds, punishment, reparation, trainings, violence

**Paragraph 10: Hate speech and hate crimes**

The State party should:

(a) Amend the Criminal Code and the Radio and Television Act to explicitly include sexual orientation and gender identity as hate motives and grounds of discrimination, respectively;

(b) Ensure that any advocacy of ethnic or racial hatred that constitutes incitement to discrimination, hostility or violence is prohibited in law and in practice, and that persons responsible for such behaviour towards minority groups are held accountable, including State officials;

(c) Effectively enforce criminal provisions against hate crimes and hate speech by ensuring that such crimes are reported, investigated, prosecuted and punished with appropriate sanctions, and that victims receive full reparation;

(d) Strengthen the investigative capacity of law enforcement officials for hate crimes and criminal hate speech, including on the Internet and strengthen the mandate and capacity of the Council for Electronic Media to prevent and sanction hate speech in the media.

**Summary of the information received from the State party**

(a) Hate crimes, including hate speech, and the criminal prosecution thereof are specifically addressed in the Criminal Code. Although the Code does not provide for qualified forms in the case of crimes motivated by homophobia or transphobia, those elements could be found to be aggravating circumstances in determining the penalty. Amendments to the Radio and Television Act were prepared following the revision in 2018 of the European Union Audiovisual Media Services Directive, including proposed amendments to broaden the scope of hate speech to reflect the grounds listed in article 21 of the Charter of Fundamental Rights of the European Union.

(b) Racial and xenophobic motivation qualify as aggravating circumstances in the commission of homicide and bodily injury, leading to more severe sanctions. All acts of condoning, denying or grossly trivializing crimes against peace and humanity are qualified as criminal offences when they are likely to incite violence or hatred against a person or group of persons on the basis of race, colour, descent, religion or national or ethnic origin. When determining penal sanctions, courts consider possible racist motives which would be considered aggravating circumstances and would result in a more severe penalty.

(c) Hate crimes may be reported to the authorities. The Prosecutor’s Office has adopted guidelines on handling cases of, and pretrial proceedings for, criminal offences with discriminatory elements. Organizational measures have been taken to explore the provision of digital statistical reports, including data disaggregated by motivation, especially in the case of hate crimes. The Crime Victim Assistance and Financial Compensation Act contains information for victims on reporting procedures and provides for their protection and compensation. Victims of hate speech and hate crimes benefit from several forms of assistance, including emergency medical treatment, psychological counselling and free legal aid. Victim support organizations provide shelter, including for victims who are at imminent risk, for up to 10 days.

(d) Junior judges, prosecutors, investigators and junior magistrates are trained in the prevention of and protection from all forms of racial discrimination. From June 2017 to June 2020, the National Institute of Justice trained 244 magistrates on preventing and combating discrimination. A specialized training course on the European Union legal framework on equality was also organized. A 2019 handbook for law enforcement officials, along with the Council of Europe’s manual on policing hate crime against lesbian, gay, bisexual, transgender and intersex persons (which was translated into Bulgarian in 2020) and a handbook on restorative justice and its implementation in cases of hate crimes against those persons, have been incorporated into all the regional directorates of the Ministry of the Interior. Between 2017 and 2019, 114 prosecutors and 4 investigators took part in 27 training courses on improving data collection on and recording of hate crime. Public figures are involved in campaigns aimed at
discouraging hate speech, and targeted campaigns are organized in schools. The draft law amending the Radio and Television Act to strengthen the powers of the Council for Electronic Media provides for stricter measures against hate speech and prohibits incitement to violence, hatred and terrorist acts in audiovisual media services, including on video-sharing platforms. All radio and television channels undergo regular monitoring and are prohibited from creating or broadcasting content that incites intolerance or that praises cruelty or violence.

Committee’s evaluation

Regarding para 10 (a), (b) and (c)

Discontinued - [C]: Information/action not satisfactory

While taking note of the information provided on protection against hate crime and hate speech under the existing legal framework, and on the draft law to amend the Radio and Television Act to broaden the scope of hate speech, the Committee regrets the lack of information on measures taken to amend the Criminal Code to explicitly include sexual orientation and gender identity as hate motives and grounds of discrimination. It requests information on: (a) cases in which the existing legislation has been invoked in relation to hate crimes and hate speech; and (b) the progress of the adoption of the draft law amending the Radio and Television Act.

While taking note of the information provided, the Committee regrets the lack of information on measures taken to ensure that persons found to be responsible for any acts constituting incitement to discrimination, hostility or violence, including State officials, are held accountable. The Committee reiterates its recommendation.

The Committee regrets the lack of relevant statistical data and information on measures taken during the reporting period. It reiterates its recommendations and requests details of specific measures taken to improve the complaints mechanism, especially with regard to hate crimes and hate speech, and data on the number of complaints, investigations, prosecutions and convictions in cases of hate crimes and hate speech. It also requests additional information on the guidelines on handling cases of criminal offences with discriminatory elements, including clarification on when they were adopted.

Regarding para 10 (d)

Discontinued - [B]: Information/action partially satisfactory

The Committee welcomes the information on the draft law to strengthen the mandate of the Council for Electronic Media to prevent and sanction hate speech in the media; the efforts made to train law enforcement and criminal justice authorities on the prevention of and protection from all forms of racial discrimination; and the incorporation of the handbooks and manual addressing the policing of hate crimes against lesbian, gay, bisexual, transgender and intersex persons. It requests further information on the impact they have had on the investigative capacity of law enforcement and on whether these measures have resulted in a decrease in the number of reported complaints against law enforcement authorities.

The information requested should be included in the State party’s next periodic report.

Next periodic report due: 2028 (country review in 2029, in accordance with the predictable review cycle).
Cambodia – List of Issues – 129th session, 28 August 2020, 3rd review, CCPR/C/KMH/Q/3
Keywords: SOGI; anti-discrimination legislation, data collection, discrimination, follow-up, intersectionality, legislation, protected grounds

Non-discrimination (arts. 2 and 25)

7. In light of the Committee’s previous recommendations (CCPR/C/KHM/CO/2, paras. 7–9), please describe the legislative and other measures taken during the current reporting period to combat discriminatory laws and social practices based on sex, sexual orientation, gender identity, race and ethnicity, religion, disability and indigenous status. Please include information on steps taken to collect information on minority and marginalized groups and their needs and to develop comprehensive anti-discrimination legislation, including provisions that prohibit discrimination on all relevant grounds, and measures taken to ensure equal access to government services.

Cambodia – Concluding Observations – 134th session, 18 May 2022, 3rd review, CCPR/C/KMH/CO/3
Keywords: SOGI; LGBT; awareness-raising campaign, anti-discrimination legislation, discrimination, legislation, prevention, protected grounds, remedy, stigmatisation, violence

Non-discrimination

14. The Committee remains concerned about the discrimination and systemic exclusion faced by ethnic minorities, in particular Khmer Krom and Cambodians of Vietnamese origin, including the denial of identity documents, which limits their access to other rights. The Committee is also concerned about the discrimination, segregation and stigma faced by persons with disabilities, as well as by lesbians, gays, bisexuals and transgender persons, which often entails violence (arts. 2 and 26).

15. 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 race, colour, sex, political or other opinion, national or social origin, sexual orientation and gender identity, disability, or any other status, and ensure access to effective and appropriate remedies for victims of discrimination; (...)

(c) Prevent discrimination and violence against lesbians, gays, bisexuals and transgender persons, as well as against persons with disabilities, including by conducting public awareness-raising campaigns to combat their social stigmatization.
Colombia – List of Issues – 135th session, 10 October 2022, 8th review, CCPR/C/COL/Q/8

Keywords: LGBTI; intersectionality, follow-up

**The fight against impunity and human rights violations in the context of the internal armed conflict (arts. 2, 6, 7, 9, 12 and 14)**

3. In keeping with the Committee’s previous concluding observations (para. 9) and in view of the information contained in the State party’s periodic report, please provide information on: (a) the number of investigations under way into violations of rights under the Covenant, the penalties imposed and the redress provided to the victims, with an emphasis on cases of corruption in the judiciary; (b) the steps taken to ensure that effective protection and care is afforded to the most vulnerable persons and communities, in particular women, children, older persons, persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons, migrants, asylum-seekers, Afro-Colombians and indigenous peoples; (c) the measures taken, especially in relation to the effective implementation of Act No. 1448 of 2011 by all relevant government entities, to ensure that all victims receive comprehensive redress, as well as the number of applications submitted by victims to the Land Restitution Unit, the number of cases rejected and why and the number of resolved cases that led to land restitutions.

Keywords: SOGI; LGBTI; discrimination, investigation, law enforcement officials, prevention, punishment, stereotypes, killings, violence

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

6. With reference to the State party’s submission and the Committee’s previous concluding observations (para. 17), please provide information on: (a) the activities carried out under Decrees No. 762 of 2018 and No. 410 of 2018 to guarantee the implementation of the principle of non-discrimination and eradicate the stereotypes and preconceived notions prevailing in society, particularly those about lesbian, gay, bisexual, transgender and intersex persons, who, moreover, face high rates of threats and homicide, and about persons with disabilities and indigenous and Afrodescendant persons; and (b) the steps taken to prevent, investigate and punish acts of discrimination or violence against individuals based on their sexual orientation or gender identity, including those committed by law enforcement personnel. Please also provide disaggregated statistical information on the number of criminal complaints filed during the reporting period concerning acts of racism or discrimination, indicating the grounds for discrimination, and on the investigations conducted, the penalties imposed on those responsible and the measures of reparation provided to the victims.
Egypt – List of Issues – 134th session, 27 June 2022, 5th review, CCPR/C/EGY/Q/5

Keywords: SOGI; arrest, criminalisation (decriminalisation), detention, discrimination, harassment, law enforcement officials, legislation, police misconduct, stigmatisation, violence

Non-discrimination (arts. 2 and 26)

6. Please report on measures taken to ensure that the legal framework 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 provides for effective remedies in judicial and administrative proceedings for victims of discrimination. Please clarify whether consensual same-sex relations are criminalized in the State party and comment on information received by the Committee indicating that the Law on Combating Prostitution (No. 10/1961) is applied to criminalize same-sex relations. Please respond to reports of social stigmatization, harassment, violence and discrimination against persons on the grounds of their gender identity or sexual orientation by both State officials and private individuals and the arbitrary arrest and detention of such persons by law enforcement officials.
**Ethiopia** – List of Issues – 130th session, 19 January 2021, 2nd review, CCPR/C/ETH/Q/2

Keywords: SOGI; access to justice, anti-discrimination legislation, discrimination, legislation, protected grounds, remedy

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

5. Please provide further information on the steps taken to ensure that the State party’s legal framework: (a) 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, including sexual orientation and gender identity; and (b) provides for effective remedies in judicial and administrative proceedings for victims of discrimination. Please indicate if the State party intends to adopt comprehensive anti-discrimination legislation to address the above requirements.

Keywords: LGBT; criminalisation (decriminalisation), discrimination, follow-up, harassment, hate speech, investigation, professional groups, prosecution, punishment, stigmatisation, violence

6. Bearing in mind the Committee’s previous concluding observations (para. 12), please indicate whether the State party intends to consider decriminalizing sexual relations between consenting adults of the same sex. Please report on the measures taken to: (a) address social stigmatization, harassment, violence and discrimination against lesbian, gay, bisexual and transgender persons and persons living with HIV/AIDS; (b) combat and prevent homophobic and transphobic rhetoric by politicians and other public officials; and (c) encourage the reporting of acts of violence and discrimination against lesbian, gay, bisexual and transgender individuals, investigate all allegations of such acts and prosecute and punish perpetrators.

**Ethiopia** – Concluding Observations – 136th session, 7 December 2022, 2nd review, CCPR/C/ETH/CO/2

Keywords: LGBT; access to justice, awareness-raising campaign, criminalisation (decriminalisation), discrimination, follow-up, harassment, hate speech, stigmatisation, violence

**Non-discrimination**

11. (…) Recalling its previous recommendations, the Committee remains concerned by the criminalization of same-sex relations or any “other indecent acts” between consenting adults, and acts of discrimination, violence and hate speech against lesbian, gay, bisexual and transgender persons within society (arts. 2, 19–20 and 26).

12. The State party should: (…)

(c) Carry out awareness campaigns, including campaigns targeting religious institutions, to address social stigmatization, hate speech, harassment, violence and discrimination against the lesbian, gay, bisexual and transgender community;

(d) Decriminalize sexual relationships between consenting adults of the same sex and ensure that lesbian, gay, bisexual and transgender persons have effective access to justice.
Georgia – List of Issues – 130th session, 19 January 2021, 5th review, CCPR/C/GEO/Q/5

Keywords: SOGI; LGBT; discrimination, FOE/FOAA, follow-up, harassment, hate crimes, hate speech, HRD, investigation, LGR, legislation, professional groups, prosecution, punishment, stigmatisation, violence

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

5. Bearing in mind the Committee’s previous concluding observations (para. 8), please report on the measures taken to address the social stigmatisation and harassment of, and violence and discrimination against lesbian, gay, bisexual, transgender and intersex persons and defenders advocating for their rights. Please indicate the measures taken to ensure, in practice, their right to peaceful assembly and freedom of expression, including by providing adequate protection to lesbian, gay, bisexual, transgender and intersex persons from violent attacks by members of extremist groups. Please respond to reports of: (a) the authorities’ failure to promptly and effectively investigate cases of violence based on sexual orientation and gender identity, to identify hate crimes and to prosecute and punish perpetrators; (b) the underreporting of hate crimes, including for reasons of social stigmatisation and lack of trust in the authorities; and (c) the prevalence of homophobic and transphobic rhetoric by politicians, public officials and religious figures. Please also describe the current legislation and procedures concerning change of civil status in line with gender identity.

Georgia – Concluding Observations – 135th session, 13 September 2022, 5th review, CCPR/C/GEO/CO/5

Keywords: GI, SOGI; LGBT; discrimination, FOE/FOAA, gender reassignment surgeries, harassment, hate crimes, hate speech, HRD, investigation, LGR, legislation, policy, professional groups, protected grounds, protection, punishment, reparation, surgical/medical intervention, violence

Discrimination and violence on the grounds of sexual orientation and gender identity

17. While noting the 2020 policy document on sexual orientation and gender identity rights and the legislative efforts under way to strengthen protection, the Committee remains concerned about the reported prevalence of discrimination, harassment, intimidation and attacks against lesbian, gay, bisexual and transgender persons, advocates for their rights and journalists, in particular the violent attacks committed during the Tbilisi Pride march on 5 and 6 July 2021. It is further concerned by reports of homophobic and transphobic rhetoric being conducted with impunity by politicians, other public officials and religious figures. Furthermore, it regrets the lack of definition of legal recognition of gender reassignment and reports that individuals are required to undergo gender-reassignment surgery in order to change their civil status (arts. 2, 7, 17, 21 and 26).

18. The State party should step up its efforts to:

(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 such violations are promptly and effectively investigated, that perpetrators are held accountable, with penalties commensurate with the seriousness of the crime, and that victims have access to full reparation;

(b) Take adequate measures to prevent homophobic and transphobic discourse by politicians, other public officials and religious figures;

(c) Review and amend its legislation and procedure for the change of civil status with respect to gender identity, with a view to providing a quick, transparent and accessible gender-recognition procedure on the basis of self-identification by applicants.

Keywords: SOGI; LGBT; awareness-raising campaign, data collection, discrimination, FOE/FOAA, GC/GR, hate crimes, hate speech, investigation, law enforcement officials, legislation, professional groups, prosecution, protected grounds, punishment, reparation, stereotypes, trainings, violence

Hate speech and hate crimes

19. While noting the monitoring of hate crimes by the Human Rights Protection and Quality Monitoring Department of the Ministry of Internal Affairs and the development of a unified methodology to collect data on those crimes, the Committee is concerned by continuing allegations of intolerance, prejudice, hate speech and hate crimes against members of vulnerable and minority groups, including women,
ethnic and religious minorities, lesbian, gay, bisexual and transgender persons and migrants, often perpetrated by extreme right-wing groups. It is also concerned by reports of the underreporting of hate crimes and the low number of investigations into and convictions for these crimes (arts. 2, 19–20 and 26).

20. The State party should step up its efforts to:

(a) Combat intolerance, stereotypes, prejudice and discrimination towards vulnerable groups, including ethnic and religious minorities and lesbian, gay, bisexual and transgender persons, by, inter alia, increasing training for law enforcement officials, prosecutors and the judiciary and conducting awareness-raising campaigns promoting sensitivity and respect for diversity among the general public;

(b) Ensure that any advocacy of hatred, hostility or violence on the grounds of ethnic, national, racial or religious identity or of sexual orientation and gender identity is prohibited by law, in accordance with articles 19 and 20 of the Covenant and the Committee’s general comment No. 34 (2011) on the freedoms of opinion and expression;

(c) 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;

(d) Strengthen the investigation capacity of law enforcement officials on hate crimes and hate speech, including online hate speech, 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, harassment, hate crimes, HRD, law enforcement officials, police, protection, violence

Peaceful assembly

45. The Committee (...) is also concerned about the incidents on 5 and 6 July 2021, when members of radical groups attacked lesbian, gay, bisexual, transgender and intersex persons, human rights defenders and journalists, resulting in the disruption of the Tbilisi Pride march, and about the failure of the competent authorities to provide adequate protection for those individuals and to bring all perpetrators, including the organizers of the attacks, to justice in a timely manner (arts. 6–7 and 21).

46. In accordance with article 21 of the Covenant and in the light of the Committee’s general comment No. 37 (2020) on the right of peaceful assembly, the State party should: (…)

(c) Ensure the protection of peaceful demonstrators, human rights defenders and journalists covering peaceful demonstrations from threats, intimidation, harassment and attacks by private actors.
Hong Kong, China – List of Issues – 129th session, 26 August 2020, 4th review, CCPR/C/CHN-HKG/Q/4

Keywords: LGBTI; T; discrimination, detention, family, follow-up, FOE/FOAA, gender reassignment surgeries, gender reassignment treatment, hate crimes, hate speech, LGR, legislation, partnership, same-sex couples, SRHR, torture/ill-treatment

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

8. With reference to the Committee’s previous concluding observations (CCPR/C/CHN-HKG/CO/3, para. 23), please indicate any steps taken to recognize same-sex partnerships and to address discrimination faced by same-sex couples. Please provide an update on any legislative developments for the recognition of transgender persons and clarify the compatibility with the Covenant of certain requirements for the legal recognition of gender reassignment, such as deprivation of reproductive ability and gender confirmation surgery. Please indicate the measures taken to protect lesbian, gay, bisexual, transgender and intersex persons, particularly from hate speech and hate crimes; to facilitate their right to hold events such as gay pride parades; and to respond to reports of inhumane and degrading treatment experienced by transgender persons in custody, including intrusive and humiliating full-body searches, solitary confinement and lack of access to hormone treatment.

Hong Kong, China – Concluding Observations – 135th session, 11 November 2022, 4th review, CCPR/C/CHN-HKG/CO/4

Keywords: SOGI; anti-discrimination legislation, discrimination, legislation, protected grounds

Non-discrimination

8. The Committee notes the efforts made by Hong Kong, China, to improve its anti-discrimination legislation, including the adoption of the Discrimination Legislation (Miscellaneous Amendments) Ordinance 2020 and the Sex Discrimination (Amendment) Ordinance 2021. The Committee, however, remains concerned about the persisting lacuna in the existing anti-discrimination framework with regard to protection against all forms of discrimination based on all prohibited grounds of discrimination, including age, sexual orientation and gender identity, in all spheres, and the fragmentary approach of Hong Kong, China, to addressing it. In this context, the Committee regrets the explicit intention of Hong Kong, China, not to adopt comprehensive anti-discrimination legislation. Furthermore, the Committee is concerned that a minimal number of racial discrimination complaints have been filed with the Equal Opportunities Commission despite the reportedly frequent incidents of racial discrimination experienced by migrant workers, and that none of the discrimination claims brought before the Commission under the four anti-discrimination ordinances has been successful (arts. 2, 3, 25 and 26).

9. The Committee urges Hong Kong, China, to reconsider its position and to take concrete steps to adopt comprehensive anti-discrimination legislation that prohibits all forms of direct, indirect and multiple discrimination, based on all prohibited grounds of discrimination, including age, sexual orientation and gender identity in all public and private spheres. Hong Kong, China, should enhance the capacity and effectiveness of the Equal Opportunities Commission to competently carry out its complaints-handling and other mandates.

Keywords: LGBTI, T; awareness-raising campaign, discrimination, gender reassignment surgeries, gender reassignment treatment, harassment, hate crimes, hate speech, investigation, LGR, legislation, prosecution, punishment, remedy

Discrimination against lesbian, gay, bisexual, transgender and intersex persons

10. The Committee is concerned about the lack of effort made by Hong Kong, China, to raise awareness among its population of the effects of discrimination based on sexual orientation and gender identity on victims. It is also concerned about the absence of a legal framework to address the discrimination, harassment, hate speech and hate crimes that lesbian, gay, bisexual, transgender and intersex persons continuously face. It is further concerned that, despite an interdepartmental working group on gender recognition having been established in 2014, no progress has been made towards drafting a law on gender recognition, and transgender persons continue to be required to undergo surgery in order to have their gender marker changed in their identity documents (arts. 2, 25 and 26).

11. Hong Kong, China, should:
(a) Intensify its efforts to combat discrimination against lesbian, gay, bisexual, transgender and intersex persons, including by conducting public awareness-raising campaigns;

(b) Adopt a legal framework to explicitly prohibit and prevent discrimination, harassment, hate speech and hate crimes against lesbian, gay, bisexual, transgender and intersex persons, ensure that all such cases are thoroughly investigated, prosecuted and sanctioned, and provide access to effective remedies for victims;

(c) Put in place a quick, transparent and accessible procedure for the legal gender recognition of transgender persons and immediately discontinue the policy of requiring medically unnecessary gender-reassignment surgery.
Iran – List of Issues – 136th session, 30 November 2022, 4th review, CCPR/C/IRN/Q/4

Keywords: LGBT; hate crimes, hate speech, prevention

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

5. Please indicate whether the State party intends to adopt comprehensive anti-discrimination legislation and amendments to existing legislation in order to provide full and effective protection against direct, indirect and multiple discrimination in all spheres, including the private sphere, on all the grounds prohibited under article 26 of the Covenant, and effective remedies in judicial and administrative proceedings for victims of discrimination. Please provide disaggregated data on complaints of discrimination brought before national courts and before any other complaints bodies during the reporting period, and include information about the basis of discrimination, the nature of the investigations conducted and their outcomes, and any forms of redress provided to victims. Please describe all measures taken to prevent and combat hate crimes and hate speech, particularly against members of religious minorities and lesbian, gay, bisexual and transgender individuals.

Keywords: SOGI; LGBT; criminalisation (decriminalisation), death penalty, discrimination, education, employment, follow-up, health, housing, HRD, investigation, police misconduct, punishment, violence

6. With reference to the Committee’s previous concluding observations, please report on steps taken or planned to decriminalize sexual relations between consenting adults of the same sex and to abolish the death penalty for such acts, as well as to refrain from imposing the death penalty on human rights defenders who advocate for the rights of lesbian, gay, bisexual and transgender individuals, including on the charge of “corruption on Earth”. Please indicate the measures taken to: (a) eliminate and combat discriminatory attitudes and practices towards lesbian, gay, bisexual and transgender individuals, including with respect to access to employment, housing, education and health care; and (b) ensure that all cases of discrimination or violence against persons based on their sexual orientation or gender identity, including cases of police brutality, are properly investigated and sanctioned, including information on the outcomes of such cases.

Keywords: death penalty, criminalisation (decriminalisation), follow-up

Right to life (art. 6)

10. With reference to the Committee’s previous concluding observations, please indicate what steps have been taken to revise the Penal Code with a view to restricting the imposition of the death penalty to only the “most serious crimes”, within the meaning of article 6 (2) of the Covenant, and to abolishing the death penalty, particularly for children. In this respect, please comment on the compatibility with the Covenant of the imposition of the death penalty for charges including “spreading corruption on Earth”, drug-related offences, adultery, same-sex relations (...) Please provide statistical information for the reporting period, disaggregated by sex, age and ethnic origin, on the number of death sentences imposed, including on children, executions carried out, pardons and commutations requested and granted, the type of offences for which death sentences were imposed, and the number of prisoners currently on death row. Please comment on the reported lack of fair trial guarantees for defendants in death penalty cases, including the use of closed proceedings before the revolutionary courts, the low standard of evidence and use of Qassameh (sworn oath), and the restricted access of defendants to counsel.
Iraq – List of Issues – 129th session, 17 August 2020, 6th review, CCPR/C/IRQ/Q/6

Keywords: SOGI; awareness-raising campaign, criminalisation (decriminalisation), discrimination, follow-up, investigation, killings, law enforcement officials, professional groups, stigmatisation, violence

Non-discrimination and equality between men and women (arts. 2, 3, 18, 23 and 26)

7. With reference to the Committee’s previous concluding observations (paras. 11–12) and the information provided by the State party (paras. 39–40), please comment on reports of persistent allegations of acts of discrimination and violence 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 those persons. In that regard, please provide updated information on the investigation into the killing of the actor and model, Karar Nushi, in Baghdad on 2 July 2017. Please also provide information on any awareness-raising campaigns to promote sensitivity and tolerance among law enforcement officers, prosecutors, courts and the general public with regard to sexual orientation and gender identity. Please indicate whether the State party is considering revising articles 394 and 401 of the Criminal Code.

Iraq – Concluding Observations – 134th session, 16 August 2022, 6th review, CCPR/C/IRQ/CO/6

Keywords: SO, SOGI; anti-discrimination legislation, awareness-raising campaign, criminalisation (decriminalisation), discrimination, follow-up, investigation, killings, law enforcement officials, legislation, police, prevention, professional groups, prosecution, protected grounds, punishment, remedy, sexual violence, stereotypes, stigmatisation, torture/ill-treatment, trainings, violence

Non-discrimination

12. While taking note of the State party’s indication that Iraqi law has no provisions that discriminate against persons of any specific category on the basis of sexual orientation or gender, the Committee is nevertheless concerned about continuing reports of discrimination and violence, including abduction, rape, torture and murder, 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 and the facts that these serious crimes are not investigated and punished. Furthermore, the Committee notes with regret that the State party is not considering revising articles 394 and 401 of the Criminal Code which, it is alleged, have been used to prosecute persons due their sexual orientation or gender identity (arts. 2–3, 7 and 26).

13. In line with the Committee’s previous recommendations, the State party should ensure that all persons can, regardless of their real or perceived sexual orientation or gender identity, fully enjoy all the human rights enshrined in the Covenant. In particular, the Committee recommends that the State party:

(a) Consider enacting comprehensive anti-discrimination legislation that provides full and effective protection against discrimination in all spheres and contains a comprehensive list of prohibited grounds for discrimination, including sexual orientation and gender identity;

(b) Take steps to combat stereotypes about and negative attitudes towards persons on the basis of their sexual orientation or gender identity;

(c) Adopt concrete measures, including the provision of training and awareness-raising programmes for the police and the judiciary, including the public prosecution, to effectively prevent acts of discrimination and violence against such persons;

(d) Ensure that all acts of violence against persons due to their sexual orientation or gender identity are promptly and effectively investigated, perpetrators brought to justice and victims compensated;

(e) Take steps to ensure that existing legislation alluding to vague notions of morality and decency is not used to criminalize acts of persons on the basis of their sexual orientation and gender identity.
Ireland – List of Issues – 130th session, 14 January 2021, 5th review, CCPR/C/IRL/Q/5

Keywords: SO; LGBT; anti-discrimination legislation, discrimination, follow-up, legislation

Non-discrimination (arts. 2–3, 14, 20, 23 and 26–27)

7. Bearing in mind the Committee’s previous recommendations (CCPR/C/IRL/CO/4, para. 23), please indicate the legislative and other measures taken within the reporting period to combat laws and social practices which are discriminatory on the basis of sex, Roma and Traveller status, race, sexual orientation, religion, disability and/or nationality status. Please include information on: (a) how the effective application of the Equal Status Act 2000 is ensured, including a summary of complaints brought under this legislation during the reporting period and their outcomes; (b) the outcomes of equality-related strategies, such as the National Traveller and Roma Integration Strategy 2017–2021, the LGBTI+ National Youth Strategy 2018–2020 and the Migrant Integration Strategy 2017–2020, as well as when the National LGBTI+ Inclusion Strategy will be in place; (c) any measures taken by the State party to ensure that the COVID-19 pandemic does not exacerbate inequality, discrimination and exclusion, including among older persons, women, persons living in poverty, persons with disabilities and persons experiencing homelessness.

Ireland – Concluding Observations – 135th session, 26 January 2023, 5th review, CCPR/C/IRL/CO/5

Keywords: LGBTI; discrimination, education, employment, health

Non-discrimination, hate speech and hate crime

15. The Committee welcomes the various legislative and policy measures taken by the State party to combat discrimination, as well as the establishment of the Independent Anti-Racism Committee in 2020, but it remains concerned about: (a) the persistent discrimination suffered by women, persons of African descent, the Traveller and Roma communities, persons with disabilities and lesbian, gay, bisexual, transgender and intersex persons, especially in the areas of education, health care and employment; (b) members of the Traveller and Roma communities, as well as persons of African descent, being particularly targeted by systemic discrimination and racial profiling; and (c) the shortcomings in comprehensive data collection, including the lack of ethnic identifiers, specifically related to the activities and actions of law enforcement, as well as the investigations, prosecutions and sanctions of discriminatory and hate-based crimes (arts. 2, 7, 18, 20 and 26).

16. The State party should:

(a) Continue to monitor and assess legislative and policy measures on racism and non-discrimination, guaranteeing swift and full implementation of updated national strategies and the National Action Plan against Racism; (...).

Keywords: SOGI; LGBTI; awareness-raising campaign, consultation, hate crimes, hate speech, legislation, protected grounds, stereotypes, violence

17. The Committee is concerned about reports of increases in hate crime and discriminatory incidents, especially in the context of the coronavirus disease (COVID-19) pandemic. It notes the efforts taken by the State party to publish and review the General Scheme of the Criminal Justice (Hate Crime) Bill 2021, but the Committee remains concerned about the reports that the proposed legislation may not be in line with international standards, specifically with regard to, inter alia, the proposed definitions of “hatred” and “incitement”, as well as the scope of exceptions. Furthermore, the Committee regrets reports that specific communities, inter alia, persons with disabilities and lesbian, gay, bisexual, transgender and intersex persons, were not included in the consultation process (arts. 2, 19–20 and 26).

18. The State party should redouble its efforts to combat 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 the freedoms of opinion and expression. It should also, inter alia:

(a) Proceed with the timely adoption of the Criminal Justice (Incitement to Violence or Hatred and Hate Crime) Bill 2022, ensuring its provisions and restrictions are compatible with the Covenant;
(b) Improve relevant data collection and take effective measures to prevent and sanction both online and offline hate speech;

(c) Strengthen its awareness-raising efforts aimed at promoting respect for human rights and tolerance for diversity, eradicating stereotypical prejudices based on race, ethnicity, religion or sexual orientation and gender identity;

(d) Encourage the reporting of hate crimes and ensure that such crimes are thoroughly investigated, perpetrators are prosecuted and punished and victims are provided with effective remedies;

(e) 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; I, LBT; children, conversion therapy, discrimination, free and informed consent, stereotypes, stigmatisation, surgical/medical intervention

Sexual orientation, gender identity and intersex persons

19. The Committee is concerned about social stigmatization and discrimination against persons based on their sexual orientation or gender identity. While noting the information provided on the ongoing review of conversion practices, the Committee is concerned about reports of the continued practice of conversion therapy. 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).

20. The State party should:

(a) Consider taking the necessary steps to prohibit the practice of so-called conversion therapy against lesbian, bisexual and transgender persons;

(b) 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 in which such interventions are absolutely necessary for medical reasons and the best interests of the child have been duly considered.

Keywords: LGBTI; asylum-seekers/refugees, COVID-19, harassment

Refugees and asylum-seekers

37. The Committee (...) concerned about (...) issues faced by asylum-seekers under direct provision, exacerbated by the COVID-19 pandemic, including overcrowding, difficulty in accessing medical services and social protection payments, feelings of insecurity due to sharing communal areas and, at times, bedrooms with non-family members, as well as harassment and threats experienced by lesbian, gay, bisexual, transgender and intersex asylum-seekers (...).

38. Recalling its previous recommendations, the State party should: (...)

(b) Take concrete measures to improve reception conditions for asylum-seekers by, inter alia, establishing a robust system of vulnerability assessments for international protection applicants, phasing out the use of emergency accommodation for asylum-seekers and developing a contingency planning framework for their accommodation;

(c) Ensure that living conditions and treatment in accommodation centres for asylum-seekers are in conformity with international standards, including by taking the necessary measures to swiftly implement the new model of accommodation and support for applicants of international protection, ensuring its procedures and protections are in line with international standards; (...).

Keywords: SOGI; awareness-raising campaign, hate speech, follow-up, protected grounds, stereotypes, violence

D. Dissemination and follow-up

50. In accordance with rule 75 (1) of the Committee’s rules of procedure, the State party is requested to provide, by 28 July 2025, information on the implementation of the recommendations made by
the Committee in paragraphs 12 (accountability for past human rights violations), 18 (non-discrimination, hate speech and hate crime) and 42 (freedom of religion) above.
**Japan** – List of Issues prior to reporting – 121st session, 11 December 2017, 7th review, CCPR/C/JPN/QPR/7

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

Non-discrimination and prohibition of advocacy of national, racial or religious hatred (arts. 2, 20 and 26)

5. With reference to the previous concluding observations (para. 11), please indicate whether steps have been or are being taken to adopt comprehensive anti-discrimination legislation that addresses discrimination, including in the private sphere; prohibits direct, indirect and multiple discrimination; and contains a comprehensive list of prohibited grounds of discrimination, including colour, language, political or other opinion, national origin, property, birth, sexual orientation, gender identity and other status. Please also report on measures to eliminate all discriminatory provisions regarding the status of children born out of wedlock.

Keywords: LGBTI, T; detention, discrimination, education, employment, family, gender reassignment surgeries, gender reassignment treatment, hate speech, health, LGR, partnership, same-sex couples, sterilisation, stigmatisation, suicide, support services

7. In the light of the previous concluding observations (para. 11), please report on progress made in combating homophobic and transphobic discourse by politicians and discrimination and stigma against lesbian, gay, bisexual, transgender and intersex individuals, particularly in their access to employment, education, health care, welfare and legal services, including through the education system. Please also:
   (a) report on measures taken to address the higher than average suicide rate among those individuals;
   (b) clarify whether steps have been taken towards official recognition of same-sex unions at the national level;
   (c) explain how certain requirements for legal recognition of gender reassignment, such as deprivation of reproductive organs or reproductive ability, gender confirmation surgery and unmarried status, are compatible with the Covenant; and (d) address reports that transgender prisoners have been mistreated in detention facilities.

**Japan** – Concluding Observations – 136th session, 30 November 2022, 7th review, CCPR/C/JPN/CO/7

Keywords: SOGI; anti-discrimination legislation, discrimination, legislation, protected grounds

Anti-discrimination legal framework

8. While noting that article 14 of the Constitution contains a general non-discrimination clause that establishes equality under the law for all individuals, the Committee remains concerned about the lack of comprehensive anti-discrimination legislation in accordance with the provisions of the Covenant. It regrets the lack of information from the State party regarding plans to adopt comprehensive anti-discrimination legislation (arts. 2, 20 and 26).

9. The State party should take all the measures necessary, including by adopting comprehensive anti-discrimination legislation, to ensure that its legal framework provides adequate and effective substantive and procedural protection against all forms of direct, indirect and multiple discrimination, including in the private sphere, on all the prohibited grounds under the Covenant, including colour, opinion, sexual orientation, gender identity, birth or other status, and access to effective and appropriate remedies for victims of discrimination.

Keywords: SOGI; LGBT, T; awareness-raising campaign, detention, discrimination, family, gender reassignment surgeries, gender reassignment treatment, housing, LGR, legislation, marriage, measures, same-sex couples, stereotypes, sterilisation

Discrimination based on sexual orientation and gender identity

10. The Committee notes the measures taken by the State party to combat discrimination based on sexual orientation and gender identity and to raise awareness regarding equal treatment. It is nonetheless concerned at the absence of legislation that explicitly prohibits discrimination based on sexual orientation and gender identity. Furthermore, it is concerned at reports indicating that lesbian, gay, bisexual and transgender persons face discriminatory treatment, particularly in the contexts of public housing, change of gender in the family register, access to legal marriage and treatment in correctional facilities (arts. 2 and 26).
11. In accordance with the Committee’s previous recommendations, the State party should:

(a) Intensify its awareness-raising activities to combat stereotypes and prejudice against lesbian, gay, bisexual and transgender persons;

(b) Ensure that same-sex couples can enjoy all rights enshrined in the Covenant, including access to public housing and same-sex marriage, throughout the State party’s territory;

(c) Consider eliminating unwarranted requirements for the legal recognition of gender reassignment, including deprivation of reproductive organs or reproductive ability, and unmarried status;

(d) Take the steps necessary to ensure the fair treatment of lesbian, gay, bisexual and transgender inmates in correctional facilities, including by reviewing the 2015 guidelines for the treatment of transgender inmates and their implementation to ensure that solitary confinement is not used as the standard treatment for transgender inmates.

Keywords: SOGI; LGBT; awareness-raising campaign, criminalisation (decriminalisation), discrimination, hate crimes, hate speech, law enforcement officials, legislation, professional groups, stereotypes, trainings

12. While welcoming the measures taken by the State party to combat discrimination and hate speech (...), the Committee is concerned: (a) at the continued widespread racist discourse both online and offline against minorities and foreign nationals, specifically targeting Chinese, Buraku, Ryukyu and other minority and indigenous groups and, in particular, Koreans and Japanese nationals of Korean descent, including by organizations, political groups and media platforms, inciting discrimination through demonstrations, street protests and political speeches, some of which have been carried out in the name of election campaigns; (b) that the State party has not taken steps to explicitly criminalize acts of hate speech, hate crime and incitement to discrimination, and that racially discriminatory motives are only defined as grounds potentially aggravating the punishment, to be determined by a judge; and (c) that current legislation does not provide adequate remedies to victims. (arts. 2, 19, 20 and 27).

13. Reiterating its previous recommendations, the Committee urges the State party: (...)

(b) In accordance with articles 19 and 20 of the Covenant and the Committee’s general comment No. 34 (2011), to consider amending the Criminal Code to introduce a separate definition and prohibition of hate crime and to explicitly criminalize acts of hate speech online and offline on all prohibited grounds under the Covenant, including on the grounds of sexual orientation and gender identity; and to 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;

(c) To combat intolerance, stereotypes, prejudice and discrimination towards vulnerable groups, including ethnic and religious minorities and lesbian, gay, bisexual and transgender persons, by, inter alia, increasing training for law enforcement officials, prosecutors and the judiciary and conducting awareness-raising campaigns promoting sensitivity and respect for diversity among the general public; (...).
Kuwait – List of Issues – 136th session, 29 November 2022, 4th review, CCPR/C/KWT/Q/4

Keywords: SOGI; LGBT; court, criminalisation (decriminalisation), FOE/FOAA, gender impersonation laws, legislation, measures, stigmatisation

**Non-discrimination (arts. 2, 7, 9, 17, 20 and 26)**

6. In the light of the Constitutional Court ruling of 16 February 2022 which found that article 198 of the Penal Code criminalizing “imitating the opposite sex” is unconstitutional, please indicate what measures the State party has taken to amend its legislation accordingly. Also in the light of that ruling, based on personal liberty guarantees under article 30 of the Constitution, please provide information on any plans to amend the State party’s legislation to decriminalize same-sex sexual activity among consenting adults. Please comment on reports that, on 20 June 2022, the Ministry of Commerce and Industry launched a censorship campaign against lesbian, gay, bisexual and transgender symbols and slogans, and inform the Committee about any measures that have been taken or are planned to put an end to the social stigmatization of people based on their sexual orientation or gender identity.
**Kyrgyzstan** – List of Issues – 130th session, 18 June 2021, 3rd review, CCPR/C/KGZ/Q/3

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

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

4. With reference to the Committee’s previous concluding observations (para. 8), please clarify whether there are any plans to adopt comprehensive anti-discrimination and hate speech legislation. Please report on measures taken to ensure that domestic legislation: (a) provides full and effective protection against direct, indirect and multiple discrimination in all spheres and on all grounds prohibited under the Covenant, including on grounds of sexual orientation and gender identity, sex, race, language, disability and ethnic origin; and (b) provides for access to effective remedies in judicial and administrative proceedings for victims of discrimination.

**Keywords:** SOGI; LGBTI; arrest, awareness-raising campaign, detention, discrimination, employment, family, harassment, hate speech, health, housing, investigation, law enforcement officials, measures, prevention, privacy, professional groups, stigmatisation, violence

**Discrimination on the grounds of sexual orientation and gender identity (arts. 2, 7, 9, 17, 19, 21 and 26)**

8. Please report on measures taken or planned to: (a) prevent and combat all forms of discrimination based on sexual orientation and gender identity, including in employment, housing, health and family law; (b) address harassment and violence against lesbian, gay, bisexual, transsexual and intersex persons; and (c) raise awareness about principles of non-discrimination among State officials and the population at large. Please respond to reports of social stigmatization, harassment, violence and discrimination against lesbian, gay, bisexual, transsexual and intersex persons by State officials and private individuals, including extortion and arbitrary arrest and detention by law enforcement officials. Please report on measures taken to investigate interference in the private life of, and hate speech and discrimination against, representatives of lesbian, gay, bisexual, transsexual and intersex persons in connection with the 2020 parliamentary elections.

**Kyrgyzstan** – Concluding Observations – 136th session, 9 December 2022, 3rd review, CCPR/C/KGZ/CO/3

**Keywords:** SOGI; anti-discrimination legislation, discrimination, hate speech, legislation, protected grounds

**Non-discrimination**

11. The Committee welcomes the information provided by the State party that the draft National Human Rights Action Plan for 2022–2024 includes the proposals for the adoption of comprehensive anti-discrimination legislation. However, the Committee remains concerned that the existing legal framework does not afford full and effective protection against direct, indirect and multiple discrimination in the public and private sectors and on all the grounds prohibited under the Covenant. Particularly, it is concerned that article 24 of the Constitution does not explicitly mention sexual orientation and gender identity as grounds of discrimination, and its applicability to discrimination in the private sphere, including education and health care. The Committee is also concerned that article 330 of the Criminal Code, while penalizing incitement to racial, ethnic, religious or interregional hostility or hatred, does not include sexual orientation and gender identity (arts. 2 and 26).

12. **In line with the Committee’s previous recommendations,** the State party should:

   (a) Adopt comprehensive anti-discrimination legislation that provides full and effective protection against discrimination in all spheres and that contains a comprehensive list of prohibited grounds for discrimination, including sexual orientation and gender identity, and provides for effective remedies in cases of violation; (…).

**Discrimination on the grounds of sexual orientation and gender identity**

13. The Committee remains concerned about continued reports of hate crimes and hate speech based on sexual orientation and gender identity. It is further concerned by reports of stigmatization, harassment,
violence and discrimination against individuals conducted with impunity by politicians and State officials on the grounds of sexual orientation and gender identity, particularly during the parliamentary elections in 2020. While taking note of the information on training courses, which are regularly organized for the benefit of civil servants, the Committee is concerned about the lack of comprehensive training programmes for all State officials and of awareness-raising campaigns for the entire population (arts. 2, 7, 17, 21 and 26).

14. The State party should adopt a comprehensive approach to prevent and address all forms of discrimination on the grounds of sexual orientation and gender identity, and:

(a) Provide effective protection against all forms of discrimination and violence based on sexual orientation and gender identity, both in law and in practice, and ensure that such acts are promptly and thoroughly investigated;

(b) Reinforce training of State officials, including the judiciary, the public prosecution service and the police, on preventing and combating violence based on sexual orientation and gender identity.
Lithuania – Follow-up Assessment – 135th Session, 20 September 2022, 4th review, CCPR/C/135/2/Add.3

Keywords: GI, GIE, SO, SOGI; LGBT, LGBTI, T; action plan, anti-discrimination legislation, awareness-raising campaign, court, discrimination, employment, family, follow-up, gender reassignment treatment, health, legislation, LGR, partnership, police, professional groups, propaganda, protected grounds, same-sex couples, trainings

Paragraph 10: Discrimination on the grounds of sexual orientation and gender identity

The State party should intensify its efforts to eliminate discrimination, in law and in practice, against persons on the basis of their sexual orientation or gender identity, ensure that legislation is not interpreted and applied in a discriminatory manner against lesbian, gay, bisexual, transgender and intersex persons and refrain from adopting any legislation that would impede the full enjoyment of their Covenant rights. It should review relevant legislation to fully recognize the equality of same-sex couples and ensure that legislation concerning the change of civil status with respect to gender identity is clear and applied in accordance with the rights guaranteed under the Covenant, including through the enactment of legislation on gender reassignment procedures.

Summary of the information received from the State party

The Law on Equal Opportunities and the Labour Code prohibit discrimination, including on the grounds of sexual orientation. In its decision of 11 January 2019 concerning family reunification of a same-sex couple whose union was concluded abroad, the Constitutional Court stated that article 29 of the Constitution prohibited discrimination based on gender identity and/or sexual orientation, and that under the Constitution, the concept of the family was neutral from the gender perspective. In 2019 and 2020, the Minister of Justice and the Minister of Health removed legal provisions that could discriminate against transgender persons in legal acts. In 2017, a working group established by the Ministry of Justice prepared a draft law on recognition of gender identity, providing also for the administrative procedure for changing entries in civil status records. The Action Plan for the Promotion of Non-Discrimination (2017–2020) continued to aim to reduce discrimination on all grounds, including gender and sexual orientation. Research, awareness-raising campaigns and training courses for police officers, social workers and young people have been conducted on the issue of discrimination. In 2019, the Office of the Equal Opportunities Ombudsperson reviewed the situation of transgender persons.

Summary of the information received from stakeholders

Office of the Equal Opportunities Ombudsperson

While the parliamentary Committee on Human Rights proposed on 30 May 2019 to reverse an amendment to the Law on Equal Treatment, reinstating the previous definition of family members, on 22 January 2020, the Government proposed to abolish that definition and to include registered partners in the definition of family members. The draft law is currently under consideration in parliamentary committees.

There are discriminatory implications in the Law on Family Strengthening, the amended Law on the Fundamentals of Protection of the Rights of the Child and the amendments of the Civil Code, which introduced the concept of the “complementarity of maternity and paternity”, defined as the child’s intrinsic need to have two parents of different sexes.

The Lithuanian legal system does not recognize the legal categories of “gender identity” or “gender expression”, rendering discrimination against transgender persons not punishable by law. Furthermore, the fact that gender identity is not included as a protected ground in the proposed amendment of the Law on Equal Treatment constitutes a legal obstacle for the Ombudsperson to investigate complaints submitted by transgender persons.

The absence of an administrative procedure for legal gender recognition and of procedures regulating trans-specific health care create difficulties on a daily basis for transgender persons.

In 2019, a national review of the situation of transgender persons revealed that they continue to face challenges regarding data protection, personal identification, divorce and dismissal from certain professions due to the diagnosis of “gender dysphoria”. A draft law on recognition of gender identity has been prepared, but not adopted.
Legal provisions banning transgender persons from exercising as judges were amended in May 2019, and those concerning attorneys, notaries and bailiffs were amended in February 2020.

Between 29 August 2018 and 27 July 2020, the Ombudsperson received nine complaints on the grounds of sexual orientation. While an amendment to the Law on the Protection of Minors from the Detrimental Effects of Public Information was registered in 2017 to ensure that it could not be used to discriminate on the grounds of sexual orientation, no legislative procedure has yet been initiated. Most of the measures in the Action Plan for the Promotion of Non-Discrimination relating to sexual orientation and gender identity are fragmented and were included with the aim of implementing projects funded by the European Union or the Council of Europe, rather than strategically improving the situation of lesbian, gay, bisexual and transgender persons. Their impact is not assessed using any measurable indicators, and no funding has been allocated from the national budget for such measures.

**LGL – National LGBT Rights Organization**

Only 23 per cent of transgender persons report being aware of national equality bodies and they have submitted few complaints to date. Gender identity is not explicitly included as a protected ground in the proposed amendment to the Law of Equal Treatment. There are possible ties between an anti-lesbian, gay, bisexual and transgender organization, the Free Society Institute, and political party leaders who are reported to have worked on that amendment. On 18 June 2019, the parliament rejected a petition to include gender identity and gender expression in the list of protected grounds in the Labour Code and the Law on Equal Opportunities. The Law on the Protection of Minors from the Detrimental Effects of Public Information has been discriminatorily interpreted and applied many times. There have been no legislative developments concerning same-sex family rights and there is no legislation defining civil unions or stipulating the relevant registration procedure, despite the fact that civil unions are recognized under the Civil Code. Given that no administrative procedures for legal gender reassignment have been established, judicial procedures remain the only option.

**Committee’s evaluation**

**Discontinued - [B]: Information/action partially satisfactory**

While noting the implementation of the Action Plan for the Promotion of Non-Discrimination and the removal of legal provisions discriminating against transgender persons in relation to certain professions, the Committee regrets the lack of information on measures to prevent the discriminatory interpretation and application of legislation. It reiterates its recommendation and requests information on measures taken to: (a) assess the impact of the Action Plan on the Covenant rights of lesbian, gay, bisexual and transgender individuals; (b) include gender identity as a protected ground in the Law on Equal Treatment; and (c) prevent and prohibit discriminatory interpretation and application of the Law on the Protection of Minors from the Detrimental Effects of Public Information.

While welcoming the Constitutional Court’s decision of 11 January 2019 recognizing a same-sex couple’s union concluded abroad, the Committee remains concerned at the lack of information on specific measures taken to fully recognize the equality of same-sex couples and to provide administrative procedures for gender reassignment. It reiterates its recommendation and requests information on the status of the Law on Equal Treatment in relation to the definition of the family, the draft law on recognition of gender identity and measures taken to define civil unions and the relevant registration procedure.

The information requested should be included in the State party’s next periodic report.

**Next periodic report due:** 2027 (country review in 2028, in accordance with the predictable review cycle).
**Luxembourg – List of Issues – 130th session, 11 December 2020, 4th review, CCPR/C/LUX/Q/4**

Keywords: SO; I, LGBTI; action plan, legislation, free and informed consent, remedy, surgical/medical intervention

**Discrimination against lesbian, gay, bisexual, transgender and intersex persons (arts. 2 and 26)**

7. Please provide updated information on the implementation of the National Plan of Action to Promote the Rights of Lesbian, Gay, Bisexual, Transgender and Intersex Persons, particularly with regard to the introduction of a legal ban on non-emergency "sex normalizing" medical treatment without the free and informed consent of the intersex person and the amendment of legislation that results in the restriction of the right to donate blood on the basis of sexual orientation alone. Furthermore, pending the adoption of relevant legislation, please indicate what mechanisms are in place to stop non-consensual sex-change surgery and to enable survivors of such surgery to obtain redress.

**Luxembourg – Concluding Observations – 135th session, 14 September 2022, 4th review, CCPR/C/LUX/CO/4**

Keywords: I, LGBTI; action plan, children, data collection, free and informed consent, legislation, remedy, reparation, stereotypes, surgical/medical intervention

**Sexual orientation, gender identity and intersex persons**

11. While welcoming the adoption of the National Plan of Action to Promote the Rights of Lesbian, Gay, Bisexual, Transgender and Intersex Persons, dated 13 July 2018, and the fact that a draft bill is being prepared on the right to self-determination of intersex children, the Committee notes with concern that children with variations in sexual development at birth sometimes undergo invasive and irreversible medical procedures aimed at assigning them a sex, that these procedures are often based on a stereotypical view of gender roles and that they are performed before the persons concerned are of an age to give their free and informed consent. The Committee is also concerned about the lack of centralized statistics on interventions of this nature and on the rehabilitation and compensation measures that have been provided to persons who have undergone such interventions (arts. 2, 7, 24 and 26).

12. The State party should strengthen the measures to end the performance of irreversible 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. In this regard, the State party should expedite the adoption of a law to this effect, as foreseen by the above-mentioned plan of action. The State party should also accelerate the establishment of a centralized system for the collection of relevant statistics, including on rehabilitation and compensation measures.

Keywords: I; children, data collection, free and informed consent, follow-up, legislation, remedy, reparation, surgical/medical intervention

**D. Dissemination and follow-up**

28. In accordance with rule 75 (1) of the Committee’s rules of procedure, the State party is requested to provide, by 28 July 2025, information on the implementation of the recommendations made by the Committee in paragraphs 12 (sexual orientation, gender identity and intersex persons), 16 (female genital mutilation) and 26 (right of peaceful assembly), above.
**Macao, China** – List of Issues – 129th session, 26 August 2020, 2nd review, CCPR/C/CHN-MAC/Q/2

Keywords: *T; family, LGR, legislation, same-sex couples*

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

5. Please indicate any steps taken to legally recognize transgender persons and to enable them to change the gender marker on their birth records and identity documents, and provide information on the outcome of the study conducted by the Legal Reform Advisory Committee in this regard. Please also indicate the extent to which Macao, China, has taken steps to provide legal recognition of and protection for same-sex couples, and the measures taken or envisaged to extend the purview of Law No. 2/2016 to protect same-sex couples under the law.

**Macao, China** – Concluding Observations – 135th session, 11 November 2022, 2nd review, CCPR/C/CHN-MAC/CO/2

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

**Non-discrimination**

10. The Committee is concerned that the existing anti-discrimination laws do not provide protection against all forms of discrimination based on all the prohibited grounds of discrimination under the Covenant, and regrets the explicit intention of Macao, China, not to adopt comprehensive anti-discrimination legislation. In particular, it notes with concern reports of stigmatization of and discriminatory attitudes towards multiple groups, including migrant workers and lesbian, gay, bisexual and transgender persons (art. 2, 3, 25 and 26).

11. Macao, China, should:

   (a) Reconsider its position and take concrete steps to adopt comprehensive anti-discrimination legislation that prohibits all forms of direct, indirect and multiple discrimination, based on all prohibited grounds of discrimination, including colour, language, political or other opinion, national or social origin, property, disability, sexual orientation, gender identity, and other status, in all public and private spheres, in accordance with the Covenant, and that provides for effective remedies in cases of violations;

   (b) Develop and conduct awareness-raising campaigns and activities to address stigmatizations of and discriminatory attitudes towards minority and vulnerable groups, particularly migrant workers and lesbian, gay, bisexual and transgender persons, promote sensitivity and respect for diversity and eradicate prejudices against members of such groups among the general public.

Keywords: *GI; LGBT, T; discrimination, domestic violence, LGR, legislation, partnership, same-sex couples*

**Discrimination against lesbian, gay, bisexual and transgender persons**

12. The Committee regrets that, despite the establishment in 2017 of a working group on gender identity recognition, Macao, China, still does not allow transgender persons to change the gender marker on their birth records and identity documents, reportedly for lack of social consensus. It is further concerned that Law No. 2/2016 on Preventing and Combating Domestic Violence does not apply to same-sex intimate partners, thereby limiting their protection against domestic violence (art. 2, 3 and 26).

13. Macao, China, should put in place a simple, transparent and accessible procedure for the legal gender recognition of transgender persons. It should also refrain from any discriminatory treatment on the basis of sexual orientation and gender identity and afford equal protection to all, in law and in practice, including against domestic violence.
Nicaragua – List of Issues – 127th session, 29 November 2019, 4th review, CCPR/C/NIC/Q/4

Keywords: SOGI; LGBT, T; data collection, detention, discrimination, investigation, punishment, reparation, violence

Non-discrimination, equal rights between men and women and violence against women (arts. 2, 3, 6, 7 and 26)

3. Please explain the measures taken to prevent and provide effective protection from violence and discrimination based on sexual orientation or gender identity, particularly in respect of transgender persons in detention, and the impact of those measures. Please also include information on: (a) the number of complaints received regarding acts of violence against lesbian, gay, bisexual or transgender persons; (b) investigations conducted and their outcomes, including the sentences handed down to perpetrators; and (c) the measures of reparation granted to victims. (...).

Nicaragua – Concluding observations – 136th session, 30 November 2022, 4th review, CCPR/C/NIC/CO/4

Keywords: SOGI; LGBT; anti-discrimination legislation, awareness-raising campaign, data collection, detention, discrimination, intersectionality, investigation, law enforcement officials, legislation, prevention, police, professional groups, prosecution, protected grounds, punishment, reparation, sexual violence, trainings

Non-discrimination

13. While the Committee notes that the principles of equality and non-discrimination are recognized in article 27 of the Constitution of the State party, it is concerned that the current national legal framework does not provide comprehensive protection against discrimination on the basis of any of the grounds listed in the Covenant, in particular the grounds of sexual orientation and gender identity. Moreover, the Committee notes with concern that lesbian, gay, bisexual and transgender persons, Indigenous persons and persons of African descent continue to be subjected to discrimination and violence, especially in detention. The Committee regrets the lack of consolidated and disaggregated data on investigations into cases of discrimination and violence against lesbian, gay, bisexual and transgender persons, the prosecution of and sentences imposed on the perpetrators in such cases and the reparation granted to the victims (arts. 2–3, 6–7 and 26).

14. The State party should:

(a) Adopt comprehensive legislation prohibiting discrimination, including multiple, direct and indirect discrimination, in all spheres, in both the public and private sectors, on all grounds prohibited under the Covenant, including sex, sexual orientation and gender identity;

(b) Ensure that reports of discrimination offences, in particular offences motivated by sexual orientation or gender identity, are investigated promptly, thoroughly and impartially, that those responsible are held accountable for their actions and that the victims receive full reparation;

(c) Step up its efforts to prevent, combat and eradicate all forms of discrimination, including by increasing training for law enforcement personnel, prosecutors and members of the judiciary and conducting effective awareness-raising campaigns;

(d) Establish a reliable system for the collection of disaggregated statistical data on discrimination and violence against lesbian, gay, bisexual and transgender persons.

Keywords: SGM; follow-up, harassment, HRD, investigation, legislation, policy, prosecution, punishment, torture/ill-treatment, violence

Freedom of expression and violence against human rights defenders

37. In light of the Committee’s previous recommendations, the report on follow-up to the Committee’s concluding observations and the information it has received, the Committee is concerned about the continuing harassment, intimidation, defamation, illegal detention, torture and ill-treatment of human rights defenders, including environmental defenders, women human rights defenders and defenders of persons belonging to sexual or gender minorities. (... ) (arts. 19–20).

38. The State party should ensure:
(a) The effective protection of human rights defenders and other civil society actors from threats, intimidation and physical attacks and the investigation, prosecution and conviction of the perpetrators of such acts; (…)

(c) The development of comprehensive gender- and age-sensitive legislation and policies to protect human rights defenders, in accordance with the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and the establishment of protection mechanisms that are accessible to all human rights defenders in the State party.
Philippines – List of Issues – 128th session, 30 June 2020, 5th review, CCPR/C/PHL/Q/5

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

Non-discrimination (arts. 2 and 25)

6. Please indicate legislative and other measures taken during the current reporting period to combat discriminatory laws and social practices based on sex, sexual orientation, gender identity, religion, ethnicity, disability, indigenous status, socioeconomic status, HIV/AIDS status, and political affiliation. Please include information about steps taken to develop comprehensive anti-discrimination legislation, including provisions that prohibit discrimination on the basis of sexual orientation and gender identity in line with the Committee’s previous recommendation (CCPR/C/PHL/CO/4, para. 10).

Philippines – Concluding Observations – 136th session, 30 November 2022, 5th review, CCPR/C/PHL/CO/5

Keywords: SOGI, SOGIESC; LGBT; anti-discrimination legislation, blackmailing, discrimination, harassment, intersectionality, investigation, police, police misconduct, prosecution, protected grounds, punishment, remedy, stereotypes, violence

Non-discrimination

15. The Committee takes note of several anti-discrimination bills pending at different stages in the State party, including comprehensive anti-discrimination bills and anti-discrimination bills on the basis of race, ethnicity, religion, sexual orientation, gender identity and expression and sex characteristics. It remains concerned, however, by the delay in adopting those bills and continuing reports of discriminatory practices and attitudes towards persons with disabilities, lesbian, gay, bisexual and transgender persons, Muslims and Indigenous Peoples. In particular, it is concerned about reports of the living situations of and stigma faced by persons with disabilities, in particular children with psychosocial disabilities, the “grave scandal” provision in the Revised Penal Code, which may expose lesbian, gay, bisexual and transgender persons to police harassment and extortion, stereotypes perpetrated by public officials linking Muslims to terrorism, discrimination against young Muslims in the area of employment and discrimination against Indigenous Peoples in accessing health care, education and social services (arts. 2 and 26).

16. The State party should:

(a) Expedite the adoption of 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, and ensure access to effective and appropriate remedies for victims of discrimination;

(b) Take effective measures to combat stereotypes about and negative attitudes towards persons on the basis of disability, sexual orientation and gender identity and ethnicity;

(c) Ensure that all acts of discrimination and violence against persons with disabilities, lesbian, gay, bisexual and transgender persons, members of minority groups and Indigenous Peoples are promptly and effectively investigated, perpetrators are brought to justice and victims are provided with redress.
Qatar – List of Issues – 129th session, 24 August 2020, initial review, CCPR/C/QAT/Q/1

Keywords: SO; anti-discrimination legislation, discrimination, legislation, protected grounds

Non-discrimination (arts. 2, 3, 14, 20, 23, 26 and 27)

6. Please indicate the legislative and other measures taken, since the State party’s accession to the Covenant, to combat laws and social practices that are discriminatory on the basis of sex, sexual orientation, religion, race, ethnicity, disability and nationality status. Please include information about the steps taken to develop comprehensive anti-discrimination legislation, including provisions that prohibit discrimination on the above grounds.

Keywords: criminalisation (decriminalisation), data collection, detention

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment and the treatment of persons deprived of their liberty (arts. 7, 9, 10 and 11)

15. Please respond to reports about individuals having been detained in Qatar on the basis of the criminalization of non-violent acts, including adultery, intimate relations outside wedlock, same-sex relations, absconding from an employer, sorcery, disobedience to parents, begging, the consumption of alcohol and substance abuse. Please provide disaggregated data on the number of people held on such a basis, including the number and percentage of women among those detained for offences relating to adultery and intimate relations outside marriage and the percentage, and indicate whether the State party intends to decriminalize such acts or develop alternatives to detention.

Qatar – Concluding Observations – 134th session, 25 April 2022, initial review, CCPR/C/QAT/CO/1

Keywords: SOGI; anti-discrimination legislation, discrimination, legislation, protected grounds

Non-discrimination framework

12. While noting that the State party’s Constitution proclaims the principle of equality in article 18 and of no discrimination on the grounds of sex, race, language or religion in article 35, the Committee is concerned that the existing national legal framework does not afford comprehensive protection against discrimination on all the grounds covered by the Covenant, including on the grounds of sexual orientation and gender identity. (...).

13. The State party should take all measures necessary to ensure that its national legal framework contains a comprehensive list of prohibited grounds of discrimination in line with the Covenant, including sexual orientation and gender identity. (...).

Keywords: criminalisation (decriminalisation), GC/GR

Liberty and security of person

30. The Committee is concerned about: (a) the criminalization of various non-violent acts, including adultery, intimate relations outside wedlock, same-sex relations, begging, consumption of alcohol and substance abuse; (b) certain provisions of the Code of Criminal Procedure, in particular article 117 which allows for the possibility of prolonged pretrial detention, and allegations that many prisoners are being held in pretrial detention for lengthy periods; and (c) reports of individuals being detained due to the inability to repay a debt, in particular foreign nationals (arts. 9 and 11).

31. The State party should bring its legislation and practices into compliance with article 9 of the Covenant, taking into account the Committee’s general comment No. 35 (2014) on liberty and security of person, and with article 11 of the Covenant. It should, inter alia:

(a) Decriminalize non-violent acts such as adultery, intimate relations outside wedlock, same-sex relations, begging, consumption of alcohol and substance abuse; (...).
Russian Federation – List of Issues – 129th session, 14 August 2020, 8th review, CCPR/C/RUS/Q/8

Keywords: LGBTI; data collection, detention, investigation, killings, torture/ill-treatment, violence

Accountability for alleged human rights violations committed in the North Caucasus federal area (arts. 2, 6, 7, 9, 14, 16 and 17)

3. Please provide up-to-date information, including statistics, on the progress in the investigation of the serious past and ongoing human rights violations, including abduction, extrajudicial killings, torture and ill-treatment, secret detention and acts of violence against women and lesbian, gay, bisexual, transgender and intersex individuals, in the North Caucasus, including the murder of human rights defender Natalia Estemirova. Inform the Committee about the status of the investigation of cases of enforced disappearance in the region and whether family members of disappeared persons are informed of the progress of investigations and on the identification of their remains.

Keywords: SOGI; LGBTI; court, detention, discrimination, employment, family, FOE/FOAA, harassment, hate crimes, health, honour crimes, housing, propaganda, same-sex couples, torture/ill-treatment, violence

Discrimination on the grounds of sexual orientation and gender identity (arts. 2, 7, 9, 17, 19, 21 and 26)

6. Please report on recent measures taken or planned to prevent and combat all forms of discrimination based on sexual orientation and gender identity, including in employment, housing, health and family law, and to address harassment and violence against such individuals. Indicate whether attacks against lesbian, gay, bisexual, transgender and intersex individuals are defined in domestic law as “hate crimes”. Respond to allegations of mass detention, raids, harassment and torture perpetrated against individuals due to their sexual orientation and gender identity by the Chechen authorities, the reported so-called “honour killings” of lesbian, gay, bisexual, transgender and intersex individuals by families in Chechnya and measures taken to address such allegations. Provide information about cases in which the laws prohibiting the promotion of non-traditional sexual relations to minors have been applied and whether the State party is considering repealing those laws, including in view of the decision of the European Court of Human Rights in the case Bayev and others v. Russia. Clarify the measures taken to ensure for lesbian, gay, bisexual, transgender and intersex persons the right to peaceful assembly, including in view of the decision of the European Court of Human Rights in the case Alekseyev v. Russia. Please respond to concerns that the recent amendments to the Constitution limit the rights of same-sex couples and may contribute to homophobic attitudes in society.

Russian Federation – Concluding Observations – 136th session, 1 December 2022, 8th review, CCPR/C/RUS/CO/8

Keywords: LGBT; HRD, investigation, prosecution, punishment, remedy

Accountability for alleged human rights violations committed in the North Caucasus federal area

8. The Committee is seriously concerned about significant human rights violations, including (…) the persistent persecution of lesbian, gay, bisexual and transgender persons, such as Salekh Magamedov and Ismail Isaev (…) in the North Caucasus federal area. The Committee is further concerned about the lack of investigation of these past and ongoing serious violations, including the murder of human rights defender Natalia Estemirova, and the absence of support to victims and their families, which contributes to a culture of impunity: (…).

9. The State party should:

(a) Ensure that all human rights violations are thoroughly, effectively, independently and impartially investigated, that perpetrators are prosecuted, and if convicted, sanctioned in a manner commensurate with the gravity of the acts committed, and that victims and their families are provided with effective remedies, under article 2 (3) of the Covenant;

(b) Take all measures necessary to prevent human rights violations and immediately end the practice of collective punishment, including of relatives of suspected supporters of alleged terrorists, human rights defenders and journalists in the North Caucasus federal area.

Keywords: LGBT; awareness-raising campaign, hate speech, professional groups, stereotypes
Racism, xenophobia and racial profiling

10. The Committee is concerned about:

(a) Manifestations of hate speech, particularly during electoral campaigns, by politicians and religious leaders, in particular against migrants, refugees, Roma, and lesbian, gay, bisexual and transgender persons; (…).

11. The State party should reinforce its efforts to combat all acts of racism, xenophobia and racial profiling by, inter alia:

(a) Conducting awareness-raising activities aimed at promoting respect for human rights and tolerance for diversity, and eradicating stereotypical prejudices; (…).

Keywords: SOGI; LGBT; aggravating circumstance, awareness-raising campaign, criminalisation (decriminalisation), discrimination, follow-up, FOE/FOAA, harassment, hate crimes, hate speech, HRD, investigation, law enforcement officials, legislation, professional groups, propaganda, prosecution, punishment, remedy, stigmatisation, trainings, violence

Discrimination on the ground of sexual orientation and gender identity

12. The Committee reiterates its substantial concern about institutionalized discrimination and stigmatization of lesbian, gay, bisexual and transgender persons in the State party, including as a result of the 2013 law banning the dissemination of “propaganda” on non-traditional sexual relations among minors, as well as the amendment thereto, approved by the Parliament on first reading, to ban the “denial of family values” and the “promotion”, among persons of all ages, of non-traditional sexual orientations. It is concerned that lesbian, gay, bisexual and transgender persons are not recognized in the Criminal Code as a social group for the purpose of determining the aggravating circumstances of an offence, and by the consequent failure to provide such persons with an adequate protection against violence and attacks. It is also concerned about persistent harassment of lesbian, gay, bisexual and transgender organizations and their members, including excessive restrictions on their right to peaceful assembly, and the complete shutdown of their activities (arts. 2, 7, 9, 17, 19, 21 and 26).

13. The State party should:

(a) Take effective measures to combat all forms of social stigmatization and harassment of, and hate speech, discrimination and violence against, persons based on their sexual orientation or gender identity, including by providing adequate training for law enforcement officials, prosecutors and members of the judiciary; amending the Criminal Code to include lesbian, gay, bisexual and transgender persons as a group for the purpose of determining the aggravated circumstances of an offence; and raising awareness to promote respect for diversity among the general public;

(b) Ensure that cases of discrimination and violence against lesbian, gay, bisexual and transgender persons are investigated, that perpetrators are prosecuted, and, if convicted, punished with commensurate sanctions, and that victims are provided with effective remedies, in accordance with article 2 (3) of the Covenant;

(c) Repeal the 2013 law banning the dissemination of “propaganda” on non-traditional sexual relations among minors and any other legislation stigmatizing or discriminating against lesbian, gay, bisexual and transgender persons;

(d) Ensure the full exercise of the freedom of expression and the rights to freedom of peaceful assembly and of association for lesbian, gay, bisexual and transgender persons.
State of Palestine – List of Issues – 135th session, 19 September 2022, initial review, CCPR/C/PSE/Q/1

Keywords: LGBT; awareness-raising campaign, discrimination, hate crimes, hate speech, prevention, stigmatisation, violence

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

4. With reference to the information provided by the State party, please indicate whether the State party intends to adopt comprehensive anti-discrimination legislation and amendments to existing legislation that provide full and effective protection against all forms of discrimination as prohibited under the Covenant, and effective remedies in judicial and administrative proceedings for victims of discrimination. Please indicate all measures, including awareness-raising campaigns, 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 women and girls, members of the Bedouin communities, persons with disabilities, especially women and girls with disabilities, and lesbian, gay, bisexual and transgender persons. Please provide disaggregated data on complaints of discrimination brought before national courts and before any other complaints bodies during the past five years, and include information about the basis of discrimination, the nature of the investigations conducted and their outcomes, and any forms of redress provided to victims.

Keywords: SOGI; LGBT; arrest, data collection, detention, privacy, remedy

Right to privacy (art. 17)

18. (…) Please provide up-to-date statistics on the number of complaints alleging violations of the right to privacy that have been received during the past five years, and information on the legal basis and outcomes thereof, the sanctions imposed and any remedies provided to the victims, including details about allegations of: (…) (c) interference with the right to privacy of lesbian, gay, bisexual and transgender individuals in the context of arrests and detention, including by exposing their sexual orientation and gender identity.
Turkmenistan – List of Issues – 134th session, 25 August 2022, 3rd review, CCPR/C/TKM/Q/3

Keywords: SOGI; access to justice, anti-discrimination legislation, data collection, discrimination, follow-up, intersectionality, legislation, protected grounds, remedy

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

5. With reference to the Committee’s previous concluding observations 4 and the information provided by the State party, please update the Committee on the steps taken to adopt comprehensive anti-discrimination legislation that provides full and effective protection against direct, indirect and multiple discrimination in all spheres, including in the private sphere, on all the grounds prohibited under article 26 of the Covenant, including sexual orientation and gender identity, and provides for access to effective remedies in judicial and administrative proceedings for victims of discrimination. Please provide statistical data on complaints of discrimination brought before the domestic courts and any other complaints bodies during the reporting period, and include information on the basis of discrimination, the nature of the investigations conducted and their outcomes, and any forms of redress provided to victims. In light of the information provided by the State party, please describe all the measures taken to combat hate crimes and hate speech, including online hate speech, and include statistics on reported cases of hate crimes and hate speech and their outcomes.

Keywords: SOGI; LGBTI; criminalisation (decriminalisation), data collection, discrimination, investigation, legislation, police, police misconduct, punishment, violence

6. With reference to the information provided by the State party, please provide updated information on the steps taken or envisaged to decriminalize sexual relations between consenting adults of the same sex, and on the number of convictions under article 135 of the Criminal Code, during the reporting period. Please report on the measures taken: (a) to eliminate and combat discriminatory attitudes towards lesbian, gay, bisexual, transgender and intersex individuals; and (b) to ensure that all cases of discrimination or violence against persons based on their sexual orientation or gender identity, including cases of police brutality, such as the case of Kasymberdy Garayev, are properly investigated and sanctioned, including information on the outcomes of such cases.
Uganda – List of Issues – 135th session, 31 August 2022, 2nd review, CCPR/C/UGA/Q/2

Keywords: SOGI; anti-discrimination legislation, discrimination, intersectionality, legislation, protected grounds

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

5. Please provide further information on the steps taken to ensure that the State party’s legal framework: (a) 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, including sexual orientation and gender identity; and (b) provides for effective remedies in judicial and administrative proceedings for victims of discrimination. Please indicate if the State party intends to adopt comprehensive anti-discrimination legislation to address the above requirements.

Keywords: SOGI; arrest, criminalisation (decriminalisation), data collection, discrimination, harassment, legislation, police, prevention, prosecution, punishment, stigmatisation, violence

6. Please provide information on the number of arrests, prosecutions, convictions and sanctions imposed for same-sex sexual relations in the past five years, and indicate whether the State party intends to repeal the criminalization of consensual same-sex relationships between adults to ensure compliance with its obligations under articles 2, 17 and 26 of the Covenant. Please respond to reports of discrimination, stigmatization, harassment and violence, including while in police custody, on the basis of sexual orientation or gender identity, and provide information on the measures taken to prevent and combat such acts, and the impact of such measures.

Keywords: LGBTQI+; detention, follow-up, police

Liberty and security of the person (art. 9)

14. In light of the Committee’s previous recommendations (CCPR/CO/80/UGA para. 17) and the information provided in the State party’s report (paras. 95–105), please respond to persistent reports of arbitrary detention - including incommunicado detention - by police and security forces, targeting journalists, human rights defenders, sex workers, members of the LGBTQI+ community and political opponents, among others. (...).

Keywords: LGBTI, LGBTQI+; access to justice, detention, harassment, police, police misconduct, privacy, professional groups

Administration of justice (arts. 2 and 14)

20. Please respond to reports that lawyers are discouraged from visiting their clients (especially those representing the LGBTQ+ community and sex workers), often have to pay guards in order to obtain (full) access to their clients, and face intimidation during such visits in the form of threats from police officers. Please respond to allegations of frequent arbitrary detention, intimidation and harassment of lawyers, particularly those working on human rights cases (including LGBTI, land grabbing and natural resource extraction cases), the reportedly regular occurrence of targeted break-ins at lawyers’ places of work in order to steal confidential case-related information, and the alleged failure by police to investigate such break-ins. (...).
Uruguay – List of Issues prior to reporting – 122nd session, 27 April 2018, 6th review, CCPR/C/URY/QPR/6

Keywords: SOGI; I, LGBTI, T; children, discrimination, follow-up, hate speech, health, investigation, LGR, prosecution, punishment, surgical/medical intervention, violence

Sexual orientation and gender identity (arts. 6, 7, 17 and 26)

7. With reference to the most recent concluding observations (CCPR/C/URY/CO/5, para. 12), please describe the steps taken to:
   (a) Combat discrimination and incitement to hatred against lesbian, gay, bisexual, transgender and intersex persons, including children, and ensure that they have access to health services;
   (b) Protect such persons and ensure that any and all acts of violence motivated by a person’s sexual orientation or gender identity are investigated and that the perpetrators of such acts are prosecuted and punished appropriately;
   (c) Guarantee transsexual persons’ right to an identity;
   (d) Address the issue of the performance of so-called “normalization” surgery upon intersex persons.

Uruguay – Concluding Observations – 135th session, 3 October 2022, 6th review, CCPR/C/URY/CO/6

Keywords: T; discrimination, legislation, prevention, remedy, stigmatisation

B. Positive aspects

3. The Committee welcomes the following legislative and institutional measures taken by the State party: (…)
   (d) The enactment of Act No. 19.684 of 26 October 2018, which sets out measures of prevention, care, protection and redress with the aim of eradicating discrimination against and stigmatization of transgender people; (…).

Keywords: SOGI; LGBTI; bullying, discrimination, education, employment, health, investigation, legislation, prosecution, punishment, remedy, reparation, stereotypes, stigmatisation, violence

Discrimination based on sexual orientation and gender identity

10. Despite many legislative and policy initiatives, the Committee is concerned about stigmatization and discriminatory attitudes towards lesbian, gay, bisexual, transgender and intersex persons in the State party, particularly as manifested in bullying and violence in schools (arts. 7, 17 and 26).

11. The State party should redouble its efforts to combat stereotypes and prejudice against lesbian, gay, bisexual, transgender and intersex persons and should ensure that the gap between legislation and practice is effectively addressed, in particular in regard to education, health, the workplace and the public space, and that offences motivated by the victim’s sexual orientation or gender identity are investigated promptly, that those responsible are brought to justice and appropriately punished and that the victims receive full reparation.
Keywords: SOGI, SOGIESC; LGBTI, TI; anti-discrimination legislation, data collection, discrimination, family, follow-up, investigation, LGR, legislation, marriage, partnership, prevention, protected grounds, punishment, same-sex couples, service provision, support services, violence

Venezuela – List of Issues – 136th session, 28 November 2022, 5th review, CCPR/C/VEN/Q/5

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

5. Pursuant to the Committee’s previous concluding observations (para. 8), and in light of the information provided by the State party in its fifth periodic report (paras. 26-35), please indicate steps taken to ensure equality for lesbian, gay, bisexual, transgender and intersex persons in access to rights and services, including access to marriage or de facto legal union for persons of the same sex, as well as legal recognition of the identity of transgender and intersex persons. Also, please provide information on steps taken to adopt comprehensive and integral legislation to combat discrimination based on sexual orientation, gender identity and expression and sexual characteristics, and to amend article 565 of the Organic Code of Military Justice. Please also provide information on measures taken to prevent, investigate and punish all acts of discrimination and violence against persons based on their sexual orientation or gender identity, including cases of discrimination and violence by members of the security forces, as well as measures taken to ensure comprehensive support for victims. Please provide disaggregated statistical information for the period under review on the number of criminal complaints received; investigations conducted, including convictions of perpetrators; and reparation measures provided to victims.

3 Unofficial translation from Spanish.
3. Committee on the Elimination of Discrimination against Women

Albania – List of issues – 83rd PSWG, 7 March 2022, 5th review, CEDAW/C/ALB/Q/5

Keywords: LBTI; intersectionality, TSM, women

Temporary special measures

8. Please provide details of any temporary special measures adopted in follow-up to the 2019 study on gender equality and discrimination in appointed bodies of local government carried out by the Commissioner for Protection from Discrimination, and as part of local gender equality plans. In the light of the Committee’s previous recommendations (CEDAW/C/ALB/CO/4, para. 19), please provide comprehensive information on the use of temporary special measures, in line with article 4 (1) of the Convention and general comment No. 25 (2004) on temporary special measures, to accelerate the achievement of substantive equality for women facing intersecting forms of discrimination, in particular Roma and Egyptian women, women with disabilities and lesbian, bisexual and transgender women and intersex persons, in all areas in which women are underrepresented or disadvantaged.

Keywords: LBTI; discrimination, employment, measures, women

Employment

17. Please provide information on the measures taken to reduce horizontal and vertical occupational segregation, to address the concentration of women in part-time and low-paid jobs and to increase women’s access to social protection schemes, including non-contributory schemes for women with disabilities and women belonging to marginalized groups. Please indicate the measures taken to eliminate discrimination in the labour market against mothers and pregnant women in relation to hiring, career advancement, conditions of employment, pay and denial of paid maternity leave, in particular in the private sector, including measures for Egyptian and Roma women, women with disabilities, lesbian, bisexual and transgender women and intersex persons, and women in rural and remote areas.

Keywords: LBTI; intersectionality, women

Disadvantaged and marginalized groups of women

21. In view of the intersecting forms of discrimination faced by disadvantaged and marginalized groups of women in the State party, please provide information on the situation of the following groups of women: older women, Roma and Egyptian women, women with disabilities, migrant and returnee women, lesbian, bisexual and transgender women and intersex persons, women in detention, secluded women and asylum-seeking women.
Armenia – List of issues – 81st PSWG, 16 July 2021, 7th review, CEDAW/C/ARM/Q/7

Keywords: LBTI; discrimination, NHRI; women

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, criminalisation (decriminalisation), discrimination, GBV, hate speech, intersectionality, measures, stereotypes, women

Stereotypes

9. In its report, the State party acknowledged the persistence of discriminatory gender stereotypes concerning the roles and responsibilities of women and men in the family and in society, undermining women’s social status and their educational and professional careers (paras. 37–54). According to information received by the Committee, gender norms and stereotypes continue to contribute to gender-biased, sex-selective abortions, gender bias in education, lower levels of labour market participation among women, gender segregation in the labour market, the gender pay gap, the feminization of poverty, a disproportionate burden of unpaid domestic and care work being placed on women, gender-based violence against women and limited sexual and reproductive choices for women and girls in the State party. Please provide information on the implementation and monitoring of policies and programmes aimed at eliminating gender stereotypes. 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, health, medical professionals, SRHR, surgical/medical intervention, trainings, women

Health

15. In its report (paras. 130–132), the State party referred to measures taken from 2016 to 2019 to improve access to health-care services at the marz level. According to information before the Committee, however, the need for family planning services in the State party remains unmet, and there is currently no separate line for contraceptive procurement in the State budget. Please indicate the measures taken to ensure a dedicated budget line for family planning, as well as to make modern contraceptives accessible and affordable for marginalized groups of women. 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 lesbian, bisexual and transgender women and intersex persons, women with disabilities and women with HIV. Please provide information on measures taken to ensure full consent for any medical procedure, such as sterilization, conducted on women and girls, specifically women with disabilities and transgender women.

Armenia – Concluding Observations – 83rd session, 1 November 2022, 7th review, CEDAW/C/ARM/CO/7

Keywords: LBTI; peace and security, women

E. Principal areas of concern and recommendations General context

General context
9. The Committee welcomes the State party’s efforts on and commitment to peacebuilding, the consolidation of human rights, democratic institutions and the rule of law, and sustainable development. It acknowledges the complex political, economic and security constraints on the State party during the reporting period, which were aggravated by the coronavirus disease (COVID-19) pandemic and the impact of the Nagorno-Karabakh conflict and continued armed hostilities (…). The State party has also experienced the hardening of traditional and patriarchal attitudes that limit the enjoyment by women and girls of their rights, particularly in the case of disadvantaged groups of women, such as internally displaced women, women in a refugee-like situation, rural women, older women, women with disabilities, women belonging to ethnic minorities, and lesbian, bisexual, transgender and intersex women. Nevertheless, it considers that implementation of the Convention, especially at times of conflict, is the most effective means of safeguarding full respect for, and the realization of, women’s rights, given that women are a driving force of the country’s socioeconomic development.

10. The Committee calls upon the State party to implement the recommendations contained in the present concluding observations as a matter of high priority, giving due consideration to its general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention, and to its general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, with a view to achieving substantive equality between women and men in all areas covered by the Convention, promoting women’s leadership in peace processes and ensuring that the State party is able to experience sustainable human, social and economic development.

Keywords: LBTI; asylum-seekers/refugees, discrimination, IDP, intersectionality, peace and security, women

Women and peace and security and internally displaced women and women in a refugee-like situation

11. The Committee notes as a positive development the adoption of the first and second national action plans for the implementation of Security Council resolution 1325 (2000) on women and peace and security, which together cover the period 2019–2024. Nevertheless, the Committee is concerned about the status of women and girls, especially those who are internally displaced or are in a refugee-like situation, who have limited access to education, employment, health care and housing and are inadequately protected from gender-based violence. It is also concerned that women have been marginalized and are not actively and meaningfully participating in all stages of peace and reconstruction processes, and that women’s priorities and their experiences of the armed conflict have not been fully integrated into those processes.

12. The Committee highlights as critical the meaningful and inclusive participation of women at all stages of peace and reconstruction processes so that women’s priorities and experiences of the armed conflict are fully integrated into those processes, as required under the Convention and Security Council resolution 1325 (2000), with a view to achieving a lasting peace. The Committee recalls its general recommendation No. 30 and recommends that the State party:

(e) Address in a sustainable manner the specific needs of internally displaced women and girls and of those in a refugee-like situation, who often face intersecting forms of discrimination, including widows, women and girls with disabilities, older women, women and girls belonging to ethnic minorities, and lesbian, bisexual, transgender and intersex women; (…).

Keywords: LBTI; discrimination, NHRI, women

National human rights institution

19. The Committee (…) is concerned that the Human Rights Defender’s mandate does not comprehensively address protection of the rights of lesbian, bisexual, transgender and intersex women.

20. The Committee recommends that the State party implement the recommendations of the Global Alliance of National Human Rights Institutions by providing the Office of the Human Rights Defender with adequate human, technical and financial resources to discharge its mandate effectively, independently and in compliance with the Paris Principles, and to strengthen its efforts aimed at promoting women’s rights and combating discrimination, including with regard to lesbian, bisexual, transgender and intersex women. (…).
Lesbian, bisexual, transgender and intersex women

49. The Committee is concerned about reports of discrimination, harassment and hate speech against lesbian, bisexual, transgender and intersex women, and about the absence of legal provisions regulating gender reassignment surgery and gender marker change, as well as the lack of training for medical personnel on the rights of lesbian, bisexual, transgender and intersex women.

50. The Committee recommends that the State party:

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

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

(c) Ensure that transgender persons, including women, can exercise the right to change the gender marker in their passport and other identity documents;

(d) Ensure that lesbian, bisexual, transgender and intersex women can freely participate in political and public life by exercising their right to freedom of peaceful assembly without intimidation or reprisals.

Keywords: LBT; discrimination, intersectionality, legislation, measures, policy, women

Disadvantaged groups of women

21. Please provide information on the measures taken to address intersecting forms of discrimination faced by women with disabilities, refugee and internally displaced women, older women, Lezgin women and women belonging to other ethnic minority groups, women heads of household and lesbian, bisexual and transgender women in legislation, policies and programmes related to gender equality. (…).
Belarus – List of Issues prior to reporting – 83rd session, 7 March 2022, 9th review, CEDAW/C/BLR/QPR/9

Keywords: LBTI; discrimination, follow-up, harassment, investigation, prosecution, punishment, violence, women

Disadvantaged groups of women

23. In line with the Committee’s previous concluding observations (paras. 41, 43 and 47), please provide information on the measures taken to: (…) 

(c) Adequately combat discrimination, harassment and violence against lesbian, bisexual, transgender and intersex persons, and ensure that every crime against them is promptly investigated, prosecuted and adequately punished, including if the perpetrator is a member of the security forces.
Belgium – List of Issues prior to reporting – 76th PSWG, 18 November 2019, 8th review, CEDAW/C/BEL/QPR/8

Keywords: LBT; data collection, discrimination, education, employment, health, housing, intersectionality, measures, participation, TSM, women

Disadvantaged groups of women

22. Please provide updated information and data on the human rights situation of women facing intersecting forms of discrimination, including migrant women, women with disabilities and lesbian, bisexual and transgender women, and specify the measures, including temporary special measures, taken to ensure that they have effective access to education, health, housing, employment and participation in political and public life. (...).

Belgium – Concluding Observations – 83rd session, 1 November 2022, 8th review, CEDAW/C/BEL/CO/8

Keywords: SC; anti-discrimination legislation, discrimination, legislation, protected grounds

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2014 of the State party’s previous report in undertaking legislative reforms, in particular the adoption of the following: (...)  
   (a) Act of 4 February 2020 amending the Act of 10 May 2007 on combating discrimination between women and men, adding the following characteristics with respect to the prohibition of discrimination: sexual characteristics, breastfeeding, adoption, medically assisted procreation, paternity and co-maternity; (...).

Keywords: LGBTI; action plan, discrimination, violence

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: (...)
   (c) An interfederal action plan to counter discrimination and violence against lesbian, gay, bisexual, transgender and intersex (LGBTI) persons for the period 2018–2019 and a federal action plan for an LGBTI-friendly Belgium for the period 2021–2024, in 2021; (...).

Keywords: l; children, surgical/medical intervention

Harmful practices

23. The Committee notes with concern that despite the existing legislation and measures taken, there are still harmful practices against women and girls in the State party. In this regard, the Committee express its concern that: (...)
   (c) Children with intersex variations at birth are at times subjected to invasive and irreversible medical interventions to assign a sex; (...).

24. The Committee recommends that the State party: (...)
   (c) Put an end to irreversible medical interventions, in particular surgery, on intersex children; (...).

Keywords: l; free and informed consent, support services, surgical/medical intervention

Health

45. The Committee welcomes the amendments made to the right to voluntary termination of pregnancy by eliminating the test for distress and by removing abortion from the Criminal Code, in 2018. The Committee also welcomes the statement by the delegation of the State party that only the woman concerned but not a legal guardian can give consent to sterilization. It further notes the information given by the delegation during the dialogue that, since 2022, health-care coverage for psychological services has improved in the State party, including for women and girls, and that there is no need to go through a general practitioner; and that mental health prevention programmes have been established. The Committee nevertheless notes with concern: (...)
(c) The lack of free, prior and informed consent given by women, particularly women with intellectual or psychosocial disabilities and migrant women, and intersex children for any medical treatment or intervention.

46. In line with its general recommendation No. 24 (1999) on women and health, the Committee recommends that the State party: (...)

(c) Ensure that all patients give free, prior and informed consent for any treatment or medical intervention and provide them with the support that they need to make an informed decision, when necessary.

Keywords: SI; LBTI, LGBTI, T; action plan, court, LGR, legislation
Lesbian, bisexual, transgender and intersex women

57. The Committee welcomes the adoption of a federal action plan for an LGBTI-friendly Belgium for the period 2021–2024 and notes the adoption of the Act of 25 June 2017 reforming the regulations applicable to transgender persons concerning references to a change in registered sex in civil status records and their effects. However, it notes with concern that the Constitutional Court declared the Act “partially unconstitutional” in 2019.

58. The Committee recommends that the State party amend the law relating to the registration of the sex of transgender persons in civil status documents in conformity with the Constitution to ensure that transgender women can obtain recognition of their sexual identity.
**Bolivia** – List of Issues – 78th PSWG, 27 July 2020, 7th review, CEDAW/C/BOL/Q/7

Keywords: GI, SOGI; LBTI, T; court, education, LGR, legislation, measures, professional groups, trainings, women

**Lesbian, bisexual, transgender and intersex women**

20. According to the information before the Committee, an article of Act No. 807 on Gender Identity (2016), which established an administrative procedure for changing the name, sex and image of transsexual and transgender persons, was declared unconstitutional after the law entered into force. Please provide updated information on the measures taken to remedy this situation and ensure the rights of lesbian, bisexual, transgender and intersex women. Please also provide information on measures taken to systematically include issues on gender equality, non-discrimination and non-violence based on sexual orientation and gender identity in teacher training, as provided for in the Productive Socio-Community Education Model established in the Avelino Síñani-Elizardo Pérez Education Act No. 070.

Keywords: GI; legislation, marriage

**Marriage and family relations**

23. (…). Please also clarify if same-sex marriage is recognized in Act No. 807 on Gender Identity (2016) and whether the same rights and responsibilities are afforded as for spouses in heterosexual marriages.

**Bolivia** – Concluding Observations – 82nd session, 12 July 2022, 7th review, CEDAW/C/BOL/CO/7

Keywords: LBTI; detention, hate speech, GBV, intersectionality, investigation, law enforcement officials, privacy, prosecution, punishment, violence, women

**Women facing other intersecting forms of discrimination**

37. The Committee is concerned about the following: (…)

(b) The prevalence of hate speech and online violence against lesbian, bisexual, transgender and intersex women, as well as reports of gender-based violence, arbitrary detention and violations of their right to privacy by law enforcement personnel.

38. The Committee recommends that the State party: (…)

(b) Investigate, prosecute and adequately punish hate speech and online violence against lesbian, bisexual, transgender and intersex women, as well as other forms of gender-based violence against them, arbitrary detention and violations of their right to privacy, including when committed by law enforcement officials.

Keywords: GI; LBTI, T; court, family, LGR, legislation, marriage, partnership, same-sex couples, women

**Marriage and family relations**

39. The Committee notes the adoption of Law No. 807 (2016), on gender identity, which established an administrative procedure for changing the name, sex and photograph of transsexual and transgender persons. It welcomes the efforts to address the disparities in relation to land inheritance. However, it notes with concern:

(a) Article 11 (II) of Law No. 807, on gender identity, was declared unconstitutional, by Plurinational Constitutional Court Ruling No. 0076/2017 of 9 September 2017 and Plurinational Constitutional Order No. 0028/17 of 22 November 2017, which in effect deprives transsexual and transgender women of a number of rights;

(b) The denial of registration of free or de facto unions of same-sex couples, based on a decision that has been appealed to the Constitutional Court; (…).

40. The Committee recommends that the State party:

(a) Review existing laws to ensure that lesbian, bisexual, transgender and intersex women have equal access to the rights under the Convention, including equal rights in marriage or family relations; (…).
Central African Republic – List of Issues – 84th PSWG, 11 July 2022, 6th review, CEDAW/C/CAF/Q/6

Keywords: LBTI; education, follow-up, GBV, health, measures, media, professional groups, stereotypes, women

Stereotypes and harmful practices

12. Recalling the Committee’s previous concluding observations (CEDAW/C/CAF/CO/1-5, para. 26), and in line with joint general recommendation No. 31 of the Committee/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, please provide detailed information on steps taken to:

(a) Analyse and address gender-based stereotypes as a root cause of gender-based violence against women, including lesbian, bisexual, transgender and intersex women, and put in place measures to combat stereotypes in the education, health and justice sectors and in the media; (…).
Costa Rica – List of Issues – 83rd PSWG, 7 March 2022, 8th review, CEDAW/C/CRI/Q/8

Keywords: LBTI; GBV, measures, prevention, women

Gender-based violence against women

12. In particular, while the adoption of the national policy for addressing and preventing violence against women (2017–2032) has been noted (para. 5), 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; (...).
Dominican Republic – List of Issues prior to reporting – 73rd PSWG, 13 March 2019, 8th review, CEDAW/C/DOM/QPR/8

Keywords: GI; legislation

Definition of discrimination and legislative framework

3. Please provide information on the current status of the draft legislation on a comprehensive system for preventing, addressing, punishing and eradicating violence against women, on sexual and reproductive rights and on gender identity, including information on major content, the timeline for adoption and any obstacles to approval. Please also provide information on plans to accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

Keywords: LBTI; actional plan, media, stereotypes, women

Stereotypes and harmful practices

6. Please provide information on sustained long-term measures taken to address the stereotyped portrayal of women, in particular women of Haitian descent, lesbian, bisexual and transgender women and intersex persons and women with disabilities, including in the media and the business sector, as provided for in the national gender equality and equity plan and as recommended by the Committee in its previous concluding observations (para. 23 (a) and (b)). Please also provide information on efforts to monitor the impact of such measures and on the trends of changing attitudes relating to the traditional roles of women and men in the family and society.

Keywords: LBTI; health, medical professionals, stereotypes, trainings, women

Health

20. Please provide information on training provided to health personnel to eliminate prejudice and stereotypes against women in prostitution and lesbian, bisexual and transgender women and intersex persons, as well as on measures taken to ensure equal access to health care.

Dominican Republic – Concluding Observations – 81st session, 1 March 2022, 8th review, CEDAW/C/DOM/CO/8

Keywords: LBTI; follow-up, GBV, SRHR, support services, violence, women

Gender-based violence against women

21. The Committee notes the measures in place in the State party to respond to gender-based violence against women, including increased victim support services such as temporary shelters, medical treatment and psychological and legal assistance. It also notes the adoption, in 2020, of the first economic reparations programme for women victims of domestic violence and fostering families of girls and boys orphaned by femicide and the Strategic Plan for a Life Free from Violence for Women. However, the Committee is concerned about the high incidence of gender-based violence against women in the State party and about the delay in adopting the draft law on violence against women, which would specifically criminalize femicide and other forms of gender-based violence against women. It also notes with concern the absence of a unified system and procedure for recording reports of gender-based violence against women, the limited number of prosecutions and convictions and the lenient sentences imposed on perpetrators of gender-based violence against women.

22. In line with its general recommendation No. 35 (2017) on gender-based violence against women updating general recommendation No 19 (1992), and with the recommendations contained in its previous concluding observations (CEDAW/C/DOM/CO/6-7, para. 25), the Committee urges the State party to: (…)

(d) Ensure that women and girls, including women with disabilities, refugee, asylum-seeking and migrant women, lesbian, bisexual, transgender women and intersex persons, who are victims of gender-based violence against women, have adequate access to medical, psychosocial and legal assistance and to victim and witness protection programmes; (…).

Keywords: LBTI; discrimination, education, policy

Education
31. The Committee (…) is also concerned about discrimination in schools against pregnant girls and teenagers, teenage mothers and girls who do not possess birth certificates, as well as about discrimination against lesbian, bisexual, transgender and intersex students.

32. Recalling its general recommendation No. 36 (2017) on the right of girls and women to education, the Committee recommends that the State party promote the importance of girls’ education at all levels as a basis for their empowerment, and recommends that the State party:

(b) Develop policies to end discrimination in schools against pregnant girls and teenagers, teenage mothers and girls who do not possess birth certificates, as well as discrimination against lesbian, bisexual, transgender and intersex students to ensure that they can successfully complete their education; (…).
**Gender-based violence against women**

9. In the light of the Committee’s previous recommendations (para. 28), and taking into account its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, please describe the efforts Fiji has made to combat gender-based violence against women and its underlying causes. In particular, please provide information on: (…)

(c) Specific measures to address violence against transgender women; (…).

Keywords: *LBTI; awareness-raising campaign, discrimination, intersectionality, legislation, measures, TSM, women*

**Disadvantaged groups of women**

22. Please provide information on measures taken by the State party to adopt legislation, temporary special measures and awareness-raising measures to combat intersecting forms of discrimination against disadvantaged groups of women, such as women with low income, women with disabilities, and lesbian, bisexual, transgender and intersex women.
Discriminatory gender stereotypes and harmful practices

10. (…) 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). Please also provide data, disaggregated by sex and other characteristics, on the number, nature and outcome of complaints received by the Consumer Ombudsman since 2014 concerning negative, stereotypical and sexualized images of women and stereotypical attitudes regarding the roles of women and men in the family and society in marketing and the mass media (para. 142).

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

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: LBTI; education, harassment, measures, women

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).

Keywords: GIE; anti-discrimination legislation, discrimination, legislation, protected grounds

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2014 of the State party’s previous report in undertaking legislative reforms, in particular the adoption of the following: (…)

Keywords: I, T; criminalisation (decriminalisation), children, follow-up, health, LGR, legislation, medical professionals, sterilisation, surgical/medical intervention

Harmful practices

21. The Committee notes the proposed amendment of the law on verification of gender to remove the requirement of proof of sterilization for a transsexual person. It also notes that a working group was established to prepare best practice guidance to help health-care professionals advise parents with intersex children. (…). The Committee notes with concern, however: (…)
   (b) The performance of surgical interventions on intersex children with the aim of “normalizing” their genitalia; (…).

22. 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 the Committee’s previous recommendations (CEDAW/C/FIN/CO/7, paras. 17 and 29), the Committee recommends that the State party: (…)

Keywords: I, T; criminalisation (decriminalisation), children, follow-up, health, LGR, legislation, medical professionals, sterilisation, surgical/medical intervention
(b) Specifically criminalize surgical interventions on the genitalia of intersex children, unless medically necessary; (...).
Disadvantaged and marginalized groups of women

36. The Committee regrets the lack of information on the situation of disadvantaged groups of women in the State party, including poor women and single mothers, women with disabilities, and refugee, migrant and indigenous women. (…).

37. The Committee recommends that the State party: (…)

(e) Provide effective protection to lesbian, bisexual, transgender and intersex women from gender-based violence and discrimination and ensure their access to justice through the appropriate investigation of their complaints, punishment of perpetrators and provision of compensation to survivors; (…).
Gambia – Concluding Observations – 83rd session, 1 November 2022, 6th review, CEDAW/C/GMB/CO/6

Keywords: LBTI; criminalisation (decriminalisation), GBV, harassment, HRD, intersectionality, investigation, participation, policy, prosecution, punishment, women

Women human rights defenders and civil society

17. The Committee is concerned about reports that women human rights defenders are subject to serious online and other threats, intimidation and harassment for their work on women’s human rights, noting in particular those advocating on behalf of lesbian, bisexual, transgender and intersex women, who face criminalization and intersecting forms of discrimination in the State party.

18. The Committee recommends that the State party create an enabling environment for the engagement of women human rights defenders and civil society in the promotion and protection of women’s rights, including by partnering with them in all aspects of planning and implementation of the national gender policy and by ensuring their protection from gender-based violence and intimidation, including by investigating, prosecuting and adequately punishing all abuses against them.
**Guatemala** – List of issues – 85th PSWG, 4 November 2022, 10th review, CEDAW/C/GTM/Q/10

Keywords: LBTI; discrimination, remedy, reparation, SDGs, women

**Legislative framework and definition of discrimination**

3. 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 the following: (…)

(d) Legal remedies and compensation available to women who are subjected to any form of gender-based discrimination, in particular Indigenous women; women of African descent; women with disabilities; lesbian, bisexual, transgender and intersex women; migrant, refugee and asylum-seeking women; older women and rural women and girls.

Keywords: LBTI; access to justice, awareness-raising campaign, discrimination, remedy, women

**Access to justice and legal complaint mechanisms**

4. Please provide information on the following: (…)

(e) Steps taken to design a strategy aimed at guaranteeing access to justice of groups of women who are disadvantaged and discriminated against, such as Indigenous women; women of African descent; women with disabilities; lesbian, bisexual, transgender and intersex women; migrant, refugee and asylum-seeking women; older women and rural women and girls, which addresses linguistic, accessibility and other cultural barriers and establishes and disseminates information about effective legal remedies and procedures enabling women to claim their rights.

Keywords: LBTI; criminalisation (decriminalisation), GBV, HRD, killings, violence, women

**Women human rights defenders**

6. Information received by the Committee indicates that there has been an increase in gender-based violence, including killings, threats, intimidation, criminalization and violent attacks, perpetrated against women human rights defenders, in particular journalists, justice operators, community and union leaders and Indigenous women defending land rights and environmental resources, and women defending the human rights of lesbian, bisexual, transgender and intersex women.

Keywords: LBTI; GBV, killings, measures, prevention, SDGs, violence, women

**Gender-based violence against women**

9. 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 and psychological and sexual violence, that disproportionally affects Indigenous women, women of African descent, rural women and lesbian, bisexual, transgender and intersex women. In the light of the Committee’s general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and 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: (…)

(c) Specific measures taken to prevent all forms of gender-based violence against Indigenous women and girls, women and girls of African descent, women and girls with disabilities and lesbian, bisexual, transgender and intersex women; (…).

Keywords: LBTI; discrimination, intersectionality, women

**Disadvantaged groups of women**

18. In view of the intersecting forms of discrimination faced by disadvantaged and marginalized groups of women, please provide information on the situation of migrant and internally displaced women; women with disabilities; older women; lesbian, bisexual, transgender and intersex women; and women in detention.

Keywords: depathologisation, legislation, policy

**Marriage and family relations**
20. Please provide information on the following: (…)

(d) Measures taken to ensure that legislation and public policy, specifically the Public Policy on Protection of Life and the Institution of the Family 2021–2023, and draft law No. 5940, which qualifies gender diversity as an identity disorder, are in conformity with the Constitution and international human rights treaties, including the Convention.
Honduras – List of Issues – 81st PSWG, 16 July 2021, 9th review, CEDAW/C/HND/Q/9

Keywords: SOGI; criminalisation (decriminalisation), discrimination, intersectionality, measures, policy, SDGs, women

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 the following: (…)

(b) Legislative and policy measures taken to address intersecting forms of discrimination faced by women under the new Criminal Code, which 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, follow-up, hate speech, intersectionality, 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; GBV, hate crimes, killings, prevention, SDGs, sexual 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. In the light of the Committee’s general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and 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 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, follow-up, legislation, marriage, measures, partnership, women

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

Honduras – Concluding Observations – 83rd session, 1 November 2022, 9th review, CEDAW/C/HND/CO/9

Keywords: LBT; anti-discrimination legislation, discrimination, intersectionality, women

Constitutional and legislative framework and discriminatory laws
12. The Committee notes that the principles of equality and non-discrimination are enshrined in the Constitution. However, it remains concerned about intersecting forms of discrimination against
disadvantaged and marginalized groups of women in the State party, in particular women living in poverty, women with disabilities, rural women, Indigenous women, Afro-Honduran women, lesbian, bisexual and transgender women, and women human rights defenders.

13. The Committee recommends that the State party:

(a) Adopt legislation that prohibits all forms of discrimination against women and covers direct and indirect discrimination in the public and private spheres, as well as intersecting forms of discrimination, in accordance with article 1 of the Convention; (…).

Keywords: LBT; discrimination, education, employment, follow-up, health, intersectionality, participation, TSM, women

Temporary special measures

20. The Committee remains concerned that the information provided by the State party indicates a lack of adequate understanding of the nature, scope and necessity of temporary special measures aimed at accelerating the substantive equality of women and men, in accordance with article 4 (1) of the Convention. It also notes with concern the absence of temporary special measures other than electoral quotas, in particular to address intersecting forms of discrimination against rural women, Indigenous women, Afro-Honduran women, women with disabilities and lesbian, bisexual and transgender women.

21. Recalling its previous recommendation (CEDAW/C/HND/CO/7–8, para. 19) and drawing attention to its general recommendation No. 25 (2004) on temporary special measures, the Committee recommends that the State party take targeted measures, including temporary special measures in accordance with article 4 (1) of the Convention, to accelerate substantive equality of women and men, in particular rural women, Indigenous women, Afro-Honduran women, women with disabilities and lesbian, bisexual and transgender women, in all areas where women are underrepresented or disadvantaged, including political and public life, education, employment and health.

Keywords: LBT; discrimination, GC/GR, GBV, killings, violence, women

Gender-based violence against women

24. The Committee reiterates its concern about the persistence of gender-based violence against women in the State party, including sexual violence. It regrets that the persistence of high levels of insecurity, violence and organized crime in the State party is negatively affecting the enjoyment by women and girls of their human rights. It is particularly concerned that, according to the Economic Commission for Latin America and the Caribbean, Honduras had the highest femicide rate in Latin America in 2019. It also notes with concern: (…)

(f) The persistence of gender-based violence and discrimination against lesbian, bisexual and transgender women, exacerbated by widespread impunity for perpetrators of hate crimes, including gender-based violence against and killings of lesbian, bisexual and transgender women.

25. Recalling its previous recommendations (CEDAW/C/HND/CO/7–8, para. 23) and in line with its 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 on the elimination of all forms of violence against all women and girls in the public and private spheres, the Committee recommends that the State party strictly enforce and monitor the enforcement of legislation criminalizing gender-based violence against women and strengthen its public security strategy to combat organized crime and to eliminate the related high levels of insecurity and violence that continue to affect women and girls. It also recommends that the State party: (…)

(f) In line with its general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention, exercise due diligence to protect lesbian, bisexual and transgender women from discrimination and gender-based violence; (…).

Keywords: LBTI; participation, TSM, women

Equal participation in political and public life

28. The Committee notes with concern:
(a) The persistence of structural barriers to participation in political and public life faced by women, in particular rural women, Indigenous women, Afro-Honduran women, lesbian, bisexual, transgender and intersex women, and women with disabilities; (...).

29. 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:

(a) Adopt temporary special measures, such as statutory quotas and a gender parity system, in line with article 4 (1) of the Convention and the Committee’s general recommendation No. 25 (2004) on temporary special measures, to ensure the equal representation of women, including rural women, Indigenous women, Afro-Honduran women, lesbian, bisexual, transgender and intersex women, and women with disabilities, at the decision-making level, in the National Congress, regional and municipal legislative bodies, the Government, the civil service and the foreign service; (...).

Keywords: LBT; bullying, education, harassment, investigation, punishment, women

Education

34. The Committee notes the increase in the budget allocated to the Ministry of Education and welcomes the initiatives to ensure equal access to quality education for Indigenous and Afro-Honduran children and adolescents. The Committee nevertheless notes with concern: (...)

(g) Harassment, corporal punishment and bullying of girls and women, in particular lesbian, bisexual and transgender women, in educational environments and the limited information on the number of complaints and investigations in such cases and on the penalties imposed.

35. In the light of its general recommendation No. 36 (2017) on the right of girls and women to education and recalling its previous recommendations (CEDAW/C/HND/CO/7-8, para. 33), the Committee recommends that the State party promote the importance of girls’ education at all levels, as a basis for their empowerment, and: (...)

(g) Develop a national anti-bullying policy to provide safe and inclusive educational environments free from discrimination, harassment and gender-based violence against girls and women, including through safe transportation to and from schools in humanitarian settings, and investigate, prosecute and adequately punish all cases of harassment and gender-based violence against girls and women in educational institutions.

Keywords: LBTI; employment, harassment, women

Employment

36. The Committee appreciates the information provided by the delegation during the interactive dialogue that a time-use survey was conducted to facilitate understanding of gender differences in the use of time and activities and the strategies women and men use to sustain livelihoods in the State party. However, the Committee notes with concern: (...)

(e) The lack of measures to address sexual harassment in the workplace, especially of young women and lesbian, bisexual, transgender and intersex women.

37. In line with target 8.5 of the Sustainable Development Goals on the achievement of full and productive employment and decent work for all women and men and recalling its previous recommendations (CEDAW/C/HND/CO/7-8, para. 35), the Committee recommends that the State party:

(e) Explicitly criminalize sexual harassment in the workplace and ensure that victims of sexual harassment in the workplace have access to effective, independent and confidential complaint procedures and that all complaints are effectively investigated and those responsible adequately punished, and protect victims from retaliation; (...).

Keywords: adoption, children, family, legislation, marriage, partnership

Marriage and family relations

48. The Committee notes with concern:
(a) That Decree No. 3-2021, which amends article 112 of the Constitution, prohibits same-sex marriage and the recognition of same-sex marriages and registered unions entered into under private international law;

(b) That article 22 of the Special Act on Adoption (2018) prohibits the adoption of children by women in same-sex marriages or de facto unions; (...).

49. The Committee recommends that the State party:

(a) Amend Decree 3-2021, to legalize same-sex marriage and recognize same-sex marriages and registered unions entered into under private international law;

(b) Amend article 22 of the Special Act on Adoption (2018), to allow the adoption of children by women in same-sex marriages or de facto unions; (...).
Iceland – List of Issues – 84th PSWG, 11 July 2022, 9th review, CEDAW/C/ISL/Q/9

Keywords: LBTI; follow-up, health, medical professionals, service provision, trainings, women

**Health**

16. In the light of the Committee’s previous recommendations (CEDAW/C/ISL/CO/7-8, para. 36), please provide information on the following: (…).

(d) Efforts to provide a safe environment for lesbian, bisexual and transgender women and intersex persons in hospitals and other medical environments by providing adequate training and orientation to medical staff and health workers.
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.
Liechtenstein – List of Issues prior to reporting – 85th PSWG, 4 November 2022, 6th review, CEDAW/C/LIE/QPR/6

Keywords: I; children, follow-up, health, measures, surgical/medical intervention

Health

21. In view of the Committee’s previous recommendations (para. 36), please provide information on: (…)

(b) Measures taken to prohibit medically unnecessary sex-reassignment surgery on intersex persons and develop and implement a rights-based health-care protocol for intersex children; (…).
Luxembourg – List of Issues prior to reporting – 85th PSWG, 4 November 2022, 8th review, CEDAW/C/LUX/QPR/8

Keywords: LBTI; access to justice, adolescents, bullying, children, education, punishment

Education

18. Please provide information on the State party’s efforts to: (…)
   (e) Address school bullying and cyberbullying, including against migrant and lesbian, bisexual and transgender girls and adolescents, and intersex children and adolescents; enable victims to confidentially report cases of bullying and expressions of discriminatory sentiments in educational institutions; and ensure that those responsible receive appropriate sanctions.

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

Health

21. Please clarify the conditions, effective as of 2023, for access to, and full reimbursement of, contraceptives. In view of the Committee’s previous recommendations (para. 46) and in line with its general recommendation No. 24 (1999) on women and health, please provide information on the State party’s efforts to: (…)
   (e) Prevent and prohibit non-consensual surgical or other medical interventions, including sex reassignment surgery, for intersex children, unless medically necessary; adopt legal provisions to provide redress for victims of surgical interventions performed without their free, prior and informed consent; and repeal time limits on the ability to claim compensatory damages for medically irreversible sex reassignment surgery and related consequences; (…).

Keywords: adoption, family, follow-up, partnership

Marriage and family relations

23. In view of the Committee’s previous recommendations (para. 52) and in line with its general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, please provide information on measures taken by the State party to harmonize the treatment of all women, including those in de facto unions and same-sex relationships, with regard to:
   (a) The distribution of property upon dissolution of their union or relationship;
   (b) The recognition of paternity in cases of medically assisted procreation;
   (c) The adoption of stepchildren, regardless of their civil status.
**Monaco** – List of Issues prior to reporting – 84th PSWG, 11 July 2022, 4th review, CEDAW/C/MRO/QPR/4

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

**Disadvantaged groups of women**

22. Please provide information on measures taken to address and combat the aggravated and intersecting forms of discrimination faced by women belonging to disadvantaged groups, such as lesbian, bisexual, transgender and intersex women, women with disabilities and migrant women.
**Mongolia** – List of Issues prior to reporting – 73rd PSWG, 13 March 2019, 10th review, CCPR/C/MNG/QPR/10

Keywords: *LBTI*, *domestic violence, measures, women*

**Gender-based violence against women**

7. In the light of the Committee’s previous concluding observations (para. 19) and the related follow-up report submitted by the State party (CEDAW/C/MNG/CO/8-9/Add.1, para. 28), please specify measures taken to increase financial resources for the effective implementation, monitoring and enforcement of the revised Law on Combating Domestic Violence (2016) and subsequent relevant procedures. Please indicate whether those measures are targeted at all groups of women, including women with disabilities, lesbian, bisexual and transgender women, intersex persons and migrant women. (…).

**Mongolia** – Concluding Observations – 82nd session, 12 July 2022, 10th review, CEDAW/C/MNG/CO/10

Keywords: *LBTI*, *awareness-raising campaign, GC/GR, remedy, women*

**Implementation and visibility of the Convention**

10. The Committee notes that the Constitution of the State party provides that international treaties and conventions should be enforced in the same manner as national legislation once a treaty has been ratified. However, it notes the absence of registered court cases making reference to the provisions of the Convention. It also notes with concern that women, in particular rural women and women herders, lesbian, bisexual, transgender and intersex women and women with disabilities, are often not aware of their rights under the Convention and the remedies available to them.

11. Recalling its previous recommendation (CEDAW/C/MNG/CO/8-9, para. 9), the Committee recommends that the State party: (…)

   (b) Enhance awareness among women of their rights under the Convention and the legal remedies available to them to claim violations of such rights and ensure that information on the Convention and the Committee’s general recommendations is accessible to all women, including women belonging to disadvantaged and marginalized groups such as rural women and women herders, lesbian, bisexual, transgender and intersex women and women with disabilities.

**Legal framework for prohibition of discrimination against women**

12. The Committee notes that articles 14 and 16 of the Constitution of the State party prohibit discrimination against women, and that chapter 14 of the Criminal Code (2015, revised), which deals with crimes against personal and political rights and freedoms, qualifies “discrimination” as a crime (article 14.1). However, it notes the absence of any court cases of discrimination against women and girls tried under the Criminal Code in the past five years, which may indicate too narrow a definition of discrimination against women and an excessive burden of proof on women.

13. Recalling the links between articles 1 and 2 of the Convention and target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, the Committee calls upon the State party to:

   (a) Adopt, without delay, comprehensive anti-discrimination legislation that prohibits discrimination against women, including direct and indirect discrimination in the public and private spheres, as well as intersecting forms of discrimination, including on grounds of sexual orientation and gender identity; (…).

Keywords: *LBTI*, *GBV, investigation, legislation, medical professionals, police, professional groups, trainings, violence, women*

**Gender-based violence against women**

22. The Committee (…) notes with concern: (…)
(b) That judges, prosecutors, police, social workers, psychologists, health-care workers and governors have only limited understanding of the dynamics of domestic violence and of their responsibility to address it; (…).

23. Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and in line with target 5.2 of the Sustainable Development Goals, to eliminate all forms of violence against women and girls in the public and private spheres, the Committee urges the State party to: (…)

(b) Strengthen mandatory capacity-building programmes for judges, prosecutors, police, social workers, psychologists, health-care workers and governors on gender-sensitive investigation and interrogation procedures in cases of gender-based violence against women, in particular lesbian, bisexual, transgender and intersex women and women with disabilities, and on the strict application of legislation criminalizing such violence; (…).

Keywords: LBTI; awareness-raising campaign, discrimination, health, medical professionals, service provision, stigmatisation, women

Health

32. The Committee notes with concern: (…)

(g) The lack of awareness-raising among medical personnel on discrimination against lesbian, bisexual, transgender and intersex women in the health system.

33. The Committee recalls its general recommendation No. 24 (1999) on women and health and recommends that the State party: (…)

(f) Sensitize health-care providers to the physical and psychological health issues that lesbian, bisexual, transgender and intersex women experience, the discrimination and stigmatization that they face, and the need for equality and non-discrimination in the provision of health care.

Keywords: LBTI; data collection, discrimination, education, employment, GBV, health, intersectionality, participation, SRHR, violence, women

Disadvantaged and marginalized groups of women

40. The Committee (…) regrets the lack of information on the situation of other disadvantaged groups of women in the State party, including lesbian, bisexual, transgender and intersex women, women living in poverty, single mothers and older women.

41. The Committee recommends that the State party collect information on the situation of disadvantaged groups of women in the State party, including women and girls with disabilities, lesbian, bisexual, transgender and intersex women, women living in poverty, single mothers and older women, particularly on their access to political and public life, education, employment health care, including sexual and reproductive health services, as well as about intersecting forms of discrimination and gender-based violence faced by them.
**Montenegro** – List of Issues – 84th PSWG, 11 July 2022, 3rd review, CEDAW/C/MNE/Q/3

Keywords: LBTI; data collection, discrimination, measures, women

**Disadvantaged groups of women**

20. Please provide comprehensive disaggregated statistical data on the situation of disadvantaged and marginalized groups of women, in particular older women, women with disabilities, Roma and Egyptian women, and lesbian, bisexual, transgender and intersex women. Please indicate the measures taken, including through legislation, policies and programmes, to address the needs of women belonging to disadvantaged and marginalized groups and to eliminate all forms of discrimination against them. Please provide detailed information on the types of support services provided to migrant and asylum-seeking women.
Morocco – Concluding Observations – 82nd session, 12 July 2022, 5th-6th review, CEDAW/C/MAR/CO/5-6

Keywords: LBTI; criminalisation (decriminalisation), GC/GR, stigmatisation, SDGs, violence, women

Gender-based violence against women

23. The Committee notes with appreciation that new provisions were introduced to Act No. 103-13, on combating violence against women, creating new offences relating to the violation of privacy and providing increased penalties if the violation was gender-based. It notes with interest that a draft criminal act strengthening legal protections for women and children, particularly against violence, is before Parliament. The Committee also notes the State party’s indication that marital rape is covered under article 486 of the Penal Code. However, the Committee expresses its concern about reports that:

(b) Article 489 of the Penal Code puts lesbian, bisexual, transgender and intersex women at risk of penal sanctions, which could result in stigmatisation and instances of violence; (...).

24. Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and in line with target 5.2 of the Sustainable Development Goals, to eliminate all forms of violence against women and girls in the public and private spheres, the Committee urges the State party to:

(b) Take the necessary steps to repeal article 489 of the Penal Code; (...).

Employment and economic empowerment

33. The Committee (...) remains concerned that:

(a) Progress in the field of education for women and girls has not translated into progress in the area of employment, and the participation of women in economic activity remains low;

(b) Gender disparities persist in access to the labour market;

(c) Women in the formal and informal sectors in urban and rural areas alike have limited access to social protection in the form of a work contract, medical insurance or enrolment in a pension system.

34. Recalling its previous concluding observations (CEDAW/C/MAR/CO/4, para. 29), the Committee draws attention to target 8.5 of the Sustainable Development Goals, to achieve by 2030 full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value, and recommends that the State party take measures to:

(d) Take measures to prevent and monitor sexual harassment in the workplace, especially of young women, women with disabilities, and lesbian, bisexual, transgender and intersex women; (...).
**Namibia** – List of Issues – 80th PSWG, 10 March 2021, 6th review, CEDAW/C/NAM/Q/6

Keywords: LBT; education, employment, health, housing, SRHR, women

**Disadvantaged groups of women**

18. Information received by the Committee indicates that San women and girls continue to register poor outcomes in education, employment and health. (…). 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.

**Namibia** – Concluding Observations – 82nd session, 12 July 2022, 6th review, CEDAW/C/NAM/CO/6

Keywords: LBTI; awareness-raising campaign, discrimination, GC/GR, health, medical professionals, service provision, SRHR, women

**Health**

41. The Committee notes the progress reported in decreasing the mother-to-child transmission of HIV/AIDS and the high availability of HIV/AIDS test kits. However, the Committee notes with concern: (…)

(e) The limited access for women, including women with disabilities, indigenous women and lesbian, bisexual, transgender and intersex women, to sexual and reproductive health care; (…).

42. The Committee recalls its general recommendation No. 24 (1999) on women and health and recommends that the State party: (…)

(e) Ensure safe and appropriate access to sexual and reproductive health services free from discrimination, and disseminate information and clinical resource material to medical practitioners and to women, including women with disabilities, indigenous women and lesbian, bisexual, transgender and intersex women; (…).
New Zealand – List of Issues prior to reporting – 84th PSWG, 11 July 2022, 9th review, CEDAW/C/NZL/QPR/9

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

Definition of equality and non-discrimination

4. In light of the Committee’s previous concluding observations (para. 12), please describe the steps taken by the State party to:
   (a) Amend section 21 (1) (a) of the Human Rights Act 1993, with a view to including specific prohibitions of discrimination on the grounds of gender identity, gender expression and sex characteristics; (...).

Keywords: I; children, family, follow-up, free and informed consent, legislation, remedy, reparation, support services, surgical/medical intervention

Stereotypes and harmful practices

9. Recalling the Committee’s previous concluding observations (para. 24), please indicate the measures taken to: (...)
   (d) Adopt clear legislative provisions explicitly prohibiting the performance of unnecessary surgical or other medical treatment on intersex children before they reach the legal age of consent, provide the families of intersex children with adequate counselling and support, including by the New Zealand Child and Youth Intersex Clinical Network, and provide redress to intersex persons who have undergone such unnecessary surgical or medical treatment.

Keywords: LBTI; action plan, follow-up, GBV, sexual violence, violence, women

Gender-based violence against women

10. Recalling the Committee’s previous concluding observations (para. 26), please explain the steps taken to: (...)
   (b) Implement the Te Aorerekura national strategy to eliminate family violence and sexual violence and its associated action plan and ensure its effectiveness in combating gender-based violence against women, including Maori women, women of ethnic minority groups, lesbian, bisexual, transgender and intersex women, and women with disabilities; (...).
Panama – List of Issues prior to reporting – 73rd PSWG, 13 March 2019, 8th review, CEDAW/C/PAN/QPR/8

Keywords: LBTI; discrimination, measures, stigmatisation, women

**Constitutional, legislative and institutional framework**

3. With reference to the Committee’s previous concluding observations (para. 13) and the follow-up report (CEDAW/C/PAN/CO/7/Add.1), please provide information on measures taken to ensure effective implementation of the legal framework guaranteeing gender equality and non-discrimination, both de jure and de facto, including through the allocation of sufficient human and financial resources to monitor and evaluate such implementation. The Constitution of the State party (art. 19) recognizes the principle of non-discrimination on grounds of race, birth, disability, social class, gender, religion or political views. Please provide information on legislation, public policies, and strategies adopted in the past five years to address and combat all forms of gender-based discrimination against women and girls, including multiple and intersecting forms of discrimination. Please inform the Committee about measures taken to combat discriminatory practices and stigma against lesbian, bisexual, transgender and intersex women, as well as migrant, asylum-seeking and refugee women and women living with HIV/AIDS, in all areas covered by the Convention. Please provide information on reviews of legislation, such as the Civil, Labour, Criminal and Procedure Codes, in order to identify and amend gender-neutral provisions that discriminate against women and girls, including with respect to inheritance rights. Please also provide information on measures to adopt provisions for the recognition of identity and the right to marry of transgender women.

Keywords: T; asylum-seekers/refugees, measures, refoulement, women

**Disadvantaged groups of women**

23. Please indicate measures taken to address discrimination against asylum seekers, refugees and migrant women in the State party and to enforce the principle of non-refoulement in asylum-seeking procedures concerning transsexual women, women living with HIV/AIDS and young women from neighbouring countries. Please indicate the number of women who have been granted international protection on the grounds of gender-based persecution, specifying the forms of persecution feared, and provide details of the training provided to caseworkers on gender-sensitive treatment of cases. Please provide information on the situation of migrant women and girls in temporary humanitarian reception centres, in particular whether they are accommodated separately from men and attended by female social workers. Please also provide information on the number of qualified medical officers, the sanitary and health-care conditions in the centres, the duration of administrative detention, integration policies and family reunification options available to migrant women and girls. Please further provide information on measures taken to ensure access to employment, education and health care for migrant, asylum-seeking and refugee women.

Panama – Concluding Observations – 81st session, 1 March 2022, 8th review, CEDAW/C/PAN/CO/8

Keywords: LBTI, T; COVID-19, discrimination, measures, women

**E. Principal areas of concern and recommendations**

Women’s rights and gender equality in relation to the coronavirus disease pandemic and recovery efforts

9. The Committee welcomes the information provided by the delegation during the dialogue indicating the adoption of a national emergency and social assistance plan that includes digital transfers and covers 51.58 per cent women out of the total number of beneficiaries. It also notes the information on programmes to ensure universal vaccination, in which 51.53 per cent of the beneficiaries are women. The Committee, nonetheless, remains concerned that women have been extremely affected by the coronavirus disease (COVID-19) pandemic and measures taken to contain it, in particular due to: the loss of jobs, including for domestic workers; the reduction of wages; recourse to the informal economy; or the loss of livelihoods for indigenous women in areas where tourism was the main income-generating activity before the pandemic, exacerbating situations of hunger and malnutrition faced by indigenous women. It is also concerned about information indicating the spread of gender stereotypes that overemphasize women’s role as housewives and caregivers during the pandemic and about
discrimination against transgender women during the confinement periods, when activities outside the home were allowed on the basis of sex. (…).

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

(b) Implement targeted programmes to address situations of hunger and malnutrition exacerbated during the pandemic in indigenous regions, and ensure that measures to mitigate the socioeconomic impact of the pandemic target all groups of women, including: rural women; indigenous and Afrodescendant women and girls living in remote areas; women domestic workers; migrant, refugee and asylum-seeking women; women with disabilities; and lesbian, bisexual and transgender women and intersex persons; (…).

Keywords: SO; LBTI; access to justice, discrimination, GC/GR, intersectionality, legislation, measures, remedy, women

Legislative protection from discrimination

11. The Committee takes note of the State party’s efforts to develop its legislative and policy framework concerning gender equality and non-discrimination, including recognizing sexual or other types of harassment, bullying in the workplace, racism and sexism as criminal offences. Nonetheless, it remains concerned about: (…)

(c) The lack of provisions in the legislative framework to protect lesbian, bisexual and transgender women and intersex persons against discrimination on the basis of gender and sexual orientation, including the lack of remedies and mechanisms to file complaints;

(d) Intersecting and de facto discrimination faced by: indigenous and Afrodescendant women; women with disabilities; women living with HIV/AIDS; migrant, asylum-seeking and refugee women; and lesbian, bisexual and transgender women and intersex persons.

12. In line with article 1 of the Convention and general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention, and recalling its assessment of the follow-up report issued on 13 May 2016 (CEDAW/C/PAN/CO/7/Add.1) and its recommendations therein, the Committee recommends that the State party: (…)

(c) Amend Law No. 7 of 14 February 2018 on anti-discrimination to ensure that it encompasses gender as a ground of discrimination, and ensure that lesbian, bisexual and transgender women and intersex persons have access to complaint mechanisms in cases of gender-based discrimination and are targeted by concrete programmes and policies to ensure equality in all areas covered by the Convention;

(d) Establish comprehensive statistical databases and systems for collecting data disaggregated by sex and gender, to identify and address multiple and intersecting forms of discrimination against women, and in particular against women belonging to specific, most marginalized groups.

Keywords: LBTI; GBV, GC/GR, harassment, hate crimes, hate speech, investigation, reparation, sexual violence, violence, women

Gender-based violence against women

21. The Committee welcomes the legislation in the State party recognizing femicide as a criminal offence as well as reforms to increase penalties for different forms of sexual violence, including rape, sexual exploitation and child pornography. It also takes note of the measures included in the Public Policy for Equal Opportunities for Women (Executive Decree No. 244 of 18 December 2012) to prevent gender-based violence against women. However, the Committee remains concerned about: (…)

(b) Hate speech and sexual harassment against lesbian, bisexual and transgender women and intersex persons and xenophobia affecting migrant, asylum-seeking and refugee women;

(c) The low conviction rates for perpetrators of gender-based violence against women, compared with the number of complaints received, and limited information about redress and remedies available to victims of gender-based violence against women; (…).
22. The Committee, in the light of its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, recommends that the State party: (...)

(c) Conduct prompt and impartial investigations into hate crimes and xenophobia affecting migrant women and lesbian, bisexual and transgender women and intersex persons, and provide reparations, including compensation, to victims of such crimes; (...).

Keywords: LBTI; discrimination, employment, women

Employment

35. The Committee welcomes the legislation enacted by the State party to address and prevent sexual harassment and other forms of discrimination in the workplace, and information about the establishment of a minimum wage for all workers. Nonetheless, it is concerned about: (...)

(c) The continuous practice of requiring pregnancy tests for women to access jobs in the public and private sectors, the absence of labour legislation to protect pregnant women from dismissal, and the continuous discrimination against refugee applicants, indigenous women, women living with HIV/AIDS, and lesbian, bisexual and transgender women and intersex persons in the workplace; (...).

36. In line with target 8.5 of the Sustainable Development Goals on the promotion of full and productive employment and decent work for all women and men, the Committee recommends that the State party:

(a) Address the unemployment rate among women through temporary special measures that encourage, promote and facilitate women’s access to formal employment across all sectors of the economy, especially for those from marginalized groups; (...)

(d) Reinforce the implementation of legislation to combat discrimination in the workplace, prohibiting employers from requesting pregnancy tests; strengthen complaint mechanisms available for women; and develop public campaigns to reaffirm the equal rights of women and men in the area of employment; (...).

Keywords: LBTI; children, family, marriage, women

Marriage and family relations

49. The Committee is concerned about: (...)

(b) The fact that lesbian, bisexual and transgender women and intersex persons do not enjoy equality concerning marriage and family relations, including parental responsibilities; (...).

50. The Committee recommends that the State Party: (...)

(b) Protect the rights of lesbian, bisexual and transgender women and intersex persons concerning marriage and family relations; (...).
Peru – List of Issues – 78th PSWG, 27 July 2020, 9th review, CEDAW/C/PER/Q/9

Keywords: LBTI; GBV, violence, women

Gender-based violence against women

10. Please clarify the status, time-bound goals and targets of the national plan to combat gender violence for the period 2016–2021, in addition to the human, technical and financial resources allocated for its effective implementation and coordination across all sectors and levels of the State party. Information before the Committee indicates the prevalence of several forms of gender-based violence against women, together with forms of violence targeting specific groups, such as indigenous women, women of African descent, women deprived of liberty, women human rights defenders, lesbian, bisexual, transgender and intersex women and women with disabilities. Please elaborate on measures taken to address the root causes and combat all forms of gender-based violence against women, including physical, psychological and sexual violence and femicide.

Keywords: LBTI; GBV, legislation, sexual violence, violence, women

11. With reference to the legislative framework governing gender-based violence against women and in particular to Plenary Agreement No. 001-2016/CJ-116, please provide information about: (a) measures taken to harmonize the definition and scope of femicide with international standards; (b) measures taken to encourage and facilitate reporting of cases of gender-based violence against women, including sexual violence against women with disabilities in institutions, women living in rural areas and lesbian, bisexual, transgender and intersex women; (c) the number and location of shelters for women who are victims of gender-based violence throughout the country and measures taken to ensure that such shelters are accessible by women with disabilities; and (d) redress and rehabilitation services for women facing all forms of violence. Please provide updated statistical data on prosecutions and convictions of perpetrators of gender-based violence against women, including femicide, in the past five years, disaggregated by the age of the victim, the relationship between the perpetrator and the victim, the type of sentence imposed and other relevant characteristics, and report on the reparations, rehabilitation and compensation provided.

Peru – Concluding Observations – 81st session, 1 March 2022, 9th review, CEDAW/C/PER/CO/9

Keywords: LBTI; discrimination, intersectionality, remedy, TSM, violence, women

E. Principal areas of concern and recommendations General context and historical discrimination

9. The Committee acknowledges the efforts by the State party to mainstream gender equality and women’s rights in its legislative, regulatory and policy frameworks. The Committee is concerned, however, about the high levels of gender-based violence against women, which have been exacerbated since the onset of the coronavirus disease (COVID-19) pandemic. It notes with concern the inadequate progress made in addressing the disproportionate levels of violence experienced by disadvantaged and marginalized groups of women and girls in all areas of their lives and who are also facing historical and intersecting forms of discrimination, namely indigenous and Afro-Peruvian women, women with disabilities, lesbian, bisexual and transgender women and intersex persons, rural women, refugee and migrant women and women and girls in detention. The Committee regrets the lack of visibility and priority given to women and girls belonging to those groups in all initiatives of the State party to achieve gender equality and women’s rights, thereby perpetuating their social and economic exclusion, and denying the rights guaranteed to them under the Convention.

10. The Committee calls upon the State party to actively promote the use of temporary special measures, including through the adoption of quotas, targets and indicators, in all areas of the Convention, to provide urgent redress for women and girls who are subjected to historical and intersecting forms of discrimination, such as indigenous and Afro-Peruvian women, women with disabilities, lesbian, bisexual and transgender women and intersex persons, rural women and refugee and migrant women and women and girls in detention. It further recommends that the State party develop a strategic and holistic response in cooperation with women’s groups and civil society organizations to ensure the timely implementation of such temporary special measures.

Keywords: LBTI; access to justice, harassment, service provision, women

Access to justice
13. The Committee welcomes the efforts made by the State party to strengthen access to justice for women, including the National Programme on Access to Justice for Vulnerable Persons, 2016–2021. It notes with concern, however, the persistent institutional, structural and practical barriers to women’s access to justice, including the following: (…)

(c) That young women are unable to access the courts or to personally report cases of gender-based violence against women without an adult present, and that indigenous women, rural women, women land right defenders, women with disabilities and lesbian, bisexual and transgender women and intersex persons are often harassed and denied services when seeking to access justice; (…).

14. In accordance with the Convention and with the Committee’s general recommendation No. 33 (2015) on women’s access to justice, the Committee recommends that the State party:

(a) Ensure systematic and mandatory capacity-building for judges, prosecutors, public defenders, lawyers, the police and other law enforcement officers, at the federal, state and local levels, on women’s rights and gender equality, to eliminate judicial bias and discrimination against women and girls and ensure accountability for judges who discriminate against women;

(b) Continue raising awareness among women about their rights under the Convention, targeting in particular women belonging to marginalized groups, including low-income, rural women, Afro-Peruvian and other Afrodescendent women, refugee or asylum-seeking and migrant women, and indigenous women and women with disabilities;

(c) Encourage women to report incidents of gender-based violence against women, including domestic violence, ensure that women who are victims of discrimination and gender-based violence against women have access to timely and effective remedies and ensure that all cases of gender-based violence against women are effectively investigated and that perpetrators are prosecuted and adequately punished.

Keywords: LBTI; access to justice, discrimination, GC/GR, GBV, health, service provision, violence, women

Discriminatory stereotypes and harmful practices

21. The Committee welcomes the efforts made by the State party to eliminate patriarchal attitudes, deeply rooted stereotypes and harmful practices. It nevertheless remains concerned at the pervasiveness of such attitudes and the social legitimization of harmful practices against women and girls in the State party, as manifested in: (…)

(b) Gender-based violence against women and discrimination against women with disabilities, lesbian, bisexual and transgender women and intersex persons, refugee or asylum-seeking and migrant women and indigenous and Afro-Peruvian women, in particular in the delivery of health services and in their engagement with the justice system.

22. In line with 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 (2014) on harmful practices, the Committee recommends that the State party:

(a) Develop and implement a comprehensive strategy across all sectors to eliminate discriminatory stereotypes on the roles and responsibilities of women and men in the family and in society, working with a broad range of stakeholders, including women’s organizations, to ensure that all public policies integrate a gender perspective, with a view to dismantling discriminatory attitudes that perpetuate gender-based violence against women and discrimination, as well as harmful practices against women and girls, and, in particular, against those who are lesbian, bisexual, transgender, intersex, refugees, asylum-seekers, migrants or with disabilities; (…).

Keywords: SOGI; LBTI; data collection, GC/GR, GBV, investigation, prevention, punishment, support services, violence, women

Gender-based violence against women

23. The Committee welcomes the strengthening of legal provisions to combat gender-based violence against women in the State party, including the adoption of Act No. 30364 on the prevention of violence against women and members of the family group, in 2015; the National Plan against Gender-Based Violence 2016–2021; and the guidelines for an intercultural perspective on the prevention, protection,
and support for cases of violence against women, children, adolescents, and indigenous women, lesbian, bisexual and transgender women and intersex persons and women with disabilities, published in 2019. It remains deeply concerned, however, about the high incidence of intimate partner violence against women, exacerbated by the ongoing COVID-19 pandemic, noting that over the past two years the numbers of femicides, sexual violence and disappearances of young women increased exponentially.

24. 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) Enhance mechanisms to monitor the enforcement of laws criminalizing gender-based violence against women and providing for victim support services, in particular with regard to disadvantaged and marginalized groups of women, such as young women, indigenous, Afro-Peruvian and other Afrodescendants, lesbian, bisexual and transgender women and intersex persons and women with disabilities;

(b) Prevent, register, investigate and sanction discrimination and gender-based violence against lesbian, bisexual and transgender women and intersex persons, indigenous and Afro-Peruvian women and uphold their rights to dignity, equality and non-discrimination and to ethnic and cultural identity; (...)

(i) Ensure the provision of appropriate, accessible and quality support services responding to the needs of survivors of gender-based violence against women, especially indigenous women, Afro-Peruvian and other Afrodescendant women, women with disabilities, refugee, asylum seeking and migrant women, women living with HIV/AIDS, and lesbian, bisexual and transgender women and intersex persons;

(j) Approve a disaggregated case registration system, with variables such as ethnic and linguistic self-identification, disability, nationality, sexual orientation and gender identity; (...).

Keywords: LBTI; discrimination, GC/GR, measures, participation, SDGs, stereotypes, women

Equal participation in political and public life

29. The Committee welcomes the progress made by the State party in increasing women’s participation in political and public life, in particular the establishment of the Group for Strengthening Indigenous Political Participation (resolution 085-A-2016-P/JNE), as well as Act No. 31030, raising the quota in both regional and municipal elections to 50 per cent (gender parity). The Committee nevertheless notes with concern: (...)

(b) That discriminatory gender stereotypes continue to impede women from standing for election at the state and municipal levels; (...).

30. 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) Adopt measures to address discriminatory gender stereotypes and practices within political parties that discourage women, in particular indigenous, Afro-Peruvian and other Afrodescendants, lesbian, bisexual and transgender women and intersex persons and women with disabilities, from standing for election at the federal, state or municipal levels; (...).

Keywords: LBTI; discrimination, employment, GC/GR, intersectionality, SDGs, TSM, women

Employment

35. The Committee welcomes the ongoing efforts by the State party to promote the integration of women into the labour market, including through the adoption of the National Action Plan on Business and Human Rights (2021–2025), which seeks to reconcile work and family life, training on good practices and gender equality, fighting harassment and gender-based violence against women in the workplace, and ensuring equal and decent conditions of work for lesbian, bisexual and transgender women and intersex persons. It notes with concern, however:

(a) That women facing intersecting forms of discrimination, including indigenous and Afro-Peruvian and other Afrodescendant women, lesbian, bisexual and transgender women and intersex persons and women with disabilities, have limited access to employment opportunities; (...).
36. The Committee draws attention to its general recommendation No. 13 (1989) on equal remuneration for work of equal value and to target 8.5 of the Sustainable Development Goals and recommends that the State party: (…) 

(b) Establish hiring quotas and employment retention schemes specifically targeted at promoting access by women facing intersecting forms of discrimination, including indigenous, Afro-Peruvian and lesbian, bisexual and transgender women and intersex persons and women with disabilities, to formal employment; (…).

Keywords: LBTI; data collection, detention, service provision, women

Women and girls in detention

47. The Committee is concerned about the conditions of detention faced by women deprived of their liberty, in particular the lack of adequate services to address the needs of pregnant women and women with children, girls, lesbian, bisexual and transgender women and intersex persons, migrant women, indigenous women, Afro-Peruvian and other Afrodescendent women, women with disabilities, women living with HIV/AIDS and women with other illnesses, such as tuberculosis, in detention.

48. The Committee recommends that the State party: (…)

(e) Collect data on women deprived of liberty disaggregated by age, ethnicity, disability, nationality, geographical location and socioeconomic background, with a focus on the system of registration and treatment of lesbian, bisexual and transgender women and intersex persons in prisons.

Keywords: LBTI; family, GC/GR, legislation, marriage, women

Marriage and family relations and economic consequences of divorce

49. The Committee welcomes the laws on the adoption of minors by unmarried couples, free DNA testing and the rationalization of the proceedings for establishing paternity and the provisional payment of maintenance, waiver of court fees in relation to children born out of wedlock, and the recognition of the inheritance rights of unmarried partners and those in common law unions. The Committee acknowledges the progress made in recognizing marriages of lesbian, bisexual and transgender women and intersex persons, including those entered into abroad. (…).

50. Recalling its general recommendation No. 21 (1994) on equality in marriage and family relations and its general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, the Committee recommends that the State party: (…)

(c) Expedite the adoption of Bill 525/2021-CR, which seeks to amend the Civil Code; (…).

Keywords: LBTI; follow-up, GBV, support services, violence, women

Follow-up to concluding observations

57. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 22(b), 24(a), 34(b) and 38(c) above.
Philippines – List of Issues – 84th PSWG, 11 July 2022, 9th review, CEDAW/C/PHL/Q/9
Keywords: LBTI; bullying, education, harassment, measures, punishment, sexual violence, violence, women

Education

13. Please provide information on the following: (…)

(d) Measures taken to investigate and prosecute cases of bullying, sexual violence and harassment against girls and lesbian, bisexual, transgender women and intersex persons in schools, and concrete measures taken to adequately punish perpetrators; (…).
Portugal – List of Issues – 79th PSWG, 17 November 2020, 10th review, CEDAW/C/PRT/Q/10

Keywords: SOGI; discrimination, policy, measures

Legislative and policy framework

2. Information before the Committee indicates that legislation prohibiting sex-based discrimination has been superseded by gender-neutral legislation and policies and measures to address discrimination on the basis of sexual orientation and gender identity. (...).

Portugal – Concluding Observations – 82nd session, 12 July 2022, 10th review, CEDAW/C/PRT/CO/10

Keywords: SO; L, LBTI; adoption, assisted reproduction, children, family, legislation, same-sex couples, SRHR

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2015 of the State party’s combined eighth and ninth periodic reports (CEDAW/C/PRT/8-9) in undertaking legislative reforms, in particular the adoption of the following: (...)

(i) Law No. 38/2018, on the rights of lesbian, gay, bisexual, transgender and intersex persons, in August 2018; (...)

(m) Law No. 17/2016, expanding access to medically assisted procreation to all women, regardless of infertility diagnosis, marital status or sexual orientation, including lesbian couples, in June 2016; (...)

(o) Law No. 2/2016, eliminating legal obstacles to adoption, civil sponsorship and all other legal family relationships for same-sex couples, in February 2016.

Keywords: SOGIESC; discrimination

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 of the following: (...)

(e) National strategy for equality and non-discrimination for the period 2018–2030, “Portugal mais Igual”, which includes three action plans: to ensure equality between women and men; to prevent and combat violence against women and domestic violence; and to combat discrimination based on sexual orientation, gender identity and expression, and sex characteristics, in 2018.
Saint Kitts and Nevis – Concluding Observations – 83rd session, 5 November 2022, 5th-9th review, CEDAW/C/KNA/CO/5-9

Keywords: court, criminalisation (decriminalisation), follow-up, jurisprudence, legislation

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2002 of the State party’s combined initial to fourth periodic reports (CEDAW/C/KNA/1–4) in undertaking legislative reforms, in particular the adoption of the following:

(a) The ruling of the Eastern Caribbean Supreme Court (known as the High Court in the State party) on 29 August 2022 rendering unconstitutional all laws that criminalize same-sex intimacy; (...).

Definition of equality and non-discrimination

10. The Committee (...) notes with appreciation the landmark ruling by the High Court declaring all laws criminalizing same-sex intimacy unconstitutional. However, the Committee notes with concern: (...).

Disadvantaged groups of women

38. The Committee welcomes the High Court ruling on 29 August 2022 rendering unconstitutional all laws that criminalize same-sex intimacy. (...).
Sao Tome and Principe – List of Issues – 83rd PSWG, 7 March 2022, initial-5th review, CEDAW/C/STP/Q/1-5

Keywords: LBTI, T; free and informed consent, health, medical professionals, SRHR, trainings, women

Health

17. Please indicate the measures taken to ensure a dedicated budget line for family planning and to make modern contraceptives available, accessible and affordable, particularly for marginalized groups of women (ibid., para. 97). 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 lesbian, bisexual and transgender women and intersex persons, women with disabilities, and women with HIV. Please provide information on measures taken to ensure full, pre-informed and free consent for any medical procedure, such as sterilization, conducted on women and girls, specifically women with disabilities and transgender women.
**Senegal** – List of Issues – 77th PSWG, 11 March 2020, 8th review, CEDAW/C/SEN/Q/8

Keywords: LBTI; discrimination, education, employment, intersectionality, violence, women

**Disadvantaged groups of women**

19. Please provide up-to-date data, disaggregated by relevant factors, on the enjoyment by disadvantaged groups of women, including women and girls with disabilities, lesbian, bisexual and transgender women, intersex persons and older women, of their rights and of access to basic services and accessible infrastructure, for example schools, workplaces and public spaces, and on measures to tackle the intersecting forms of discrimination and violence that such persons face.

**Senegal** – Concluding Observations – 81st session, 1 March 2022, 8th review, CEDAW/C/SEN/CO/8

Keywords: LBTI; access to justice, support services, women

**Women’s access to justice**

13. The Committee appreciates the increase in the budgetary allocation for the provision of judicial aid and the efforts made to provide such aid through decentralized legal support centres (“justice houses”). It also welcomes the translation of the Convention into six national languages and its dissemination at the local level. The Committee is concerned, however, that women continue to face multiple barriers to obtaining access to justice, owing to the following:

(a) The limited access to legal aid and support of disadvantaged groups of women, including rural women, women living in poverty, women with disabilities, lesbian, bisexual, transgender and intersex women, and women who are victims of sexual violence; (…).

14. In line with its general recommendation No. 33 (2015) on women’s access to justice, the Committee recommends that the State party:

(a) Ensure access to effective legal aid services for all women and girls in all parts of the State party and expedite the adoption of the law on legal aid to ensure that legal aid is available, affordable and accessible to all women in all settings, especially marginalized groups of women; (…).

Keywords: LBTI; data collection, detention, hate speech, intersectionality, investigation, law enforcement officials, legislation, measures, policy, privacy, prosecution, shelters, violence, women

**Women facing intersecting forms of discrimination**

39. The Committee is concerned about the following: (…)

(c) The prevalence of hate speech and discourse inciting violence against lesbian, bisexual, transgender and intersex women, as well as reports of acts of violence, abuse, arbitrary detention and violation of the right to privacy, particularly by law enforcement personnel;

(d) The lack of statistical data on the situation of disadvantaged groups of women, including women and girls with disabilities, lesbian, bisexual, transgender and intersex women and older women.

40. The Committee recommends that the State party: (…)

(c) Adopt the legislative and policy measures necessary to combat hate speech against lesbian, bisexual, transgender and intersex women, increase the level of their protection, provide them with access to shelters and fully investigate and, if appropriate, prosecute all cases of violations of their rights;

(d) Improve the collection, dissemination and analysis of up-to-date data, disaggregated by relevant factors, on the enjoyment by disadvantaged groups of women, including women and girls with disabilities, lesbian, bisexual, transgender and intersex women and older women, of their rights and on the measures taken to address the intersecting forms of discrimination and violence that such persons face.

Keywords: access to justice, follow-up, support services, women

**Follow-up to concluding observations**
49. The Committee regrets the State party’s failure to submit information on the measures taken to implement the specific recommendations identified for immediate action in its previous concluding observations and requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 14 (a) and (d), 22 (b) and 34 (a) above.
**Singapore** – List of Issues – 85th PSWG, 4 November 2022, 6th review, CEDAW/C/SGP/Q/6

Keywords: *LBTI; women*

**Legislative framework and definition of discrimination against women**

4. Please indicate whether the white paper on Singapore Women’s Development, which outlines policy recommendations with a road map towards gender equality, includes specific provisions that will address the circumstances of women in vulnerable and marginalized situations, notably migrant women, women belonging to ethnic minority groups, women belonging to religious minorities, domestic workers, lesbian, bisexual, transgender and intersex women and undocumented women.
Switzerland – List of Issues prior to reporting – 76th PSWG, 18 November 2019, 6th review, CEDAW/C/CHE/QPR/6

Keywords: LBTI; data collection, GBV, violence, women

Gender-based violence against women

13. Please (...) provide statistical data on the number of reported cases of gender-based violence against women, including women in detention, women with disabilities, women belonging to ethnic minority groups, lesbian, bisexual, transgender women and intersex persons, disaggregated by age, type of violence and relationship between the victim and the perpetrator. (...).

Keywords: LBTI; free and informed consent, gender reassignment treatment, LGR, reparation, surgical/medical intervention

Health

19. Please provide information on the measures taken to: (...) (c) facilitate the legal recognition of gender reassignment and prevent any intrusive medical or surgical treatment from being conducted on intersex persons without their prior, free and informed consent and compensate victims of non-consensual treatment; (...).

Keywords: family, GC/GR, partnership, same-sex couples

Marriage and family relations

24. Please provide information on measures taken to: (...) (d) ensure that non-traditional forms of family relations, including de facto and same-sex unions, are fully recognized by law, in line with the Committee’s general recommendation No. 21 (1994) on equality in marriage and family relations and general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution.

Switzerland – Concluding Observations – 83rd session, 1 November 2022, 6th review, CEDAW/C/CHE/CO/9

Keywords: family, legislation, marriage, follow-up

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2016 of the State party’s combined fourth and fifth periodic reports (CEDAW/C/CHE/CO/4–5 and CEDAW/C/CHE/CO/4–5/Corr.1) in undertaking legislative reforms, in particular the adoption of the following:

(a) Legal amendments recognizing same-sex marriage in 2022, following an overwhelming majority in a popular vote in 2021; (...).

Keywords: LGBTI; NHRI, women

National machinery for the advancement of women

31. The Committee notes the allocation of financial resources to projects and bodies for the protection of women’s rights and gender equality, including the adoption of specific budgets for the implementation of equality action plans in the cantons of Zug, Ticino and Jura and a budget increase in the canton of Glarus. It notes with concern, however, that: (...)

(b) The expansion of cantonal competencies in relation to the implementation of rights of lesbian, gay, bisexual, transgender and intersex women has not systematically been matched with additional resource allocations.

32. The Committee recommends that the State party: (...)

(b) Ensure that the expansion of cantonal competencies for the implementation of rights of lesbian, gay, bisexual, transgender and intersex women is matched with adequate additional resources.

Keywords: I; children, criminalisation (decriminalisation), surgical/medical intervention

Health
55. The Committee welcomes the State party’s efforts to ensure access to quality health care for women and girls. It notes with concern, however: (…)

(f) That there is a performance of unnecessary surgical interventions on intersex children with the aim of “normalizing” their genitalia.

56. The Committee recommends that the State party (...) (d) Specifically criminalize surgical interventions on the genitalia of intersex children unless medically necessary.
**Education**

15. Please inform the Committee about measures taken to retain girls at all levels of education and to remove any obstacles to their enrolment in non-traditional fields of study. Please provide information on specific measures targeting girls from groups in vulnerable and marginalized situations, who face intersectional discrimination based on poverty, disability, racism, lesbian, bisexual, transgender or intersex status, religion and migrant status. (…).
Timor-Leste – List of Issues – 83rd PSWG, 7 March 2022, 4th review, CEDAW/C/TLS/Q/4

Keywords: LBTI; legislation, policy, women

Disadvantaged groups of women

22. (…) Please also provide information on the situation of lesbian, bisexual and transgender women and intersex persons and the legislation, policies and programmes in place to protect and promote their rights.
Türkije – List of Issues – 81st PSWG, 16 July 2021, 8th review, CEDAW/C/TUR/Q/8
Keywords: SOGI; LBT; anti-discrimination legislation, data collection, discrimination, GBV, GC/GR, hate crimes, legislation, protected grounds, SDGs, service provision, support services, violence, women

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; (…).

Türkije – Concluding Observations – 82 session, 12 July 2022, 8th review, CEDAW/C/TUR/CO/8
Keywords: LBT; access to justice, discrimination, GBV, GC/GR, hate crimes, killings, violence, women

Gender-based violence against women

28. (…). The Committee reiterates its concern about the persistence of systematic and widespread gender-based violence against women in the State party, including sexual violence, and that: (…)

(e) Gender-based violence and discrimination against lesbian, bisexual and transgender women persist. Such violence is exacerbated by widespread impunity for perpetrators of hate crimes, including gender-based violence against and killings of lesbian, bisexual and transgender women; and by the application of article 29 of the Penal Code on “unjust provocation” in court cases on killings of lesbian, bisexual and transgender women as a mitigating circumstance.

29. Recalling its previous recommendations (CEDAW/C/TUR/CO/7, para. 33) and in line with its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and with Sustainable Development Goal 5.2 on the elimination of all forms of violence against all women and girls in the public and private spheres, the Committee recommends that the State party enhance mechanisms to monitor the enforcement of laws criminalizing gender-based violence against women. It also recommends that the State party: (…)

(e) In line with its general recommendations No. 19 (1992) on violence against women and No. 28 (2010) on the core obligations of States parties under article 2 of the Convention, exercise due diligence to protect lesbian, bisexual and transgender women from discrimination and gender-based violence, by ensuring that perpetrators of gender-based violence against lesbian, bisexual and transgender women do not benefit from the mitigating circumstances provided for in article 29 of the Penal Code; (…).

Keywords: LBT; stereotypes, participation, women

Equal participation in political and public life

37. The Committee notes with concern:

(a) The persistence of structural barriers to participation in political and public life, including discriminatory gender stereotypes, faced by women, in particular Kurdish women, lesbian, bisexual, transgender and intersex women and women with disabilities; (…).
38. 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:

(a) Adopt temporary special measures, such as statutory quotas and a gender parity system, in line with article 4 (1) of the Convention and the Committee’s general recommendation No. 25 (2004) on temporary special measures, to ensure the equal representation of women, in particular women belonging to ethnic minorities and women with disabilities, in the Grand National Assembly, provincial and municipal legislative bodies, the Government, the civil service and the foreign service, in particular at decision-making levels; (...).

Keywords: LBTI; arrest, harassment, HRD, violence, women

Women human rights defenders and journalists

39. The Committee takes note of the information provided by the State party that the rights to freedom of opinion, expression, association and peaceful assembly are guaranteed under the Constitution. It is concerned, however, that article 314 of the Penal Code and article 7 of the Anti-Terror Act relating to leaders and members of armed organizations are applied to convict women human rights defenders and sentence them to lengthy prison sentences. It is also concerned that women human rights defenders and activists, including those advocating for the rights of lesbian, bisexual, transgender and intersex women and women journalists are often subjected to arrest, physical assault, threats, intimidation, harassment and the freezing of assets. It also notes with concern reports indicating that civil society organizations are facing violence, harassment and legal repression for allegedly “acting against the law and against morality”.

40. The Committee recommends that the State party:

(a) Ensure that women human rights defenders, lawyers and journalists can freely carry out their legitimate activities and create an enabling environment for them to advocate for women’s human rights;

(b) Prevent discrimination against women human rights defenders, activists and journalists, ensure their protection from violence and intimidation, investigate, prosecute and punish all abuses against them, including by public officials;

(c) Amend provisions that restrict the civic space and funding for civil society organizations, including women’s organizations, for allegedly “acting against the law and against morality”.

Keywords: HRD, participation, TSM, women

Follow-up to the concluding observations

62. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 31 (a), 38 (a) and 40 (a) above.
Uganda – List of Issues – 80th PSWG, 10 March 2021, 8th-9th review, CEDAW/C/UGA/Q/8-9

Keywords: SOGI; LBT; asylum-seekers/refugees, awareness-raising campaign, criminalisation (decriminalisation), detention, discrimination, follow-up, harassment, law enforcement officials, marriage, professional groups, stigmatisation, trainings, violence, women

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/Q/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.

Uganda – Concluding Observations – 81st session, 1 March 2022, 8th-9th review, CEDAW/C/UGA/CO/8-9

Keywords: LBTI; COVID-19, SDGs, women

E. Principal areas of concern and recommendations

General context

9. The Committee takes note of the measures undertaken by the State party to implement gender-responsive recovery strategies related to the coronavirus disease (COVID-19) pandemic, including by developing and implementing the national gender-based violence multisectoral COVID-19 response plan, 2021/22–2024/25, and targeted measures to alleviate the negative economic and social effects of the pandemic on women and girls. Nevertheless, the Committee is concerned about the high prevalence of gender-based violence against women, including domestic violence, the longest shutdown of educational institutions globally due to the pandemic 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.

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

(a) Implement measures to redress long-standing inequalities between women and men by placing women at the centre of COVID-19 recovery strategies, in accordance with the 2030 Agenda, paying particular attention to unemployed women, women living in poverty, women belonging to ethnic and national minority groups, indigenous women, women in humanitarian settings, older women, women with disabilities, migrant, refugee and asylum-seeking women, lesbian, bisexual and transgender women and intersex persons; (…).

Keywords: LBTI; awareness-raising campaign, discrimination, follow-up, GBV, GC/GR, intersectionality, violence, women

Gender-based violence against women

25. The Committee takes note of the fact that the third national development plan, like its predecessors, prioritizes combating gender-based violence against women and that a national gender based violence database has been created, which is aimed at better informing strategies, policies and programmes to combat gender-based violence against women. The Committee is deeply concerned, however, that:

(a) Gender-based violence against women, including sexual violence and domestic violence, continues to be manifested throughout the entire life cycle of women and girls and that there is a high level of impunity for, and social acceptance of, such violence in Ugandan society; (…).
26. With reference to its general recommendation No. 35 (2017), and recalling its previous recommendation (CEDAW/C/UGA/CO/7, para. 24), the Committee urges the State party to:

(a) Intensify efforts to raise awareness among both women and men, including through educational and media campaigns, with the active participation of women’s organizations and women human rights defenders, of the criminal nature of gender-based violence against women, in order to challenge its social acceptance and to destigmatize and protect women from reprisals so as to encourage them to report incidents of gender-based violence against women, and of the specific risk of gender-based violence posed to women and girls facing intersecting forms of discrimination, such as lesbian, bisexual, and transgender women and girls, intersex persons, migrant, refugee and asylum-seeking women and girls, women and girls with disabilities and women and girls with albinism; (…).

Keywords: LBTI; court, criminalisation (decriminalisation), HRD, jurisprudence, legislation, women

Women human rights defenders and journalists

33. The Committee takes note of the information provided by the State party that the rights to freedom of opinion, expression, association and peaceful assembly are guaranteed under the Constitution. It is concerned, however, that the work of women human rights defenders and women journalists continues to be restricted and that they are often victims of arrest, physical, including sexual, assault, threats, intimidation, harassment and the freezing of assets. In that regard, it notes with concern that women human rights defenders advocating for the rights of lesbian, bisexual and transgender women and intersex persons are at particular risk, due to the ripple effects of the Anti-Homosexuality Act of 2014, although it was struck down by the Constitutional Court.

34. The Committee recommends that the State party:

(a) Ensure that women human rights defenders and journalists can freely carry out their legitimate activities and create an enabling environment for them to advocate for women’s human rights and exercise their democratic rights;

(b) Prevent discrimination against women human rights defenders and journalists, ensure their protection from violence and intimidation, investigate, prosecute and punish all abuses against them, including by public officials, and strictly enforce the Human Rights Enforcement Act;

(c) Amend provisions that unduly restrict funding to civil society organizations, including women’s organizations, in the Anti-Terrorism (Amendment) Act of 2017, the Computer Misuse Act of 2011 and the Non-Governmental Organizations Act of 2016 and consider enacting comprehensive legislation for the protection of civil society organizations, including those working with women human rights defenders and journalists, in conformity with the Convention.

Keywords: SOGI; anti-discrimination legislation, discrimination, employment, legislation, protected grounds

Employment

39. The Committee welcomes the Leadership Code (Amendment) Act, which provides women with protection from sexual harassment at public workplaces, and the establishment of the Leadership Code Tribunal, which is mandated to adjudicate breaches of the Code, including by combating corruption in the public sphere. The Committee is nevertheless concerned about the following:

(a) Discriminatory provisions on access for women to employment and the lack of legislation prohibiting discrimination based on sexual orientation or gender identity in employment (…).

40. Recalling its previous recommendation (CEDAW/C/UGA/CO/7, para. 34), the Committee recommends that the State party:

(a) Intensify efforts to fully implement the existing laws and regulations on the equal rights of women and men to, and in, employment, reduce unemployment among women by promoting access for women to formal employment, remove all discriminatory labour law provisions and amend section 6 of the Employment Act to add discrimination on the basis of sexual orientation or gender identity as prohibited grounds; (…).

Keywords: LBTI; GC/GR, health, HIV/AIDS, follow-up, policy, women

Health
41. The Committee takes note of the fact that the HIV/AIDS Prevention and Control Act of 2015 and the various strategies, policies and programmes for the prevention and control of HIV and AIDS embrace human rights principles, including non-discrimination and gender-responsiveness. It also takes note of the establishment, in 2015, of a national menstrual health and hygiene coalition to mobilize resources for the provision of hygiene products to girls and separate sanitary facilities for them in rural and remote areas, indigenous and refugee communities and government-aided schools. The Committee is concerned about the following: (…)

(c) The disproportionately high rates of HIV and AIDS among women and girls and their limited access to adequate treatment; (…).

42. With reference to its general recommendation No. 24 (1999) on women and health, and recalling its previous recommendations (CEDAW/C/UGA/CO/7, paras. 36 and 38), the Committee recommends that the State party increase the proportion of the national budget allocated to health and:

(c) Continue to implement the national policy guidelines on ending HIV stigma and other strategies, policies and programmes on HIV/AIDS, to address the high prevalence of HIV and AIDS among women, and ensure access to antiretroviral treatment free of charge, with a particular focus on the prevention of mother-to-child transmission and targeting lesbian, bisexual and transgender women and intersex persons, women living in a humanitarian settings and women in prostitution; (…).

Keywords: LBTI; COVID-19, SDGs, women

Follow-up to concluding observations

55. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 10 (a), 16 (b), 46 (b) and 50 (a) above.
Access to justice

6. Please provide information on the measures taken to ensure that women, including internally displaced women, Roma women, women with disabilities, rural women, older women, lesbian, bisexual and transgender women and women living with HIV, are aware of their rights under the Convention and of the legal remedies available to them. (…).

Lesbian, bisexual and transgender women and intersex persons

23. Please clarify whether the State party’s anti-discrimination laws, in particular Act No. 5207-VI of 6 September 2012 on the principles of preventing and combating discrimination in Ukraine, explicitly protect lesbian, bisexual and transgender women and intersex persons, whether the prohibition of hate crimes in the State party’s national legislation covers hate crimes committed against those persons, whether gender reassignment is legally recognized and which steps have been taken to prevent intrusive medical or surgical treatment without prior, free and informed consent. In the light of the Committee’s previous concluding observations (para. 46), please indicate any measures taken to provide training and guidelines to law enforcement officials on non-discrimination and the protection of lesbian, bisexual and transgender women and intersex persons, in particular during public protests and events, to ensure the investigation and prosecution of any acts of hate speech and violence against lesbian, bisexual and transgender women and intersex persons and to provide shelter and assistance to lesbian, bisexual and transgender women and intersex persons who are victims of violence.

E. Factors and difficulties preventing the effective implementation of the Convention

10. The Committee is similarly concerned that the military attack against Ukraine has resulted in grave violations of human rights of Ukrainian women and girls, who are victims of attacks against civilians and civilian objects such as schools, kindergartens, medical and other essential civilian infrastructures, through the use of cluster munitions, air strikes and artillery, as well as of torture and other cruel, inhuman or degrading treatment, arbitrary and extrajudicial executions, enforced disappearances, gender-based violence, including sexual violence, forced transfers and forced displacements of populations. It notes that the military attack by the Russian Federation against Ukraine has a particularly severe impact on women and girls in disadvantaged situations, such as internally displaced women, rural women, older women, women with disabilities, Roma women, lesbian, bisexual, transgender and intersex women and women from other minorities, including Crimean Tatar women. The Committee recalls that some of these violations may amount to crimes against humanity, war crimes and other crimes under international law (see Human Rights Council resolution S-34/1). (…).

12. The Committee calls upon the State party to implement the recommendations contained in the present concluding observations, giving due consideration to its general recommendations No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations and No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women. It recommends that the State party consider seeking international assistance, as needed, for the implementation of the recommendations, including technical assistance by the Committee.

F. Principal areas of concern and recommendations

Employment
39. The Committee welcomes the abolishment of the list of more than 450 professions prohibited for women (CEDAW/C/UKR/9, para. 184) and the approval of guidelines for gender audits in enterprises, institutions, and organizations (2021). The Committee nevertheless notes with concern:

(a) The increase in the unemployment rate among women and the high numbers of unemployed young women (CEDAW/C/UKR/9, paras. 180 and 181); (...).

40. With reference to its previous recommendations (CEDAW/C/UKR/CO/8, para. 37), the Committee recommends that the State party:

(a) Reduce unemployment among women, including through targeted measures by the State Employment Service and the Ministry for Development of Economy, Trade and Agriculture (CEDAW/C/UKR/9, paras. 185–188), with an emphasis on unemployed internally displaced women, single mothers, young mothers, older women, rural women, women with disabilities, lesbian, bisexual, transgender and intersex women, women who use drugs, Roma women and women living in conflict-affected areas of the State party; (...).

Keywords: peace and security, women

Follow-up to concluding observations

51. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 12, 16 (c) (i) and 32 (b) above.
**Uzbekistan** – List of Issues – 78th PSWG, 27 July 2020, 6th review, CEDAW/C/UZB/Q/6

Keywords: SOGI; anti-discrimination legislation, discrimination, legislation, protected grounds, women

**Definition of non-discrimination**

4. Please indicate how the State party plans to incorporate into national legislation, including the Act on the Guarantees of Equal Rights and Opportunities for Women and Men (2019), a definition of discrimination against women that prohibits direct and indirect discrimination in the public and private spheres, including intersecting forms of discrimination, in accordance with articles 1 and 2 of the Convention, including on the basis of sexual orientation and gender identity.

Keywords: SOGI; anti-discrimination legislation, discrimination, legislation, protected grounds, women

**Education**

16. (…). Please elaborate on the results of the review of school textbooks and curricula (para. 103) and the availability of gender equality education and age-appropriate sexuality education (CEDAW/C/UZB/CO/5, para. 24 (b)), including education to promote tolerance and non-discrimination based on sexual orientation and gender identity.

Keywords: SOGI; education, sexuality education, SRHR

**Disadvantaged groups of women**

23. Please specify the measures taken to: (…) (c) investigate reports of lesbian, bisexual, transgender and intersex women being subjected to gender-based violence, correctional rape, forced marriage, arrest and discrimination and take remedial action, ensure their access to health care, including reproductive technologies and gender reassignment, repeal article 120 of the Criminal Code criminalizing homosexual intercourse and criminalize hate crime; (…).

**Uzbekistan** – Concluding Observations – 81st session, 1 March 2022, 6th review, CEDAW/C/UZB/CO/6

Keywords: LBT; GBV, GC/GR, legislation, violence, women

**Gender-based violence against women**

21. The Committee (…) notes with concern: (…) 

(b) The absence of criminal law provisions specifically criminalizing different forms of gender-based violence other than sexual violence and rape, and inadequate protection from gender-based violence of women and girls facing intersecting forms of discrimination, including women and girls belonging to religious and ethnic minorities, women and girls with disabilities, and women living with HIV/AIDS; (…).

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: (…)

(b) Review the Law on Protection of Women from Harassment and Violence and other relevant national legislation to cover all forms of gender-based violence and take into account the special needs of disadvantaged and marginalized groups of women, including women with disabilities, migrant women, women living with HIV/AIDS, and lesbian, bisexual and transgender women; (…).

Keywords: LBT; access to justice, discrimination, employment, health, intersectionality, privacy, SRHR, TSM, women

**Disadvantaged and marginalized groups of women**

39. The Committee remains concerned that: older women; women with disabilities; women belonging to ethnic minority groups, in particular women and girls belonging to Mughat/Luyli communities; refugee and asylum-seeking women; migrant women; women living with HIV/AIDS; and lesbian, bisexual and transgender women continue to face intersecting forms of discrimination in the State party.
40. The Committee recommends that the State party adopt targeted measures, including temporary special measures, to ensure access to justice, employment and health care, including sexual and reproductive health services, respecting the confidentiality of patient information, social protection and food security for disadvantaged groups of women such as: older women; women with disabilities; women belonging to ethnic minority groups, in particular women and girls belonging to Mughat/Luyli communities; refugee and asylum-seeking women; migrant women; women living with HIV/AIDS; and lesbian, bisexual and transgender women, taking into account their specific needs.
**Venezuela** – List of issues – 84th PSWG, 11 July 2022, 9th review, CEDAW/C/VEN/Q/9

Keywords: *criminalisation* (decriminalisation), *legislation*, *SDGs*

**Legislative framework and definition of discrimination**

5. 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 the following: (…)

   (d) Steps taken to amend article 565 of the Organic Code on Military Justice, which criminalizes consensual same-sex relationships in the armed forces; (…).

Keywords: *LBTI; GBV, prevention, violence, women*

**Gender-based violence against women**

12. In particular, please indicate the measures taken to: (…)

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

Keywords: *T; data collection, trafficking, women*

**Trafficking and exploitation of prostitution**

13. Please provide information on: (…)

   (b) The prosecutorial and judicial authorities and type of criminal offence under which trafficking in transgender women is investigated and prosecuted, indicating also the number of criminal sentences relating to trafficking in transgender women and girls that have been handed down, providing statistics disaggregated by year, type of offence and type of sentence issued; (…).
4. Committee on the Rights of the Child

**Albania** – List of Issues – 93rd session, 21 October 2022, 5th-6th review, CRC/C/ALB/Q/5-6

**Keywords:** LGBTI; children, discrimination, legislation, policy

**Part I**

3. Please provide updated information on the implementation and impact of the national agenda for children’s rights for the period 2017–2020 and the social protection strategy for the period 2015–2020 and on the steps taken to provide adequate human, technical and financial resources for the effective implementation of all national strategies relevant to children and to strengthen anti-corruption systems. Please also specify measures taken or envisaged to: (…)

(b) Assess the implementation of laws and policies related to the prevention of and protection of persons against discrimination, including children belonging to ethnic minority groups, children with disabilities and lesbian, gay, bisexual, transgender and intersex children; (…).
Cambodia – List of Issues – 84th PSWG, 30 October 2019, 4th-6th review, CRC/C/KMH/Q/4-6
Keywords: LGBTI; children, discrimination

Part I

2. Please provide information on measures taken to eliminate discrimination against girls and boys, including children in rural areas and children in vulnerable situations, such as (a) children with disabilities, (b) lesbian, gay, bisexual, transgender and intersex children, (c) children without parents, (d) children living in poverty, (e) children living in street situations, (f) children belonging to ethnic minorities and (g) children with HIV/AIDS.

Cambodia – Concluding Observations – 90th session, 27 June 2022, 4th-6th review, CRC/C/KMH/CO/4-6
Keywords: LGBTI; children, discrimination, SDGs, service provision

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

Non-discrimination

15. The Committee remains deeply concerned about the persistence of disparities in the enjoyment of rights among children in vulnerable situations and discriminatory gender stereotypes, as reflected in the code of conduct for women (Chbap Srey). Taking note of target 10.3 of the Sustainable Development Goals, the Committee reiterates its previous recommendations and urges the State party to:

(a) Address disparities in access to all public services by girls, children in rural areas, children with disabilities, lesbian, gay, bisexual, transgender and intersex children, children without parents, children living in poverty, children in street situations, children belonging to minority or indigenous groups, children of Vietnamese origin, Khmer Krom children and children with HIV/AIDS, and regularly evaluate the enjoyment by these children of their rights; (…).

Keywords: LGBTI; bullying, children, education, GC/GR, prevention, SDGs

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

Education, including vocational training and guidance

41. The Committee is deeply concerned about the following: (…)

(d) Bullying and barriers, including various forms of financial costs related to school education and activities to accessing education faced by children in vulnerable situations; (…).

42. Recalling its previous recommendations, the Committee takes note of targets 4.1 and 4.2 of the Sustainable Development Goals and recommends that the State party: (…)

(e) Combat bullying, including cyberbullying, in schools, especially of children in disadvantaged socioeconomic situations, children belonging to minority groups, children with disabilities, and lesbian, gay, bisexual, transgender and intersex children, and ensure that such measures encompass prevention, early detection mechanisms, the empowerment of children and intervention protocols; (…).
Canada – Concluding Observations – 90th session, 23 June 2022, 5th-6th review, CRC/C/CAN/CO/5-6

Keywords: LGBT; action plan, follow-up, GC/GR, SDGs, SP, violence

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: independent monitoring (para. 13), non-discrimination (para. 18), the right to life, survival and development (para. 21), abuse and neglect (para. 27), children deprived of a family environment (para. 32) and standard of living (para. 39).

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

Abuse and neglect

26. The Committee is seriously concerned that the child welfare system continues to fail to protect indigenous children and adolescents from violence and that there is no national comprehensive strategy to prevent violence against all children. While taking note of the findings of the Truth and Reconciliation Commission in its report issued in 2015 and the Commission’s 94 calls to action, it is concerned about the absence of information on measures taken to implement the calls for action.

27. In the light of its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and recalling targets 5.2, 16.1 and 16.2 of the Sustainable Development Goals, the Committee urges the State party to:

(b) Ensure that the recommendations of the Special Rapporteur on violence against women, its causes and consequences, emanating from her visit to Canada in 2018, on the need for a national action plan on violence against women and girls, in particular against indigenous girls, are implemented and that the calls for justice for girls, women and lesbian, gay, bisexual and transgender persons of the National Inquiry into Missing and Murdered Indigenous Women and Girls are also implemented; (…).

Keywords: I; children, consultation, criminalisation (decriminalisation), education, free and informed consent, health, investigation, legislation, medical professionals, professional groups, remedy, reparation, surgical/medical intervention, trainings

Harmful practices

29. In the light of the reports that Canadian legislation allows for unnecessary medical interventions and surgical treatment on intersex children, the Committee recommends that the State party:

(a) Amend its legislation, in particular section 268 (3) of the Criminal Code, to 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, and initiate a national consultation with intersex persons, including children, to inform amendments to the Criminal Code to prohibit non-consensual and medically unnecessary surgeries on intersex children;

(b) Undertake investigations of incidents of surgical and other medical treatment of intersex children without their informed consent and adopt legal provisions in order to provide redress to the victims of such treatment, including adequate compensation;

(c) Educate and train medical and psychological professionals on the range of sexual diversity, and the related biological and physical diversity, and on the consequences of unnecessary surgical and other medical interventions for intersex children.

Keywords: SOGI; data collection, discrimination, education, SDGs

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

Education, including vocational training and guidance
40. In line with its previous recommendations and taking note of targets 4.1, 4.6, 4.a, 4.b and 4.c of the Sustainable Development Goals, the Committee recommends that the State party:

(d) Collect data, disaggregated by race, age, gender identity, sexual orientation, geographical location, ethnicity, immigration status, disability, and socioeconomic background, on disciplinary measures across provincial and territories, in order to monitor and track the impact of measures to reduce the discriminatory effects of disciplinary procedures and develop targeted measures to address systemic discrimination in all levels of compulsory education; (...).
Chile – List of Issues prior to reporting – 85th PSWG, 31 March 2020, 6th-7th review, CRC/C/CHL/QPR/6-7

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

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

Non-discrimination

9. Please provide information on measures taken to address and eliminate discrimination against girls, indigenous children, children with disabilities, migrant children and lesbian, gay, bisexual, transgender and intersex children, particularly in accessing education and health services. Please provide information on the number of cases filed for discrimination against children under Law No. 20.609. Please inform the Committee as to how the draft law that would provide for “preventive identity checks”, allowing the police to check the identity documents of children older than 14 years, will not discriminate against adolescents, particularly those from disadvantaged backgrounds. Please also provide information on the reported 70,317 preventive identity checks carried out on children under the age of 18 under Law No. 20.931 of 5 July 2016.

Keywords: I; children, health, surgical/medical intervention

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

Harmful practices

15. Please provide information on the measures taken to raise awareness of the negative consequences of child marriage with a view to ending this harmful practice. Please also provide information on the finalization and implementation of a rights-based health-care protocol for intersex children to ensure that no child is subjected to unnecessary surgery or treatment.

Keywords: SC; I; children, 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)

38. Please provide data, disaggregated as described in paragraph 33 above, on: (…)

(e) The number of intersex children who have undergone surgery or treatment related to their sexual characteristics.

Chile – Concluding Observations – 90th session, 22 June 2022, 6th-7th review, CRC/C/CHL/CO/6-7

Keywords: GI; LGBTI; children, education, health, legislation, SDGs, service provision

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

Non-discrimination

13. Recalling target 10.3 of the Sustainable Development Goals, the Committee recommends that the State party: (…)

(d) Ensure that children can effectively in practice access education and health services, particularly children with disabilities, and indigenous, asylum-seeking, migrant and LGBTI children;

(e) In the context of enacting the gender identity law, allocate sufficient budget for professional counselling programmes for children considering gender change; (…).

Keywords: I; children, free and informed consent, investigation, remedy, reparation, surgical/medical intervention

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

Harmful practices

22. While noting steps taken regarding the eradication of harmful treatment of intersex children, 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) Investigate incidents of surgical and other medical treatment of intersex children without informed consent and provide redress to victims of such treatment, including appropriate compensation.
Croatia – List of Issues prior to reporting – 80th PSWG, 3 December 2018, 5th-6th review, CRC/C/HRV/QPR/5-6

Keywords: LGBTI; children, discrimination, education, hate speech, health, measures

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

Non-discrimination

11. Please inform the Committee about the measures taken to prohibit and eradicate all forms of de jure and de facto discrimination and hate speech against children of ethnic minorities, including Serbian and Roma children, and children of religious minorities, children with disabilities, lesbian, gay, bisexual, transgender and intersex children, and migrant, asylum-seeking and refugee children, with particular regard to their access to education and health-care services.

Croatia – Concluding Observations – 90th session, 22 June 2022, 5th-6th review, CRC/C/HRV/CO/5-6

Keywords: LGBTI; awareness-raising campaign, children, discrimination, education, hate speech

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. 16); abuse and neglect (para. 25); children with disabilities (para. 31); health and health services (para. 33); education, including vocational training and guidance (para. 39); administration of child justice (para. 45).

Keywords: LGBTI; awareness-raising campaign, children, discrimination, education, harassment, hate speech

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

Non-discrimination

15. The Committee is seriously concerned about: (…)

(b) Discrimination and harassment against lesbian, gay, bisexual, transgender and intersex children in educational settings.

16. The Committee urges the State party to:

(a) Ensure full implementation of relevant existing laws prohibiting discrimination, including by strengthening public education campaigns to address negative social attitudes towards children of ethnic minorities, particularly minority Serbian and Roma children, children with disabilities, refugee, migrant and asylum-seeking children, and lesbian, gay, bisexual, transgender and intersex children; (...)

(c) Systematically undertake awareness-raising and education on the issues of discrimination, intolerance and hate speech against children belonging to ethnic minorities, refugee, asylum-seeking and migrant children, children with disabilities and lesbian, gay, bisexual, transgender and intersex children; (...).

Keywords: I; children, free and informed consent, investigation, remedy, reparation, surgical/medical intervention

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: (...)

(b) 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;
(c) Investigate incidents of surgical and other medical treatment of intersex children without informed consent, and provide redress to victims of such treatment, including appropriate compensation.

Keywords: SOGI; adolescents, education, GC/GR, health, SDGs, sexuality education, SRHR

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

Adolescent health

35. The Committee notes the efforts of the State party to prevent substance abuse and the measures taken under several action plans and strategies. Recalling its general comment No. 4 (2003) on adolescent health, its general comment No. 20 (2016) on the implementation of the rights of the child during adolescence, and targets 3.5 and 3.7 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Ensure that all adolescents have access to comprehensive, age-appropriate, scientifically based and gender-stereotype-free education on sexual and reproductive health and rights, including information on preventing adolescent pregnancy and high-risk sexual behaviour, and on the issues of sexual orientation and gender identity, family planning, and contraceptives, as well as on the prevention and treatment of sexually transmitted infections; (…).
Cyprus – Concluding Observations – 90th session, 24 June 2022, 5th-6th review, CRC/C/CYP/CO/5-6

Keywords: I; children, family, GC/GR, remedy, reparation, SDGs, support services, surgical/medical intervention

Harmful practices

25. 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 recommends that the State party:

(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.
Finland – List of Issues – 93rd session, 26 October 2022, 5th-6th review, CRC/C/FIN/Q/5-6

Keywords: GI; I, LGBTI, T; awareness-raising campaign, children, discrimination, legislation, LGR, surgical/medical intervention

Part I

3. Please indicate the measures taken: (…)
   (b) To improve the well-being – and 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, and to effectively prevent irreversible medical interventions on intersex children; (…)
   (f) To ensure the right of children to legal recognition of their gender identity, and to reform the Transgender Person Act and ensure the right of self-determination for transgender children.

Keywords: I; children, legislation

5. Please explain the measures taken: (…)
   (d) To guarantee, in legislation, the right of intersex children to self-determination, and the criminalization of female genital mutilation.

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

Part III

Data, statistics and other information

15. 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: (…)
   (c) Cases of unnecessary medical or surgical treatment of intersex children; (…).
**Germany** – List of Issues – 88th PSWG, 4 March 2021, 5th-6th review, CRC/C/DEU/Q/5-6

Keywords: LGBTI; action plan, awareness-raising campaign, children, discrimination

**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, 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; (…).

**Germany** – Concluding Observations – 91st session, 13 October 2022, 5th-6th review, CRC/C/DEU/CO/5-6

Keywords: LGBTI; children, intersectionality, policy

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

Comprehensive policy and strategy

7. While noting the various sectoral strategies and measures at the federal, Land and municipal levels on children’s rights, the Committee considers that a comprehensive children’s rights policy and strategy at the federal level could serve as a basis for plans and strategies at the Land and municipal levels. Recalling its previous recommendation, the Committee recommends that the State party: (…)
   
   (b) Ensure that such a policy provides guidance for the Länder on implementing the Convention and includes a special focus on children in disadvantaged situations, including asylum-seeking, refugee and migrant children, children belonging to minority groups, children with disabilities, lesbian, gay, bisexual, transgender and intersex children and socioeconomically disadvantaged children.

Keywords: LGBTI; awareness-raising campaign, children, discrimination, intersectionality, policy, SDGs

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

Non-discrimination

15. The Committee welcomes efforts to combat discrimination against children in disadvantaged situations but is concerned about the disproportionate effect of de facto discrimination on such children, including in terms of access to education and health. Recalling target 10.3 of the Sustainable Development Goals, the Committee recommends that the State party:
   
   (a) Strengthen 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 asylum-seeking, refugee and migrant children, Sinti and Roma children and children of other minority groups, children with disabilities, lesbian, gay, bisexual, transgender and intersex children and socioeconomically disadvantaged children; (…).
**Greece** – List of Issues – 85th PSWG, 12 March 2020, 4th-6th review, CRC/C/GRC/Q/4-6

Keywords: *children, family, partnership, same-sex couples*

**Part I**

4. Please specify the measures taken to facilitate the early birth registration of Roma children and the correction of birth certificates, plans developed to remove the indication of parents’ religion from identity documents and progress achieved in the transliteration of non-Greek names in identity documents. Please explain whether children who are born in Greek territory can acquire Greek citizenship given that they might become stateless otherwise. Given that Greek law recognizes civil partnerships for same-sex couples, please explain how filiation of children born to such couples is established and the conditions under which the children can acquire Greek citizenship.

Keywords: SOGI; bullying, education, violence

5. Please provide information on: progress made in implementing the actions on bullying and the plans to strengthen teacher training to prevent, detect and address different forms of violence, including violence based on sexual orientation and gender identity, and to toughen sanctions for abuse by teachers; any mechanisms monitoring the implementation of Laws No. 3500/2006 and No. 4322/2015; any complaints mechanisms and support services for children; and efforts made to improve the collection of data on children victims of violence.

Keywords: I; children, measures

7. Please specify how the measures taken have contributed to improving access to health care and quality education for all children. Also, please inform the Committee on progress made in strengthening the teaching capacity and integrating children’s rights and sexual education into school curricula and teacher training courses. Please specify what efforts have been made: to improve school infrastructure and transportation; ensure safe access to schools; provide and maintain a sufficient number of certified playgrounds for young children and spaces for adolescents; and increase the provision of early childcare. Please provide information on the measures taken to address the issues related to intersex children.

**Greece** – Concluding Observations – 90th session, 28 June 2022, 4th-6th review, CRC/C/GRC/CO/4-6

Keywords: SOGI; children, medical professionals, professional groups, trainings, violence

**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: legislation (para. 7); non-discrimination (para. 18); violence against children (para. 27); children deprived of a family environment (para. 31); children with disabilities (para. 34); and asylum-seeking, refugee and migrant children (para. 40).

Keywords: children, family, same-sex couples, SDGs

**D. Civil rights and freedoms (arts. 7–8 and 13–17)**

Birth registration, name and nationality

21. While welcoming the adoption of Law No. 4554/2018 and Law No. 4332/2015, the Committee recalls Sustainable Development Goals target 16.9 and recommends that the State party: (...)

(c) Establish legal safeguards to prevent statelessness of children born to foreign parents and of children born to same-sex couples and facilitate their access to Greek citizenship; (...).

Keywords: SOGI; bullying, children, education, medical professionals, professional groups, trainings, violence

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

Violence against children, including sexual violence, abuse and neglect
26. The Committee welcomes the introduction of more severe penalties for sexual violence against children, the adoption of Law No. 4322/2015 and Law No. 4823/2021, the establishment of 72 domestic violence agencies, and the setting up of “children’s houses” to examine child victims and witnesses of sexual violence and human trafficking in a way that avoids traumatization (see Law No. 4478/2017). However, the Committee remains seriously concerned about: (…)

(c) The reported bullying in schools, including based on sexual orientation and gender identity; (…).

27. Recalling its general comment No. 13 (2011), the Committee urges the State party to: (…)

(d) Establish mechanisms, procedures and guidelines to ensure and promote mandatory reporting and multi-agency intervention in all cases of violence against children; and strengthen teachers’ and health professionals’ training to prevent, detect and address different forms of violence, including based on sexual orientation and/or gender identity; (…).

Keywords: l; children, family, GC/GR, remedy, reparation, SDGs, support services, surgical/medical intervention

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 (2014), and Sustainable Development Goals target 5.3, the Committee urges the State party to:

(c) Ensure that no child, including intersex children, is subjected to unnecessary medical or surgical treatment during childhood, and provide social, medical and psychological services, as well as adequate counselling, support and reparations, to intersex children and their families.

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

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

Adoption

32. The Committee recommends that the State party: (…)

(e) Consider extending adoption to same-sex couples.
keywords:

**LGBTI; children, health, SDGs, service provision**

**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: independent monitoring (para. 12), violence against children (para. 25), children with disabilities (para. 30), mental health (para. 32), education, including vocational training and guidance (para. 38) and asylum-seeking, refugee and migrant children (para. 42).

Keywords: **LGBTI; children, data collection, discrimination, SDGs**

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

Non-discrimination

15. The Committee welcomes the adoption of the Act on Equal Treatment Irrespective of Race and Ethnic Origin in 2018 and the action plan on immigrant matters in 2016, but is concerned about the lack of information on the forms of discrimination against children in the State party. Recalling target 10.3 of the Sustainable Development Goals, the Committee recommends that the State party: (…)

(c) Conduct a study on the extent and forms of discrimination against children, including discrimination based on residence and against migrant children, children belonging to minority groups, children of a parent with an irregular residence status, children living in poverty, lesbian, gay, bisexual, transgender and intersex children and children with disabilities.

Keywords: **I; children, family, free and informed consent, legislation, reparation, support services, surgical/medical intervention**

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

Harmful practices

26. Noting with concern that the Act on Sterilization Procedures of 2019 allows for the sterilization of children if it is considered that continued fertility would have negative effects on their lives and health, the Committee recommends that the State party: (…)

(b) Ensure that the performance of unnecessary medical or surgical treatment on intersex children is safely deferred until children are able to provide their informed consent, in line with the prohibition of such procedures under the Act on Gender Autonomy, and provide reparations for children who received unnecessary treatment;

(c) Provide adequate social, medical and psychological services, counselling and support to intersex children and their families.

Keywords: **LGBTI; children, health, SDGs, service provision**

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

Mental health

32. Recalling target 3.4 of the Sustainable Development Goals, the Committee recommends that the State party: (…)

(a) Strengthen mental health services and programmes for children, including by: (i) improving coordination between municipalities and relevant ministries, including the Ministry of Social Affairs and Labour and the Ministry of Education and Children, to provide therapeutic mental health services in schools at all levels and within communities; (ii) ensuring that the number of qualified medical professionals, including child psychologists and psychiatrists, is sufficient to meet children’s mental health needs in a timely manner; (iii) providing mental health services that are tailored to address the specific needs of migrant children, lesbian, gay, bisexual,
transgender and intersex children and children with disabilities; and (iv) having a better overview of the waiting list to improve the efficiency of interventions; (...).
Kiribati – List of Issues – 85th PSWG, 8 April 2020, 2nd-4th review, CRC/C/KIR/Q/2-4

Keywords: I, LGBT; adolescents, children, discrimination, intersectionality

Part I

4. Please provide information on the measures taken to:

   (a) Combat discrimination against children in marginalized and disadvantaged situations, including children living in poverty, children with disabilities, and lesbian, gay, bisexual and transgender adolescents and intersex children; (…).

Kiribati – Concluding Observations – 90th session, 12 September 2022, 2nd-4th review, CRC/C/KIR/CO/2-4

Keywords: LGBTI; children, criminalisation (decriminalisation), discrimination, SDGs, stigmatisation, violence

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

Non-discrimination

19. The Committee welcomes the legislative measures to eradicate discrimination, such as the Education Act of 2013, which prohibits discrimination against pregnant girls in school. The Committee is concerned, however, about the following: (…)

   (b) The criminalization of homosexuality and lack of protection of lesbian, gay, bisexual, transgender and intersex children from discrimination, stigma and violence.

20. Taking note of target 10.3 of the Sustainable Development Goals, the Committee recommends that the State party: (…)

   (b) Repeal the criminalization of homosexuality and other discriminatory provisions in its legislation, to ensure respect for the rights set forth in the Convention, and take active measures to protect lesbian, gay, bisexual, transgender and intersex children from discrimination, stigma and violence.
**Kuwait** – List of Issues – 87th PSWG, 17 November 2020, 3rd-6th review, [CRC/C/KWT/Q/3-6](#)

**Keywords:** LGBT; children, discrimination, education, health

**Part I**

4. Please indicate measures taken: (…)

   (c) To ensure that all children, including non-Kuwaiti (Bidoon and migrant) and lesbian, gay, bisexual and transgender children, can enjoy their rights under the Convention without discrimination and can access all services, including those related to health and education; (…).
B. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

12. Please provide information on the measures taken to: (…)

(c) Address discrimination against children belonging to ethnic and religious minority groups (including those of African descent), Muslims and Jews, refugee, asylum-seeking, migrant and undocumented children, children with disabilities, chronically ill children and lesbian, gay, bisexual, transgender and intersex children.

Keywords: TGD; children, measures, sexual violence, violence

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

Freedom of the child from all forms of violence, including corporal punishment

18. Please also provide information on: (…)

(c) Measures taken to protect transgender and gender diverse children from all forms of physical and mental abuse, violence and maltreatment, including sexual abuse; (…).

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), violence against children (para. 22), children with disabilities (para. 27), the impact of climate change on the rights of the child (para. 32), asylum-seeking, refugee and migrant children (para. 37) and administration of child justice (para. 41).

Keywords: TGD, LGBTI; awareness-raising campaign, children, discrimination, policy, SDGs, sexual violence, stereotypes, violence

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

Non-discrimination

14. The Committee welcomes the establishment of a National Coordinator against Discrimination and Racism and the measures taken to draft a national plan to combat all forms of discrimination, but remains concerned that not all municipalities have an anti-discrimination service in accordance with the Municipal Anti-Discrimination Services Act, and that regional disparities and de facto discrimination disproportionately affect children in disadvantaged situations, including in education, youth care and the justice system.

15. Recalling target 10.3 of the Sustainable Development Goals, the Committee recommends that the State party: (…)

Keywords: TGD, LGBTI; awareness-raising campaign, children, discrimination, policy, SDGs, stereotypes

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(g) Develop policies and awareness-raising measures aimed at addressing the root causes of de facto discrimination, with a view to eliminating stereotyping of, and prejudice and discrimination against, inter alia, children belonging to ethnic and religious minority groups (including Muslims, Jews and children of African descent), refugee, asylum-seeking, migrant and undocumented children, children with disabilities, lesbian, gay, bisexual, transgender and intersex children and children living in poverty.

Keywords: TGD; children, SDGs, sexual violence, violence

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

Violence against children

22. Taking note of targets 5.2, 16.1 and 16.2 of the Sustainable Development Goals, the Committee recommends that the State party: (…)

(f) Develop initiatives aimed at protecting children with disabilities and transgender and gender-diverse children from all forms of violence, including physical and mental abuse, maltreatment and sexual exploitation; (...).

Keywords: I; children, family, free and informed consent, support services, surgical/medical intervention

Harmful practices

21. The Committee is concerned about the high prevalence of violence against children, including sexual exploitation and online violence, in the State party, and the lack of legislative measures to protect children from abuse, domestic violence and corporal punishment in Bonaire, Saba and Sint Eustatius.

23. The Committee recommends that the State party:

(a) Prohibit the performance of unnecessary medical or surgical treatment on intersex children where those procedures may be safely deferred until children are able to provide their informed consent, and provide reparations for children who received unnecessary treatment;

(b) Provide adequate social, medical and psychological services, counselling and support to intersex children and their families; (...).
North Macedonia – List of Issues – 91st session, 9 March 2021, 3rd-6th review, CRC/C/MKD/Q/3-6

Keywords: LGBTI; children, discrimination, legislation, 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; (…).

North Macedonia – Concluding Observations – 91st session, 20 October 2022, 3rd-6th review, CRC/C/MKD/CO/3-6

Keywords: LGBTI; children, discrimination, stereotypes

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

Non-discrimination

17. The Committee notes the establishment of the Commission for the Prevention of and Protection against Discrimination under the Law on the Prevention of and Protection of Persons against Discrimination. However, the Committee remains seriously concerned at the existence of stereotypes and social norms that perpetuate discrimination against children, in particular Roma children, children with disabilities and lesbian, gay, bisexual, transgender and intersex children, and on the basis of children’s social status.

Keywords: SOGI; LGBTI; children, data collection, education, GC/GR, prevention, SDGs, violence

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

24. The Committee welcomes the measures taken to combat violence against children, including legal reforms that criminalize acts of physical, psychological and any other type of violence towards a child; the adoption of the new national action plan for preventing and addressing the abuse and neglect of children and the strategy for the prevention and protection of children from violence 2020–2025; the ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention); and the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). However, the Committee is concerned about:

(i) The insufficiently systematic efforts aimed at addressing peer violence in schools, online bullying and violence against lesbian, gay, bisexual, transgender and intersex children, children with disabilities and Roma children; (…).

25. With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and targets 5.2, 16.1 and 16.2 of the Sustainable Development Goals, the Committee recommends that the State party:

(i) Conduct comprehensive research on the prevalence of peer violence based on sexual orientation, gender identity and ethnic origin, especially regarding Roma children, and strengthen educational measures aimed at preventing such violence; (…).

Keywords: I; children, family, GC/GR, remedy, reparation, support services, surgical/medical intervention

Harmful practices

26. 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, the Committee recommends that the State party: (…)

(b) Not subject intersex children to unnecessary medical or surgical treatment, in line with the rights of the child to bodily integrity, autonomy and self-determination, provide redress to victims of such treatment, including appropriate compensation, and provide adequate social, medical and psychological services, counselling and support to intersex children and their families.
H. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)

Adolescent health

33. The Committee notes the State party’s efforts to address sexual and reproductive health in a comprehensive manner, in cooperation with civil society and United Nations agencies. Recalling its general comments No. 4 (2003) on adolescent health and development in the context of the Convention and No. 20 (2016) on the implementation of the rights of the child during adolescence, and targets 3.5 and 3.7 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Promote greater access to comprehensive, age-appropriate, science-based education on sexual and reproductive health and rights, including information on the prevention of adolescent pregnancy and high-risk sexual behaviour, and on the issues of sexual orientation and gender identity, family planning and contraceptives, as well as on the prevention and treatment of sexually transmitted infections. In the implementation of these measures, special consideration should be given to children in vulnerable situations; (...).

Keywords: SOGI; adolescents, education, GC/GR, health, SDGs, sexuality education, SRHR
Philippines – List of Issues – 87th PSWG, 16 November 2020, 5th-6th review, CRC/C/PHL/Q/5-6

Keywords: LGBT; children, discrimination, measures

Part I

3. Please specify the measures taken to: (…)

(b) Prevent and address discrimination regarding children born to unmarried couples, children in street situations, lesbian, gay, bisexual and transgender children, indigenous children, children affected by armed conflict and children in conflict with the law; (…).

Philippines – Concluding Observations – 91st session, 26 October 2022, 5th-6th review, CRC/C/PHL/CO/5-6

Keywords: LGBT; children, discrimination, education, health

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

Non-discrimination

14. Noting the programme on diversity and inclusion and the dedicated inter-agency committee, the Committee recommends that the State party:

(a) Strengthen its efforts to combat discriminatory attitudes and ensure access to health care, education and basic services for girls, children living in poverty, children born to unmarried couples, children in street situations, lesbian, gay, bisexual and transgender children, children belonging to indigenous groups, children living in rural and conflict-affected areas, children in conflict with the law and other children in vulnerable situations; (…).

Keywords: SOGI; adolescents, education, sexuality education, SRHR

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

Adolescent health

32. Welcoming the adoption of the Mental Health Act (Republic Act No. 11036) in 2018, the implementation of the Adolescent Health and Development Programme and the introduction of sex education in schools, the Committee recommends that the State party: (…)

(e) Adopt a comprehensive sexual and reproductive health policy for adolescents and ensure sexual and reproductive health education at school, with special attention to preventing early pregnancy, sexually transmitted infections and HIV/AIDS and on sexual orientation and gender identity; (…).
South Sudan – Concluding Observations – 91st session, 27 October 2022, initial review, CRC/C/SSD/CO/1

Keywords: children, criminalisation (decriminalisation), sexual violence, violence

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

Child sexual abuse and gender-based violence

38. The Committee is seriously concerned that: (…)

(f) Boys are deterred from reporting acts of sexual violence perpetrated against them for fear of prosecution under section 248 of the Penal Code (2008) prohibiting same-sex relations; (…).
Ukraine – List of Issues – 87th PSWG, 17 November 2020, 5th-6th review, CRC/C/UKR/Q/5-6

Keywords: I; children, surgical/medical intervention

Part I

5. Please describe the steps taken: (...)

(e) To ensure that intersex children are not subjected to unnecessary medical or surgical procedures.
Uzbekistan – Concluding Observations – 91st session, 27 October 2022, 5th review, CRC/C/UZB/CO/5

Keywords: SOGI; anti-discrimination legislation, awareness-raising campaign, discrimination, media, SDGs

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

Non-discrimination

17. Recalling Sustainable Development Goal targets 5.1 and 10.3, the Committee recommends that the State party adopt, implement, monitor and evaluate a comprehensive anti-discrimination law and a strategy comprising measures, including awareness-raising and media campaigns, to change social norms and behaviours that contribute to discrimination, in particular on the basis of gender, disability, sexual orientation and gender identity. (…).
Viet Nam – List of Issues – 87th PSWG, 17 November 2020, 5th-6th review, CRC/C/VNM/Q/5-6

Keywords: LGBTI; children, discrimination, measures

Part I

5. Please describe the concrete measures taken to:
   (a) Eliminate discrimination against girls and children in vulnerable situations, including: (…)
   (v) Lesbian, gay, bisexual, transgender and intersex children; (…).

Viet Nam – Concluding Observations – 91st session, 21 October 2022, 5th-6th review, CRC/C/VNM/CO/5-6

Keywords: LGBT; children, SDGs, service provision

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. 17); violence against children, including sexual exploitation and abuse (para. 30); children deprived of a family environment (para. 34); education, including vocational training and guidance (para. 44); economic exploitation, including child labour (para. 48); and administration of child justice (para. 52).

Keywords: LGBT; bullying, children, education, prevention, SDGs, service provision, violence

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

16. The Committee notes the adoption of the strategy for ethnic affairs for the period 2021–2030, but remains deeply concerned about the persistence of disparities in the enjoyment of rights among children in vulnerable situations, including with regard to access to household registration, health services, education and social protection; and discriminatory gender stereotypes, as reflected in the imbalanced sex ratio at birth and high dropout rates from school and child marriages among girls.

17. Recalling target 10.3 of the Sustainable Development Goals, the Committee reiterates its previous recommendations and urges the State party:

(a) To address disparities in access to all public services by girls, children in remote areas, children with disabilities, lesbian, gay, bisexual and transgender children, children living in poverty, children belonging to ethnic or religious minority or indigenous groups, including Hmong and Khmers-Krom children, and migrant children, and regularly evaluate the enjoyment by these children of their rights; (…).

Keywords: LGBT; bullying, children, education, prevention, SDGs, service provision, violence

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

Education, including vocational training and guidance

43. The Committee is deeply concerned about the poor quality of education and disparities in educational outcomes among regions and ethnic minority groups; the limited access to quality inclusive education for children with disabilities, children living in poverty, children belonging to ethnic or religious minority or indigenous groups and migrant children; the closure of satellite schools, forcing children, particularly those belonging to ethnic or religious minority or indigenous groups, to enrol in boarding or semi-boarding schools; and violence and bullying at schools.

44. Recalling targets 4.1 and 4.2 of the Sustainable Development Goals, the Committee recommends that the State party: (…)

(d) Combat violence, including bullying and cyberbullying, in schools, especially of children in disadvantaged socioeconomic situations, children belonging to ethnic or religious minority or indigenous groups, children with disabilities, and lesbian, gay, bisexual and transgender children, and ensure that such measures encompass prevention, early detection mechanisms, the empowerment of children and intervention protocols; (…).
Keywords: LGBT; children, GC/GR, housing

Children in street situations

49. Noting with concern reports of lesbian, gay, bisexual and transgender children, children with disabilities, child victims of trafficking and other children in disadvantaged situations who are living on the street, the Committee recalls its general comment No. 21 (2017) on children in street situations and recommends that the State party:

(a) Conduct a study on the number of children in street situations and on the root causes of their situations, and develop a strategy and programmes to provide protection for the rights of children in street situations;

(b) Develop programmes that facilitate the reunification of children in street situations with their families when possible, taking into account the best interests of the child, and support their long-term education and developmental needs, including through the provision of psychological support.
Zambia – List of Issues prior to reporting – 90th PSWG, 27 March 2020, 5th-7th review, CRC/C/ZMB/QPR/5-7

Keywords: LGBTI; children, discrimination, measures

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

Non-discrimination

9. Please provide information on initiatives taken to eliminate, in practice, discrimination against children in marginalized and disadvantaged situations, namely in accessing education and health, particularly for children with disabilities, children with albinism, girls, children belonging to religious minorities, children living with HIV/AIDS, children with a migrant background and refugee, asylum-seeking and undocumented children. Please also provide information on the measures taken to eliminate discrimination against lesbian, gay, bisexual, transgender and intersex children.

Keywords: l; children, remedy, support services, surgical/medical intervention

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

Harmful practices

15. Please provide information on what measures have been taken to: (…)

(b) Ensure that intersex children are not subjected to unnecessary medical or surgical treatment and provide adequate counselling, support and access to effective remedies for victims subjected to such treatment during childhood; (…).

Zambia – Concluding Observations – 90th session, 27 June 2022, 5th-7th review, CRC/C/ZMD/CO/5-7

Keywords: LGBTI; awareness-raising campaign, children, discrimination, education, hate speech, intersectionality

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

Non-discrimination

18. The Committee recalls its previous concluding observations and recommends that the State party:

(a) Strengthen its efforts to eliminate discrimination against children in marginalized and disadvantaged situations, including girls, children with disabilities, children living with HIV/AIDS, children with no legal identity, children with albinism, migrant and unaccompanied children and lesbian, gay, bisexual, transgender and intersex children;

(b) Systematically conduct awareness-raising and education on the issues of discrimination, intolerance and hate speech against children in marginalized and disadvantaged situations, particularly lesbian, gay, bisexual, transgender and intersex children.

Keywords: l; access to justice, children, follow-up, free and informed consent, GC/GR, remedy, reparation, SDGs, support services, surgical/medical intervention

Harmful practices

25. 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 taking note of target 5.3 of the Sustainable Development Goals, the Committee recalls its previous recommendation and recommends that the State party: (…)

(c) Ensure that intersex children are not subjected to unnecessary medical or surgical treatment without their consent, in line with the rights of the child to bodily integrity, autonomy and self-determination, and that victims of such treatment have access to justice, reparation and indemnity.
5. Committee against Torture

**Australia** – List of Issues prior to reporting – 59th session, 9 January 2017, 6th review, CAT/C/AUS/QPR/6

Keywords: asylum-seekers/refugees, criminalisation (decriminalisation), refoulement

**Follow-up questions from the previous reporting cycle**

**Article 3**

9. With reference to the previous concluding observations (para. 17) on the offshore processing of asylum claims, please provide information on: (…)

(b) Whether asylum seekers to be transferred to regional processing centres in Nauru and Papua New Guinea, or to other third countries, may challenge in the State party the decision to be transferred to those countries when they face a real risk of torture or ill-treatment in those or in other third countries to which they could be removed, for example, because same-sex relationships between consenting adults are criminalized in the country of destination, as is the case in Papua New Guinea, or because those countries do not have a fair, efficient and expeditious asylum procedure; (…).

Keywords: I; children, free and informed consent, remedy, sterilisation, surgical/medical intervention

**Article 16**

26. In the light of the Committee’s concluding observations (para. 20), please provide information on the efforts made to prohibit the use of sterilization without the prior, free and informed consent of the person concerned in all Australian jurisdictions. Please clarify whether non-urgent and irreversible medical or surgical treatment aimed at determining the sex of a child is permitted and performed on children and how the State party guarantees that the full, free and informed consent of the persons concerned is ensured. In that regard, please indicate what action has been taken by the State party to implement the recommendations of a 2013 Senate Community Affairs References Committee report on the involuntary or coerced sterilization of intersex people in Australia. In addition, please indicate which criminal or civil remedies are available for people who underwent involuntary sterilization or unnecessary and irreversible medical or surgical treatment aimed at determining their sex when they were children and whether those remedies are subject to any statute of limitations.
Benin – List of Issues prior to reporting – 73rd session, 9 June 2022, 4th review, CAT/C/BEN/QPR/4

Keywords: LGBTI; HRD, hate crimes

Issues identified for follow-up in the previous concluding observations

Article 16

25. Please detail the measures taken by the State party to finalize and adopt the bill on human rights defenders, in line with international standards, particularly the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. Please explain how the State party intends to ensure that civil society and human rights defenders are adequately consulted in the drafting of this bill. In addition, please provide statistics on complaints, investigations, prosecutions, guilty verdicts, sentences handed down and compensation awarded to victims in cases where there were acts or omissions on the part of public authorities or other bodies which engage the international responsibility of the State party under the Convention, and describe any legislative or other measures that have been taken to combat:

(a) Crimes motivated by hatred or intolerance of lesbian, gay, bisexual, transgender and intersex persons or their defenders; (…).
Botswana – List of Issues prior to reporting – intersessional period, 20 December 2020, initial review, CAT/C/BWA/QPR/1

Keywords: SOGI; law enforcement officials, professional groups, trainings

Specific information on the implementation of articles 1–16 of the Convention, including with regard to the Committee’s previous recommendations

Article 10

13. Please provide information on training programmes conducted by the State party with a view to ensuring that all public officials, including, in particular, members of the armed forces, police officers, law enforcement officials, prison officers and immigration and border control officers: (a) have a full understanding of the provisions of the Convention and are aware that violations will not be tolerated and will be investigated, and that those responsible will be prosecuted; (b) treat persons in a vulnerable situation appropriately, with due regard for their age, gender, cultural or ethnic affiliation and sexual orientation or gender identity; and (c) are aware of the principle of non-refoulement and the provisions guaranteeing the right to asylum and facilitating the identification of applicants who may be victims of torture, human trafficking and gender-based violence. Please indicate whether this training is mandatory or optional, how often it is provided, how many officers and public officials, as a proportion of their total number, have received the training, whether there are plans to provide training for officers who have yet to receive it, and whether the State party has developed a methodology to assess the effectiveness and impact of its training programmes in terms of reducing the number of cases of torture and ill-treatment. If so, please provide information on the methodology’s content and application.
Cyprus – List of Issues prior to reporting – 75th session, 19 December 2022, 6th review, CAT/C/CYP/QPR/6

Keywords: LGBTI; detention

Issues identified for follow-up in the concluding observations on the fifth periodic report of the State party

Article 11

17. Please provide information on the State party’s efforts to meet the specific needs of women and minors in detention, including vocational and rehabilitation programmes. Please also indicate whether protocols are in place to meet the requirements of other groups of prisoners with particular needs, such as persons with disabilities, older persons and lesbian, gay, bisexual, transgender and intersex persons. Please indicate the measures taken to guarantee the periodic review of life sentences, with a view to their commutation, and to provide the prisoners concerned with rehabilitation programmes to prepare for their social reintegration in the event of parole.
**El Salvador** – Concluding Observations – 75th session, 19 December 2022, 3rd review, CAT/C/SLV/CO/3

Keywords: LGBTI; NHRI

**B. Positive aspects**

6. The Committee also welcomes the initiatives undertaken by the State party to amend its policies and procedures in order to afford greater human rights protection and to apply the Convention, in particular:

   (d) The establishment by the Attorney General’s Office of the National Directorate for Women, Children, Adolescents, Lesbian, Gay, Bisexual, Transgender and Intersex Persons and Other Vulnerable Groups, in 2018; (…).

Keywords: LGBTI; detention

**Conditions of detention**

22. (…) Furthermore, the Committee regrets that the State party has provided scant information on protocols to address the specific needs of women, persons with disabilities, older persons and lesbian, gay, bisexual, transgender and intersex persons deprived of their liberty (arts. 2, 11 and 16).

23. The State party should: (…)

   (d) Continue to improve medical and health care in detention centres, including programmes for the prevention, detection and treatment of infectious diseases such as tuberculosis, hepatitis and HIV among the prison population. The State party should also ensure that the specific needs of women, persons with disabilities, older persons and lesbian, gay, bisexual, transgender and intersex persons deprived of their liberty are addressed; (…).

Keywords: T; detention, investigation, prevention, sexual violence, suicide, violence, women

**Violence in places of detention and deaths in custody**

24. (…) Also of concern are complaints of sexual assaults and violence committed by prison officers and inmates against transgender women incarcerated in male prisons. (…).

25. The Committee urges the State party to: (…)

   (c) Take steps to prevent and reduce violence in prisons, including suicide and sexual violence against transgender women, and document such incidents in order to investigate complaints and punish those responsible; (…).
**Greece** – List of Issues prior to reporting – 73rd session, 15 June 2022, 8th review, CAT/C/GRC/QPR/8

Keywords: LGBTI; detention

**Issues identified for follow-up in the previous concluding observations**

**Article 11**

15. (...) Please also indicate whether protocols are in place to meet the requirements of other groups of prisoners with particular needs, such as persons with disabilities, older persons, and lesbian, gay, bisexual, transgender and intersex persons. (...).
Iraq – List of Issues – intersessional period, 23 December 2020, 2nd review, CAT/C/IRQ/Q/2

Keywords: LGBTI; investigation, killings, prosecution, violence

Follow-up questions from the previous reporting cycle

Article 16

25. Regarding paragraphs 176 and 178 of the periodic report, please provide information on the steps taken to investigate and criminally prosecute acts of violence and killings of lesbian, gay, bisexual, transgender and intersex persons.
Kenya – List of Issues prior to reporting – 56th session, 11 January 2016, 3rd review, CAT/C/KEN/QPR/3

Keywords: LGBT; criminalisation (decriminalisation), discrimination, sexual violence, torture/ill-treatment, violence

Specific information on the implementation of articles 1-16 of the Convention, including with regard to the Committee’s previous recommendations

Article 16

33. Please provide information on the measures taken to address the reported discrimination and ill-treatment, including acts of sexual violence, of lesbian, gay, bisexual and transgender persons. Please indicate whether the State party has repealed any legal provisions that foresee penalties against such persons.

Kenya – Concluding Observations – 73rd session, 30 May 2022, 3rd review, CAT/C/KEN/CO/3

Keywords: SOGI; LGBTI; asylum-seekers/refugees, refoulement

Treatment of refugees, asylum seekers, migrants and stateless persons

25. While taking note of the adoption of the Refugees Act (No. 10 of 2021), the Committee is concerned about the provisions of clause 19 (2), which allows for broad exceptions to the principle of non-refoulement on the basis of public morality. 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 and gender identity. (…).

26. The State party should:

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

Keywords: SOGI; I, LGBTI; access to justice, children, court, criminalisation (decriminalisation), discrimination, free and informed consent, harassment, jurisprudence, killings, law enforcement officials, legislation, surgical/medical intervention, remedy, violence

Sexual orientation, gender identity and intersexuality

43. The Committee welcomes the adoption of the Registration of Persons (Amendment) Act of 2019, which provides for the legal recognition of intersex persons. It is, however, 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) 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 to justice and remedies;

(c) Cases of non-urgent, irreversible surgical procedures, undertaken without full, free and informed consent, infanticide and abandonment among intersex children (arts. 2 and 16).

44. The State party should:

(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) 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;

(c) 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.
Latvia – List of Issues prior to reporting – 75th session, [25 Nov 2022], 7th review, CAT/C/LAT/QPR/7

Keywords: LGBTI; COVID-19, detention

Issues identified for follow-up in the previous concluding observations

Article 11

16. Bearing in mind the Committee’s previous concluding observations (paras. 14-15), and the State party’s follow-up replies, please explain the measures taken to complete the recruitment for the open vacancies for medical practitioners at places of deprivation of liberty, and to increase the number of medical staff, including psychiatrists, and their remuneration. Please further indicate whether the State party had considered transferring the competence of penitentiary medical staff to the authority of the Ministry of Health. Please indicate whether protocols are in place to meet the needs of groups of prisoners with specific needs, including in terms of safety and security, as well as the prevention of the spread of and protection against COVID-19, notably persons with disabilities, persons with drug-related problems, older persons and lesbian, gay, bisexual, transgender and intersex persons.

Keywords: SOGI; data collection, hate crimes, investigation

Article 16

26. Please provide information on steps taken to combat racially motivated violence and other hate crimes, including hate speech online. Please provide data on reported and investigated instances of hate crimes based on racist, xenophobic, ethnic or sexual orientation or gender identity grounds since 2019, disaggregated by type of motive or basis of discrimination, and by the sex, gender, age group and ethnic origin or nationality of the victim. Please indicate whether the perpetrator was a public official. Please provide information on results of such investigations. Please indicate whether the State party has taken any steps to condemn any form of discrimination and hate crime.
**Malawi – List of Issues prior to reporting – 62nd session, 27 December 2017, initial review, CAT/C/MWI/QPR/1**

Keywords: SOGIE; investigation, prosecution, violence

**Specific information on the implementation of articles 1–16 of the Convention**

**Article 16**

30. Please provide information on the measures taken to ensure that all crimes and acts of violence that target persons on the basis of their sexual orientation or gender expression or identity are properly and promptly investigated and prosecuted.

**Malawi – Concluding Observations – 75th session, 9 December 2022, initial review, CAT/C/MWI/CO/1**

Keywords: SOGIE; LGBT+, T; access to justice, criminalisation (decriminalisation), data collection, discrimination, legislation, prevention, prosecution, support services, violence

**Sexual and gender-based violence**

29. The Committee raises the following concerns: (…)

(c) Sections 137A, 153 (a) and (c), 154 and 156 of the Penal Code criminalize consensual same-sex activities, with a prison sentence of up to 14 years. The reports received indicate that such criminalization renders LGBT+ persons particularly vulnerable to violence by both public officials and private persons and such violence is generally underreported to the national authorities due to fear of reprisals, prosecution and further discrimination. In this regard, the Committee notes the moratorium in place since 2012 on the prosecution for consensual same-sex acts but remains concerned about the information received that a transgender woman was charged under article 153 (c) of the Penal Code in 2021 (arts. 2, 12–14 and 16).

30. The State party should ensure that all cases of gender-based violence, especially those involving actions or omissions by State authorities or other entities that engage the international responsibility of the State party under the Convention, are thoroughly investigated with a gender-sensitive and culturally sensitive approach, that alleged perpetrators are prosecuted and, if found guilty, punished appropriately, and that the victims or their families receive redress, including adequate compensation. In particular, the Committee recommends that the State party:

(d) Take measures to prevent violence and discrimination against LGBT+ persons on the basis of their sexual orientation and gender expression or identity, including by repealing the above-mentioned sections of the Penal Code and ensuring that its complaints mechanisms are accessible to and capable of facilitating effective protection for victims of or at risk of violence;

(e) Collect and share with the Committee data, disaggregated by age, sex and type of crime, on the number of complaints, investigations, convictions and sentences imposed for sexual and gender-based violence, including domestic violence, rape, marital rape, and violence targeting persons based on their sexual orientation or gender expression or identity, on the protection measures, legal and medical services and redress provided to victims.

Keywords: LGBT+; asylum-seekers/refugees

**Asylum system and non-refoulement**

37. While welcoming the State party’s efforts to afford protection to asylum-seekers, the Committee is (…) further concerned about reports that perceived LGBT+ asylum-seekers are often refused registration and processing of their applications. (…).

38. The State party should abide by its obligations under article 3 of the Convention and ensure that, in law and in practice, persons may not be expelled, returned or extradited to another State where there are substantial grounds for believing that they would be in danger of being subjected to torture or ill-treatment. In particular, the State party should guarantee that all asylum-seekers have access to fair procedures, notably a detailed and thorough interview to assess the risk that they may be subjected to torture and ill-treatment in their country of origin in view of their individual circumstances and ensure rapid and appropriate identification of persons in vulnerable situations and provide them with the necessary access to health-care and
psychological services. It should immediately address the precarious conditions in the Dzaleka camp, ensure that migrant children are not detained solely because of their immigration status and are not detained with adults, other than their family members, and adopt security measures to protect all persons placed in camps. The State party should consider amending the Refugee Act by introducing judicial review of administrative decisions to expel individuals and ensure that a right of appeal has suspensive effect.
**Maldives – List of Issues prior to reporting – 75th session, 12 December 2022, 2nd review, CAT/C/MDV/QPR/2**

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 persons with disabilities, older persons and lesbian, gay, bisexual, transgender and intersex persons. (…).
**Mexico** – List of Issues prior to reporting – 73rd session, 20 June 2022, 8th review, CAT/C/MEX/QPR/8

Keywords: LGBTI; detention

**Article 11**

16. (...) Please also 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.

Keywords: SOGI; data collection, hate crimes, investigation, prevention, prosecution, punishment, violence

**Article 16**

28. Please indicate the specific steps that the State party has taken to combat and prevent violence based on actual or perceived sexual orientation or gender identity. 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.
**Montenegro** – List of Issues prior to reporting – 59th session, 24 January 2017, 3rd review, CAT/C/MNE/QPR/3

Keywords: LGBT; follow-up, harassment, investigation, police misconduct, prosecution, punishment, reparation, violence

**Follow-up questions from the previous reporting cycle**

**Article 16**

26. In the light of the Committee’s previous concluding observations (para. 23), please provide information on:

   (a) The steps taken to prevent violence, threats, harassment and intimidation against lesbian, gay, bisexual and transgender persons;

   (b) The number of complaints and police reports, investigations, prosecutions, convictions and punishments handed down for such crimes during the period under review, broken down by type of offence and investigating authority, and the reparations provided to victims. In that regard, please provide information on the outcome of the investigations into the attack on the social centre for lesbian, gay, bisexual and transgender persons in Podgorica in December 2014, despite the presence of police officers.

**Montenegro** – Concluding Observations – 73rd session, 2 June 2022, 3rd review, CAT/C/MNE/CO/3

Keywords: LGBTI; action plan

**B. Positive aspects**

4. The Committee welcomes the following legislative, administrative and institutional measures taken by the State party in areas of relevance to the Convention: (…)

   (g) The adoption of the strategy to improve the quality of life of LGBTI persons in Montenegro, for 2019–2023.
Nicaragua – List of Issues – intersessional period, 23 December 2020, 2nd review, CAT/C/NIC/Q/2

Keywords: GI; LGBT, T; detention, discrimination, legislation, torture/ill-treatment, women

Issues identified for follow-up in the previous concluding observations

Article 11

16. (…) As transgender women deprived of their liberty are held in the same cells as men – transgender persons’ gender identity is not recognized under the laws on the prison system – and as degrading treatment of transgender women during strip searches in wards with men has been documented, please indicate whether the State party has taken the necessary measures, including legislative ones, to ensure that lesbian, gay, bisexual and transgender persons in detention are treated in accordance with international standards and without discrimination.

Nicaragua – Concluding Observations – 74th session, 7 December 2022, 2nd review, CAT/C/NIC/CO/2

Keywords: T; detention, sexual violence, violence, women

Conditions of detention

13. While noting the information provided by the State party on investments made in new prison infrastructure, the Committee (…) is also concerned about: (…)

(c) Reports of assault and sexual violence in detention facilities, with a particularly high incidence in the case of detained women, including transgender women incarcerated in men’s prisons; (…).

14. The Committee urges the State party to: (…)

(b) Ensure that persons in pretrial detention and those serving sentences are strictly separated. In mixed-sex prisons, the women’s wing should be completely separate from the men’s wing;

(c) Ensure that all cases of death in custody are promptly and impartially investigated by an independent body, with due regard for the Minnesota Protocol on the Investigation of Potentially Unlawful Death, and, where appropriate, duly punish those responsible, while providing fair and adequate compensation to the next of kin. The effectiveness of suicide and violence prevention strategies and programmes in prisons should also be reviewed. The State party should provide the Committee with detailed information on cases of death in custody and the causes of those deaths; (…).
Poland – List of Issues prior to reporting – 73rd session, 8 June 2022, 8th review, CAT/C/POL/QPR/8

Keywords: SOGI, follow-up, hate crimes, prevention, professional groups, trainings, violence

Article 10

12. With reference to the Committee’s previous concluding observations (paras. 27–28), please provide information on the training programmes delivered since 2019, indicating whether they are mandatory or optional, how often they are given and how many officials have already completed them in relation to the total number of such officials, in particular on the following: (…)

(d) Preventing, detecting and combating hate-motivated crimes, including those motivated by sexual orientation or gender identity, and on domestic violence, as well as training on the treatment of persons in situations of vulnerability and on a trauma-informed, victim-centred approach to conducting trials, for law enforcement personnel, prosecutors, lawyers, judges and others who interact with victims and the public at large; (…)

Keywords: LGBTI; detention, COVID-19

Article 11

14. (…) Please indicate whether protocols are in place to meet the needs of groups of prisoners with special needs, including in terms of safety and security, as well as the prevention of the spread of and protection against COVID-19, such as persons with disabilities, persons with drug-related problems, older persons and lesbian, gay, bisexual, transgender and intersex persons.

Keywords: LGBTI; conversion therapy, intersectionality

20. (…) Please describe measures to protect lesbian, gay, bisexual, transgender and intersex persons with disabilities from involuntary conversion therapy.

Keywords: LGBTI; arrest, FOE/FOAA, harassment, HRD, investigation, violence

Articles 12 and 13

22. Please indicate any concrete steps that have been taken to investigate promptly and thoroughly the accounts of violence towards, and arrests, harassment and intimidation of, women human rights defenders, lesbian, gay, bisexual, transgender and intersex persons and defenders, journalists and other persons and civil society organizations in the context of demonstrations concerning the tightening of the legislation on abortion, COVID-19 pandemic-related restrictions, and their work related to the recent migration situation, including by law enforcement agencies; the public prosecution service; and military officers, and the members under their command, of the Territorial Defence Forces. Please provide information on the number of investigations carried out in the reports of such acts, including the excessive use of force; violent arrests; disproportionate use of handcuffs during transport in police vehicles, interrogation and medical examinations; spraying gas or using service batons; invasive body searches of detained persons; and other alleged brutality inflicted by unidentified uniformed and non-uniformed officers. Please also provide information on the outcome of such investigations. Please indicate how many persons have been suspended from their official duties in connection with above-mentioned allegations pending investigation and how many disciplinary investigations have been launched.

Keywords: SOGI; data collection, follow-up, hate crimes, investigation

Article 16

26. Bearing in mind the Committee’s previous concluding observations (paras. 35 and 36 (e)), please provide information on steps taken to combat racially motivated violence and other hate crimes. Please provide data on reported and investigated instances of hate crimes based on racist, anti-Semitic, xenophobic, religious, ethnic or sexual orientation or gender identity grounds since 2019, disaggregated by type of motive or basis of discrimination, and by the sex, gender, age group and ethnic origin or nationality of the victim. Please indicate whether the perpetrator was a public official. Please provide information on results of such investigations.
**Somalia** – List of Issues prior to reporting – 62\(^{nd}\) session, 9 January 2018, initial review, CAT/C/SOM/QPR/1

Keywords: SOGI; hate crimes, investigation, prosecution, violence

**Specific information on the implementation of articles 1–16 of the Convention**

**Article 16**

31. Please provide information on the measures taken to ensure that all crimes and acts of violence that target persons on the basis of their sexual orientation or gender identity are properly and promptly investigated and prosecuted.

**Somalia** – Concluding Observations – 75\(^{th}\) session, 2 December 2022, initial review, CAT/C/SOM/CO/1

Keywords: SOGI; hate crimes, prevention, violence

**Hate crimes**

35. The Committee regrets that the State party has not presented information on measures taken to prevent and combat hate crime, including violence against individuals on grounds of their real or perceived sexual orientation or gender identity (art. 16).

36. The State party should take measures to prevent and prosecute criminal acts motivated by discrimination, intolerance, hatred or negative stereotype by: (a) ensuring effective investigation, prosecution and punishment of perpetrators; and (b) collecting detailed information and statistics on the number and type of hate crimes, on the administrative and judicial measures taken to investigate and prosecute such crimes and on the sentences imposed. The State party should also provide redress to the victims, including rehabilitation.
**South Africa** – List of Issues prior to reporting – 73rd session, 30 August 2022, 3rd review, CAT/C/ZAF/QPR/3

**Keywords:** LGBTI; detention

**Issues identified for follow-up in the previous concluding observations**

**Article 11**

14. (…). Please also indicate whether protocols are in place to meet the requirements of other groups of prisoners with particular needs, such as persons with disabilities, older persons and lesbian, gay, bisexual, transgender and intersex persons.
**Togo – List of Issues prior to reporting – 73rd session, 14 June 2022, 4th review, CAT/C/TGO/QPR/4**

**Keywords:** LGBTI; detention

**Issues identified for follow-up in the previous concluding observations**

**Article 11**

16. Please provide information on the measures taken to meet the particular needs of women and minors in detention. Please also indicate whether protocols are in place to meet the needs of other groups of prisoners with particular requirements, such as persons with disabilities, older persons and lesbian, gay, bisexual, transgender and intersex persons. Please describe the measures taken to ensure that body search procedures in prisons are not degrading to inmates or visitors. Please indicate whether the mechanism under which payments were required of prison visitors has been abolished.

**Keywords:** SOGI; LGBT; data collection, intersectionality, investigation, police misconduct, prevention, prosecution, punishment, violence

**Articles 12–13**

22. Please indicate the specific steps that the State party has taken to prevent and combat police violence based on actual or perceived sexual orientation or gender identity. In particular, please provide statistical data, disaggregated by the age, sex and ethnicity or nationality of the victims, on complaints, investigations, prosecutions and convictions in cases involving police violence against lesbian, gay, bisexual and transgender persons.
United Kingdom of Great Britain and Northern Ireland – List of Issues prior to reporting – 73rd session, 8 June 2022, 7th review, CAT/C/GBR/QPR/7

Keywords: LGBTI; detention

Issues identified for follow-up in the previous concluding observations

Article 11

12. (...) Please also indicate whether protocols are in place to meet the requirements of other groups of prisoners with particular needs, such as persons with disabilities, older persons and lesbian, gay, bisexual, transgender and intersex persons.

Keywords: hate crimes

Article 16

28. With respect to the Committee’s previous concluding observations, please provide information on measures taken to address the reported increase in the incidence of racist, xenophobic, anti-Semitic, anti-Muslim, anti-disabled, homophobic and transphobic hate crimes. Please also comment on information received regarding underreporting and very low conviction rates related to hate crimes, especially with an enhanced sentence for hostility on the basis of a protected characteristic. Please indicate the steps taken to intensify awareness-raising and training activities on hate crimes for police officers in order to improve their initial handling of these cases.
Uruguay – List of Issues prior to reporting – 73\textsuperscript{rd} session, 1 June 2016, 4\textsuperscript{th} review, CAT/C/URY/QPR/4

Keywords: SOGI; T; follow-up, killings, prosecution, violence

Issues identified for follow-up in the previous concluding observations

Article 16

31. With reference to the Committee’s previous concluding observations (para. 21), please indicate the practical measures taken by the State party to combat violence against individuals based on their sexual orientation or gender identity, in particular murders of transgender women. In this regard, please include information on the prosecution of alleged perpetrators.
6. Committee on the Rights of Persons with Disabilities

China – Concluding Observations – 27th session, 10 October 2022, 2nd-3rd review, CRPD/C/CHN/CO/2-3

Keywords: SOGI; data collection, intersectionality

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

58. The Committee notes with concern the lack of statistical data provided on persons with disabilities, including on their living conditions and assistance and services received in the State party, disaggregated by province or region and ethnicity, and that such data and statistics are not used for the development and implementation of policies designed to comply with the Convention.

59. The Committee recalls the Washington Group short set of questions on functioning and recommends that the State party develop systems to collect data on the situation of persons with disabilities, ensuring that the data is 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.
European Union – List of Issues prior to reporting – 26th session, 20 April 2022, 2nd-3rd review, CRPD/C/EU/QPR/2-3

Keywords: LGBTI; data collection, discrimination, intersectionality

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

6. Please provide information on the measures taken to: (…)

   (c) Recognize multiple and intersectional forms of discrimination faced by persons with disabilities and to provide access to remedies in case of discrimination. Please also report on the situation of older persons with disabilities; migrants, refugees and asylum seekers with disabilities; persons with disabilities belonging to ethnic and minority groups, such as Roma persons with disabilities and lesbian, gay, bisexual, transgender and intersex persons with disabilities; and on measures to ensure protection against discrimination.

Keywords: LGBTI; employment, intersectionality

Work and employment (art. 27)

28. Please inform the Committee on measures taken to: (…)

   (b) Ensure that lesbian, gay, bisexual, transgender and intersex persons with disabilities benefit from employment opportunities, including self-employment initiatives; (…).
Ghana – List of Issues – 15th session, 25 April 2022, initial review, CRPD/C/GHA/Q/1

Keywords: SO; data collection

Freedom from exploitation, violence and abuse (art. 16)

15. Please provide information on: (…)

(c) Statistical data on cases of exploitation, violence and abuse, including sexual abuse, against persons with disabilities, disaggregated by gender, age, sexual orientation and geographical location.
Keywords: LGBTI; discrimination, intersectionality

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

3. Please provide information on: (…)

(e) The measures taken to combat multiple and intersectional forms of discrimination, to ensure de facto equality of persons with disabilities belonging to ethnic minorities, English-speaking persons with disabilities, persons with rare diseases, and lesbian, gay, bisexual, transgender and intersex persons with disabilities, and to ensure their access to effective remedies in case of discrimination.

Keywords: I, T; intersectionality, surgical/medical intervention

Protecting the integrity of the person (art. 17)

16. Please provide information on the measures taken to ensure the right of persons with disabilities to respect for their physical and mental integrity on an equal basis with others, including protection against forced sterilization and mandatory conversion surgery, particularly with respect to transgender and intersex persons with disabilities.
Hungary – Concluding Observations – 26th session, 20 May 2022, 2nd-3rd review, CRPD/C/HUN/CO/2-3

Keywords: I; GD; participation

III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1–4)

9. The Committee recalls its general comment No. 7 (2018) and urges the State party to:

(a) Strengthen mechanisms for the effective involvement of persons with disabilities through their representative organizations in public decision-making processes by adopting measures to safeguard their independence from public authorities and with the participation of the full range of organizations of persons with disabilities, including children with disabilities, persons with intellectual disabilities, persons with psychosocial disabilities, intersex persons, women with disabilities, persons with disabilities living in rural areas, autistic persons, Roma and gender diverse persons with disabilities, those requiring high levels of support and refugees and migrant persons with disabilities; (...).

Keywords: I; follow-up, participation

IV. Follow-up

Dissemination of information

66. The Committee emphasizes the importance of all the recommendations contained in the present concluding observations. With regard to urgent measures that must be taken, the Committee would like to draw the State party’s attention to the recommendations contained in paragraphs 9, on participation of persons with disabilities, and 41 on living independently and being included in the community.
**Indonesia** – Concluding Observations – 27th session, 12 October 2022, initial review, CRPD/C/IDN/CO/1

Keywords: SOGI; data collection, intersectionality

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

64. The Committee notes with concern: (...)

   (b) The lack of disaggregated data, including in relation to the situation of women and girls with disabilities, children with disabilities and indigenous persons with disabilities; (...).

65. The Committee recommends that the State party: (...)

   (b) Broaden data collection on persons with disabilities to include disaggregated fields, such as age, sex, race, ethnicity, gender identity, sexual orientation and indigenous status; (...).
Jamaica – Concluding Observations – 26th session, 20 May 2022, initial review, CRPD/C/JAM/CO/1

Keywords: SOGI; data collection, intersectionality

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

56. While noting some efforts undertaken by the State party in collecting data, such as the Annual Jamaica Survey on living conditions, and the 2022 Population and Housing Census, which will include data and statistics on persons with disabilities, 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, mainly due to the lack of disability-related questions in the national census; (...).

57. The Committee recalls the Washington Group short set of questions on disability and the Development Assistance Committee of the Organisation for Economic Cooperation and Development policy marker on the inclusion and empowerment of persons with disabilities and recommends that the State party:

(a) Develop a system and procedures for collecting data on persons with disabilities disaggregated by age, sex, sexual orientation, gender identity, race, ethnicity, income, migration status, level of education, employment situation and place of residence. The system and procedures should ensure confidentiality and respect the privacy of persons with disabilities; (...).
Japan – Concluding Observations – 27th session, 7 October 2022, initial review,
CRPD/C/JPN/CO/1

Keywords: LGBTIQ+; consultation, decision-making process, GC/GR, intersectionality, participation

III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1–4)

9. The Committee is further concerned about:

(a) The insufficient 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 by the municipal and intermunicipal committees on accessibility; (...).

10. Recalling its general comment No. 7 (2018) on articles 4 (3) and 33 (3) of the Convention, the Committee recommends that the State party:

(a) Ensure active, meaningful and effective consultations with the diverse range of representative organizations of persons with disabilities at the national and municipal levels, including by means of alternative communication, accessibility and reasonable accommodation, in public decision-making processes, paying attention to self-advocates with disabilities, to organizations of persons with intellectual disabilities, of persons with psychosocial disabilities, of autistic persons, of women with disabilities, of LGBTIQ+ persons with disabilities, and of persons with disabilities living in rural areas, and to those requiring more intensive support, including in the implementation and monitoring of and reporting on the Sustainable Development Goals; (...).

Keywords: SOGI; anti-discrimination legislation, discrimination, GC/GR, intersectionality, legislation

13. The Committee is concerned that:

(a) The Act for Eliminating Discrimination against Persons with Disabilities does not include multiple and intersectional forms of discrimination, and is concerned about the limited scope of the definition of persons with disabilities; (...).

14. The Committee, in line with its general comment No. 6 (2018) on equality and non-discrimination, recommends that the State party:

(a) Review the Act for Eliminating Discrimination against Persons with Disabilities in order to prohibit disability-based discrimination, in accordance with the Convention, including multiple and intersectional forms of discrimination on the grounds of disability, sex, age, ethnicity, religion, gender identity, sexual orientation and any other status, and denial of reasonable accommodation; (...).

Keywords: SOGI; data collection, intersectionality

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

65. The Committee notes with concern:

(a) The lack of comprehensive disaggregated data on persons with disabilities, covering all areas of life;

(b) That persons with disabilities in residential institutions and psychiatric hospitals are overlooked in surveys conducted.

66. Recalling the Washington Group short set of questions on disability, and the Development Assistance Committee of the Organisation for Economic Co-operation and Development policy marker on the inclusion and empowerment of persons with disabilities, the Committee recommends that the State party develop a data-collection system on persons with disabilities in all areas of life, disaggregated by a range of factors, such as age, sex, type of impairment, type of support required, sexual orientation and gender identity, socioeconomic status, ethnicity, and place of residence, including residential institutions and psychiatric hospitals.
Lao People’s Democratic Republic – Concluding Observations – 27th session, 30 September 2022, initial review, CRPD/C/LAO/CO/1

Keywords: SOGI; discrimination, GC/GR, intersectionality

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

8. The Committee notes with concern that: (…)

(b) The definition of discrimination does not include multiple and intersectional forms of discrimination; (…).

9. The Committee, in line with its general comment No. 6 (2018) on equality and non-discrimination, recommends that the State party: (…)

(b) 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; (…).
**Netherlands** – List of Issues – 15th PSWG, 25 April 2022, initial review, CRPD/C/NLD/Q/1

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

**B. Specific rights (arts. 5–30)**

**Protecting the integrity of the person (art. 17)**

15. Please inform the Committee about measures taken to ensure that any sterilization, abortion or other irreversible treatment or intervention carried out on persons with disabilities – in particular on intersex persons, persons under substitute decision-making regimes and deaf children, with regard to cochlear implants – is not made without their free and informed consent.

Keywords: GI; data collection, intersectionality

**C. Specific obligations (arts. 31–33)**

**Statistics and data collection (art. 31)**

29. Please inform the Committee on:

(a) Efforts to increase the systematic collection of, reporting on and dissemination of data, as well as on coordination among all public bodies, State agencies and representative organizations of persons with disabilities in that regard. Data should encompass the entire State party, including the Caribbean territory of the State party, and should be disaggregated by type of impairment; sex; gender identity; age; rural and urban areas; type of residence, including institutional settings; ethnicity and national background; socioeconomic status; level of poverty among persons with disabilities; violence against persons with disabilities; employment status; migration status; and participation in various areas of life; (...).
**New Zealand** – List of Issues prior to reporting – 19th session, 23 March 2018, 2nd-3rd review, CRPD/C/NZL/QPR/2-3

Keywords: LGBTI; discrimination, intersectionality

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

5. Please provide information about:

(a) Measures taken to ensure that the anti-discrimination framework in the State party encompasses all forms of discrimination on the basis of disability, including the denial of reasonable accommodation, discrimination by association and multiple and intersectional discrimination faced by children, women, migrants, refugees, asylum seekers, Māori and Pacific and lesbian, gay, bisexual, transgender and intersex persons with disabilities; (…).

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

Protecting the integrity of the person (art. 17)

16. Please provide information on:

(a) Measures taken to enact legislation prohibiting and preventing the practice of non-consensual treatments on persons with disabilities, including forced sterilization, genital mutilation and conversion surgeries of intersex persons, with particular attention to children with disabilities; (…).

**New Zealand** – Concluding Observations – 27th session, 26 September 2022, 2nd-3rd review, CRPD/C/NZL/CO/2-3

Keywords: LGBTI; anti-discrimination legislation, discrimination, GC/GR, intersectionality

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

7. The Committee is concerned about: (…)

(b) Multiple and intersectional forms of discrimination, including for Māori and Pasifika persons with disabilities; (…).

8. The Committee, recalling its general comment No. 6 (2018) on equality and non-discrimination, recommends that the State party:

(b) Adopt the legal and other measures necessary to provide for explicit protection from multiple and intersectional forms of discrimination, including discrimination based on the intersection between disability and other identities and life status, such as age, sex, gender, race, indigenous status, lesbian, gay, bisexual, transgender and intersex status, ethnicity, migratory status and national origin; (…).

Keywords: I; children, data collection, family, free and informed consent, health, legislation, medical professionals, support services, surgical/medical intervention

Protecting the integrity of the person (art. 17)

35. The Committee is seriously concerned about: (…)

(b) The lack of a prohibition on non-urgent, intrusive and irreversible medical interventions or the imposition of hormones on intersex infants and children before an age at which they can provide informed consent; (…)

(d) The lack of data in relation to sterilization and abortion procedures performed on persons with disabilities without their personal consent, non-urgent medical interventions on intersex children without their consent and growth attenuation treatment.

36. The Committee urges the State party to: (…)

(b) Adopt clear legislative provisions that explicitly prohibit the performance of unnecessary, invasive and irreversible medical interventions, including surgical, hormonal or other medical procedures on intersex children before an age at which they can provide informed consent;
(c) Recalling previous recommendations made by the Committee on the Rights of the Child, develop and implement a child rights-based health-care protocol for intersex children, setting the procedures and steps to be followed by health teams, ensuring that no one is subjected to unnecessary medical or surgical treatment during infancy or childhood, guaranteeing the rights of children to bodily integrity, autonomy and self-determination, and provide families with intersex children with adequate counselling and support; (…)

(f) Develop measures to ensure reporting and data collection on sterilization, contraception and abortion procedures performed without personal consent, on non-urgent medical interventions performed on intersex children and on growth attenuation treatment.

Keywords: LGBTI; intersectionality, participation

Participation in political and public life (art. 29)

55. The Committee is concerned about the lack of support for persons with disabilities to form their own sustainable organizations and build their capacity to represent persons with disabilities, and in particular the lack of organizations to represent Māori persons with disabilities, Pasifika persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons with disabilities, children with disabilities and women and girls with disabilities.

56. The Committee recommends that the State party develop strategies and measures, including financial resources to support persons with disabilities to form sustainable representative organizations, including to support the development of organizations of Māori persons with disabilities, Pasifika persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons with disabilities, children with disabilities, and women and girls with disabilities.

Keywords: LGBTI; data collection, intersectionality

C. Specific obligations (arts. 31–33) Statistics and data collection (art. 31)

57. The Committee notes with concern the serious shortcomings with regard to data and statistics on the situation of persons with disabilities across all life domains, including in health, education, employment and justice. It also notes with concern the lack of disaggregated data, including in relation to the situation of Māori persons with disabilities, Pasifika persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons with disabilities, children with disabilities and women and girls with disabilities.

58. The Committee recommends that the State party, in conjunction with Statistics New Zealand, develop a national disability data framework to ensure appropriate, nationally consistent measures for the collection and public reporting of disaggregated data on the full range of obligations contained in the Convention, especially with regard to Māori persons with disabilities, Pasifika persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons with disabilities, children with disabilities and women and girls with disabilities.
Republic of Korea – Concluding Observations – 27th session, 6 October 2022, 2nd-3rd review, CRPD/C/KOR/CO/2-3

Keywords: I; LGBTGD; consultation, decision-making process, GC/GR, intersectionality, participation

III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1–4)

9. The Committee is concerned about the lack of participation of persons with disabilities, through their representative organizations, including diverse organizations of persons with disabilities, in decision-making processes concerning laws, policies and programmes that affect them.

10. The Committee recalls its general comment No. 7 (2018) and recommends that the State party strengthen and implement mechanisms for the effective involvement of persons with disabilities, through their representative organizations, in public decision-making processes, and ensure that meaningful consultations are held with the whole range of organizations of persons with disabilities, including children with disabilities, persons with psychosocial disabilities and/or intellectual disabilities, intersex persons with disabilities, women with disabilities, refugees and migrants with disabilities, autistic persons, lesbian, gay, bisexual, transgender and gender-diverse persons with disabilities and persons with disabilities requiring higher levels of support.

Keywords: SOGI; LGBTQI+; 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 observes with concern:

(a) That the multiple and intersecting forms of discrimination faced by persons with disabilities, in particular women with disabilities, migrants with disabilities, LGBTQI+ persons with disabilities and persons with disabilities with HIV, are not recognized in the Act on the Prohibition of Discrimination against Persons with Disabilities, Remedy against Infringement of their Rights; (…).

12. The Committee recalls its general comment No. 6 (2018) and targets 10.2 and 10.3 of the Sustainable Development Goals and recommends that the State party:

(a) Review the existing anti-discrimination legislation, in particular the Act on the Prohibition of Discrimination against Persons with Disabilities, Remedy against Infringement of their Rights, and enact comprehensive anti-discrimination legislation to recognize multiple and intersectional forms of discrimination on the grounds of disability and its intersection with other grounds, such as age, sex, race, ethnicity, gender identity, sexual orientation or any other status, and adopt strategies to eliminate multiple and intersecting forms of discrimination;

Keywords: SOGI; data collection, intersectionality

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

63. The Committee is concerned about the lack of consistent measures at the national level for the collection and public reporting of disaggregated data on the barriers faced by persons with disabilities in exercising their rights.

64. The Committee recalls the Washington Group short set of questions and the Development Assistance Committee of the Organisation for Economic Co-operation and Development policy marker on the inclusion and empowerment of persons with disabilities and recommends that the State party:

(a) Expeditiously develop a system and procedures for collecting data on persons with disabilities disaggregated by age, sex, sexual orientation, gender identity, race, ethnicity, income, migration status, level of education, employment situation and place of residence. The system and procedures should ensure confidentiality and respect the privacy of persons with disabilities; (…).
B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

9. The Committee is concerned about:

(a) The absence of a comprehensive definition of discrimination against persons with disabilities, encompassing multiple and intersectional forms of discrimination;

(b) The lack of recognition of denial of reasonable accommodation as a form of discrimination on the basis of disability.

10. The Committee recalls its general comment No. 6 (2018) and targets 10.2 and 10.3 of the Sustainable Development Goals, and recommends that the State party:

(a) Adopt a comprehensive definition of discrimination on grounds of disability, including multiple and intersectional discrimination encompassing age, race, gender, ethnicity, religion, language, sexual orientation, nationality and migration status, or any other status, and ensure that persons with disabilities are comprehensively protected from discrimination; (...).

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

57. While noting some efforts undertaken by the State party in the collection of data, such as the inclusion in the 2020 national census of the Washington Group short set of questions on disability, the Committee notes with concern:

(a) Serious gaps in the collection of disaggregated data and statistics on persons with disabilities in all areas covered by the Convention, in particular work, employment, education and deprivation of liberty;

(b) The lack of systematic and comprehensive research about the living conditions of persons with disabilities and the barriers that they face in exercising their rights.

58. The Committee recommends that the State party reinforce its use of the Washington Group short set of questions on disability and the Development Assistance Committee of the Organisation for Economic Co-operation and Development policy marker on the inclusion and empowerment of persons with disabilities in all its data-collection programmes, taking into consideration the local context, and providing training for the interpretation of data, and:

(a) Strengthen its system for collecting data on persons with disabilities, disaggregated by age, sex, sexual orientation, gender, race, ethnicity, income, migration status, level of education, employment situation and place of residence, in all areas of life, ensuring confidentiality and respect for the privacy of persons with disabilities; (...).
Switzerland – List of Issues – 12th PSWG, 29 October 2019, initial review, CRPD/C/CHE/Q/1

Keywords: SOGII; consultation, intersectionality, legislation, participation, policy

A. Purpose and general obligations (arts. 1–4)

1. Please provide information on: (…)
   (b) Mechanisms established and the human and financial resources available at the federal, cantonal and municipal levels for meaningful consultation with persons with disabilities, including persons with disabilities with diverse sexual orientations and gender identities and intersex persons with disabilities, through their representative organizations, regarding the design and monitoring of legislation and policies aimed at implementing the Convention; (…).

Keywords: LGBTI; discrimination

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

2. Please provide information on: (…)
   (c) Measures taken by the Federal Council to respond to the recommendations of the Swiss Centre of Expertise in Human Rights in its study about access to legal protection in cases of alleged discrimination, including gaps in the field of private law and with regard to the rights of lesbian, gay, transgender and intersex persons (CRPD/C/CHE/1, para. 35).

Keywords: I; access to justice, free and informed consent, intersectionality, remedy, surgical/medical intervention

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

12. Please provide information on:
   (e) Criminal and civil remedies available to persons with disabilities, including intersex persons with disabilities, who have undergone involuntary sterilization or unnecessary and irreversible medical or surgical treatment, procedures to access medical records and whether remedies are subject to any statutes of limitations.

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

Freedom from exploitation, violence and abuse (art. 16)

13. Please provide information on: (…)
   (e) Measures taken to promote the physical, cognitive and psychological recovery and rehabilitation and social reintegration of intersex persons who have undergone involuntary procedures, including those who underwent irreversible surgical procedures as children with parental consent, and steps taken to ensure that such measures are covered by medical insurance.

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

Protecting the integrity of the person (art. 17)

14. Please provide information on: (…)
   (b) Measures taken to ensure that no one is subjected to unnecessary medical or surgical treatment during infancy or childhood (CRC/C/CHE/CO/2–4, para. 43 (b); CAT/C/CHE/CO/7, para. 20 (a); CEDAW/C/CHE/CO/4-5, para. 25 (c); and CCPR/C/CHE/CO/4, para. 25), and data on the number of irreversible surgical and other procedures that are performed on intersex children, disaggregated by age and geographic location.

Switzerland – Concluding Observations – 26th session, 12 April 2022, initial review, CRPD/C/CHE/CO/1

Keywords: LGBTI; consultation, GC/GR, intersectionality, legislation, participation, policy, SDGs

III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1–4)
10. Recalling its general comment No. 7 (2018), the Committee recommends that the State party:

(a) Strengthen mechanisms at the federal, cantonal and municipal levels to ensure effective support and consultations with diverse organizations of persons with disabilities – including organizations of persons with intellectual disabilities, autistic persons, persons with psychosocial disabilities, women with disabilities, children with disabilities and lesbian, gay, bisexual, transgender and intersex persons with disabilities – in design, reporting and monitoring with respect to legislation and policies aimed at implementing the Convention and achieving the Sustainable Development Goals; (...).

Keywords: I; access to justice, children, family, free and informed consent, health, IGM, legislation, remedy, support services, surgical/medical intervention

B. Specific rights (arts. 5–30)

Protecting the integrity of the person (art. 17)

35. The Committee notes with concern: (...)

(c) That intersex persons can be subjected to unnecessary and irreversible medical and/or surgical interventions, including during infancy or childhood; and that there is a lack of ongoing health care, psychosocial support and social reintegration for intersex persons who have been subjected to intersex genital mutilation and a lack of access to redress.

36. The Committee recommends that the State party: (...)

(c) Adopt clear legislative provisions that explicitly prohibit the performance of unnecessary and irreversible medical interventions, including surgical, hormonal or other medical procedures, on intersex infants and children; provide adequate counselling and support for families of intersex children; extend the statute of limitations to enable criminal and civil remedies; and provide health care and psychosocial support to intersex persons who have been subjected to intersex genital mutilation.
Keywords: SO; adoption, intersectionality, trainings

A. Specific rights (arts. 5–30)

Respect for home and the family (art. 23)

25. Please provide information on: (…)

(b) The measures taken to ensure that persons with disabilities can exercise their rights in respect of parenthood and the adoption or fostering of children on an equal basis with others. Please also indicate whether the Family Orientation and Training Programme of the National Council for Disabilities includes counselling for persons with disabilities on personal relations, marriage, sexual orientation and reproduction, their right to custody of their children (with or without disabilities) and their right to adopt.
Viet Nam – List of Issues – 16th session, 11 October 2022, initial review, CRPD/C/VNM/Q/1

Keywords: LGBTQI+; data collection, intersectionality, follow-up

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

28. Please indicate the measures and plans adopted to: (…)

(c) Implement the concluding observations of the Committee on the Elimination of Discrimination against Women on the State party’s combined seventh and eight periodic reports, which included a recommendation on enhancing the collection, analysis and dissemination of comprehensive data, in particular with respect to women and girls with disabilities, including those who are from ethnic minority groups, migrants or internally displaced, LGBTQI+ or living with or affected by HIV, to assess progress among all women.
7. Committee on the Elimination of Racial Discrimination

Brazil – List of Themes – 108th session, 28 September 2022, 18th-20th review, CERD/C/BRA/Q/18-20

Keywords: SO; anti-discrimination legislation, discrimination, legislation, protected grounds

Note by the Country Rapporteur

The Convention in domestic law and the institutional and policy framework for its implementation (arts. 1, 2, 5 & 6)

2. Measures to adopt anti-discrimination legislation which defines and prohibits racial discrimination in all its forms at the federal and state levels, including indirect discrimination, covering all fields of law and public life and grounds for discrimination, in accordance with article 1 of the Convention, taking into account intersectional discrimination based on grounds, such as religion, sex, gender, age, disability and sexual orientation.

Brazil – Concluding Observations – 108th session, 19 December 2022, 18th-20th review, CERD/C/BRA/CO/18-20

Keywords: LGBTQI+; data collection, discrimination, intersectionality

C. Concerns and recommendations

Disaggregated demographic data collection

5. The Committee notes the information provided by the State party about the collection of data on the racial and ethnic composition of the population that is disaggregated to reveal their disparate social, economic, political and civil status within society. It is nevertheless concerned about gaps and weaknesses in mechanisms for coordinating, integrating and verifying data collected at the federal, state and municipal levels, inter alia, due to cuts to the budgets of agencies responsible for data collection. It is also concerned that current data collection methods do not accurately capture the situation of those facing intersectional discrimination, including Afro-Brazilians, indigenous peoples and Quilombolas with disabilities and/or who identify as LGBTQI+ persons (arts. 1–2).

6. The Committee recommends that the State party carry out a thorough assessment of all its mechanisms for collecting demographic data at the federal, state and municipal levels and promptly address any gaps or weaknesses in the collection, verification and integration of such data. Such an assessment should include a focus on the data collected on the situation of Afro-Brazilians, indigenous peoples and Quilombolas facing intersectional forms of discrimination, including those with disabilities and/or who identify as LGBTQI+ persons. The State party should also provide adequate funding to all State entities responsible for disaggregated data collection.

Keywords: LGBTQI+; health, intersectionality, killings, medical professionals, professional groups, remedy, SRHR, trainings, violence, women

Right to health and the impact of the COVID-19 pandemic

16. The Committee is particularly concerned by: (…)

(d) The reports of undignified and violent obstetric practices experienced by Afro-Brazilian women, including women with disabilities and those who identify as LGBTQI+ women, during the provision of sexual and reproductive health services; (…)

(e) High levels of violence against Afro-Brazilian, indigenous and Quilombola women, including those who identify as LGBTQI+ persons, particularly in the form of femicide, and weaknesses in the measures taken by the State, including the national plan to combat femicide; (…).

17. The Committee recommends that the State party take all necessary measures to ensure the full and effective implementation of the National Comprehensive Health Policy for the Afro-Brazilian Population, including the provision of adequate funding and institutional structures. It should also consult with Afro-Brazilian, indigenous and Quilombola women to identify and address current policies and services that have been ineffective in eliminating health inequalities. The State party should also: (…)

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(e) Increase anti-racism and human rights-based training of all health-care professionals involved in the provision of sexual and reproductive health care to Afro-Brazilian, indigenous and Quilombola women, including those with disabilities and who identify as LGBTQI+ women, while also ensuring accountability and remedies for any forms of obstetric violence; (…).

Keywords: LGBTQI+; access to justice, harassment, hate speech, intersectionality, participation, prevention, remedy, violence, women

Political representation

26. The Committee is concerned by: (…)

(e) Threats, hate speech, including online hate speech, harassment and violence towards Afro-Brazilian women, particularly those seen as LGBTQI+ women, seeking or holding political office and a lack of accountability for such human rights violations (arts. 2 and 4–6).

27. The Committee recommends that the State party take all effective measures to substantially increase the levels of political representation among Afro-Brazilians, indigenous peoples and Quilombolas, including by: (…)

(c) Taking immediate action to prevent and address all forms of violence against Afro-Brazilian women seeking or holding political office, including those seen as LGBTQI+ women, holding perpetrators accountable and providing remedies to victims.

Keywords: LGBTQI+; discrimination, intersectionality

Racial profiling

39. The Committee is concerned by the persistence of the practice of racial profiling of Afro-Brazilians by law enforcement officials. The Committee is also concerned by reports that individuals facing intersectional forms of discrimination, including Afro-Brazilians with disabilities and/or identifying as LGBTQI+ persons, have been particularly vulnerable to racial profiling. The Committee is further concerned by reports that the State party has started using facial recognition systems in law enforcement activities, which has led to wrongful arrests of predominantly Afro-Brazilians (arts. 2 and 4–6).

40. Recalling its general recommendation No. 36 (2020) on preventing and combating racial profiling by law enforcement officials, the Committee recommends that the State party intensify efforts to combat racial profiling (…).

Keywords: LGBTQI+; follow-up, health, intersectionality, medical professionals, participation, professional groups, remedy, SRHR, trainings, violence, women

Paragraphs of particular importance

69. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 16 (b)–(c) and (e)–(f) (right to health and the impact of the COVID-19 pandemic), 22 (poverty, work and income), 26 (c) (political violence), 32 (racially motivated homicides), 45 (human rights defenders), 47 (development, environment, business and human rights), 49 (indigenous and Quilombola communities), 52 (legal protection of indigenous and Quilombola land) and 59 (e) (reparations) above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.
Kazakhstan – Concluding Observations – 106th session, 4 July 2022, 8th-10th review, CERD/C/KAZ/CO/8-10

Keywords: SO; discrimination, intersectionality, legislation, policy

C. Concerns and recommendations

Intersecting forms of discrimination

11. The Committee is concerned by reports of intersecting forms of discrimination based on race, colour, descent or national or ethnic origin, and other grounds such as religion, gender, age, disability and sexual orientation (arts. 1–2 and 5).

12. The Committee recommends that the State party take legislative and policy measures to combat all forms of racial discrimination, as established in article 1 of the Convention, intersecting with discrimination based on other grounds, such as religion, gender, age, disability and sexual orientation.
**United States of America** – List of Themes – 107th session, 24 June 2022, 10th-12th review, CERD/C/USA/Q/10-12

Keywords: **SOGI; discrimination, intersectionality**

The Convention in domestic law and the institutional and policy framework for its implementation (arts. 1, 2 and 6)

2. Measures to prohibit racial discrimination in all its forms in federal and state legislation, including indirect discrimination, covering all fields of law and public life, in accordance with article 1 of the Convention. Steps to withdraw the reservation to article 2 of the Convention and to prohibit acts of racial discrimination perpetrated by private actors. Measures to combat all forms of racial discrimination according to article 1 of the Convention intersecting with discrimination based on other grounds such as religion, gender, age, disability and sexual orientation.

Keywords: **SOGI**

5. Updated information on legislative initiatives aimed at prohibiting racial profiling, including through the use of artificial intelligence, and other measures to end the practice of profiling racial or ethnic minorities and illegal surveillance by federal, state and local law enforcement officials. Measures to revise the 2014 Guidance for Federal Law Enforcement Agencies Regarding the Use of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation, or Gender Identity, particularly with regard to racial profiling in border areas, “mapping” of racial, ethnic and religious communities, and applicability to state and local law enforcement agencies. Steps to discontinue the Immigration and Nationality Act section 287 (g) programme.

**United States of America** – Concluding Observations – 107th session, 21 September 2022, 10th-12th review, CERD/C/USA/CO/10-12

Keywords: **GI; discrimination, housing, intersectionality**

**C. Concerns and recommendations**

Discrimination and segregation in housing

37. The Committee welcomes the adoption of the Presidential Memorandum on “Redressing our nation’s and the federal Government’s history of discriminatory housing practices and policies” of 26 January 2021. Nevertheless, the Committee remains concerned at the high degree of residential racial segregation, the persistence of discrimination in access to housing on the grounds of race, colour and national or ethnic origin and the intersection with disability and gender identity, discriminatory mortgage-lending and “redlining” practices by private actors, and criminal records policies that can lead to homelessness. It is also concerned about exclusionary zoning and land-use laws and policies that perpetuate racial segregation (arts. 3 and 5).

38. The Committee reiterates its recommendation that the State party strengthen the implementation of legislation to combat discrimination in housing, such as the Fair Housing Act; ensure the availability of affordable and adequate housing for all, including by effectively implementing the rules under the Fair Housing Act related to affirmatively furthering fair housing and protection against discriminatory effects; and undertake prompt, independent and thorough investigations into cases of discriminatory mortgage-lending and “redlining” practices by private actors, hold those responsible to account and provide effective remedies to those affected. The Committee also recommends that the State party adopt all measures necessary to eliminate residential segregation, including by addressing the impact of exclusionary zoning and land-use laws and practices that disproportionately affect racial and ethnic minorities.

Keywords: **LGBT; housing, intersectionality**

Homelessness

39. The Committee takes note of the measures taken by the State party to prevent and end homelessness, such as the federal strategic plan entitled “Home, Together”. However, it remains concerned at the increasing number of state and local laws that criminalize homelessness and at the disproportionately high number of persons belonging to racial and ethnic minorities affected by homelessness, in particular people of African descent, indigenous peoples and persons of Hispanic/Latino origin, including women and lesbian, gay, bisexual and transgender persons (arts. 2 and 5).
40. The Committee reiterates its recommendation that the State party abolish laws and policies that criminalize homelessness, and that it offer strong financial and legal incentives to decriminalize homelessness, including by conditioning or withdrawing funding from state and local authorities that criminalize homelessness and encouraging them to redirect funding from criminal justice responses towards adequate housing and shelter programmes, in particular for persons belonging to racial and ethnic minorities, who are most affected by homelessness.
8. Committee on Migrant Workers

**Kyrgyzstan** – List of Issues prior to reporting – 34th session, 3 May 2022, 2nd review,
CMW/C/KGZ/QPR/2

Keywords: SOGI; anti-discrimination legislation, discrimination, intersectionality, legislation, protected grounds

B. Information requested, by article of the Convention

2. Part II of the Convention

Article 7

9. Please provide information on efforts made to: (…)

(b) Adopt comprehensive anti-discrimination legislation that ensures that all migrant workers and members of their families enjoy the rights established in articles 1 (1) and 7 of the Convention, without distinction of any kind, and ensure that 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 position, property, marital status, birth or other status; (…).
Peru – List of Issues prior to reporting – 34th session, 17 May 2022, 2nd review, CMW/C/PER/QPR/2

Keywords: SOGI; anti-discrimination legislation, discrimination, 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 efforts made to guarantee that all legislation, in particular the Constitution, the law on the hiring of foreign workers of 1991 (Legislative Decree No. 689), the law on labour productiveness and competitiveness (Supreme Decree No. 003-97-TR), the law on collective labour relations (Supreme Decree No. 010-2003-TR) and the law on migration of 2017 (Legislative Decree No. 1350), ensures that all migrant workers and members of their families enjoy the rights provided for articles 1 (1) and 7 of the Convention, without distinction of any kind. Please also provide information on 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 position, property, marital status and birth or other status (para. 11). Please indicate 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 and those taken to adopt comprehensive anti-discrimination legislation. Please provide information on measures taken to ensure non-discrimination and to combat discrimination, xenophobia and stigmatization (para. 27), in particular with respect to Venezuelan migrant workers and members of their families. Please also provide information on 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 Community of Latin American and Caribbean States (CELAC); MERCOSUR, including through its Specialized Migration Forum; the South American Conference on Migration, the Andean Community and the Pacific Alliance.
Türkiye – List of Issues prior to reporting – 35th session, 11 October 2022, 2nd review, CMW/C/TUR/QPR/2

Keywords: SOGI; anti-discrimination legislation, discrimination, intersectionality, legislation, protected grounds

B. Information relating to the articles of the Convention

2. Part II of the Convention

Article 7

12. Please clarify how the Constitution and legislation and their implementation in practice guarantee that all migrant workers and members of their families enjoy the rights provided for articles 1 (1) and 7 of the Convention, without distinction of any kind, in particular on grounds of nationality, migration or documentation status, statelessness, or types and length of residence, and provide relevant concrete examples. Please also provide information on 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 position, property, marital status and birth or other status (para. 38). Please indicate 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 and those taken to adopt comprehensive anti-discrimination legislation. Please also provide information on measures taken to ensure non-discrimination and to combat discrimination, xenophobia and stigmatization.
9. Committee on Enforced Disappearances

Cambodia – List of Issues – 22nd session, 3 May 2022, initial review, CED/C/KMH/Q/1

Keywords: SOGI; data collection

II. Definition and criminalization of enforced disappearance (arts. 1–7)

5. Please explain how the affirmation in paragraph 85 of the State party’s report that Cambodia “does not currently have any official cases or statistical data in relation to enforced disappearance” is consistent with the fact that the Committee has registered four requests for urgent action so far concerning cases of alleged enforced disappearance, two of which remain open, and report on measures taken or envisaged to ensure the collection of accurate and up-to-date statistical information on persons subjected to enforced disappearance. Please also provide all available updated statistical information, disaggregated by sex, gender identity, sexual orientation, age, nationality, ethnic origin and religious affiliation of the victim, on the number of disappeared persons in the State party, specifying the date and place of disappearance, how many of those persons have been located, and the number of cases in which there may have been some form of State involvement within the meaning of the definition of enforced disappearance contained in article 2 of the Convention (arts. 1–3, 12 and 24).
Paragraph 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; (...).

[C]: Reply/action not satisfactory

The Committee takes note of the information provided by the State party on the ongoing work of the entities involved in the information systems on disappeared persons to register cases of disappearance and to cleanse the National Register of Disappeared Persons. Nonetheless, it regrets the State party’s position that it is not possible to complete the process of cleansing the Register, despite the importance for the effective implementation of the Convention of having clear and reliable data as a means of identifying the different groups of victims, and the causes, dynamics and patterns of the disappearances, as well as for preventing and eradicating the crime of enforced disappearance. For that reason, the Committee considers that the process of cleansing and consolidation of the Register must be accelerated in order to guarantee the existence of a unified, accurate and reliable source on the number of disappeared persons in the State party, including those who may have been subjected to enforced disappearance.

In addition, the Committee regrets that the State party has ruled out including mention of the gender identity and sexual orientation of the victim in the Register, despite its importance in identifying cases of enforced disappearance and patterns of conduct. For the same reason, it also regrets that the State party did not consider it necessary to include in the Register the status of the corresponding search and investigation procedures, as well as those of exhumation, identification and return of remains.

Taking into account the considerations above, the Committee reiterates its recommendation and requests the State party to provide updated information on its implementation when submitting its next report under article 29 (4) of the Convention. In doing so, the Committee requests the State party to include the following information: (a) progress in the process of cleansing and consolidating the National Register of Disappeared Persons; (b) measures taken to promote, facilitate and guarantee the participation of victims and civil society organizations in the processes of compiling statistical information and data cleansing, as well as to promote and facilitate the reporting and updating of cases; (c) updated data – disaggregated by sex, gender identity, sexual orientation, age, nationality, ethnic origin, religious affiliation and occupation of the victim – on the number of disappeared persons in the State party, specifying the date and place of disappearance, how many of those persons have been located, the number of those persons who may have been subjected to enforced disappearance within the meaning of the definition of enforced disappearance contained in article 2 of the Convention, and the number of those persons who may have been subjected to the acts described in article 3 of the Convention; (d) with reference to paragraph 12 of the State party’s report, describe the results of the monitoring of 4,123 cases conducted by the National Institute of Legal Medicine and Forensic Sciences; (e) in relation to paragraph 18 of the State party’s report, specify whether the National Register of Disappeared Persons allows the classification of the victim’s belonging to the lesbian, gay, bisexual and transgender community as a “vulnerability factor” and whether there are plans to make explicit the classifications of sexual orientation and gender identity in the Register; and (f) progress in incorporating the “status of the search” variable in the Universe of Persons Reported Disappeared and in the National Register of Disappeared Persons referred to in paragraph 25 of the State party’s report.
Paragraph 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; (...).

[C]: Reply/action not satisfactory

The Committee takes note of the information provided by the State party on the measures taken to search for disappeared persons. The Committee also takes note of the information on some proceedings, which although very recent, as they are dated 2022, show limited results as only a small number of the disappeared persons have been located.

Furthermore, the Committee regrets the lack of information about the number of disappeared persons who have been located, and, in the case of death, the number of persons who have been identified and their bodies returned to their families.

The Committee also regrets that no information has been provided on the actions that are expected to be taken to locate all disappeared persons and the time frame in which these are expected to be carried out.

The Committee reiterates its recommendation and requests the State party to provide updated information on its implementation when submitting its next report under article 29 (4) of the Convention. In doing so, the Committee requests the State party to include the following information: (a) progress in the search for disappeared persons, in particular the number of persons located and, in case of death, identified and their remains returned in a dignified manner to their relatives, as well as an estimation of the time frame for completing the location of all disappeared persons; (b) with reference to paragraph 93 of the report, please provide additional information on the guidelines and protocols developed by the Unit for the Search for Disappeared Persons that have as a reference support, inter alia, the Guiding Principles for the Search for Disappeared Persons, including their content and objective; (c) measures adopted to ensure the correct implementation of the Urgent Search Mechanism, including information on the number of actions carried out since its establishment, as well as on the actions taken to raise awareness about this mechanism among victims and civil society as a whole; (d) additional information about the institutional strategic plan for 2023–2026 referred to in paragraph 143 of the report; and (e) in relation to paragraphs 147 and 148 of the report, indicate if any cases of kidnapping, irregular adoption or analogous practices reported in the State party amount to wrongful removal in the terms of article 25 (1) of the Convention and, if so, report on measures taken in that respect.

Conclusion

(...) the State party, when implementing the Committee’s recommendations and when submitting its next report under article 29 (4) of the Convention, should take into account the specific guidance and requests 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 its next report under article 29 (4) of the Convention: 7 May 2024.
Czechia – Concluding observations – 23rd session, 20 October 2022, initial review, CED/C/CZE/CO/1

Keywords: SOGI; data collection

Statistical information

15. The Committee notes the statistical information provided by the State party concerning the number of investigations, prosecutions and convictions, as well as the types of penalties imposed, in relation to various offences that the authorities consider to constitute enforced disappearance. It regrets, however, the lack of detailed statistical information on disappeared persons in the State party (arts. 1–3, 12 and 24).

16. The State party should swiftly generate accurate and up-to-date statistical information on disappeared persons, disaggregated by sex, age, nationality, sexual orientation, gender identity, place of origin and racial or ethnic origin. Such statistical information should include the date and place of disappearance; the number of persons who have been located, whether alive or dead; and the number of cases in which there may have been some form of State involvement within the meaning of article 2 of the Convention. In this connection, the Committee recommends that the State party establish a single nationwide register of disappeared persons, ensuring that it contains, at a minimum, all the information referred to in the present recommendation.
**Keywords:** SOGI; data collection

### II. Definition and criminalization of enforced disappearance (arts. 1–7)

4. In relation to paragraphs 76–77 of the State party's report, please provide up-to-date statistical information, disaggregated by sex, gender identity, sexual orientation, age, nationality, ethnic origin, religious affiliation and occupation of the victim, on the number of disappeared persons in the State party, specifying the date and place of disappearance, how many of those persons have been located, and the number of cases in which there may have been some form of State involvement within the meaning of the definition of enforced disappearance contained in article 2 of the Convention. With respect to paragraph 80 of the report, please indicate whether there exists a database of disappeared persons, including persons disappeared after the end of the Jammeh regime (arts. 1–3).

**Keywords:** SOGI; data collection, investigation, prosecution, punishment

### III. Judicial procedure and cooperation in criminal matters (arts. 8–15)

12. Please provide up-to-date information, disaggregated by sex, gender identity, sexual orientation, age, nationality, ethnic origin, religious affiliation and occupation of the victim, on: (a) the number of complaints received with regard to enforced disappearance as defined in article 2 of the Convention that were allegedly committed during and after the period 1994–2017; (b) the number of investigations carried out and how many of those were initiated in the absence of an official complaint, specifying the authorities in charge of the investigations; (c) the number of prosecutions; and (d) the penalties imposed on the perpetrators. Please also indicate if any of the complaints refer to cases of enforced disappearance in the context of trafficking or migration (arts. 2, 12 and 24).
Greece – Concluding Observations – 22nd session, 12 May 2022, initial review, CED/C/GRC/CO/1

Keywords: SOGI; data collection

2. Definition and criminalization of enforced disappearance (arts. 1–7)

Statistical information

10. While taking note of the existence of a National Database of Missing Persons, the Committee regrets not having received clear information on any other existing database that could contain information on disappeared persons. It also regrets not having received statistical information on disappeared persons in the State party, including on cases within the meaning of article 2 of the Convention (arts. 1–3).

11. The State party should swiftly generate accurate and up-to-date statistical information on disappeared persons, disaggregated by sex, age, nationality, sexual orientation, gender identity, place of origin and racial or ethnic origin. Such statistical information should include the date and place of disappearance, the number of persons who have been located, whether alive or dead, and the number of cases in which there may have been some form of State involvement within the meaning of article 2 of the Convention. In this connection, the Committee recommends that the State party establish a single nationwide register of disappeared persons, ensuring that it contains, at a minimum, all the information referred to in the present recommendation.

Keywords: SOGI; remedy, reparation

5. Measures to protect and guarantee the rights of victims of enforced disappearance (art. 24)

Definition of victim and the right to receive reparation and prompt, fair and adequate compensation

32. The Committee regrets not having received information about the definition of victim in national legislation, and it is concerned that the type of reparation afforded to victims of enforced disappearance does not include all the forms of reparation listed in article 24 (5) of the Convention (art. 24).

33. The Committee recommends that the State party 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 regard, the Committee recommends that the State party: (…)

(b) Ensure that its domestic legislation provides for a comprehensive system of compensation and reparation that fully complies 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.
Mali – Concluding Observations – 23rd session, 4 October 2022, initial review, CED/C/MLI/CO/1

Keywords: SOGI; data collection

2. Definition and criminalization of enforced disappearance (arts. 1–7)

Statistical information and databases

16. The Committee notes the State party’s assertion that it has no statistics or databases on disappeared persons (arts. 1, 2, 3, 12 and 24).

17. The State party should establish a database without delay and generate accurate and up-to-date statistical information on disappeared persons, disaggregated by sex, sexual orientation, gender identity, age, nationality, place of origin and racial or ethnic origin. This information should include the date of disappearance, the number of disappeared persons who have been located, whether alive or deceased, and the number of cases in which the State is alleged to have participated, somehow or other, within the meaning of article 2 of the Convention.

Keywords: SOGI; reparation

5. Measures of reparation (art. 24)

Rights to truth and reparation

46. While welcoming the holding by the Truth, Justice and Reconciliation Commission of a hearing on cases of enforced disappearance, the Committee regrets that it was not informed of the outcome of this hearing, or the conclusions reached by the Commission at the end of its mandate. The Committee is concerned that domestic law does not provide for a comprehensive system of reparation and does not recognize the right of victims to know the truth. It regrets that it does not have more specific information on the application of the measures provided for under articles 28–32 of the Act on National Understanding of 2019 (art. 24).

47. The Committee recommends that the State party recognize in domestic law the right of victims of enforced disappearance to know the truth and introduce in it a comprehensive reparation system that is fully in line with article 24 (4) and (5) of the Convention and other relevant international standards, thereby providing for guarantees of non-repetition. It also recommends that the State party ensure that this system is applicable even when no judicial proceedings have been initiated and that it is based on a differential approach that takes into account the specific situation of each victim, including sex, sexual orientation, gender identity, age, ethnicity, social status and disability.
Morocco – List of Issues – 23rd session, 5 October 2022, initial review, CED/C/MAR/Q/1

Keywords: SOGI; data collection

II. Definition and criminalization of enforced disappearance (arts. 1–7)

7. Please provide up-to-date statistical information, disaggregated by sex, gender identity, sexual orientation, age, nationality, ethnic origin, religious affiliation and occupation of the victim, on (a) the number of disappeared persons in the State party, specifying the date and place of disappearance and the number of those persons who have been located; (b) the number of those persons who may have been subjected to enforced disappearance within the meaning of article 2 of the Convention; and (c) the number of persons who may have been subjected to acts as described in article 3 of the Convention (arts. 1–3, 12 and 24).

Keywords: SOGI, data collection

8. Please indicate in which database and as which criminal offences the alleged acts of disappearance have been recorded. Please also specify the database used to record cases of disappearance that occurred after the period covered by the mandate of the Equity and Reconciliation Commission, and provide up-to-date statistical data on disappeared persons, disaggregated by sex, gender identity, sexual orientation, age, nationality, ethnic origin, religious affiliation and occupation, including the date and place of disappearance and the number of persons who have been found (arts. 1–3).
Keywords: SOGI; data collection

2. Definition and criminalization of enforced disappearance (arts. 1–7)

Statistical information

14. The Committee recalls that, in its replies to the list of issues, the State party had stated that it did not have disaggregated statistical data on disappeared persons. During the dialogue, however, the State Party stated that it had statistics by region on disappearances committed by armed groups. The Committee regrets that it has not received such information (arts. 1, 2, 3, 12 and 24).

15. The State party should generate without delay accurate and up-to-date statistical information on disappeared persons, disaggregated by sex, sexual orientation, gender identity, age, nationality, place of origin and racial or ethnic origin. This information should include the date of disappearance, the number of disappeared persons who have been located, whether alive or diseased, and the number of cases in which the State is alleged to have participated, somehow or other, within the meaning of article 2 of the Convention.

Keywords: SOGI; legislation, reparation

5. Measures to protect and ensure the rights of victims of enforced disappearance (art. 24)

Right to obtain reparation

31. The Committee is concerned that domestic law does not provide for a comprehensive system of reparation that is fully in line with article 24 (4) and (5) of the Convention. It is also concerned that the “special funds” for victims of terrorism and trafficking in persons have been set up but have not yet been made available. The Committee is further concerned that the State party does not appear to have taken into consideration or acted on the recommendations of the National Human Rights Commission regarding reparation for the victims of the enforced disappearances that occurred between 27 March and 2 April 2020 in the department of Ayorou in the Tillabéri region (art. 24).

32. The Committee recommends that the State party include in its national legislation a comprehensive reparation system that: (a) fully complies with articles 24 (4) and (5) of the Convention and other relevant international standards and thus offers guarantees of non-repetition; (b) is applicable even when no judicial proceedings have been initiated; and (c) is based on a differential approach that takes into account the specific situation of each victim, including sex, sexual orientation, gender identity, age, ethnicity, social status and disability. It also recommends that the State party make available the special funds created for victims of terrorism and trafficking in persons. Furthermore, the State party should carefully consider the recommendations on reparation made by the National Human Rights Commission in its report on the investigation into the enforced disappearances in Tillabéri and provide a detailed reply as soon as possible.
Nigeria – List of Issues – 22nd session, 28 April 2022, initial review, CED/C/NGA/Q/1

Keywords: SOGI; data collection

II. Definition and criminalization of enforced disappearance (arts. 1–7)

6. In relation to paragraphs 51 and 52 of the report, please provide updated statistical information, disaggregated by sex, gender identity, sexual orientation, age, nationality, ethnic origin and religious affiliation of the victim, on the number of disappeared persons in the State party, specifying the date and place of disappearance; how many of those persons have been located; and the number of cases in which there may have been some form of State involvement within the meaning of the definition of enforced disappearance contained in article 2 of the Convention. With respect to the information provided by the State party in the framework of the universal periodic review process, please report on the progress made in establishing a database on missing persons and indicate the information that will be entered into it with regard to each reported case: whether the information contained therein will be cross-checked with the information in other databases, such as registers of persons deprived of their liberty; whether it will be accessible to any person with a legitimate interest; and the methodology that is to be used to keep the database up to date (arts. 1, 2, 3, 12, 17, 18 and 24).

Keywords: LGBTI; measures

10. In light of the information provided in paragraph 51 of the report, in particular as it refers to abductions perpetrated by Boko Haram, please provide additional information about the efforts made, and the results thereof, to investigate the commission of the acts defined in article 2 of the Convention by persons or groups of persons acting without the authorization, support or acquiescence of the State; to bring those responsible to justice; to search for and locate the victims who remain disappeared; to encourage and facilitate the reporting of such disappearances; and to prevent those acts from occurring again in the future. Please also comment on allegations relating to the disappearance of lesbian, gay, bisexual, transgender and intersex persons and provide information about measures taken to address them (art. 3).
Peru – Report on follow-up to the Concluding Observations – 22nd session, 27 April 2022, 4th review, CED/C/22/4

Keywords: SOGI; LGBTI; reparation, follow-up

Paragraph 29

The Committee recommends that the State party take the necessary measures to: (...)

(c) Ensure that the system for awarding reparations takes into account the personal circumstances of the victims, such as their sex, sexual orientation, gender identity, age, ethnic origin, social status and disability, and is fully in line with the provisions of article 24 (4) and (5); (...).

[C]: Reply/action not satisfactory

The State party has sent a reply, but action taken or information provided is not relevant or does not implement the recommendation.

Committee’s evaluation

The Committee appreciates the updated information provided by the State party on the number of victims of enforced disappearance registered in the Central Register of Victims and on the reparations provided to victims of human rights violations perpetrated between May 1980 and November 2000, including victims of enforced disappearance. It also welcomes the adoption of guidelines on the use of differential measures for women and members of the lesbian, gay, bisexual, transgender and intersex community in the implementation of the Comprehensive Reparations Plan, while noting that the guidelines’ adoption predates the Committee’s concluding observations. It further welcomes the information that the services of the Central Register of Victims and the High-level Multisectoral Commission were not interrupted during the COVID-19 pandemic.

However, the Committee regrets that it has not received precise information on the measures taken to ensure that the definition of a victim in domestic law is consistent with article 24 (1) of the Convention, that all obstacles and restrictions hindering the registration of victims of enforced disappearance in the Comprehensive Reparations Programme are eliminated, and that full reparation is available to victims of enforced disappearances that have taken place subsequent to the period 1980–2000.

In view of the above, the Committee reiterates the recommendation contained in paragraph 29 of its concluding observations and requests the State party to provide updated information in that regard when submitting the additional information requested by the Committee in paragraph 40 of its concluding observations, as well as:

(a) Updated statistical information on the number of applications for registration in the Central Register of Victims by reason of enforced disappearance, and the number of victims actually registered;

(b) Information on the steps that the Ombudsman’s Office recommended be taken to put into effect initiatives to ensure that victims of the violence that occurred between 1980 and 2000 receive comprehensive reparations, and on the measures taken in that regard and their results.

Committee’s decision

The Committee decides to send a letter to the State party communicating its evaluation. The letter will emphasize that the State party, when implementing the Committee’s recommendations and when submitting 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: 18 April 2025
**Ukraine** – List of Issues – 23rd session, 14 October 2022, initial review, CED/C/UKR/Q/1

Keywords: SOGI; data collection

II. Definition and criminalization of enforced disappearance (arts. 1–7)

6. Please provide up-to-date statistical information, disaggregated by sex, gender identity, sexual orientation, age, nationality, ethnic origin, religious affiliation and occupation of the victim, on:

   (a) The number of disappeared persons in the State party, specifying the date and place of disappearance and how many of those persons have been located;

   (b) The number of those persons who may have been subjected to enforced disappearance within the meaning of article 2 of the Convention;

   (c) The number of persons who may have been subjected to acts as described in article 3 of the Convention (arts. 1–3, 12 and 24).
Uruguay – Concluding Observations on the additional information under article 29 (4) of the Convention – 23rd session, 20 October 2022, initial review, CED/C/URY/OAI/1

Keywords: SOGI; reparation

C. Effect given to the Committee’s recommendations and new developments in the State party

4. Full reparation

Right to obtain reparation

20. The Committee welcomes the steps taken by the State party since the previous concluding observations regarding reparations for human rights violations that occurred between 1968 and 1985. However, it is concerned about the alleged obstacles that continue to hinder the realization of the right to full reparation for all the victims in the cases of enforced disappearance that may have occurred during this period. Specifically, it is concerned about allegations (a) that the burden of proof is on the victims to demonstrate that they have suffered “very serious” injuries; (…).

21. The Committee recommends that the State party:

(a) Guarantee and facilitate access by any individual who has suffered harm as a direct result of an enforced disappearance that took place between 1968 and 1985, regardless of its duration, to full reparation that includes all the forms provided for in article 24 (5) of the Convention and that takes into account the specific needs of the victims based on, inter alia, their sex, sexual orientation, gender identity, age, ethnic origin, social status and disability; (…).

Keywords: SOGI; reparation, follow-up

D. Implementation of the rights and obligations under the Convention, dissemination and follow-up

25. Under article 29 (4) of the Convention, the Committee requests the State party to submit, by 23 September 2025, with a view to the review in 2026, specific and updated information on the adoption of a national policy on enforced disappearance that takes into account the recommendations made in these concluding observations concerning investigations, searches and reparations (see paras. 5, 17, 19 and 21). The Committee encourages the State party to promote and facilitate the participation of civil society, in particular organizations of victims of enforced disappearance, in the preparation of this information. The Committee recalls that, under article 29 (4) of the Convention, it may subsequently request the State party to submit additional information on its application of the Convention, including information on the measures adopted to give effect to all the recommendations contained in the present concluding observations.