



UN Committee on Enforced Disappearances (CED): 15th Session, 5 - 16 November 2018

State reports reviewed: 🇯🇵 Japan, Mexico and Portugal
Lists of Issues adopted: Chile, Italy and Peru

25 January 2019

Prepared by Maria Ihler, edited by Kseniya Kirichenko
ILGA's UN Programme (Treaty Bodies and Special Procedures)
kseniya@ilga.org

RESUME:

- The Committee adopted one LGBT-inclusive recommendation, for **Japan**:
 - Reparations need to take into account the victim's personal situation, including their sexual orientation and gender identity.
- No SOGIESC questions were issued during the Session.

- **Next Session: [8 to 18 April 2019](#)**
 - Countries (main review): Chile, Italy and Peru
 - NGO report deadline: 15 March 2019 (to ced@ohchr.org)
 - Countries (for LOI): Bolivia, Nigeria and Slovakia
 - NGO report deadline: 31 January 2019 (to ced@ohchr.org)

Table of Contents

1. SUMMARY	3
1.1. Concluding Observations.....	3
1.2. Lists of Issues	4
1.3. Urgent Actions	4
2. COMPILATION OF CONCLUDING OBSERVATIONS	5
<i>Japan</i>	5
3. COMPILATION OF LISTS OF ISSUES	6
4. CIVIL SOCIETY SUBMISSIONS	7
<i>Peru</i>	7

1. SUMMARY

The UN Committee on Enforced Disappearances (CED) published its Lists of Issues, Concluding Observations and Follow-Up Observations as a result of the **15th Session** (5 to 16 November 2018).

The Committee adopted **one recommendation** for Japan which mentioned victims' sexual orientation and gender identity as grounds to be taken into consideration when establishing reparations. SOGIESC¹ questions were not raised in the three Lists of Issues adopted.

No specific references were made about LB women or TI persons.

1.1. Concluding Observations

During its 15th Session, the Committee reviewed the initial reports of Japan and Portugal, and adopted Concluding Observations for each State. CED also conducted a follow-up dialogue² on Mexico, based on its initial review in 2015. The State and civil society submitted additional information for the Session, after which CED adopted Follow-Up Observations.

Japan was the only State to receive a recommendation referring to sexual orientation and gender identity. The Committee recommended establishing a reparation system for enforced disappearances that considers the personal situation, including LGBT status, of victims.

Mexico had not received LGBTI recommendations in its initial review, and correspondingly the Committee did not refer to SOGIESC in its follow-up dialogue.

None of the civil society submissions involved SOGIESC references, though Portugal had not received any submissions. The constructive dialogues between the Committee and State delegations were also silent on the subject.

State	SOGIESC in previous CO*	SOGIESC in LOI**	SOGIESC in the constructive dialogues***	SOGIESC in CSS****	SOGIESC in current CO*/FO*****
Japan	N/A	No	No	No	Yes
Mexico	No	No	No	No	No
Portugal	N/A	No	No	N/A	No

* CO – Concluding Observations

** LOI – List of Issues

*** According to press releases and summary records

**** CSS – Civil Society Submissions

***** FO – Follow-up

Text in bold links to the source material.

¹ SOGIESC: Sexual orientation, gender identity and expression, and sex characteristics

² Follow-up dialogues are a new practice for CED. See para. 2 of the summary record for more information:
[CED/C/SR.264](#)

1.2. Lists of Issues

During its 15th Session, the Committee also adopted Lists of Issues for three State parties: Chile, Italy and Peru. None of the States received SOGIESC questions.

Chile and Peru each had two civil society submissions for the Session, while there were no submissions for Italy. One of **Peru's** submissions addressed SOGIESC, expressing concern at the lack of data and mechanisms to assess and understand the specific vulnerabilities of LGBTI persons, with regard to enforced disappearances.

The Committee will review and adopt its first concluding observations for Chile, Italy and Peru during the **16th Session**, from 8 to 18 April 2019.

1.3. Urgent Actions

During its 15th Session, CED also issued a report on the 56 urgent actions³ it received since the 14th Session. SOGIESC issues were not mentioned. Additionally, the Committee updated its **list of all urgent action requests** adopted between March 2012 and 14 November 2018.

³ CED/C/15/3

2. COMPILATION OF CONCLUDING OBSERVATIONS

Japan – Concluding Observations – 15th Session, 19 November 2018, initial review⁴

Measures to provide reparation and to protect children against enforced disappearance (arts. 24 and 25)

Definition of victim and right to obtain reparation and prompt, fair and adequate compensation
[...]

40. The Committee recommends that the State party take the necessary measures to:
[...]

(b) Establish a comprehensive system of reparation that takes into account the personal situation 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) of the Convention, is under the responsibility of the State and is applicable even if no criminal proceedings have been initiated;

[...]

States with no SOGIESC recommendations:

- Mexico
- Portugal

⁴ CED/C/JPN/CO/1

3. COMPILATION OF LISTS OF ISSUES

No SOGIESC questions were included in the Lists of Issues.

States with no SOGIESC questions:

- Chile
- Italy
- Peru

4. CIVIL SOCIETY SUBMISSIONS

Peru:

- Submission by ODRI “Intersectional rights” - Office for the Defence of Rights and Intersectionality for the 15th Session (*concerned that registries lack data and mechanisms to assess the violence and vulnerabilities of LGBTI people subject to enforced disappearances*).