



UN Committee on the Elimination of Discrimination against Women: 69 Session and 71 Pre-Sessional Working Group

20 March 2018

Prepared by Kseniya Kirichenko, ILGA's UN Programme Officer
kseniya@ilga.org

RESUME:

- SOGIESC recommendations were made for Chile, Fiji, Luxembourg, Malaysia, Republic of Korea & Suriname, including:
 - First CEDAW recommendations for Fiji, Luxembourg, Malaysia & Suriname
 - Second CEDAW recommendations for Chile & Republic of Korea
 - Follow-up recommendations for Chile, Luxembourg & Republic of Korea (next review in 2020)
 - A recommendation to decriminalise same-sex relations between women and cross-dressing (Malaysia)
 - Recommendations on hate crime investigation and prosecution (Chile, Fiji, Malaysia & Suriname) and domestic violence in same-sex families (Republic of Korea)
 - Recommendations to address bullying against LBT(I) students (Fiji & Malaysia)
 - A recommendation to discontinue “correcting” or “rehabilitating” LGBTI women (Malaysia)
 - Recommendations to ensure recognition of same-sex couples with regard to property rights, adoption, filiation and/or parental rights (Chile & Luxembourg)
 - Specific recommendations on legal gender recognition (Chile, Fiji) and access to health care for trans persons (Malaysia & Republic of Korea)
 - Specific intersex recommendations (Chile, Luxembourg & Republic of Korea)
- Questions on LB women and TI persons for Nepal, Samoa, Tajikistan and Macedonia.
 - Groups from these countries may submit their shadow reports for the Committee's autumn session by 1 October 2018 (tbc).
- A new General recommendation on Gender-related dimensions of disaster risk reduction in the context of climate change:
 - References to LGBTI women and girls with regard to intersecting forms of discrimination, gender-based violence and the right to health

- Next Session: 2 to 20 July 2018
 - Countries: Australia, Cook Islands, Cyprus, Liechtenstein, Mexico, New Zealand, State of Palestine, Turkmenistan
 - NGO report deadline: 11 June 2018 (tbc)

1. SUMMARY

The UN Committee on the Elimination of Discrimination against Women (CEDAW) published its Concluding Observations as a result of the **69th Session** (19 February 2018 to 9 March 2018). Fiji, Luxembourg, Malaysia and Suriname received their first, and Chile and Republic Korea their second SOGIESC recommendations from CEDAW.

For three countries, SOGIESC-inclusive recommendations have been included in follow-up lists of recommendations, and the State parties have to report about implementation of these recommendations to the Committee by March 2020.

The Committee addressed such problems faced by LBT(I) women as criminalisation (Fiji and Malaysia); need for effective hate crime investigation and prosecution (Chile, Fiji, Malaysia and Suriname) and the protection of the survivors of same-sex domestic violence (Republic of Korea); bullying in schools (Fiji and Malaysia); and “conversion therapies” (Malaysia).

The Committee payed particular attention to discrimination of female same-sex families – relevant recommendations have been made for Chile and Luxembourg, and the possible future recognition of same-sex unions was also addressed in the constructive dialogue with the Republic of Korea.

Regarding stand-alone references on trans issues, CEDAW addressed legal gender recognition (Chile and Fiji) and access to health care for trans persons (Malaysia and the Republic of Korea), including through public health insurance.

Three country, namely Chile, Luxembourg and Republic of Korea, received specific recommendations on intersex persons (including via a public fund to provide redress for intersex persons subjected to unconsent medical treatment). This seems to be an important progress, taking into account that in 2015 CEDAW made only a single stand-alone intersex recommendation, and it issued such recommendations for three countries for each of the years in 2016 and 2017.

Concerning language, it seems that CEDAW does not have a consistent approach referring to “LBT women”, “LBTI women” and, especially, “sexual minority women.” No explicit references were made to “lesbian women” or “lesbian and bisexual women” particularly, while all the references to “same-sex unions” or “single sex couples/families” related at least mostly to LB women’s situation.

In the Concluding Observations made during the 69th session, the Committee did not raise particular challenges faced by LB women when it comes to violence (except for a reference to domestic violence in same-sex couples made for the Republic of Korea) or access to health. In all fairness it has to be noted that defenders did not emphasize these problems either. However, in terms of possible future developments it could be important to collect, analyse and then share with the Committee specific information on types of violence faced by LB women, particular consequences of the experience of such violence or specific challenges in accessing justice, as well issues related to specific risks for LB women’s health, including mental, sexual and reproductive health, and barriers they encounter accessing health care services.

CEDAW also published its Lists of Issues as a result of the **71st Pre-Sessional Working Group** (12 to 16 March 2018). Questions on LB women and TI persons were sent to 4 (Nepal, Samoa, Tajikistan and Macedonia) out of 7 countries reviewed during the PSWG.

2. CONCLUDING OBSERVATIONS

During its 69th Session, the Committee reviewed periodic reports of Chile, Fiji, Luxembourg, Malaysia, Marshall Islands, Republic of Korea, Saudi Arabia and Suriname.

SOGIESC recommendations were made for six countries. For two of them (Chile and Republic of Korea), SOGIESC-inclusive recommendations were made by the Committee for the second time, and the rest of the countries (Fiji, Luxembourg, Malaysia, Suriname) received their first CEDAW recommendations on SOGIESC.

All but one countries with SOGIESC recommendations received relevant questions from the Committee following the country pre-sessions. However, the only dialogue that did not involve any discussions on LGBTI women's rights, was the one on Saudi Arabia. For all the six countries that received SOGIESC recommendations, relevant issues have been addressed either in written submissions by NGOs, or in the defenders' statements during the session, or in both.

Notably, SOGIESC recommendations were included into the lists for follow-up review for three countries, namely Chile, Luxembourg and the Republic of Korea. That means that the States have to provide information on implementation of these specific follow-up recommendations in two years, and NGOs will be able to participate in this process as well.

| Country | SOGIESC in previous CO* | SOGIESC in LOI** | SOGIESC in the constructive dialogue | SOGIESC in CSS**** | Defenders participating in the session | SOGIESC in COs | SOGIESC recommendations for follow-up |
|-------------------|-------------------------|------------------|--------------------------------------|--------------------|--|----------------|---------------------------------------|
| Chile | Yes | No | Yes | Yes | Yes | Yes | Yes |
| Fiji | No | Yes | Yes*** | Yes | No*** | Yes | No |
| Luxembourg | No | Yes | Yes | Yes | Yes | Yes | Yes |
| Malaysia | No | Yes | Yes | Yes | Yes | Yes | No |
| Marshall Islands | n/a | No | Yes*** | No | No*** | No | n/a |
| Republic of Korea | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| Saudi Arabia | No | No | No*** | No | No*** | No | n/a |
| Suriname | No | Yes | Yes*** | No | Yes*** | Yes | No |

* CO – Concluding Observations
 ** LOI – List of Issues (Prior to Reporting)
 *** According to the press releases
 **** CSS – Civil Society Submission

Country-specific information

Chile:

In 2012, CEDAW already [expressed](#) its grave concerns on multiple forms of discrimination and violence in Chile on such grounds as sexual orientation and gender identity. Consequently, Chile was recommended to adopt a comprehensive strategy to eliminate stereotypical attitudes and to implement the new anti-discrimination law. Another topic that had been addressed during the previous CEDAW review of Chile, was a family law reform that included the recognition of same-sex families.

Two [alternative reports](#) submitted for the CEDAW pre-session referred, among other issues, to violence and discrimination against lesbian women and trans persons, problems in legal gender recognition and the situation of same-sex couples. However, no questions on SOGIESC have been included into the List of Issues produced by the Committee in 2017.

Much more active civil society input has been made afterwards. Two stand-alone reports on the situation of LGBTI women/persons, and one specific report on trans and intersex issues were submitted for the main session, and two other reports referred to legal gender recognition, violence against lesbian women and trans persons, were published.

For the session itself, representatives from *Agrupación Lésbica Rompiendo el Silencio* and *Asociación OTD Chile “Organizando Trans Diversidades”* came to Geneva to make their statements during NGO briefings¹ and to engage with the Committee members.

Consequently, many questions related to the situation of LBT women and intersex persons have been addressed during the [constructive dialogue](#) of the Committee with the delegation of Chile.² CEDAW asked the Government about insufficient protection awarded to LBT women and any plans to raise awareness and competences of the judiciary and other state authorities with this regard; about gender identity bill that is currently pending; about exclusion of LGBTI women from public policies and programmes; and about forced sterilisation of intersex persons and plans to ensure free consent prior to any surgery.

“Alternative sources alerted us to the insufficient protection that LBT women seem to receive... They are not enjoying sufficient protection, notably due to other rights or fundamental freedoms being giving priority on the right to non-discrimination. Can you please explain the situation and measures taken or planned to respond to the violations of rights that LBT often face on the basis of their sexual orientation and gender identity, including by raising the awareness and competences of the judiciary and other state authorities to respond to these violations?”

Patricia Schultz, a member of CEDAW Committee

As a result of the review, CEDAW [recommended](#) Chile to adopt the draft Gender Identity Law with the proposed amendments, and to provide in-depth training for the judiciary and other State authorities to address the discrimination and rights violations experienced by LGBTI women. It also made a recommendation to establish processes to eliminate discriminatory rulings and practices against LGBTI women within the justice system.

To address the problem of negative discriminatory stereotypes and machismo culture, CEDAW recommended Chile to adopt a comprehensive strategy that would cover intersecting forms of discrimination against women, including LGBTI women.

Regarding gender-based violence, Chile received recommendations to ensure that the draft law on the prevention of violence against women recognizes the intersectionality between violence and discrimination, particularly affecting LGBTI women, to ensure the dignity and integrity of LBT women, including by raising public awareness of their rights, in cooperation with civil society, and to adopt measures to prevent hate crimes and ensure investigations, prosecutions, convictions and the provision of adequate redress to victims, including reparation and compensation.

¹ Formal NGO briefing is available [online](#) (19 February 2017).

² Full video records are available online: the [1st part](#) and the [2nd part](#) (21 February 2018) of the dialogue on Chile.

In terms of family relations, CEDAW recommended Chile to adopt the draft law on same-sex marriage and to ensure that filiation and parental rights are protected.

Finally, the Committee recommended the State to prohibit explicitly unnecessary surgical or other medical treatment on intersex children until they reach an age when they can give their free, prior and informed consent, and to inform medical professionals on such prohibition; to provide families with intersex children with adequate counselling and support; and to ensure effective access to justice for intersex persons subjected to unnecessary medical treatment without their proper consent, and to consider establishing a state compensation fund.

The recommendation to address violence and discrimination against LGBTI women in legislation on violence against women has been included into the list of follow-up recommendations. In two years, Chile will have to report about implementation of this recommendation to the Committee.

Fiji:

Only one civil society [submission](#) prepared for the CEDAW pre-session on Fiji referred briefly to the need for disaggregated data on sexual orientation, and the situation of trans sex workers. Another alternative report submitted for the main session additionally addressed a “corrective rape” case.

In its [List of Issues](#) for Fiji, the Committee included questions on measures to protect LGBTI women and girls from discrimination at school, and on a specific case of a boarding school student ordered to be a day scholar as a result of being perceived as a lesbian.

While it seems that no LGBTI problems have been raised by NGO representatives at the formal NGO briefing, during the [constructive dialogue](#) with Fiji³ CEDAW did address such issues as anti-discrimination legislation that would protect particularly LGBTI women, as well as discrimination against and exclusion of LGBTI women.

In its [Concluding Observations](#) on Fiji, the Committee made recommendations on the anti-bullying policy and awareness raising measures in educational institutions to prevent all forms of harassment and violence against students, including LBT students; on legislative and policy changes to eliminate discrimination, hate speech and violence against LBT women; on prosecution and punishment for such violations; on awareness-raising measures to address stigma against LBT women within society; but also on legal gender recognition. Apart from that, CEDAW noted as a positive development decriminalisation of consensual same-sex relations by Fiji in 2010.

Luxembourg:

The [List of Issues](#) on Luxembourg produced by CEDAW in 2017 included a question on economic consequences of the dissolution of de facto unions, including same-sex unions.

The only [alternative report](#) submitted to the Committee for the main session was the one by *Rosa Lëtzebuerg - CIGALE* on the specific situation of LGBTI women/persons in the country, with a specific focus on LBQ women.

³ Full video records are available online: the [1st part](#) and the [2nd part](#) (23 February 2018) of the dialogue on Fiji.

A representative of the group attended then an [NGO formal briefing](#) emphasizing discrimination of female same-sex couples in filiation, exclusion of LBQ women from public policy on gender equality, and the situation of LBQ women seeking asylum in Luxembourg.⁴

During the [constructive dialogue](#)⁵ with Luxembourg, the Committee addressed a number of questions related to the situation of LGBTI women in the country. Specifically, the questions on LGBTQ women in refugee shelters, trainings on “sexual and gender diversity”, inequality in filiation, and the Ministry of Equal Opportunities’ mandate were asked. There were also particular questions on trans and intersex persons’ situation, and medical treatment towards intersex people.

“I have three questions concerning lesbian same-sex couples. There will be a draft law on filiation, and alternative sources informed us that female same-sex couples do not have access to filiation, in comparison with heterosexual parents. Is it true, and what will be done to change this problem? Secondly, there are LGBTQ women also in refugee shelters, and they often face violence or invisibility. What steps will the State party undertake to change the situation? And, thirdly, it is a problem that LGBTQ women are not under the responsibility of the Ministry for Equal Opportunities, and they would like to be in these responsibilities, and not in the other Ministry for Families, and the NGOs in Luxembourg are able to give trainings on sexual and gender diversity, and the State party could remember this.”

Lilian Hofmeister, a member of CEDAW Committee

As a result of the review, Luxembourg received [recommendations](#) to review the mandate of the Ministry of Equal Opportunities to include the elimination of intersecting forms of discrimination, including against “sexual minority” women; and to harmonize the treatment of all women, including those in same-sex relationships, with regard to the distribution of property upon dissolution of their family relation, the recognition of paternity in cases of medically assisted procreation and to the adoption of stepchildren.

Stand-alone recommendations on intersex were also made. Luxembourg was recommended to prohibit non-consensual sex reassignment surgery on intersex persons, to develop and implement a rights-based health-care protocol for intersex children, to provide redress to intersex persons who are victims of surgical or other medical interventions without their free, prior and informed consent or that of their parents, and to repeal time-limits to claim damage compensation for medically irreversible sex reassignment surgery and related consequences.

Finally, CEDAW included a recommendation to establish a mechanism to monitor and counter hate speech, including on social media, against, inter alia, “sexual minorities” into the list of recommendations for follow-up review in 2020.

Malaysia:

While there were no stand-alone alternative reports on LGBTI women’s situation in Malaysia, different problems faced by them have been addressed in three [submissions](#) for both pre-session and the main session. Particularly, the issues of criminalisation of male and female

⁴ Formal NGO briefing is available [online](#) (26 February 2017).

⁵ Full video records are available online: the [1st part](#) and the [2nd part](#) (1 March 2018) of the dialogue on Luxembourg.

same-sex relations, discrimination against and persecution of LBT women, as well as legal gender recognition issues have been highlighted by local defenders in their reports.

In the [List of Issues](#), CEDAW asked the Malaysian government about measures to protect LBT women and intersex persons from discrimination and violence, as well as to revise the laws and policies that are discriminatory on these bases, such as the prohibition of consensual relations between women and of “men posing as women” and vice versa, and policies aimed at “rehabilitating” or “curing” LBT women and intersex persons.

A representative of *Justice for Sisters* attended CEDAW session as part of a civil society coalition and raised LGBTI women’s problems in Malaysia at NGO briefings.⁶

During the [constructive dialogue](#)⁷ with the Malaysian delegation, the Committee experts mentioned that criminalisation of LBT women, as well as other anti-LBT initiatives, do not allow this group of women to be treated equally. The delegation was asked also about measures undertaken to protect LBT women and defenders from violence and discrimination.

“I have problems understanding how you overcome contradiction between treating people, LBT women, equally – when their orientation is criminalised. There is something that just does not function seemingly properly, because I do not see how their rights can be upheld, and how they can be treated equally”

Patricia Schultz, a member of CEDAW Committee

As a result of the review, CEDAW [recommended](#) Malaysia to undertake awareness-raising measures to eliminate discrimination and negative stereotypes against LGBTI women through amending all laws which discriminate against LGBTI women, including the provisions of the Penal Code and Sharia laws that criminalize same-sex relations between women and cross-dressing; applying a policy of zero-tolerance with regard to discrimination and violence against LGBTI women, including by prosecuting and adequately punishing perpetrators; expediting measures to discontinue all policies and activities which aim to “correct” or “rehabilitate” LGBTI women; and undertaking awareness-raising measures to foster equal rights for LGBTI students.

While no specific recommendations explicitly mentioning LGBTI women have been made afterwards, the Committee also expressed its concerns regarding the obstacles faced by transgender women to access health care services, and on the situation of LGBTI women defenders.

Republic of Korea:

In 2011, CEDAW [recommended](#) the Republic of Korea to adopt comprehensive anti-discrimination legislation that would prohibit discrimination based on sexual orientation. Moreover, the Committee requested the State to provide information on the steps undertaken to implement this recommendation within two years.⁸

⁶ See a [press release](#) and a [video](#) on the formal NGO briefing (19 February 2018).

⁷ Full video records are available online: the [1st part](#) and the [2nd part](#) (20 February 2018) of the dialogue on Malaysia.

⁸ The State’s follow-up report is available [here](#).

The only specific [written information](#) on LGBT rights provided by civil society for the pre-session on the Republic of Korea, was a submission by *Human Rights Watch* addressing quite briefly the situation of LGBT youth in schools, removal of LGBT protection provisions from a municipal charter, as well as restrictions posed on LGBT organisations.

The Committee's [List of Issues](#) did refer to the slow progress towards the adoption of a comprehensive anti-discrimination law (a recommendation mentioned above), and also asked a question on measures to revise school curricula to ensure that they take into account, inter alia, the rights of "sexual minorities."

For the main session of the Committee, a stand-alone report on the human rights violations against LGBTI persons has been submitted by the *Rainbow Coalition*, and another coalition report contained several references to LGBT in education, exclusion of LGBT issues from gender equality action plans, and a section on discrimination on the grounds of sexual orientation and gender identity.

A representative of *Rainbow Coalition* came to Geneva for the session and engaged with CEDAW members.⁹

"When a woman is discriminated against not only because she is a woman, so not only because of her sex, but also because of other grounds, such as her age, her ethnicity, her religion, or her sexual orientation or gender identity, we are not just seeing a small addition of discrimination, we are seeing a synergy of discrimination, and this has to be addressed by the State..."

Patricia Schultz, a member of CEDAW Committee

During the [constructive dialogue](#),¹⁰ Committee experts reiterates their concerns on the lack of comprehensive anti-discrimination legislation that would cover different aspects, including discrimination on the grounds of sexual orientation and gender identity. They also mentioned that the current sexual and reproductive health education strengthened gender stereotypes and stereotypes towards "sexual minorities," and addressed gaps in the protection of same-sex family relationships.

As a result of the review, CEDAW recommended the Republic of Korea, again, to adopt a comprehensive anti-discrimination law that prohibits discrimination against women, including intersecting forms of discrimination affecting disadvantaged groups of women, such as "sexual minorities." It also made a recommendation to amend domestic violence legislation, by, inter alia, extending its applicability to same-sex couples or families, and all women regardless of their sexual orientation or gender identity. Notably, both recommendations have been included into the follow-up list.

Apart from that, the Committee made specific recommendations to improve the situation of trans and intersex persons in health care. It recommended that the Republic of Korea ensure transgender persons' right to access medical services, including National Health Insurance coverage, and that intersex persons are not subjected to involuntary medical interventions.

⁹ Problems faced by LGBTI women have been highlighted during NGO briefings. See a [press release](#) and a [video](#) on the formal NGO briefing (19 February 2018).

¹⁰ Full video records are available online: the [1st part](#) and the [2nd part](#) (22 February 2018) of the dialogue on the Republic of Korea.

In terms of family relations, CEDAW did not made any particular recommendations on same-sex couples, while recommending to ensure stronger protection for women in “de facto unions.”

“Currently there is no local ordinance for the domestic partnership, unlike in neighboring countries, such as Japan or Taiwan, which have several provinces that recognize same-sex partnership. There was a hearing for the gender neutral life partnerships bill – however, the original supporter of the bill never proposed it. Consequently, same-sex couples in the country have experienced discrimination in the enjoyment of economic, social and cultural rights, including pensions or housing, and even there were cases where surviving same-sex partners were subjected to criminal prosecution on charges such as theft or fraud by family members who have inherited the property of the deceased same-sex partner. What are the measures to ensure that same-sex couples do enjoy rights, including access to health care, social security and housing on an equal footing with opposite-sex couples? Is there any plan to enact gender-neutral civil union?”

Ruth Halperin-Kaddari, a member of CEDAW Committee

Suriname:

While no NGO reports covering SOGIESC were published on the CEDAW session’s webpage, relevant questions have been included into the Committee’s [List of Issues](#). The Government of Suriname was asked about the inclusion of sexual orientation and gender identity grounds into the draft law on equal treatment of women and men, and about measures to reduce stigma and discrimination against “sexual minorities” living with HIV.

LBT women’s situation was also [addressed](#) by civil society during the formal NGO briefing.¹¹ They mentioned specifically discrimination against LBT women in health, education, labour and access to justice.

SOGIESC questions were made by the Committee in its [constructive dialogue](#) with the delegation of Suriname. Such issues as arbitrary detention, lack of any mechanisms to monitor and combat discrimination against LGBTI women, as well as restrictions placed on LGBTI students, have been raised.¹²

As a result of the review, CEDAW [recommended](#) Suriname to amend the Constitution to recognize intersecting forms of discrimination against, inter alia, LGBTI women; to ensure equal rights and opportunities for LGBTI women, and raise awareness to eliminate discrimination and social stigma against them; and to apply a policy of zero-tolerance of discrimination and violence against LGBTI women, including by prosecuting and adequately punishing perpetrators. Apart from that, the Committee mentioned as a progressive development the inclusion of sexual orientation and gender identity as protected grounds in the State’s Penal Code.

¹¹ Formal NGO briefing is available [online](#) (26 February 2017).

¹² Full video records are available online: the [1st part](#) and the [2nd part](#) (28 February 2018) of the dialogue on Suriname.

3. LISTS OF ISSUES

As a result of its 71st Pre-Sessional Working Group, CEDAW produced a set of questions for the States that will be reviewed in the future. While for Bahamas, Congo and Laos there were no specific questions on SOGIESC, the Committee did ask Nepal, Samoa, Tajikistan and Macedonia about the situation of LB women and TI persons in these countries.

Civil society representatives addressed LGBTI issues delivering statements on Nepal and Macedonia.

The Committee requested **Nepal** to provide information on the situation of LBT women, among other disadvantages groups of women, and also made a specific question on intersex persons, asking Nepal to inform it about measures to address forced IGM and discrimination against intersex persons, including reported cases of abuse, infanticide and forced marriage.

Samoa was asked about statistics on gender-based violence, including violence against LGBTI women.

In case of **Tajikistan**, the Committee requested information on any temporary special measures to ensure the rights of LGBTI women and other vulnerable groups.

Last but not least, **Macedonia** was asked about inclusion of sexual orientation and gender identity into anti-discrimination legislation, and also about intersecting forms of discrimination faced by LGBTI women.

The four countries will be reviewed by the Committee during its 71th Session that will take place in Geneva from 22 October to 9 November 2018. Civil society groups are invited to submit their shadow reports to the Committee by 1 October 2018 (tbc).

4. COMPILATION OF CONCLUDING OBSERVATIONS

Chile – Concluding Observations – 69th session, 9 March 2018, 7th review¹³

Legislative framework and definition of discrimination against women

12. The Committee commends the State party's adoption of key legislation aimed at promoting substantive equality of women and men. However, it notes with concern that:

[...]

(c) The draft Gender Identity Law remains pending, with amendments;

(d) Insufficient legal protection has resulted in an increase in the number of cases of discrimination against lesbian, bisexual, transgender and intersex women.

13. In accordance with the State party's obligations under the Convention and in line with Sustainable Development Goal 5, target 5.1 to end all forms of discrimination against all women and girls everywhere, the Committee reiterates its previous concluding observations (CEDAW/C/CHL/CO/7, para. 11), and recommends that the State party:

[...]

(c) Adopt the draft Gender Identity Law with the proposed amendments;

(d) Provide in-depth training for the judiciary and other State authorities to address the discrimination and rights violations experienced by lesbian, bisexual, transgender and intersex women.

Access to Justice

14. The Committee welcomes the establishment of the Technical Secretariat for Gender Equality and Discrimination (2016) in the Supreme Court, along with the various policies aimed at promoting access to justice for disadvantaged women. However, it is concerned about the institutional, procedural and practical barriers faced by women in gaining access to justice, such as:

[...]

(d) Discriminatory barriers faced by lesbian, bisexual, transgender and intersex women when accessing the justice system;

[...].

15. In accordance with its General Recommendation No. 33 on women's access to justice (2015), the Committee recommends that the State party:

[...]

(d) Establish processes to eliminate discriminatory rulings and practices against lesbian, bisexual, transgender and intersex women within the justice system;

[...].

Stereotypes

20. The Committee welcomes the legislative and other measures taken to address discriminatory stereotypes in the State party, including the continued efforts to promote equality between mothers and fathers in child-rearing duties. Nevertheless, it remains concerned that persistent discriminatory stereotypes about the roles and responsibilities of women and men in the family and in society, along with intersecting forms of discrimination and the deep-rooted machismo culture in the State party, continue to impede progress in advancing gender equality. It further notes with concern that certain groups of women do not enjoy full respect of their rights due to insufficient special protective measures.

21. The Committee reiterates its previous concluding observations (see CEDAW/C/CHL/CO/5-6, para. 17), and further recommends that the State party adopt a comprehensive strategy targeting women, men, girls and boys to overcome the machismo culture and discriminatory stereotypes about the roles and responsibilities of women and men in the family and in society. It also recommends that this strategy address intersecting forms of discrimination against women, including women with

¹³ [CEDAW/C/CHL/CO/7](#).

disabilities, indigenous women, afro descendant women and migrant women as well as lesbian, bisexual, transgender and intersex women, as defined in paragraph 18 of the Committee's general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention.

Harmful practices

22. The Committee is concerned about:

- (a) The lack of clear legislative provisions prohibiting unnecessary medical procedures to be performed on intersex infants and children until they reach an age when they are able to give their free, prior and informed consent;
- (b) The inadequate support and lack of effective remedies for intersex persons, who have undergone medically unnecessary surgical procedures, at a very early age, often with irreversible consequences, resulting in long-term physical and psychological suffering.

23. In light of the joint general recommendation/general comment No. 31 of the Committee and No. 18 of the Committee of the Rights of the Child on harmful practices (2014), the Committee recommends that the State party:

- (a) Adopt clear legislative provisions explicitly prohibiting the performance of unnecessary surgical or other medical treatment on intersex children until they reach an age when they can give their free, prior and informed consent; provide families with intersex children with adequate counselling and support; and ensure that information is provided to medical professionals on the legal prohibition of unnecessary surgical or other medical interventions for intersex children;**
- (b) Ensure effective access to justice for intersex persons who have undergone unnecessary surgical or other medical treatment without their free, prior and informed consent and consider establishing a state compensation fund.**

Gender-based violence against women

24. The Committee welcomes the significant legislative and institutional advancements to combat gender-based violence against women, including the adoption of the National Plan of Action on Violence against Women (2014-2018) and the development of a database to record incidents of violence. However, it remains concerned about:

[...]

- (e) The reported use of violence by State agents against lesbian, bisexual and transgender women and the lack of data on prosecutions and convictions in such cases;

[...].

25. The Committee recalls its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and reiterates its recommendation that the State party:

[...]

- (b) Expedite the adoption of the draft Law on the Right of Women to a Life Free from Violence (Bulletin No. 11077-07) and ensure that the law recognizes the intersectionality between violence and discrimination, particularly affecting migrant women, indigenous women, women with disabilities, and lesbian, bisexual, transgender and intersex women;**

[...]

- (e) Address the lack of protection measures to ensure the dignity and integrity of lesbian, bisexual and transgender women, including by raising public awareness of their rights, in cooperation with civil society, and adopt measures to prevent hate crimes and ensure investigations, prosecutions, convictions and the provision of adequate redress to victims, including reparation and compensation;**

[...].

Marriage and family relations

50. The Committee welcomes the adoption of Law 20.830 (Civil Union Accord) and the proposed amendments to the marital property regime (bulletins Nos. 1707-18 and 7727-18, consolidated with bulletins

Nos. 7567-07, 5907-18). It also notes as positive the submission of a draft law (Bulletin No. 9850-18) to raise the minimum age of marriage to 18 years for both women and men. However, it is concerned that:

[...]

(b) Current legislation fails to include clear provisions regarding filiation rights and parental rights for same-sex couples; and does not allow for adoption procedures that recognize both parents;

[...].

51. The Committee recommends that the State party:

[...]

(b) Adopt the draft Law on Same-sex Marriage (Bulletin No. 11422-07) and ensure filiation and parental rights are protected;

[...].

Follow-up to the 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 13 (a) and (b), 17 (b) and 25 (b) above.

Fiji – Concluding Observations – 69th session, 9 March 2018, 5th review¹⁴

B. Positive Aspects

4. The Committee notes the progress achieved since the consideration in 2010 of the State party's fourth periodic report (CEDAW/C/FJI/4) in undertaking legislative reforms, in particular:

[...]

(b) The decriminalization of consensual same-sex relationships, in 2010.

Education

37. The Committee welcomes the high school enrolment rate for girls. It notes with concern, however, that:

[...]

(f) Lesbian, bisexual and transgender (LBT) students are subjected to bullying, including cyber bullying.

38. Recalling its General Recommendation 36 on Education, the Committee recommends that the State party take the necessary legislative and policy action and allocate adequate resources to: [...]

(g) Adopt the anti-bullying policy and introduce adequate awareness raising measures in educational institutions to prevent all forms of harassment and violence against students including LBT students.

Lesbian, bisexual and transgender women

51. The Committee notes the decriminalization of consensual same-sex relationships, and the ban of discrimination based on sexual orientation and gender identity as mentioned in Section 26.3 (a) of the Constitution. It is concerned, however, about the ongoing hostility within society against lesbian, bisexual and transgender (LBT) women, including discrimination, violence, hate crimes and speech, as well as within the family, illustrated inter alia by disinheritance. It is also concerned about the lack of a possibility to change the gender in birth certificates.

52. The Committee recommends that the State party:

(a) Make the necessary legislative changes and implement a policy to eliminate discrimination, hate speech and violence against LBT women, including by prosecuting and adequately punishing perpetrators, and adopt awareness-raising measures to address stigma within society;

Allow the change of gender in birth certificates.

¹⁴ [CEDAW/C/FJI/CO/5](#).

National machinery for the advancement of women

19. The Committee welcomes the State party's efforts to engage men and boys in initiatives for gender equality. It takes note of a multiplicity of entities engaged in the realization of equal opportunities in the State party. It welcomes the appointment of equality officers in several ministries and government departments. It, however, notes with concern:

(a) That the Ministry of Equal Opportunities concentrates on promoting equal opportunities, practices a gender-neutral approach, and may not be giving sufficient priority to the advancement of women to achieve equal rights and substantive equality in all areas of the Convention;

(b) The limited mandate of the Ministry of Equal Opportunities, falling short of covering the advancement of women in all areas of the Convention and intersecting forms of discrimination;

[...]

(g) The lack of collection, analysis and dissemination of gender-segregated data, which is necessary to assess the impact and effectiveness of planned and existing activities and programmes for the elimination of discrimination against women in all spheres of life.

20. The Committee, recalling the guidance provided in the Beijing Declaration and Platform for Action on institutional mechanisms for the advancement of women and on the integration of a gender perspective in legislation, public policies, programmes and projects, encourages the State party to reinforce the engagement of men and boys for the advancement of women, in line with the Convention, and recommends that the State party:

[...]

(b) Review the mandate of the Ministry of Equal Opportunities to include the advancement of women in all areas covered by the Convention and the elimination of intersecting forms of discrimination, including against religious, racial and sexual minority women;

(c) Adopt a comprehensive strategic framework for gender equality that analyses and addresses the structural factors causing persistent inequalities, including discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society, addresses intersecting forms of discrimination against disadvantaged groups of women and provides for gender mainstreaming and gender budgeting;

[...].

Harmful practices

27. The Committee takes note of the plans of the State party to adopt provisions on its extraterritorial obligations with regard to the elimination of female genital mutilation (FGM) and other harmful practices in the context of its planned ratification of the Istanbul Convention. It notes with concern:

[...]

(b) The performance of medically irreversible sex reassignment surgery on intersex persons (IGM), a practice which is defined as non-consensual unnecessary genital surgery and includes other comparable procedures that violate the physical integrity of these individuals;

(c) The lack of support for intersex persons who have undergone involuntary and medically unnecessary disfiguring surgical procedures when they were babies and children, often with irreversible consequences, resulting in significant physical and psychological suffering.

28. In the light of 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 on harmful practices (2014), the Committee recommends that the State party:

[...]

(b) Specifically prohibit non-consensual sex reassignment surgery on intersex persons, develop and implement a rights-based health-care protocol for intersex children that requires medical doctors to inform intersex children on all available options as well as their involvement in decision-making about medical interventions and full respect for their choices;

(c) Adopt legal provisions to provide redress to intersex persons who are victims of surgical or other medical interventions without their free, prior and informed consent or that of their parents.

¹⁵ [CEDAW/C/LUX/CO/6-7](#).

Health

45. The Committee welcomes the signature of the common policy for the promotion of emotional and sexual health, on 17 July 2013, and the increase of its contribution to the United Nations Population Fund for the support of the initiative "She decides". It is concerned, however, at:

[...]

(e) Time-limits restricting the ability of persons having undergone medically irreversible sex reassignment surgery and suffered related consequences to claim damage compensation.

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

[...]

(e) Repeal time-limits to claim damage compensation for medically irreversible sex reassignment surgery and related consequences.

Religious minorities, migrant, refugee and asylum seeking women and girls

49. The Committee welcomes the introduction of intercultural mediators in school environments. The Committee is concerned, however, that all applications for international protection related to female genital mutilation have been rejected, although gender-related persecution is a relevant factor in asylum decisions in the State party. It is also concerned that Jewish and Muslim women and girls in the State party are subject to anti-Semitic tendencies and islamophobia, respectively. It is moreover concerned that migrant women and girls, and especially those of non-European origin, and in particular Muslim women and girls, as well as asylum seeking and refugee women and girls face intersecting forms of discrimination, resulting in:

(a) Lower school performance of migrant girls, and especially those from non-European origin, and their low participation in higher education, which is in large part due to requirements in vernacular language, the difference in language regimes between the general and technical tracks of secondary education, and economic difficulties;

(b) The low employment rate among women migrants from non-European origin, which is partly due to requirements in vernacular language representing a barrier for employment in the public and private sectors;

(c) A rise in Islamophobic acts and hate speech against Muslim women and girls, as well as against refugee and asylum seeking women and girls, especially on the internet.

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

[...]

(d) Establish a mechanism to monitor and counter hate speech, including on social media, against racial ethnic, sexual and religious minorities, as well as based on nationality and migration status, in line with Art. 457 of its Penal code, referring to Art. 454;

(e) Ensure the application of a gender-sensitive approach in receiving refugee and asylum-seeking women and in considering asylum claims, including by training immigration officers on gender-sensitive interviewing techniques, grant asylum to women who request international protection based on the risk of female genital mutilation and ensure that the protection needs of asylum-seeking and refugee women and girls arriving in the State party are addressed as a priority concern.

Marriage and family relations

51. The Committee welcomes the adoption of the marriage reform law, which authorises same sex marriages and advancements made in the reform of divorce and parental authority and in the revision of the law on filiation. It notes with concern, however:

(a) That women in de facto unions and same-sex couples are placed at a disadvantage with regard to the distribution of property upon dissolution of their union and the recognition of paternity in cases of medically assisted procreation and in the adoption of stepchildren;

[...].

52. The Committee recommends, in line with its general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, that the State party:

(a) Harmonize the treatment of all women, including those in de facto unions and same sex relationships, with regard to the distribution of property upon dissolution of their family relation, the

recognition of paternity in cases of medically assisted procreation and to the adoption of stepchildren, regardless of their civil status;
[...]

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 14, 16 (a), 38 and 50 (d) above.

Malaysia – Concluding Observations – 69th session, 9 March 2018, 3rd–5th review¹⁶

Education

35. [...] The Committee further regrets the bullying of students, including LGBTI students, and the lack of information on the policy of sending bullies to trainings in military institutions as a corrective measure and on the impact of such policy on the right to education of girls.

36. Recalling its general recommendation No. 36 (2017) on the right of girls and women to education, the Committee recommends that the State party:

[...]

(e) Adopt anti-bullying policies based on alternative strategies to address bullying, such as counselling services and positive discipline, and undertake awareness-raising measures to foster equal rights for LGBTI students.

Health

39. The Committee is concerned about the obstacles faced by certain groups of women to access health care services in the State party, including asylum-seeking and refugee women, women migrant workers, rural women, transgender women and indigenous women. [...]

40. The Committee recommends that the State party:

(a) Ensure that all women, regardless of nationality or income, have effective access to affordable health care services, including childbirth, family planning and reproductive health care services;

(b) Take measures to improve the affordability of health care services for non-citizens, including by fully exempting asylum-seeking and refugee women from the payment of deposits and higher fees than Malaysian nationals for the same health care services;

(c) Immediately repeal the directive requiring public hospitals to refer undocumented asylum-seekers and migrants to the Immigration Department.

Lesbian, bisexual, transgender and intersex women

47. The Committee is concerned at reports of discrimination, harassment and attacks against lesbian, bisexual, transgender and intersex (LBTI) women by State religious authorities and the police, as well as by private citizens. It notes with concern that their situation is exacerbated by the discriminatory laws and policies of the State party.

48. The Committee recommends that the State party undertake awareness-raising measures to eliminate discrimination and negative stereotypes against lesbian, bisexual, transgender and intersex women. It particularly recommends that the State party:

(a) Amend all laws which discriminate against LGBTI women, including the provisions of the Penal Code and Syariah laws that criminalize same-sex relations between women and cross-dressing;

(b) Apply a policy of zero-tolerance with regard to discrimination and violence against LGBTI women, including by prosecuting and adequately punishing perpetrators;

(c) Expedite measures to discontinue all policies and activities which aim to “correct” or “rehabilitate” LGBTI women.

¹⁶ [CEDAW/C/MYS/CO/3-5](https://www.cedaw.org/C/MYS/CO/3-5).

Women human rights defenders

49. The Committee is concerned that women human rights defenders, in particular those advocating for Muslim women's rights, the rights of lesbian, bisexual, transgender and intersex women, as well as for democratic reforms, have reportedly been subjected to arbitrary arrests, harassment and intimidation by State authorities as well as religious institutions, including through the adoption of fatwas against women's organizations working on the above-mentioned issues.

50. The Committee recommends that the State party ensure that women human rights defenders can freely undertake their important work without fear or threat of arbitrary arrests, harassment and intimidation, including the issuance of fatwas by religious institutions, by fully guaranteeing their rights to freedom of expression, assembly and association. It also recommends that the State party provide capacity-building on women's rights and gender equality to law enforcement officials, members of the judiciary and members of religious institutions.

Republic of Korea – Concluding Observations – 69th session, 9 March 2018, 8th review¹⁷

Definition of discrimination against women, discriminatory laws

12. The Committee notes with concern that the State party has yet to adopt a comprehensive anti-discrimination law, as recommended by the National Human Rights Commission of Korea in 2006 and 2016. The Committee notes the information provided by the State party during the dialogue that action against discrimination, including on the grounds of sexual orientation and gender identity, was going to be taken and that the adoption of a general anti-discrimination law would be covered by the third national action plan for 2017-2021. It also notes with concern that a separate law on the prevention of discrimination based on gender has not been enacted since the repeal of the Gender Discrimination Prevention and Relief Act in 2005. The Committee further notes that, in 2015, the Ministry of Gender Equality and Family requested the Daejeon Metropolitan Council to remove provisions related to lesbian, bisexual, transgender and intersex persons from its Basic Ordinance on Gender Equality.

13. Reiterating its previous concluding observations (CEDAW/C/KOR/CO/7, para. 15), the Committee recommends that the State party adopt a comprehensive anti-discrimination law that prohibits discrimination against women, including direct, indirect, and intersecting forms of discrimination affecting disadvantaged groups of women, such as women living in poverty, women belonging to ethnic, racial, religious and sexual minorities, women with disabilities, women refugees and asylum seekers, stateless and migrant women, rural women, single women, adolescents and older women, as defined in article 1 of the Convention and in line with general recommendation No. 28 (2010) on the core obligations of States parties under article 2.

Gender-based violence against women

22. The Committee notes the efforts of the State Party to combat gender-based violence, including by establishing emergency hotline centres providing interim shelter to victims, increasing social awareness of domestic violence as a crime, and the measures taken to strengthen prevention and protection. It welcomes the amendment to the Act on Special Cases Concerning the Punishment etc. of Sex Crimes, which removed the requirement for victims of sexual violence to file a complaint in order to have their cases investigated and prosecuted. However, the Committee notes with concern: [...]

23. The Committee refers to its previous recommendations (CEDAW/C/KOR/CO/7, para. 21), and, taking account its general recommendation No. 35 (2017), updating general recommendation No. 19, and recalling Sustainable Development Goal 5.2, recommends that the State party strengthen its efforts to combat gender-based violence against women, and:
[...]

(b) Amend the Act on Special Cases Concerning the Punishment, etc. of Crimes of Domestic Violence, to ensure that the safety of the victims and their families becomes its primary purpose, by, inter alia, extending its applicability to single sex couples or families, and all women regardless of their sexual orientation or gender identity; abolishing the system of suspending charges in home

¹⁷ [CEDAW/C/KOR/CO/8](#).

protection cases on condition of counselling or training for domestic violence and prohibiting the use of reconciliation and mediation in such cases; ensuring that perpetrators are criminally punished under statutory sanctions; and adopting a policy of mandatory arrest for crimes of domestic violence in case of breach of restraining orders; [...]

Health

40. The Committee welcomes the efforts to improve health care services for women, including expanding social and health care services for older women with low income. It is however concerned that the State party's policies on sexual and reproductive health and rights narrowly focus on the health of married and pregnant women and family health. The Committee is further concerned that transgender persons' access to medical services is reportedly restricted and that intersex persons are reportedly subjected to irreversible sex assignment, sterilization or "genital normalizing surgery" without their informed consent.

41. The Committee recommends that the State party review its health legislation and policies, in particular in relation to sexual and reproductive health and rights of women, and take corrective action, if required, in order to advance substantive gender equality in the health sector to all women subject to intersecting forms of discrimination. The Committee further recommends that the State party ensure transgender persons' right to access medical services, including National Health Insurance coverage, and that intersex persons are not subjected to involuntary medical interventions.

Follow-up to concluding observations

52. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 13, 23 (b) and (d), and 25 (b) above.

Suriname – Concluding Observations – 69th session, 9 March 2018, 4th-6th review¹⁸

B. Positive Aspects

4. The Committee welcomes the progress achieved since the consideration in 2007 of the State party's third periodic report (CEDAW/C/SUR/3) in undertaking legislative reforms, in particular the adoption of: (a) Laws amending the Penal Code defining discrimination and including sexual orientation and gender identity as a prohibited ground of discrimination; prohibiting and expanding the definition of trafficking; criminalizing marital rape, obstetric violence, and battery and assault leading to death (femicide); and removing restrictive access of adolescents to sexual information and contraceptives, in 2015 and 2009; [...]

Legislative framework and definition of discrimination

10. The Committee recognizes the diversity of cultures and ethnicities in the State party, with characteristic indigenous and tribal populations. While noting the position of the State party that article 8 of its Constitution sufficiently guarantees the substantive equality of women and men, the Committee is concerned that neither the Constitution nor the national legislation includes a definition of discrimination against women in accordance with article 1 of the Convention, covering direct and indirect discrimination in both the public and private spheres and recognizing intersecting forms of discrimination. It also remains concerned that disadvantaged groups of women, including rural, Maroon and indigenous women, women with disabilities, and lesbian, bisexual, transgender and intersex women, continue to experience intersecting forms of discrimination and violations of their human rights. It further regrets the lack of political will on the part of policymakers to adopt, as a matter of priority, legal provisions to protect women's rights, noting that such provisions as the draft law on the Equal Treatment of Men and Women, the draft Labour Law and the establishment of a complaint mechanism on gender-based discrimination have been pending since 2002.

11. The Committee recommends that the State party:

[...]

(b) Amend article 8 (2) of the Constitution to recognize intersecting forms of discrimination against

¹⁸ [CEDAW/C/SUR/CO/4-6](#).

rural, Maroon and indigenous women, women with disabilities, and lesbian, bisexual, transgender and intersex women; [...]

Lesbian, bisexual, transgender and intersex women

50. The Committee notes that the Penal Code has been revised, inter alia, to include protection of lesbian, bisexual, transgender and intersex women prohibiting discrimination and hate speech against them. However, it is concerned that lesbian, bisexual, transgender and intersex women continue to face discrimination and harassment, particularly with regard to their rights to education, employment and health.

51. The Committee recommends that the State party ensure equal rights and opportunities for lesbian, bisexual, transgender and intersex women, and raise awareness to eliminate discrimination and social stigma against them. It further recommends that the State party apply a policy of zero-tolerance of discrimination and violence against lesbian, bisexual, transgender and intersex women, including by prosecuting and adequately punishing perpetrators.

5. COMPILATION OF LISTS OF ISSUES

Nepal – List of Issues – 71st PSWG, 16 March 2018, 6th review¹⁹

Stereotypes and harmful practices

8. [...] Please also provide information on [...] (d) measures being taken to address forced inter-sex genital mutilation and discrimination against inter-sex persons, including reported cases of abuse, infanticide and forced marriage.

Rural women and disadvantaged groups of women

20. Please provide information on the situation of disadvantaged groups of women, particularly older women, lesbian, bisexual and transgender women, women with disabilities, women migrant workers, asylum and refugee women and girls.

Samoa – List of Issues – 71st PSWG, 16 March 2018, 6th review²⁰

Gender-based violence against women

8. Noting that a system to collect disaggregated data on gender-based violence against women has been adopted in 2010 (para.58), please provide updated statistical data on gender-based violence against women, including domestic violence, sexual violence and violence against lesbian, bisexual, transgender and intersex women, disaggregated by sex, age, nationality, geographic location and relationship between the victim and perpetrator. Please also provide data on the number of complaints about gender-based violence against women, prosecution, conviction and sentences imposed on perpetrators, and remedies provided to victims/survivors. [...]

Disadvantaged groups of women

19. Please provide information on the situation of women with disabilities, female-headed households, older women, as well as lesbian, bisexual, transgender and intersex women. Please indicate whether any specific measures have been adopted to address intersectional forms of discrimination faced by women belonging to such groups and if so, the impact of the measures taken. [...]

Tajikistan – List of Issues – 71st PSWG, 16 March 2018, 6th review

Temporary special measures

5. [...] Please inform whether the State party intends to introduce a system of quota in order to accelerate the substantive equality of women and men in employment, education, political and public participation and other areas covered by the Convention and in which timeline. What temporary special measures are used to ensure the rights of rural women, women from ethnic minorities, women with disabilities, women living with HIV/AIDS or other vulnerable groups such as LGBTI women? Please provide relevant data and give examples.

The Former Yugoslav Republic of Macedonia – List of Issues – 71st PSWG, 16 March 2018, 6th review²¹

Constitutional, legislative and institutional framework and definition of discrimination

1. In the report of the State party (CEDAW/C/MKD/6, paras 5-6), it is stated that the 2012 Law on Equal Opportunities of Women and Men explicitly prohibits all forms of discrimination and that the level of harmonization of domestic and European legislation has been upgraded. Please explain which concrete

¹⁹ [CEDAW/C/NPL/Q/6](#).

²⁰ [CEDAW/C/WSM/Q/6](#).

²¹ [CEDAW/C/WSM/Q/6](#).

provisions of the Law have been harmonized and if they cover all forms of discrimination against women, including direct and indirect as well as intersecting forms of discrimination, including disability, age, ethnic, religious, sexual and other minorities, in both the public and private spheres. Please also explain how the domestic legislation defines “harassment” and “sexual harassment”.

2. Please provide information on the current status of the initiative to amend the Law on Prevention and Protection against Discrimination (para 7). In accordance with the State party’s obligations under articles 1 and 2 of the Convention and in line with Sustainable Development Goal 5, target 5.1 to end all forms of discrimination against all women and girls in all fields, please indicate whether gender based violence is addressed and provide information on protection mechanisms. Please also explain if the new anti-discrimination legislation will explicitly prohibit discrimination on the basis of sexual orientation and gender identity.

Disadvantaged groups of women

21. Please provide detailed information on the implementation of the New Strategy for Roma in the Republic of Macedonia (2014-2020) and the 2016-2020 National Action Plan to strengthen the position of Roma women in society (para. 185 and 186) and on the measures taken to address intersecting forms of discrimination against Roma women and girls, in particular in education, employment, housing and access to healthcare. Please also provide information on intersecting forms of discrimination faced by disadvantaged groups of women, including poor and older women, female-headed households, women with disabilities, LGBTI women and sex workers, in accessing education, employment, social assistance, health and other basic services, disaggregated by sex, ethnic origin, and disability, and on the measures taken to address such discrimination.

6. GENERAL RECOMMENDATIONS

General Recommendation no. 37 on Gender-related dimensions of disaster risk reduction in the context of climate change²²

I. Introduction

[...]

2. Women, girls, men and boys are affected differently by climate change and disasters, with many women and girls experiencing greater risks, burdens and impacts. Situations of crisis exacerbate pre-existing gender inequalities and also compound intersecting forms of discrimination against, inter alia, women living in poverty, indigenous women, women belonging to ethnic, racial, religious and sexual minorities, women with disabilities, women refugees and asylum seekers, internally displaced, stateless and migrant women, rural women, single women, adolescents and older women, who are often affected disproportionately compared to men or other women.

[...]

IV. General principles of the Convention applicable to disaster risk reduction and climate change

[...]

26. States parties should ensure that all policies, legislation, plans, programmes, budgets and other activities related to disaster risk reduction and climate change are gender responsive and grounded in human-rights based principles including;

(a) Equality and non-discrimination, with priority being accorded to the most marginalized groups of women and girls, such as those from indigenous, racial, ethnic and sexual minority groups, women and girls with disabilities, adolescents, older women, single women, female-headed households, widows, women and girls living in poverty in both rural and urban settings, women in prostitution, and internally displaced, stateless, refugee, asylum seeking and migrant women;

[...]

VI. Specific areas of concern

A. Right to live free from gender-based violence against women and girls

[...]

57. In accordance with the Convention and General Recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19 on violence against women, States parties should:

[...]

(e) Provide training, sensitization and awareness-raising for authorities, emergency services workers and other groups on the different forms of gender-based violence that are prevalent in situations of disaster and how to prevent and address these. This training should include the rights and needs of women and girls, including those from indigenous and minority groups, women with disabilities and lesbian, bisexual, transgender and intersex women and girls, and information on how they might be affected differently by gender-based violence;

[...]

²² [CEDAW/C/GC/37](https://www.cedaw.org/C/GC/37).

D. Right to health

[...]

68. In particular, States parties should:

[...]

(f) Require that all health services operating in disasters act to promote the human rights of women, including the rights to autonomy, privacy, confidentiality, informed consent, non-discrimination and choice. Specific measures to ensure the promotion and protection of the rights of women and girls with disabilities, indigenous and minority women and girls, lesbian, bisexual, transgender and intersex girls and women, older women and those of other marginalized groups should be explicitly included in disaster health care policies and standards;

[...]

7. CIVIL SOCIETY SUBMISSIONS

Chile

- Submission by [civil society coalition](#) for the PSWG (*some references to violence against lesbian women and trans persons, their sexual and reproductive health, legal gender recognition, trans women in prisons, and Atala Riffo case*)
- Submission by [Office for the Defense of Rights Intersectionality](#) for the PSWG (*some references to gender identity, legal gender recognition and same-sex couples*)
- Submission by [Agrupación Lésbica Rompiendo el Silencio](#) for the Session (*a stand-alone report on the situation of LBTT persons*)
- Submission by [Movimiento de Integración y Liberación Homosexual \(Movilh\)](#) for the Session (*a stand-alone report on the situation of LGBTI persons*)
- Submission by [Amnesty International](#) for the Session (*a chapter on gender identity/legal gender recognition; brief references to lesbian women*)
- Submission by [Asociación OTD Chile “Organizando Trans Diversidades”](#) for the Session (*a stand-alone report on trans and some intersex issues*)
- Submission by [civil society coalition](#) for the Session (*some references to violence against lesbian women and trans persons; a brief reference to a draft law on family rights*)

Fiji

- Submission by [civil society coalition](#) for the PSWG (*a brief recommendation to collect disaggregated data on SO, and a brief reference to trans sex workers*)
- Submission by [civil society coalition](#) for the Session (*analysis of a “corrective rapes” case*)

Luxembourg

- Submission by [Rosa Lëtzebuerg - CIGALE](#) for the Session (*a stand-alone report on the situation of LBQ women*)

Malaysia

- Submission by [Human Rights Watch](#) for the PSWG (*a section on SOGI, including criminalisation of transgender identities; violence, discrimination, and HIV; legal gender recognition; and criminalisation of same-sex conduct*)
- Submission by [civil society coalition](#) for the PSWG (*references to criminalisation of male and female same-sex relations, discrimination against LBT women and persecution towards “non-heteronormative sexual orientations or diverse gender identities”*)
- Submission by [civil society coalition](#) for the Session (*a lot of references to criminalisation of male and female same-sex relations, discrimination against LBT women, persecution towards transgender women, and legal gender recognition issues*)

Nepal

- Submission by [Blue Diamond Society](#) for the PSWG (*a stand-alone report on LB women and trans persons*)
- Submission by [Blue Diamond Society](#) for the PSWG (*a stand-alone intersex report*)
- Submission by [Zwischengeschlecht.org](#) for the PSWG (*a stand-alone intersex report*)

Republic of Korea

- Submission by [Human Rights Watch](#) for the PSWG (*a section on LGBT rights and sex education in schools and restrictions on LGBT organisations*)
- Submission by [civil society coalition](#) for the Session (*several references to LGBT in education, exclusion of LGBT issues from gender equality action plans, and a section on discrimination on the grounds of SOGI*)
- Submission by [Rainbow Action against Sexual Minority Discrimination](#) for the Session (*a stand-alone report on the situation of LGBTI persons*)

The former Yugoslav Republic of Macedonia

- Submission by civil society coalition for the PSWG (*a stand-alone report on LB women and trans persons*)
- Submission by [civil society coalition](#) for the PSWG (*references to discrimination and violence against LGBT*)
- Submission by [civil society coalition](#) for the PSWG (*brief references to homophobia and discrimination based on sexual orientation*)