UN Committee on the Elimination of Racial Discrimination (CERD): 98th Session, 23 April - 10 May 2019

States reviewed: Andorra, Guatemala, Hungary, Lithuania, Zambia

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RESUME:

• No SOGIESC questions or recommendations adopted.
• Dialogue with Guatemala expressed concern over SOGI-based discrimination, hate crimes and Bill 5272.

Next Session: 5 to 29 August 2019
  o States (for LOT and main review): Czech Republic, El Salvador, Iceland, Mexico, Mongolia, Poland, State of Palestine
  o NGO report deadlines:
    ▪ LOTs: 7 June 2019 to CERD@ohchr.org
    ▪ Main review: 12 July 2019 to CERD@ohchr.org
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1. SUMMARY

The UN Committee on the Elimination of Racial Discrimination (CERD) reviewed five State parties during its 98th Session, held on 23 April to 10 May 2019. There were no references to SOGIESC in any of the Lists of Themes or Concluding Observations issued. However, the Committee raised concern about SOGI-based discrimination and hate crimes in Guatemala during the constructive dialogues. Civil society reports from Hungary and Lithuania also raised SOGIESC issues.

1.1. Concluding Observations

During its 98th Session, CERD reviewed the periodic reports of Andorra, Guatemala, Lithuania, Hungary and Zambia. No SOGIESC recommendations were issued to any State. CERD referred to LGBT persons on one occasion only. The Committee posed stand-alone SOGI questions to Guatemala during the constructive dialogues, asking about measures to combat discrimination based on sexual orientation and gender identity. Surprisingly, the Committee did not relate the issue to racial or intersectional discrimination. CERD also expressed concern over SOGI-based hate crimes in Guatemala and draft bill 5272 (Ley de Protección a la Vida y la Familia), asking the State to comment on the proposed legislation. The Committee against Torture (CAT) had recently raised the same concerns over violence against LGBTI persons and Bill 5272 in its review of Guatemala at the 65th Session.

During the dialogues, Andorra’s delegation also mentioned sexual orientation as a prohibited ground of discrimination, and that the country’s Equality Service addressed LGBT issues. Although four civil society and NHRI submissions mentioned LGBTI issues, they did not result in any SOGIESC references from the Committee. Two Hungarian submissions mentioned LGBTI asylum seekers, while reports from Lithuania discussed discrimination based on gender identity and the right to family reunions for same-sex couples.

<table>
<thead>
<tr>
<th>Country</th>
<th>SOGIESC in previous CO*</th>
<th>SOGIESC in LOT**</th>
<th>SOGIESC in the constructive dialogues***</th>
<th>SOGIESC in CSS****</th>
<th>SOGIESC in current CO*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andorra</td>
<td>N/A</td>
<td>No</td>
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<tr>
<td>Zambia</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>No</td>
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</tbody>
</table>

*Concluding Observations **List of Themes ***According to the press releases ****Civil Society Submissions

Text in bold links to the source material.

1.2. Lists of Themes (LOTs)

Prior to the Session, the Committee produced Lists of Themes for each State party to guide the reviews. No SOGIESC references were made.

1 SOGIESC: Sexual orientation, gender identity and expression, and sex characteristics
2. COMPILED OF CONCLUDING OBSERVATIONS

No Concluding Observations contained SOGIESC recommendations.

States with no SOGIESC recommendations:

- Andorra
- Guatemala
- Hungary
- Lithuania
- Zambia
3. COMPILATION OF LISTS OF THEMES

No Lists of Themes asked for information on SOGIESC.

States with no SOGIESC questions:

- Andorra
- Guatemala
- Hungary
- Lithuania
- Zambia
4. CIVIL SOCIETY SUBMISSIONS

Hungary

- Submission by Working Group Against Hate Crimes (GYEM) for the 98th Session (mentions inclusion of SOGI in hate crime legislation, and calls for action plan for vulnerable groups, including LGBTI).
- Submission by Hungarian Helsinki Committee (HHC) for the 98th Session (mentions vulnerability of LGBTI asylum seekers, and cases of racist and homophobic hate speech).

Lithuania

- Submission by European Foundation of Human Rights (EFHR) and Lithuanian Centre for Human Rights (LHCR) for the 98th Session (recommends including gender identity as a prohibited ground of discrimination in the Criminal Code).
- NHRI submission by Office of the Equal Opportunities Ombudsperson for the 98th Session (section on restrictions to citizenship and family definitions, the 2019 Constitutional Court ruling recognising same-sex partners, and refers to studies on racism, homo- and transphobia).