



UN Committee on Migrant Workers: 28th Session

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RESUME:

- Recommendations on LGBTI issues were not made during this session.
- Questions on LGBTI and other vulnerable groups were made for **Argentina**, including on:
 - Information on cases of police persecution and harassment of migrant authorities to LGBTI persons for the purpose of reviewing migration documents;
 - Any protocols or procedures for the identification, non-detention and care of people in a special situation of vulnerability, including LGBTI.

- Next Session: **3 to 12 September 2018**
 - Countries (main review): Madagascar & Mozambique
 - Countries (for LOI): Bosnia and Herzegovina & Colombia
 - Countries (for LOIPR): Azerbaijan, Cabo Verde & Venezuela
 - NGO report deadline: 13 August 2018 (to cmw@ohchr.org)

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1. SUMMARY

The UN Committee on Migrant Workers published its Lists of Issues and Concluding Observations as a result of the [28th Session](#) (9 to 20 April 2018).

Questions on LGBTI issues were only sent to 1 country (Argentina) out of 4 countries in total (Argentina, Chile, Paraguay, Rwanda), and **SOGIESC recommendations** were not made for the countries reviewed during this session (Algeria, Guyana, Saint Vincent and the Grenadines).

No stand-alone recommendations or questions on LB women or TI persons were made. In the only List of Issues that addresses the LGBTI community, LGBTI were mentioned being linked to other vulnerable groups.

1.1. Concluding Observations

During its 28th Session, the Committee reviewed periodic reports of Algeria, Guyana and Saint Vincent and the Grenadines.

SOGIESC recommendations were not made for countries during this Session. Civil society also did not prompt the Committee to address these issues. The constructive dialogues, reflecting this absence of debate on SOGIESC topics, was also silent in the matter.

Country	SOGIESC in previous CO*	SOGIESC in LOI**	SOGIESC in the constructive dialogues***	SOGIESC in CSS****	SOGIESC in current CO*
Algeria	No	No	No	No	No
Guyana	No	No	No	No	No
Saint Vincent & the Grenadines	No	No	No	No	No

*Concluding Observations

**List of Issues

***According to the press releases

****Civil Society Submissions

1.2. Lists of Issues

As a result of its 28th Session, the Committee also produced a set of questions for the States that will be reviewed in the future. While for Chile, Paraguay and Rwanda there were no specific questions on SOGIESC, the Committee did ask Argentina about the situation of LGBTI rights within its territory.

The questions posed to **Argentina** included asking for information about police and migration authorities' ill-treatment of vulnerable groups, including LGBTI people. The country was also prompted to give out information on whether or not there is a specific protocol for the identification, attention and non-detention of especially vulnerable people, in which LGBTI individuals were included. The LGBTI community did not receive any questions specifically targeted to it.

Two countries will be reviewed, and five will have their LOI/LOIPR prepared by the Committee during its 29th Session that will take place in Geneva from 3 to 12 September 2018 – more information about the Session can be [found here](#).

The countries listed under the LOI section in the present document have their Session dates yet to be determined by the Committee.

2. COMPILATION OF CONCLUDING OBSERVATIONS

No Concluding Observations mentioned topics related to SOGIESC.

3. COMPILATION OF LISTS OF ISSUES

Argentina – List of Issues prior to reporting – 28th Session, 20 June 2018, 2nd review

Artículos 8 a 22

13. Se ruega brindar información sobre los casos denunciados de persecución policial y acoso de autoridades migratorias a trabajadores migrantes informales, familias migrantes en situación de pobreza y grupos de personas lesbianas, gais, bisexuales, transgénero e intersexuales con motivo de revisión de documentos migratorios, permisos de trabajo y otros, que estarían justificando sus acciones al amparo del decreto núm. 70/2017. Sírvanse proporcionar información detallada sobre las medidas adoptadas para investigar las quejas de acoso, corrupción y abuso de autoridad, e incluir información sobre el número de quejas recibidas e investigadas en los últimos siete años, así como las medidas adoptadas para investigar, procesar y condenar a los agentes responsables, especificando la naturaleza de los cargos y sentencias impuestas. Sobre este particular, sería importante conocer el número de denuncias presentadas ante las autoridades judiciales sobre los casos de vendedores ambulantes informales en la vía pública.

16. A la luz del artículo 16 de la Convención y la observación general núm. 3 (2017) sobre los principios generales relativos a los derechos humanos de los niños en el contexto de la migración internacional:

[...]

c) Indiquen si existen protocolos o procedimientos específicos para la identificación, no detención y atención de personas en situación especial de vulnerabilidad (solicitantes de asilo, mujeres embarazadas o con lactantes, víctimas de trata, de violencia familiar, personas lesbianas, gais, bisexuales, transgénero e intersexuales, niñas, niños y adolescentes, entre otros); [...]¹

¹ English version of the Concluding Observations is not available yet. Below is an unofficial translation of the references into English:

Articles 8 to 22

13. Please provide information on reported cases of police persecution and harassment of migrant authorities to informal migrant workers, migrant families living in poverty and groups of lesbian, gay, bisexual, transgender and intersex persons aiming to review the migration documents, work permits and others, which would be justifying their actions under Decree no. 70/2017. Please provide detailed information on the measures taken to investigate complaints of harassment, corruption and abuse of authority, and include information on the number of complaints received and investigated in the last seven years, as well as the measures taken to investigate, prosecute and convict the responsible agents, specifying the nature of charges and sentences imposed. In this regard, it would be important to know the number of complaints that were filed before judicial authorities on the cases of informal street vendors on public areas.

16. In the light of article 16 of the Convention and of the General Comment no. 3 (2017) on the general principles concerning the human rights of children in the context of international migration:

[...]

c) Indicate whether there are protocols or specific procedures for the identification, non-detention and attention of people in a specially vulnerable situation (asylum seekers, pregnant or lactating women, victims of trafficking, family violence, lesbian, gay, bisexual, transgender and intersex, girls, boys and adolescents, among others); [...]

4. CIVIL SOCIETY SUBMISSIONS

Argentina

- Submission by [Defensor Del Pueblo de la Nación– Republica Argentina](#) for the 28th Session (*mentions briefly the intersectionality between migration and LGBTI people*)

Chile

- Submission by [Coalition of Chilean NGOs](#) for the 28th Session (*mentions the bill sent by Michelle Bachelet to Congress typifying incitement to violence, which includes sexual identity in its categories*)