

**United Nations Treaty Bodies:
References to Sexual Orientation,
Gender Identity, Gender Expression
and Sex Characteristics**

Annual Report 2019

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This report provides an analysis of references to sexual orientation, gender identity, gender expression and sex characteristics made by nine Treaty Bodies in 2019. An additional compilation of references with key-words is provided.

The report also contains a section with an analysis of developments related to sexual orientation, gender identity, gender expression and sex characteristics in Treaty Bodies between 2014 and 2019.

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Main Definitions¹

Concluding Observations are the observations and recommendations issued by a Treaty Body after it has considered a State party's report. Concluding observations refer both to the positive aspects of a State's implementation of the treaty and to areas of concern, where the Treaty Body recommends that further action needs to be taken by the State.

Constructive dialogue refers to the practice, adopted by all Treaty Bodies, of inviting State parties to send a delegation to the session at which their report will be considered in order to enable them to respond to the Treaty Body members' questions and provide additional information on their efforts to implement the provisions of the relevant treaty.

Country Periodic Review is a process whereby Treaty Bodies review implementation of specific treaties by State parties. After ratification of a treaty, a State must periodically provide reports on its implementation (depending on the Committee, e.g., every five years). The outcome of the periodic review is Concluding Observations.

Follow-up Procedure refers to a procedure aimed at ensuring that State parties act on the recommendations contained in the Concluding Observations of the Treaty Bodies or their decisions on Individual Complaints. Most of the Committees identify two to four most urgent and important recommendations at the end of their Concluding Observations. Such recommendations should be implemented in a shorter period (usually one or two years) and the State has to provide a follow-up report on the implementation of these recommendations. NGOs can also submit shadow reports assessing the level of implementation of follow-up recommendations.

Gender expression is each person's presentation of their gender through physical appearance – including dress, hairstyles, accessories, cosmetics – and mannerisms, speech, behavioural patterns, names and personal references, and noting further that gender expression may or may not conform to a person's gender identity.

Gender identity refers to each person's deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerisms.

General Comment (General Recommendation) is a document adopted by a Treaty Body, which interprets the content of human rights provisions. It may concern specific thematic issues (e.g., the right to life) or methods of work (e.g., guidelines for state reporting).

Individual Communication is a formal complaint from an individual or an organization claiming that their rights under one of the treaties have been violated by a State party. Such communications normally should be sent to the Treaty Bodies after all available and effective domestic remedies have been exhausted. Individual Communications can be considered by most of the Treaty Bodies.

List of Issues is a list of issues or questions, formulated by a Treaty Body on the basis of a State party report and other information available to it (e.g., information from United Nations specialized agencies, NHRIs, NGOs, etc.), which is transmitted to the State party in advance of the session at which the Treaty Body will consider the report. The List of Issues provides the framework for a constructive dialogue with the State party's delegation. CERD issues Lists of Themes, a list of themes or topics for which no responses are required, intended to guide and focus the dialogue between a State party's delegation.

¹ Most of the technical definitions are taken from the OHCHR glossary on Treaty Bodies, available here: <https://www.ohchr.org/EN/HRBodies/Pages/TBGlossary.aspx#loi>.

Definitions of sexual orientation, gender identity, gender expression and sex characteristics are adopted from the [Yogyakarta principles](#) and the [update](#) on the Yogyakarta principles.

Many Committees also adopt Lists of Issues prior to reporting (where issues and questions are sent to a State party not after, but before it submits its own report).

Sex characteristics are each person's physical features relating to sex, including genitalia and other sexual and reproductive anatomy, chromosomes, hormones, and secondary physical features emerging from puberty.

Sexual orientation refers to each person's capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender.

Shadow report (alternative report, CSO report, CSO submission) is a written report prepared by civil society (including coalitions, registered NGOs and initiative groups without formal registration) submitted to Treaty Bodies on a specific country. Such reports are aimed at providing Committee experts with additional information on the situation with human rights in the country. These reports usually also suggest questions to the State and recommendations for the Concluding Observations.

Treaty Bodies (Committees) are committees of independent experts appointed to review the implementation by State parties of an international human rights treaty.

List of Acronyms

CAT	Committee against Torture
CAT Convention	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (1984)
CED	Committee on Enforced Disappearances
CEDAW	Committee on the Elimination of Discrimination against Women
CEDAW Convention	Convention on the Elimination of All Forms of Discrimination against Women (1979)
CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CMW	Committee on Migrant Workers
COs	Concluding Observations
CRC	Committee on the Rights of the Child
CRC Convention	Convention on the Rights of the Child (1989)
CRPD	Committee on the Rights of Persons with Disabilities
CSO	Civil Society Organization(s)
HIV/AIDS	Human immunodeficiency virus infection and acquired immune deficiency syndrome
HRCtee	Human Rights Committee
ICCPR	International Covenant on Civil and Political Rights (1966)
ICED	International Convention for the Protection of All Persons from Enforced Disappearance (2006)
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination (1965)
ICESCR	International Covenant on Economic, Social and Cultural Rights (1966)
ICMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)
ICRPD	International Convention on the Rights of Persons with Disabilities (2006)
ILGA World	International Lesbian, Gay, Bisexual, Trans and Intersex Association
L / G / B / T / I	lesbian / gay / bisexual / trans / intersex
LGR	Legal gender recognition
LOI	List of Issues
LOIPR	List of Issues prior to reporting

MSM	Men who have sex with men
NGO	Non-governmental Organization(s)
OP	Optional Protocol
NHRI	National Human Rights Institution(s)
OHCHR	Office of the High Commissioner for Human Rights
PSWG	Pre-sessional working group
SI	sexual identity
S / G / M	sexual minorities / gender minorities
SO / GI / E / SC	sexual orientation / gender identity / gender expression / sex characteristics

Executive Summary

This report is a comprehensive annual compilation and analysis of all the SOGIESC references made by nine United Nations Treaty Bodies (CESCR, HRCtee, CEDAW, CRC, CAT, CRPD, CERD, CMW and CED) in 2019. It investigates the Treaty Bodies General Comments (interpretations of international human rights treaties), decisions on Individual Communications (complaints brought by individuals or organizations), Lists of Issues (issues and questions sent to the States parties before the main review) and Concluding Observations (country-specific concerns and recommendations).

Following an explanation of the methodology adopted for the preparation of this report, the introduction to this document provides an overview of the trends and developments in the practice of Treaty Bodies in relation to SOGIESC in 2019.

- In 2019, nine Treaty Bodies made 137 SOGIESC references in 66 Concluding Observations on 56 different states. This included 10 follow-up recommendations to 8 countries made by 5 Committees.
- Compared to the indicators achieved by Treaty Bodies in 2018, the number and percentage of SOGIESC references in 2019 remained relatively similar: 64 (or 49%) of SOGIESC Concluding Observations in 2018 and 66 (51%) in 2019; 138 and 137 SOGIESC-inclusive references in 2018 and in 2019, respectively.
- CESCR made the highest-ever percentage of SOGIESC-inclusive Concluding Observations at 91% (compared to 50% in 2018, 70% in 2017, 53% in 2016, 76% in 2015 and only 30% in 2014).
- CRPD made observable progress, with its highest-ever number of SOGIESC references, including multiple detailed and specific intersex recommendations.
- CED also made progress with its highest-ever number of both SOGIESC-inclusive Concluding Observations and references.
- At the same time, CAT adopted the lowest number and percentage of SOGIESC-inclusive Concluding Observations since 2015. In 2019, only 5 of the Committee's 16 Concluding Observations (31%) mentioned SOGIESC.
- While CEDAW still made more SOGIESC references than any other Treaty Body in 2019, it failed to reach its high of 62 references from 2018 (this consequently resulted in a nearly 50% decrease).
- There were 18 stand-alone trans references, including one follow-up recommendation on Kazakhstan, as well as a record number of 20 stand-alone intersex references. One recommendation explicitly referred to "lesbianism", and was the only stand-alone explicit lesbian reference.
- In addition, in 2019, one new General Comment mentioning SOGI was adopted by CRC, and one decision on an Individual Communication was made by CEDAW (though it was declared inadmissible).

This report also includes a general overview of references made by Treaty Bodies to SOGIESC between 2014 and 2019.

- In 2014–2019, all 9 Treaty Bodies made a total of 672 SOGIESC-inclusive references in 385 Concluding Observations. The majority of the references were made by HRCtee, CEDAW, CRC and CESCR.
- Looking at the distribution of SOGIESC-inclusive Concluding Observations and references over the six years reviewed, we can see the linear progress made from 2014 to 2016, followed by either a slight decrease or a slight growth.
- Between 2014 and 2019, the growth in the number of SOGIESC-inclusive Concluding Observations amounted to more than 50%, while the number of SOGIESC references grew by more than 250% during the same period.
- In 2014, Treaty Bodies made 54 references in 42 Concluding Observations (or, on average, 1.3 references per Concluding Observation). In 2019, the Committees adopted 66 Concluding Observations with 137 SOGIESC-references (or, on average, 2.1 references per Concluding Observation). In other words, the consideration of SOGIESC topics by Treaty Bodies has become more detailed and nuanced, and more issues relevant to LGBTI communities receive attention from the Committees.
- Treaty Bodies made 104 stand-alone trans references and 70 specific intersex references.

- Between 2014 and 2019, 7 Treaty Bodies selected 33 SOGIESC recommendations for their follow-up review.
- 17 decisions on Individual Communications were adopted by 3 Committees in 2014–2019. Of these, a violation was found in 9 decisions. Two of the cases were brought by trans persons, however, there have been no cases on intersex persons so far.
- Out of 26 General Comments adopted by Treaty Bodies in 2014–2019, 20 (77%) contained references to SOGIESC.

The main part of the report includes nine committee-specific chapters. Each chapter contains quantitative and qualitative data on SOGIESC references made by the respective Committee in 2019; specific data on trans and intersex references and references to LB/TI women by the Committee; information on General Comments and decisions on Individual Communications adopted by the Committee, as well as information on follow-up recommendations; and data on references to sex work and HIV/AIDS which were not SOGIESC-specific. A number of suggestions for the future engagement of LGBTI defenders with each of the Treaty Bodies is provided.

The annexes to the report include a list of the countries reviewed in 2019; a list of SOGIESC-related civil society submissions sent to the Committees on countries reviewed in 2019, and quantitative data on SOGIESC references in Treaty Bodies' Concluding Observations made in 2014–2018.

This report is accompanied by a separate document containing a compilation of all SOGIESC references made by nine Treaty Bodies in their General Comments and decisions on Individual Communications adopted in 2019, as well as the Lists of Issues and Concluding Observations on countries reviewed in 2019. In the beginning of the compilation report, a list of keywords is provided to facilitate searches within the document.

Treaty Bodies and SOGIESC: 2019 in Numbers

- 9 Treaty Bodies made 137 SOGIESC-inclusive references in 66 Concluding Observations on 56 different States
- 51% of country periodic reviews ended with SOGIESC-inclusive Concluding Observations
- 43 states received their first SOGIESC-inclusive Concluding Observations from the respective Committee
- 10 SOGIESC recommendations on 8 countries were selected for the follow-up procedure by five – the highest number ever – Committees (CED, CEDAW, CESCR, CMW and HRCtee)
- Among the 137 SOGIESC-inclusive references, there were:
 - 111 trans-inclusive references (the highest number ever) and 18 stand-alone trans references
 - 64 intersex-inclusive references and a record 20 stand-alone intersex references
- HRCtee: 94% of country periodic reviews concluded with SOGIESC recommendations (the highest percentage among all Treaty Bodies in 2019)
- CEDAW: 33 SOGIESC references in Concluding Observations (the highest number of references among all Treaty Bodies in 2019)
- 1 Individual Communication on SOGI was decided by CEDAW (inadmissible)
- 1 General Recommendation with references to SOGI was adopted by CRC

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Introduction

United Nations Treaty Bodies are the independent committees of experts that monitor State compliance with international human rights law treaties. They provide civil society with an effective and fairly accessible advocacy mechanism.

Although no United Nations human rights treaty explicitly mentions either LGBTI or SOGIESC, the practice of Treaty Bodies has developed during the last two and a half decades to include these concepts. Thanks to this, nowadays LGBTI/SOGIESC are considered as an integral part of human rights language.

Since May 2015, ILGA World has implemented a specific programme to better engage with Treaty Bodies. Through this programme, we are able to gather information on the work of Treaty Bodies and ensure that SOGIESC are considered when relevant. By promoting the engagement of LGBTI civil society and exploring the work of the Treaty Bodies, ILGA World has gained insights into the approach of the nine Committees:

- The Committee on Economic, Social and Cultural Rights (CESCR)²
- The Human Rights Committee (HRCtee)³
- The Committee on the Elimination of Discrimination Against Women (CEDAW)⁴
- The Committee on the Rights of the Child (CRC)⁵
- The Committee Against Torture (CAT)⁶
- The Committee on the Rights of Persons with Disabilities (CRPD)⁷
- The Committee on the Elimination of Racial Discrimination (CERD)⁸
- The Committee on Migrant Workers (CMW)⁹ and
- The Committee on Enforced Disappearances (CED)¹⁰.

This report provides a comprehensive analysis of all the SOGIESC references made by these nine bodies in 2019. The report is accompanied by a compilation of references coded with keywords.¹¹

The analysis primarily examines the following three components of Treaty Body documentation:

- General Comments (interpretation of the international human rights treaties).
- Decisions on Individual Communications (complaints brought by individuals or organizations).

2 Responsible for monitoring State compliance with the International Covenant on Economic, Social and Cultural Rights (ICESCR).

3 Responsible for monitoring State compliance with the International Covenant on Civil and Political Rights (ICCPR).

4 Responsible for monitoring State compliance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW Convention).

5 Responsible for monitoring State compliance with the Convention on the Rights of the Child (CRC Convention).

6 Responsible for monitoring State compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT Convention).

7 Responsible for monitoring State compliance with the International Convention on the Rights of Persons with Disabilities (ICRPD).

8 Responsible for monitoring State compliance with the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).

9 Responsible for monitoring State compliance with the International Convention for the Protection of All Persons from Enforced Disappearance (ICED).

10 Responsible for monitoring State compliance with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW).

11 The annual reports from previous years are available at https://www.ilga.org/treaty_bodies_annual_reports.

- Lists of Issues (issues and questions sent to States parties before the main review) and Concluding Observations (country-specific concerns and recommendations made as a result of the main review).

The **introduction** to the report explains the methodology of the research and provides an overview of trends, developments and opportunities related to SOGIESC in Treaty Bodies.

The main part of the report consists of **nine Committee-specific chapters**. Each chapter includes:

- Quantitative and qualitative data on SOGIESC references made by the respective Committee in 2019.
- Information on topics covered during the year, with a special focus on (de)criminalization of consensual same-sex sexual acts or certain forms of gender expression.
- Specific data on trans and intersex references and references to LB/TI Women made by the Committee.
- Information on General Comments and decisions on Individual Communications adopted by the Committee, as well as information on follow-up recommendations.
- Information on sex work and HIV/AIDS references in Concluding Observations that were not SOGIESC-specific.

Based on this analysis, advice is provided to facilitate the future engagement of LGBTI defenders.

The **Annexes** to the report include:

- Full list of countries reviewed in 2019 with information on whether or not SOGIESC were mentioned in the List of Issues or Concluding Observations.
- List of SOGIESC-related civil society submissions (shadow reports) sent to the Committees on the countries reviewed in 2019, with hyperlinks and a brief description of the contents of the report.
- Quantitative data on SOGIESC references in the Concluding Observations of Treaty Bodies made between 2014 and 2019.

This report is accompanied by a separate document containing a **compilation of all SOGIESC references** made by nine Treaty Bodies in their General Comments and decisions made on Individual Communications in 2019, as well as Lists of Issues and Concluding Observations on countries reviewed in 2019. At the beginning of the compilation report, a list of keywords is provided to facilitate searches within the document.

Methodology¹²

In preparing this report, ILGA World examined all the Lists of Issues,¹³ Concluding Observations, General Comments¹⁴ (drafts and finalised versions) and decisions on Individual Communications published by CESC, HRCtee, CEDAW, CRC, CAT, CRPD, CERD, CMW and CED in 2019, as well as civil society submissions on countries reviewed in 2019.

In doing so, we examined only the materials that explicitly mentioned LGBTI/SOGIESC. Therefore, our analysis did not cover references which could be understood as covering LGBTI populations, but that did not do so directly (e.g., general mentions of “vulnerable groups of women” or “different family forms”).

We primarily analysed written documents published on the website of the Office of the High Commissioner for Human Rights (OHCHR). Therefore, our analysis excluded confidential civil society submissions, most information provided orally, and reports that were not uploaded to the OHCHR website.

¹² The initial methodology for ILGA World’s annual Treaty Bodies reports was developed by Helen Nolan who wrote the first two reports on 2014 and 2015.

¹³ List of Issues, List of Themes or List of Issues Prior to Reporting. The research analysed the documents issued either in 2019 or earlier if the country had its main review in 2019.

¹⁴ Some Committees issue General Recommendations, but both General Recommendations and General Comments are substantively similar.

In many cases, we also looked through press releases, summary records of constructive dialogues, NHRI reports and submissions made by civil society in the context of draft General Comments.

Due to practical limitations, we did not comprehensively study whether or not in-person participation of LGBTI activists or the position of particular Committee experts (or OHCHR staff members) influenced the content of questions or recommendations. However, some examples of these factors are provided in the report.

Definition of “reference”. Our quantitative analysis was based on the concept of “reference”. A reference and a recommendation are understood differently.

A **reference** means any mention of SOGIESC/LGBTI by a Committee. We counted any of the following options as one reference:

- a. A paragraph made within the positive development section (e.g., when a Committee commended a State party’s new SOGIESC-inclusive anti-discrimination law).
- b. A paragraph expressing the Committee’s concerns, plus a following paragraph suggesting particular recommendations to mitigate the problem mentioned.
- c. Only a paragraph with recommendations not preceded by a paragraph expressing concern (particularly relevant for the CRC structure of Concluding Observations).
- d. A paragraph on follow-up recommendations if SOGIESC issues were selected for the follow-up review process.

A **recommendation** means particular measures and activities recommended or suggested to, or required of a State party by a Committee. Recommendations could be a part of a reference, but not every reference includes recommendations.

This report includes separate analyses of the work of each of the nine Treaty Bodies in 2019.

The general overview for each of the Committees provides information about all country reviews. It includes new and previous Concluding Observations, Lists of Issues, CSO submissions and constructive dialogues, as well as SOGIESC references contained within them.

For each of the Committees, there is also a general description of the themes covered during the year. Specific sections are dedicated to:

- a. **Criminalization**, including a comparison of the list of countries criminalizing consensual same-sex sexual acts with the list of countries that received SOGIESC recommendations, as well as the content of such recommendations;
- b. **Gender identity and gender expression**, including quantitative information about trans-inclusive and stand-alone trans references, and an analysis of topics covered by these references;
- c. **Sex characteristics**, including quantitative and qualitative information about intersex-inclusive and stand-alone intersex references; and
- d. **Women**, a section introduced in the 2017 report with an analysis of how SOGIESC references made by the Committee reflected the realities of LB/TI women.

For each of the Committees, we also provide information on Individual Communications, General Comments and follow-up recommendations.

Lastly, a list of references to sex work and HIV/AIDS not directly related to SOGIESC is compiled for each Committee.

Overview of 2019

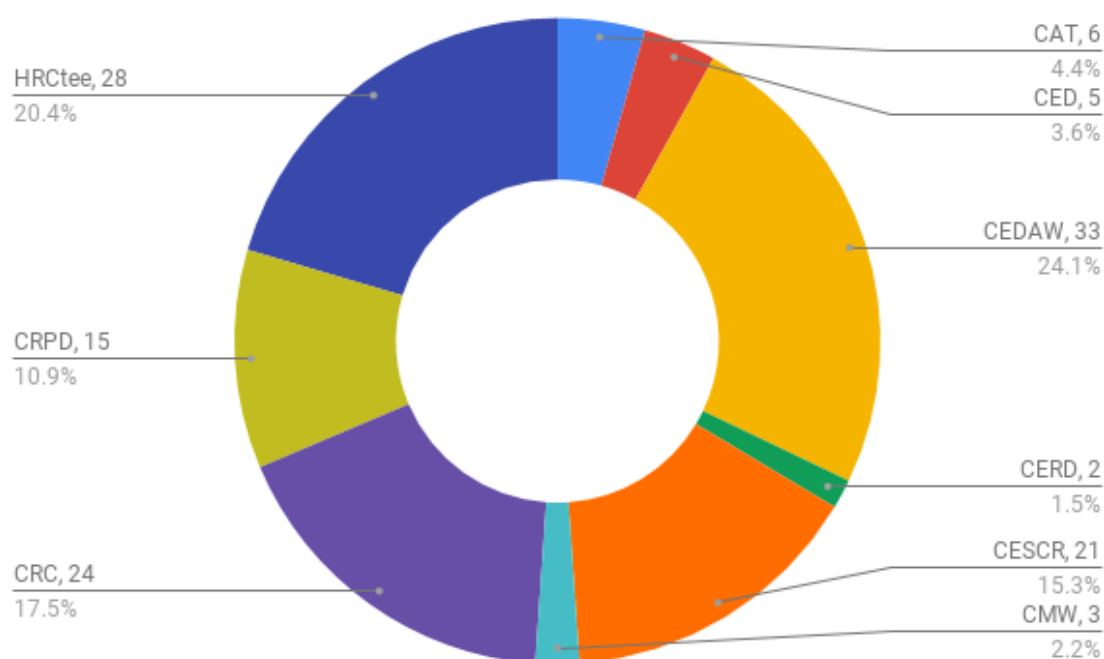
Country Periodic Reviews. In 2019, 9 Treaty Bodies made 137 SOGIESC references in 66 out of 130 Concluding Observations. This meant that 51% of Concluding Observations were SOGIESC-inclusive. The Committees previously achieved this percentage only once, in 2016.

Table 1: SOGIESC in Concluding Observations of Treaty Bodies, 2019

	All COs	SOGIESC-inclusive CO		SOGIESC-inclusive references	Trans-inclusive references		Trans-specific references		Intersex-inclusive references		Intersex-specific references	
		NN	%	NN	NN	%	NN	%	NN	%	NN	%
CAT	16	5	31%	6	5	83%	2	33%	3	50%	2	33%
CED	5	3	60%	5	5	100%	0	0%	1	20%	0	0%
CEDAW	22	13	59%	33	28	85%	5	15%	11	33%	1	3%
CERD	17	2	12%	2	1	50%	0	0%	0	0%	0	0%
CESCR	11	10	91%	21	17	81%	3	14%	6	29%	1	5%
CMW	7	2	29%	3	2	67%	0	0%	1	33%	0	0%
CRC	17	9	53%	24	19	79%	1	4%	21	88%	8	33%
CRPD	18	6	33%	15	9	60%	1	7%	11	73%	5	33%
HRCtee	17	16	94%	28	25	89%	6	21%	10	36%	3	11%
TOTAL	130	66	51%	137	111	81%	18	13%	64	47%	20	15%

In 2019, CEDAW made the most SOGIESC references (33 references), followed by HRCtee (28), CRC (24) and CESCR (21). HRCtee had the highest percentage of SOGIESC-inclusive Concluding Observations (94%), followed by CESCR (91%), CED (60%) and CEDAW (59%).

Figure 1: SOGIESC-inclusive references in Concluding Observations, 2019



The case of CESCR is particularly interesting, as it reached its highest ever percentage of SOGIESC-inclusive Concluding Observations at 91% (compared to 50% in 2018, 70% in 2017, 53% in 2016, 76% in 2015 and only 30% in 2014). This may be explained by the friendly approach towards SOGIESC issues adopted by some of the Committee members, as well as by the active participation of LGBTI defenders in the Committee's sessions.

CRPD made observable progress, with its highest ever number of SOGIESC references, including detailed and multiple specific intersex recommendations. CED also made progress with its highest ever number of both SOGIESC-inclusive Concluding Observations and references.

At the same time, CAT adopted the lowest number and percentage of SOGIESC-inclusive Concluding Observations since 2015. In 2019, only 5 of the 16 Committee's Concluding Observations (31%) mentioned SOGIESC.

While CEDAW still made more SOGIESC references than any other Treaty Body in 2019, it failed to reach its high of 62 references from 2018 (this consequently resulted in a nearly 50% decrease). As will be discussed in the chapter on CEDAW, there may be two reasons for this trend. First, in 2018, many local human rights defenders provided information to CEDAW and engaged with this body in Geneva, including with the support of ILGA World. Second, by 2019, several CEDAW experts had left the Committee, including two particularly supportive members.

Finally, 10 SOGIESC recommendations on 8 countries were selected for the **follow-up procedure** by 5 – the highest number ever – Committees (CED, CEDAW, CESCR, CMW and HRCtee) in 2019. This included a specific trans recommendation to **Kazakhstan** by CEDAW.

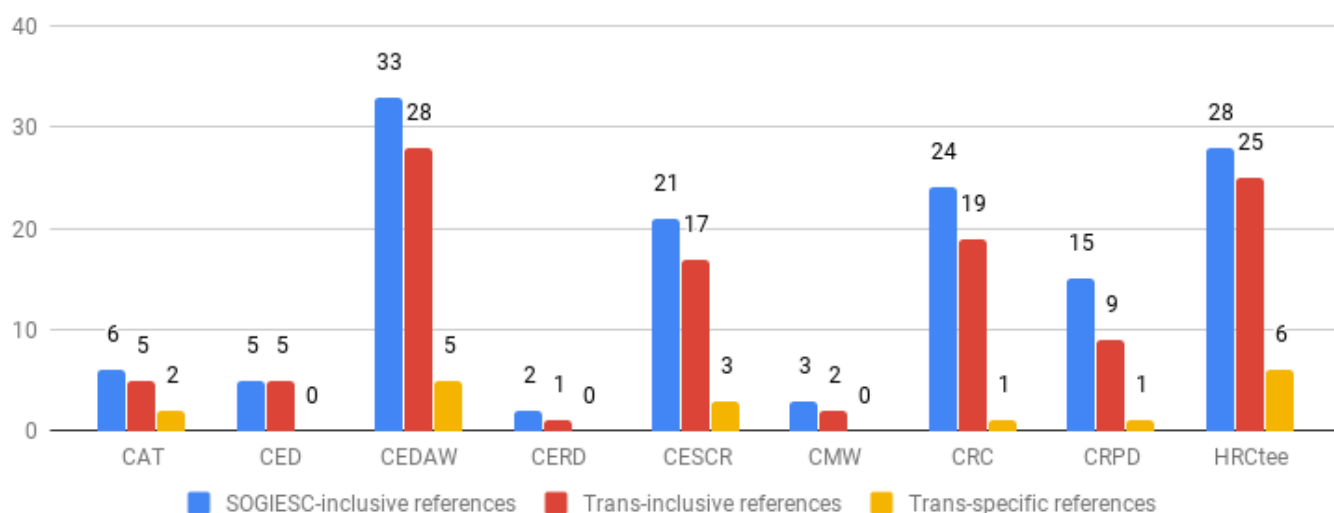
Criminalization. In 2019, a total of 33 periodic reviews by all nine Treaty Bodies were devoted to countries criminalizing consensual same-sex sexual acts. However, only 13 Concluding Observations (39% of the reviews on these states) included recommendations on the topic. Notably, both CESCR and HRCtee recommended to each country criminalizing consensual same-sex sexual acts to change this. However, no recommendations were made in 2019 regarding the criminalization of certain forms of gender identity or gender expression.

Gender identity and expression. In 2019, 111 trans-inclusive references were made by all 9 Treaty Bodies, which amounted to 81% of all SOGIESC-inclusive references. While this is still lower than the record high of 89% achieved by the Committees in 2014, it represents an increase in comparison to last year (in 2018, 75% of references were trans-inclusive).

However, only 18 of the trans-inclusive references addressed specific challenges faced by trans populations in 2019. This is a decrease in comparison to 2016 (20 references), 2017 (25 references), and 2018 (24 references), yet still represents progress in comparison to 2014 (7 references) and 2015 (10 references).

The two Committees with the highest number of both trans-inclusive and trans-specific references in 2019 were HRCtee and CEDAW with 28 and 6, and 33 and 5 references respectively (see Fig. 2).

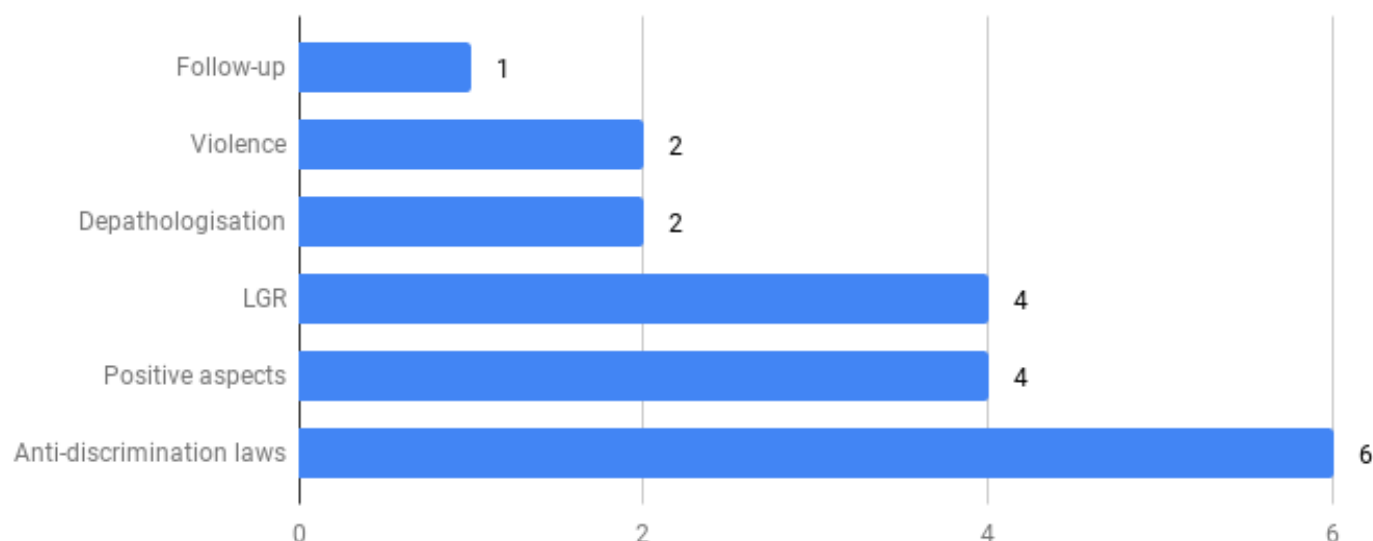
Figure 2: Trans-inclusive and trans-specific references in Concluding Observations (2019)



The Committees addressed the following topics the most frequently (see Fig. 3):

- Anti-discrimination legislation including gender identity (or gender expression) as protected grounds.
- Legal gender recognition (LGR), including a very progressive recommendation by HRCtee to **Czech Republic** to establish a quick, transparent and accessible procedure based on self-identification.
- Positive developments in State parties, such as the adoption of a Law on the right to self-determination of gender identity and gender expression in **Portugal**, or the Gender Identity, Gender Expression and Sex Characteristics Act in **Malta**.

Figure 3: GIE-specific references in Concluding Observations, by topic (2019)



Other themes covered by Treaty Bodies in stand-alone trans references included violence, depathologization and the situation of trans people in detention.

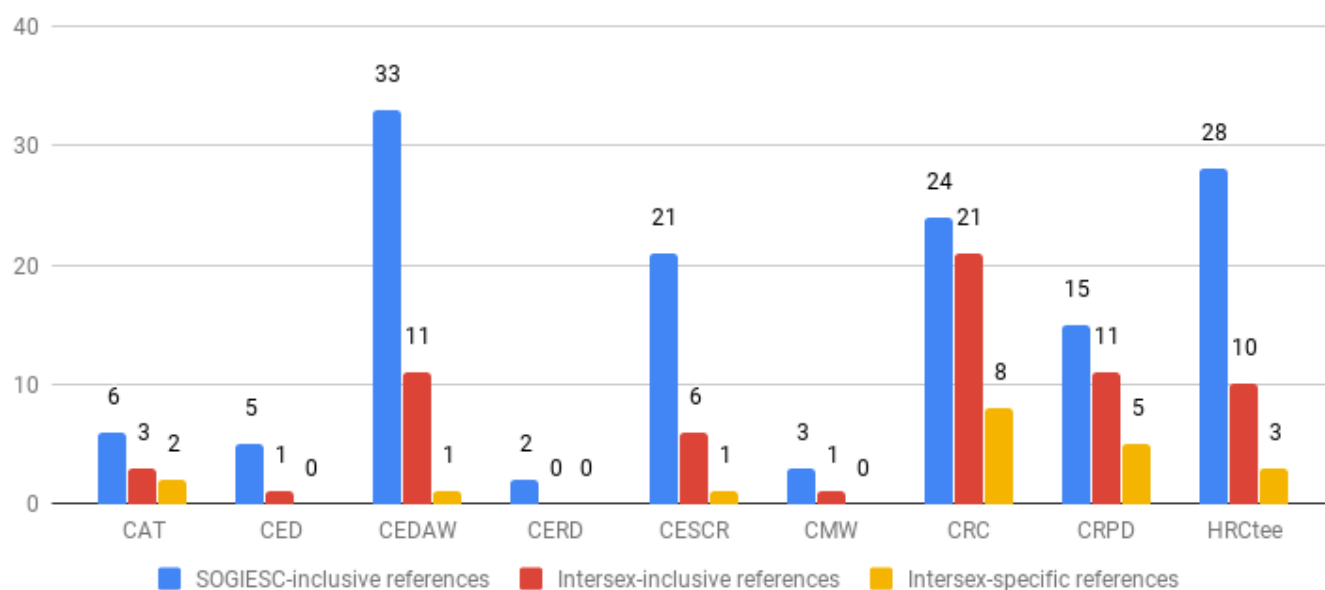
Kazakhstan received the first follow-up stand-alone recommendation from CEDAW on LGR and gender reassignment surgery requirements.

Although many CSO reports included specific information on trans populations, stand-alone submissions on trans issues were quite rare.

Sex characteristics. In 2019, all but one (CERD) Committee made intersex-inclusive references in their Concluding Observations. CED made its first intersex reference, though under the umbrella of LGBTI. Overall, there were 64 intersex-inclusive references, which amounted to 47% of all SOGIESC-inclusive references.

Six Committees made 20 intersex-specific references, with two committees reaching record high indicators in their practice. CRPD made 5 intersex-specific references. CRC made 8 intersex-specific references, amounting to 33% SOGIESC-inclusive references.

Figure 4: Intersex-inclusive and intersex-specific references in Concluding Observations (2019)



The vast majority of intersex-specific recommendations related to ending the practice of all non-consensual, irreversible medical interventions; developing rights-based health care protocols; and providing consultations and support to families with intersex children. A number of recommendations also addressed training programmes for medical professionals, investigations into cases of non-consensual medical interventions, changes to statutes of limitations, and redress and reparation mechanisms for survivors of medical interventions performed without their proper consent.

Topics raised less frequently included:

- Birth registration (CRPD, **India**; HRCtee, **Chile**)
- “Mercy killings” of intersex children and access to education (CRPD, **India**)
- Legal definition of “intersex person” (CESCR, **Denmark**)
- Coverage of intersex medical interventions by disability insurance (CRC, **Switzerland**).

In 2019, there was a significant number of stand-alone CSO reports on the situation of intersex persons. In most cases, when such reports were submitted, Committees posed relevant questions or made recommendations to States. This demonstrates the effectiveness of the participation of intersex defenders in Treaty Bodies processes.

LB/TI women. The majority of the references made by Treaty Bodies in 2019 did not distinguish between the situation of LB/TI women and the situation of LGBTI populations in general. The very few exceptions included questions and recommendations on:

- A reference to “lesbianism” in the Penal Code (CEDAW, **Kazakhstan**)
- Violence against trans women (CAT, **Dominican Republic**; CEDAW, **Uruguay**)
- The situation of intersex women and girls (CEDAW, **Zimbabwe**), following the language of a CSO report.

This corresponded to the content of information provided to the Committees by civil society. Only a few shadow reports, mainly to CEDAW, included specific data related to the challenges faced by LB/TI women.

At the same time, the experience of defenders of the rights of LB/TI women with CEDAW from 2018 showed that active engagement with Committee members can influence the number of recommendations and their level of detail. Local activ-

ists can use this experience in their future advocacy efforts.

In 2019, a record number of Treaty Bodies selected SOGIESC recommendations for their **follow-up** processes. Overall, 10 follow-up SOGIESC recommendations on 8 countries were made by five different Committees: CED (2 recommendations), CEDAW (1 recommendation), CESCR (4 recommendations), CMW (1 recommendation) and HRCtee (2 recommendations). Moreover, CMW and CED made their first follow-up recommendations on SOGIESC.

Only one **General Comment** was adopted by the Treaty Bodies in 2019: the new CRC General Comment on children's rights in the juvenile justice system. This document makes reference to SOGI.

In addition, only one decision was made on **Individual Communications**. CEDAW adopted a decision in the case **K.K. v. Russian Federation** declaring it inadmissible. This is quite disappointing as the main argument of the Committee was that the national courts had assessed the case and had not found any violation, therefore it was not for CEDAW to reassess the facts. Based on this logic, any case relating to discrimination or violence against LGBTI people in a country that does not support the human rights of this population and therefore refuses to protect the rights of a victim, should be declared inadmissible. However, new cases are pending before CEDAW, which will allow us to see in the near future whether the Committee will develop its jurisprudence on SOGIESC differently.

* * *

In 2019, nine Treaty Bodies made 137 SOGIESC references in 66 Concluding Observations on 56 different states. This included 10 follow-up recommendations to 8 countries made by 5 Committees.

There were 18 stand-alone trans references, including one follow-up recommendation on Kazakhstan, as well as a record number of 20 stand-alone intersex references. One recommendation explicitly referred to "lesbianism", which was the only explicit stand-alone lesbian reference.

One new General Comment mentioning SOGI was adopted by CRC, and one decision on an Individual Communication was made by CEDAW (though it was declared inadmissible).

Both the unprecedented growth in intersex-specific recommendations, and the changes of CEDAW references to LGBTI in comparison to 2018, demonstrated the importance and effectiveness of the active engagement of human rights defenders with Treaty Bodies.

SOGIESC in the Work of Treaty Bodies in 2014–2019

ILGA World has been compiling and analysing the SOGIESC references made by Treaty Bodies since 2014. The results of the analysis for each specific year were presented in six annual reports on Treaty Bodies, including the present one.

In this section, we will examine the overall picture related to how SOGIESC were reflected in the work of Treaty Bodies over the past six years, and identify the main developments and achievements in this regard.

(a) Country periodic reviews

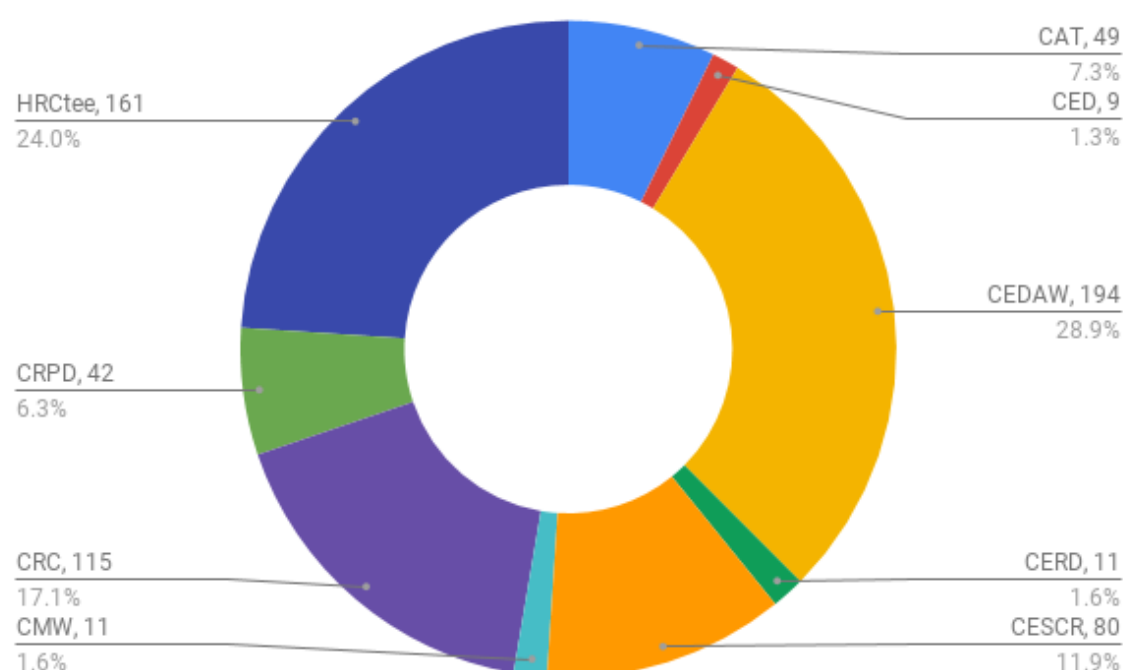
Overall, 9 Treaty Bodies made 672 SOGIESC-inclusive references in 385 Concluding Observations from 2014 to 2019. Therefore, such references were made in 46% of country periodic reviews.

Table 2: SOGIESC in Concluding Observations of Treaty Bodies, 2014–2019

	ALL COs	SOGIESC- INCLUSIVE CO		SOGIESC- INCLUSIVE REFERENCES	TRANS- INCLUSIVE REFERENCES		TRANS- SPECIFIC REFERENCES		INTERSEX- INCLUSIVE REFERENCES		INTERSEX- SPECIFIC REFERENCES	
		NN	%		NN	%	NN	%	NN	%	NN	%
CAT	102	41	40%	49	38	78%	13	27%	25	51%	8	16%
CED	30	7	23%	9	9	100%	0	0%	1	11%	0	0%
CEDAW	153	82	54%	194	152	78%	40	21%	90	46%	18	9%
CERD	113	10	9%	11	9	82%	0	0%	5	45%	0	0%
CESCR	90	52	58%	80	68	85%	11	14%	32	40%	5	6%
CMW	40	7	18%	11	8	73%	0	0%	4	36%	0	0%
CRC	122	66	54%	115	92	80%	7	6%	87	76%	20	17%
CRPD	83	22	27%	42	25	60%	3	7%	23	55%	13	31%
HRCtee	112	98	88%	161	143	89%	30	19%	61	38%	6	4%
TOTAL	845	385	46%	672	544	81%	104	15%	328	49%	70	10%

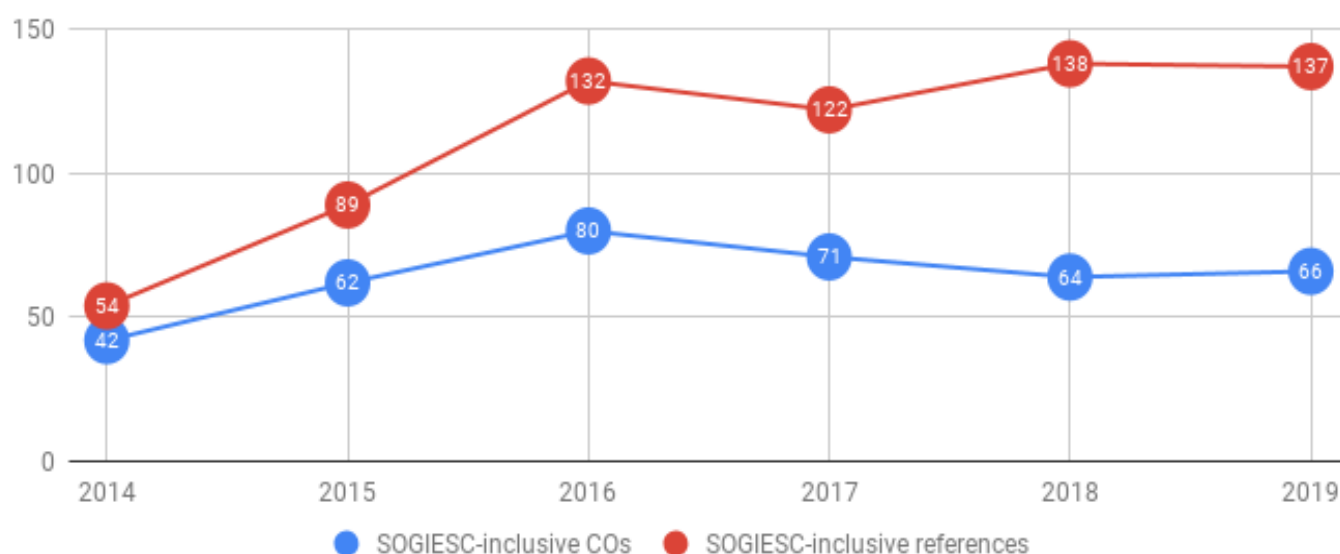
HRCtee had the highest number of SOGIESC-inclusive Concluding Observations (98 Concluding Observations), followed by CEDAW (82 Concluding Observations), CRC (66 Concluding Observations) and CESCR (52 Concluding Observations). The same Committees made the highest number of SOGIESC-inclusive references (see Fig. 5): CEDAW (194 references), HRCtee (161 references), CRC (115 references) and CESCR (80 references).

Figure 5: SOGIESC references in Concluding Observations, by Treaty Body (2014–2019)



Looking at the distribution of SOGIESC-inclusive Concluding Observations and references over the six years reviewed, we can see the linear progress made from 2014 to 2016, and then either a slight decrease or a slight growth (see Fig. 6).

Figure 6: SOGIESC-inclusive Concluding Observations and references (2014–2019)



While the number of SOGIESC-inclusive Concluding observations has been growing since 2014, the increase in SOGIESC references was even more significant.

Between 2014 and 2019, the growth in the number of SOGIESC-inclusive Concluding Observations amounted to more than 50%, while the number of SOGIESC references had grown by more than 250% for the same period.

In 2014, Treaty Bodies made 54 references in 42 Concluding Observations (or 1.3 references per one Concluding Observation on average). In 2019, the Committees adopted 66 Concluding Observations with 137 SOGIESC-references (or 2.1 references per one Concluding Observation on average).

In other words, the consideration of SOGIESC topics by Treaty Bodies has become more detailed and nuanced, and more issues relevant to LGBTI communities receive attention from the Committees.

From 2014 to 2019, different Treaty Bodies demonstrated different patterns, with almost every Committee having fluctuating trends rather than a stable increase or a consistent decrease (see Fig. 7 and 8).

Figure 7: Percentage of SOGIESC-inclusive Concluding Observations, by Treaty Body (2014–2019)

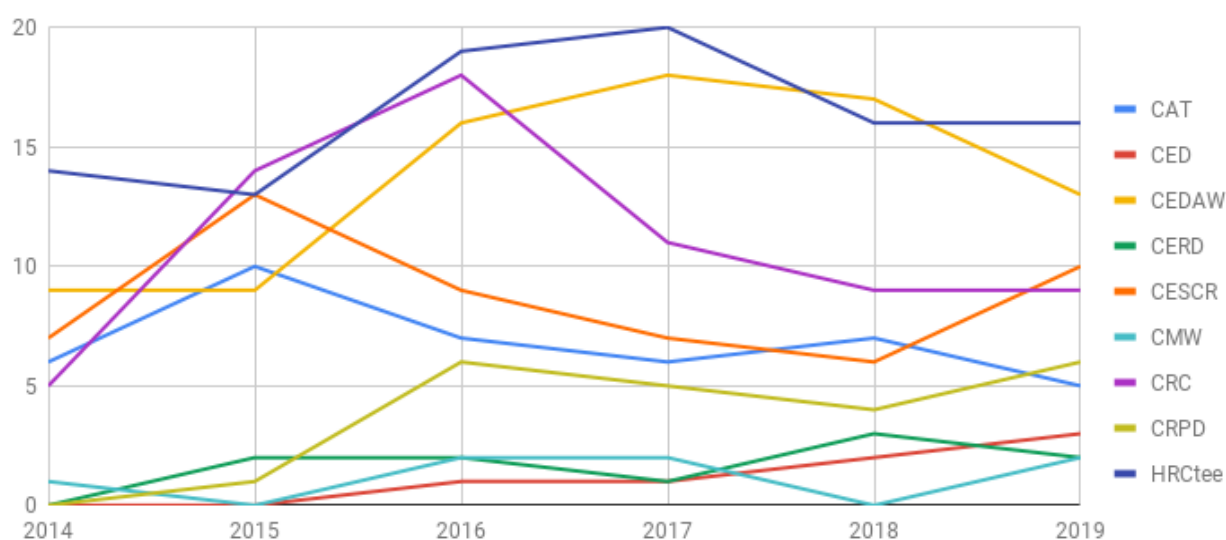


Figure 7 demonstrates how frequently Treaty Bodies addressed SOGIESC in their Concluding Observations. We can see that HRCtee played the leading role here. CED, CEDAW, CESCR and CRPD also made relatively stable progress.

The highest ever percentage of SOGIESC-inclusive Concluding Observations (100%) was made by HRCtee in 2017 and 2018. This is followed by CESCR with 91% of Concluding Observations being SOGIESC-inclusive in 2019, which more than tripled since 2014.

Figure 8: Number of SOGIESC-inclusive references, by Treaty Body (2014–2019)

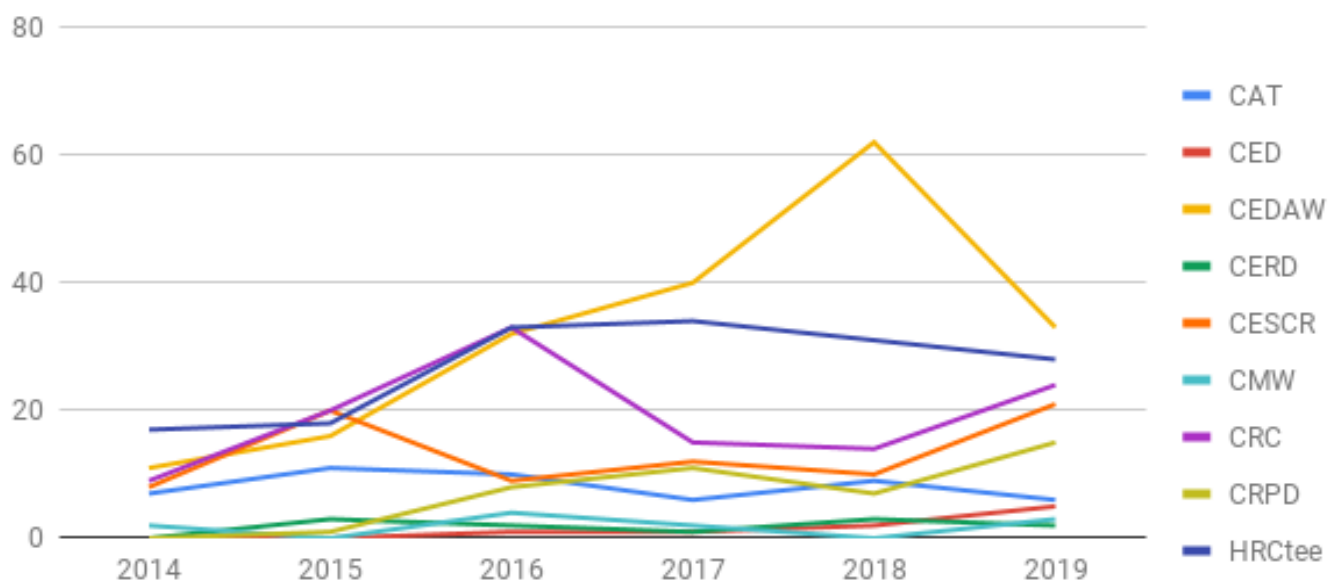


Figure 8 shows how many SOGIESC references were made by Treaty Bodies between 2014 and 2019.

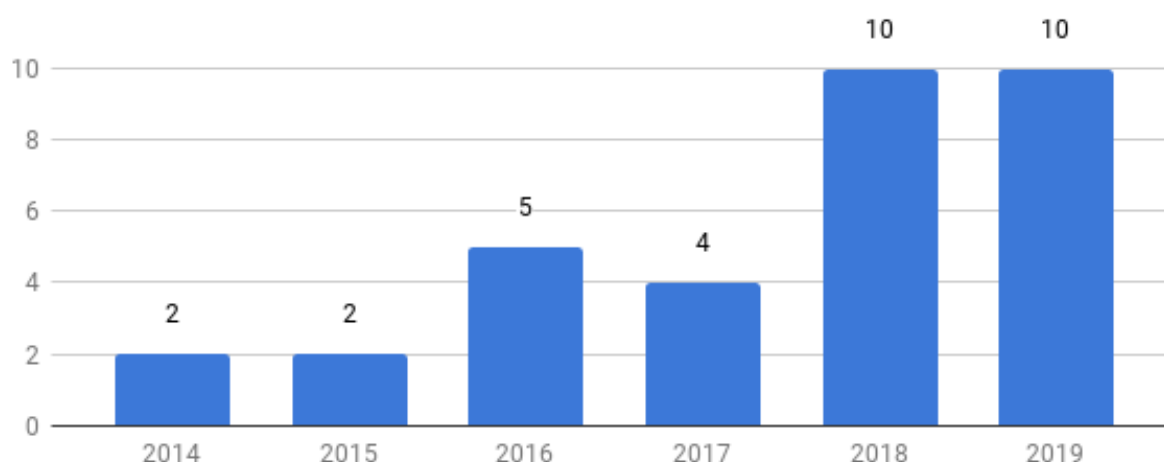
CEDAW made the highest ever number of SOGIESC-inclusive references in 2018 (62 references). The same Committee also made the most SOGIESC references out of all Treaty Bodies in 2017 (40 references) and 2019 (33 references).

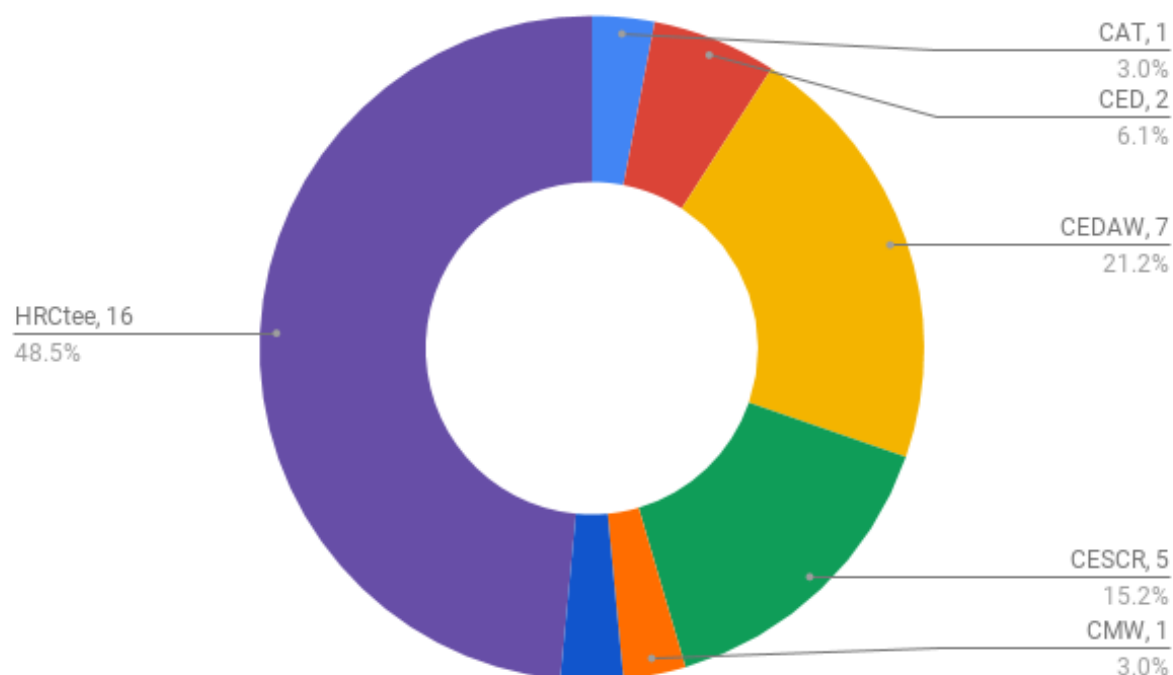
Other Committees that made a large number of SOGIESC references include: HRCtee (with a record of 34 such references in 2017, 33 in 2016, 31 in 2018 and 28 in 2019), CRC (with 33 references in 2016 and 24 in 2019) and CESCR (with 21 references in 2019).

Follow-up recommendations

The quantitative developments related to the practise of Treaty Bodies on SOGIESC also include a growth in follow-up recommendations (see Fig. 9). Overall, 7 Committees selected 33 SOGIESC recommendations for their follow-up review, with a record high of 10 such recommendations adopted in 2018 and 2019. Once again, HRCtee, CEDAW and CESCR were the leaders in this regard.

Figure 9: Follow-up SOGIESC recommendations by Treaty Body (2014–2019)





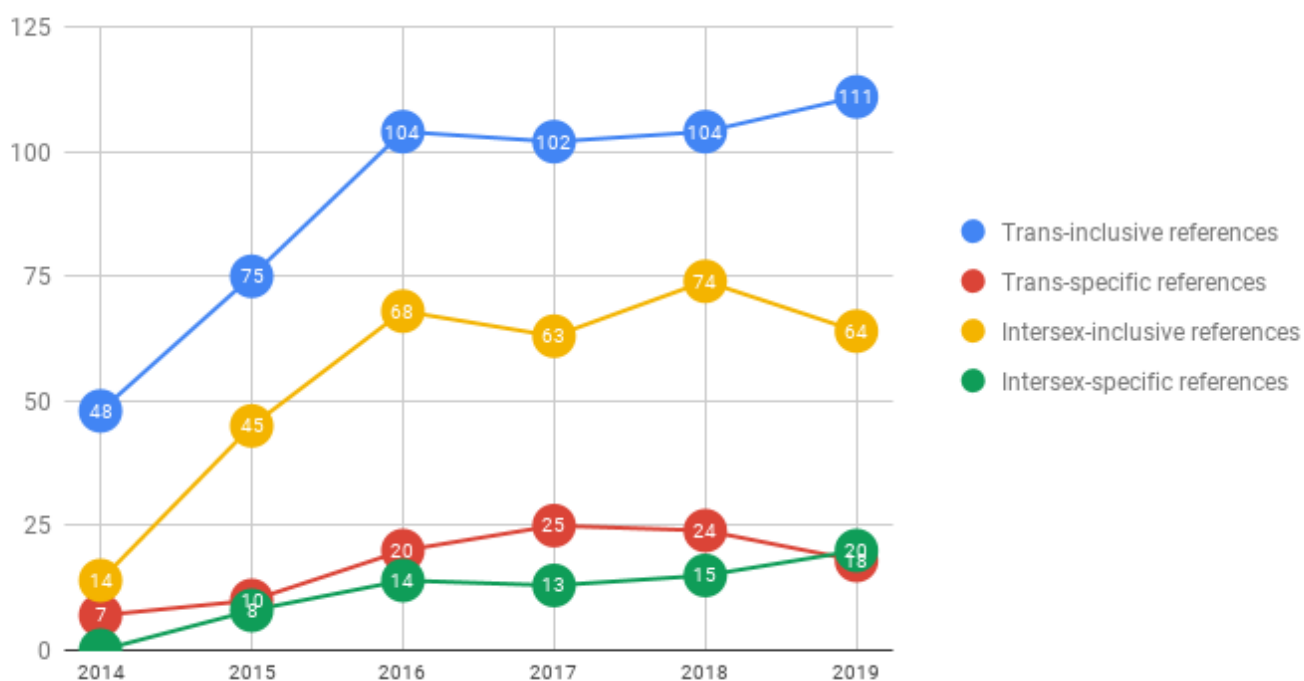
Trans and intersex references

Apart from general SOGIESC references, the Committees also made significant progress in relation to trans and intersex references (see Fig. 10).

From 2014 to 2019, all Treaty Bodies together produced 544 trans-inclusive and 328 intersex-inclusive references. This amounted to 81% and 49% of all SOGIESC-inclusive references, respectively.

Six Committees also made 104 trans-specific and 70 intersex-specific references. Such references were made by all Treaty Bodies, with the exception of CED, CERD and CMW. CEDAW made the highest number of stand-alone trans references (40 references), followed by HRCtee (30 references). Meanwhile, CRC made the most intersex-specific references (20 references), followed by CEDAW (18 references).

Figure 10: Number of trans- and intersex- inclusive and specific references (2014–2019)



The Committees have also developed and diversified the content of their trans- and intersex-specific references.

In their trans references, Treaty Bodies covered issues such as: LGR and specific related requirements; the pathologization of trans identities; access to gender reassignment treatment; transphobic violence; the criminalization of cross-dressing; the situation of trans persons in detention; discrimination against trans people in employment; school harassment; anti-discrimination legislation explicitly covering gender identity (and sometimes gender expression as well); and aspects related to cultural/gender identities such as *hijra*.

In relation to intersex-specific issues, the Committee focused to a large extent on issues such as irreversible medical interventions; laws and protocols prohibiting non-consensual medical interventions and regulating the provision of health services to intersex persons; consultations and support for families with intersex children; training courses for medical personnel; the investigation of cases of non-consensual medical interventions; and redress and compensation for intersex survivors and their access to justice. Less frequently, Treaty Bodies also addressed issues such as the legal definition of intersex; intersex birth registration; “mercy killings” of intersex children; access to education; and more generally, discrimination based on sex characteristics.

These developments were all supported by the active participation of trans and intersex groups in Treaty Body processes. This was especially true for intersex advocacy organized primarily by intersex groups themselves, as the number of stand-alone intersex submissions to the Committees increased tremendously since 2014.

Women

Treaty Bodies generally made significant progress in relation to references to LGBTI/SOGIESC, as well as to trans and intersex references. However, there was no similar trend, at least not such an obvious one, in relation to the specificity of the situation of LGBTI women and of the individual groups under this umbrella in particular.

CEDAW plays a unique role because, by definition, it addresses any issues, including SOGIESC, from a gender perspective. However, even this Committee primarily made references to LBT(I) in general, and less frequently referred to trans women or intersex persons individually.

Explicit stand-alone references to lesbian (and even more so to bisexual) women were a rare exception in CEDAW practice. For example, it made recommendations on the arbitrary detention of lesbians (2015, **Gambia**), addressed the situation of lesbian women in detention (2017, **Guatemala** and **Paraguay**), asked about the criminalization of consensual female same-sex sexual acts and so-called “corrective rape” (2018, **Ethiopia**), and expressed its concerns over the mention of “lesbianism” in the Penal Code (2019, **Kazakhstan**). CEDAW made more recommendations with reference to “same-sex couples”, which could also be understood as primarily serving the needs of LB women.

All other Committees failed to specifically address the situation of LB women. Only HRCtee expressed concerns over “corrective rape” in **Namibia** in 2016.

Specific references to trans women were also rather exceptional. When Committees (not only CEDAW) made such recommendations, they focused on violence against trans women, in particular murders, or on the situation of trans women in detention.

Finally, references to sex characteristics mostly addressed intersex persons. CEDAW documents on Zimbabwe from 2019 were one of the very few exceptions in which intersex women were explicitly mentioned. In this case, the Committee simply followed the language of a shadow report submitted by an intersex group.

This situation generally reflects the status of CSO information provided to the Committee. There were very few stand-alone reports on the specific situations of LB women, trans women or intersex women. There were more reports that included some information, and sometimes even specific sections, describing particular problems faced by these populations. However, as can be seen from the description above, this rarely resulted in any concrete recommendations on LB/TI women. ILGA World specifically focused on supporting LB women advocates in their engagement with Treaty Bodies in 2018. The outcome of these efforts was a significant growth in Committee recommendations, however, the majority of them were formulated under the LBT(I) umbrella.

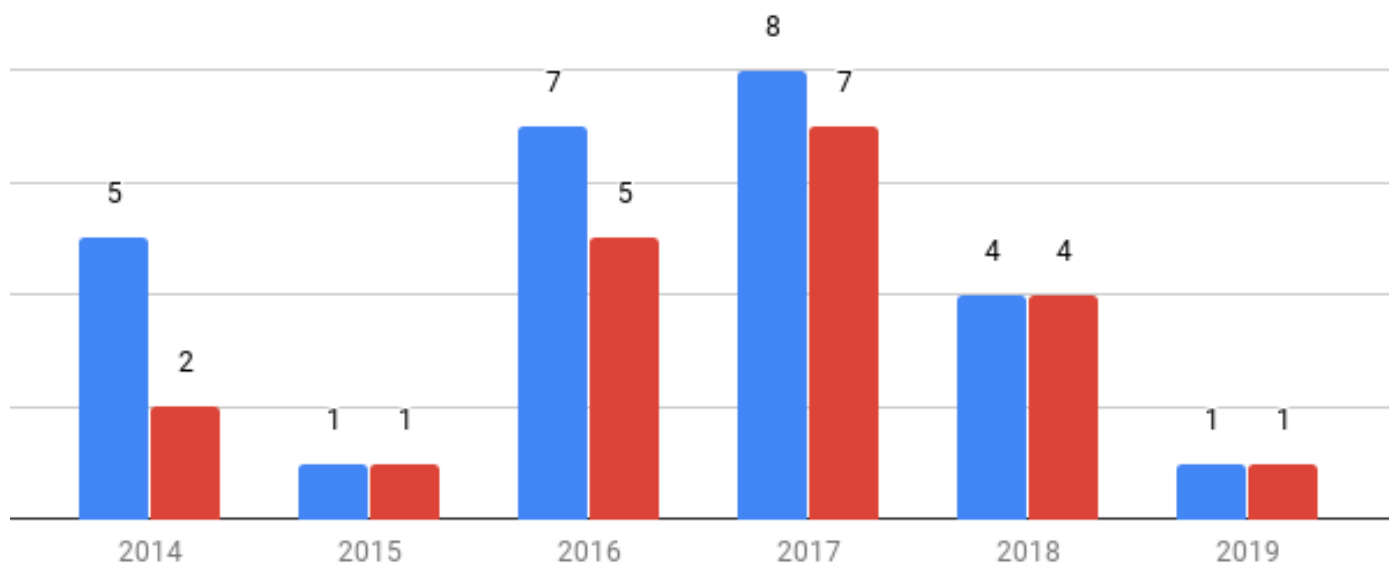
Therefore, it is obvious that additional research, advocacy efforts and awareness-raising on the situation of LB/TI women is needed.

(b) General Comments

Over the last six years, 26 General Comments were adopted by Treaty Bodies. Of these, 20 (77%) included SOGIESC references, ensuring a more stable and consistent interpretation of treaties to include SOGIESC aspects.

In 2018 and 2019, all General Comments adopted by Treaty Bodies referred to SOGIESC. This is additional evidence of the increased prominence of LGBTI issues in the work of Treaty Bodies.

Figure 11: General Comments by Treaty Bodies (2014–2019)



SOGIESC-inclusive General Comments adopted by Treaty Bodies between 2014 and 2019 included:

- CAT [General Comment No. 4 \(2017\)](#) on the implementation of article 3 of the Convention in the context of article 22
- CEDAW [General Recommendation No. 32 \(2014\)](#) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women
- CEDAW [General Recommendation No. 33 \(2015\)](#) on women's access to justice
- CEDAW [General Recommendation No. 35 \(2017\)](#) on gender-based violence against women, updating general recommendation No. 19
- CEDAW [General Recommendation No. 36 \(2017\)](#) on girls' and women's right to education
- CEDAW [General Recommendation No. 37 \(2018\)](#) on the gender-related dimensions of disaster risk reduction in the context of climate change
- CESCR [General Comment No. 22 \(2016\)](#) on the right to sexual and reproductive health (article 12 of ICESCR)
- CESCR [General Comment No. 23 \(2016\)](#) on the right to just and favourable conditions of work (article 7 of the ICESCR)
- CRC [General Comment No. 20 \(2016\)](#) on the implementation of the rights of the child during adolescence
- CRC [General Comment No. 21 \(2017\)](#) on children in street situations
- CRC [General Comment No. 24 \(2019\)](#) on children's rights in the child justice system
- CRC & CMW [Joint General Comment No. 3/22 \(2017\)](#) on the general principles regarding the human rights of children in the context of international migration
- CRC & CMW [Joint General Comment No. 4/23 \(2017\)](#) on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return

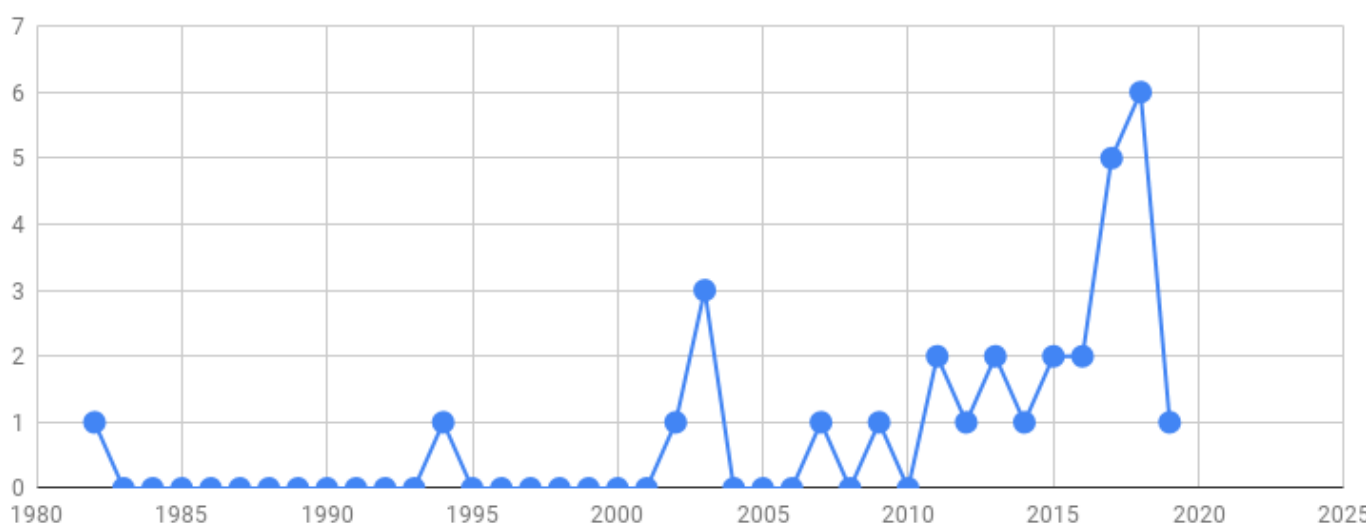
- CRPD [General Comment No. 3 \(2016\)](#) Article 6: Women and girls with disabilities
- CRPD [General Comment No. 4 \(2016\)](#) Article 24: Right to inclusive education
- CRPD [General Comment No. 5 \(2017\)](#) on living independently and being included in the community
- CRPD [General Comment No. 6 \(2018\)](#) on equality and non-discrimination
- CRPD [General Comment No. 7 \(2018\)](#) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention
- HRCtee [General Comment No. 35 \(2014\)](#) on article 9 of ICCPR, liberty and security of person
- HRCtee [General Comment No. 36 \(2018\)](#) on article 6 of ICCPR, on the right to life.

In some cases, the content of General Comments was informed by the input of civil society, including through written submissions and the participation of representatives of LGBTI groups in general discussion days.

(c) Individual Communications

Overall, Treaty Bodies made 30 decisions on LGBT issues (intersex issues have never been considered by Treaty Bodies under Individual Communications procedures).

Figure 12: Number of decisions on LGBT Individual Communications made by Treaty Bodies



The first decision on such an Individual Communication was made in 1982. The first decision where a violation was found was adopted in 1994 in the ground-breaking decision, *Toonen v. Australia*. As can be seen from Fig. 12, visible progress in relation to Treaty Body decisions on Individual Communications concerning LGBT issues began in 2002. In 2014–2019, 17 decisions were made, which amounted to more than half of all LGBT decisions made by the Treaty Bodies.

SOGI(ESC) decisions adopted by Treaty Bodies between 2014 and 2019 included:

- CAT, *J.K. v. Canada* (2015), deportation of a gay man and LGBT activist to Uganda (violation)
- HRCtee, *M.K.H. v. Denmark* (2016), deportation of a gay man to Bangladesh (violation)
- HRCtee, *M.Z.B.M. v. Denmark* (2017), deportation of a trans woman to Malaysia (no violation)
- CAT, *E.A. v. Sweden* (2017), deportation of a gay man to Lebanon (no violation)

- CEDAW, **A.S. v. Denmark** (2018), deportation of a lesbian woman to Uganda (inadmissible)
- HRCtee, **W.K. v. Canada** (2018), deportation of a gay man to Egypt (no violation)
- HRCtee, **Z.B. v. Hungary** (2018), deportation of a woman, who allegedly suffered from violence based on her sister's sexual orientation in Cameroon, to Serbia, where she had been raped and captured (inadmissible)
- CAT, **Joyce Nakato Nakawunde v. Canada** (2018), deportation of a lesbian woman to Uganda (inadmissible)
- CAT, **H.R.E.S. v. Switzerland** (2018), deportation of a gay man to Iran (no violation)
- HRCtee, **Ernazarov v. Kyrgyzstan** (2015), death of a person convicted of "forced sodomy" in a police station as a result of inter-prisoner violence against gay men and sex-offenders (violation)
- CAT, **D.C. and D.E. v. Georgia** (2017), vulnerability of a detained person subjected to torture, including attempted rape, by police (violation)
- CEDAW, **K.K. v. Russian Federation** (2019), discrimination and hate speech (inadmissible)
- HRCtee, **Praded v. Belarus** (2014), arrest and imposition of a fine for holding a peaceful assembly against killings of gay people in Iran without prior authorization (violation)
- HRCtee, **Androsenko v. Belarus** (2016), arrest and imposition of a fine for holding a peaceful assembly against killings of gay people in Iran without prior authorization (violation)
- HRCtee, **Nepomnyaschiy v. Russian Federation** (2018), administrative fine for "gay propaganda among minors" for displaying LGBT posters (violation)
- HRCtee, **C. v. Australia** (2017), denial of access to divorce proceedings for a lesbian couple married abroad (violation)
- HRCtee, **G. v. Australia** (2017), divorce requirement for legal gender recognition (violation)

According to our research,¹⁵ at least 14 other Individual Communications are pending before four Committees, although this excludes any cases to be considered by CAT, as this Committee does not publish data on registered or communicated cases.

The majority of the decisions were adopted by HRCtee, which was also had the highest number of decisions out of all Committees overall. This was followed by CAT with 5 decisions, and CEDAW with 2 decisions (see Fig. 13). Of the known pending cases, 11 were submitted to HRCtee, 2 to CEDAW and 1 to CRC.

¹⁵ In 2019, ILGA World published "Treaty Bodies Strategic Litigation Toolkit". It included:

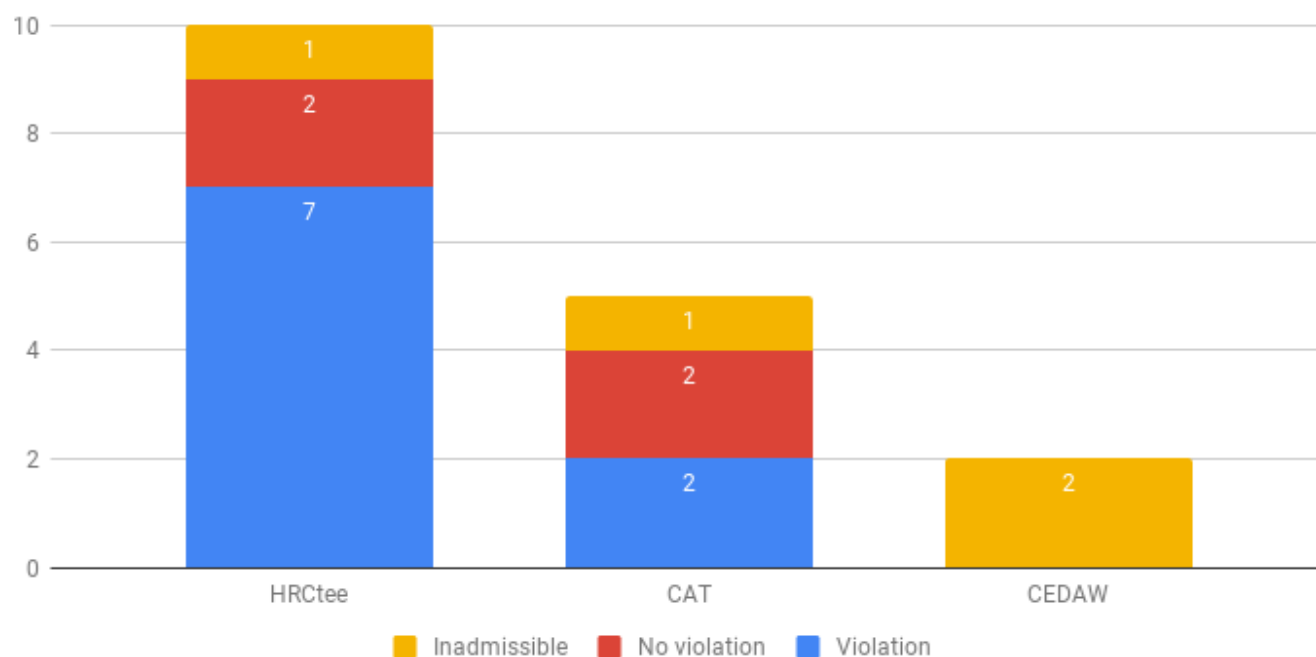
Part 1 – Policy Paper: General information about strategic litigation; technicalities related to bringing cases to Treaty Bodies; analysis of Treaty Bodies case law on SOGIESC; suggestions for future litigation strategies, etc.

Part 2 – Treaty Bodies' Case Digest: Treaty Bodies' decisions on 25 LGBT cases, including brief description of facts, reasoning and decisions, comments and information on follow-up.

Part 3 – Regional Tribunals' Case Digest: Information on LGBT cases reviewed by the Inter-American Court of Human Rights and the European Court of Human Rights.

Part 4 – Table of Treaty Bodies' LGBTI Decisions and Pending Cases: Information on the reviewed and pending cases of Treaty Bodies on SOGIESC (periodically updated), available at: <https://ilga.org/Treaty-Bodies-jurisprudence-SOGIESC>.

Figure 13: Decisions on Individual Communications on LGBT issues, by Treaty Body (2014–2019)



Out of 17 decisions, violations were found in 9, no violation in 4, and the remaining 4 were considered inadmissible. Specifically, both of the CEDAW communications were found to be inadmissible, however, there is still hope that the two pending cases will have a different outcome.

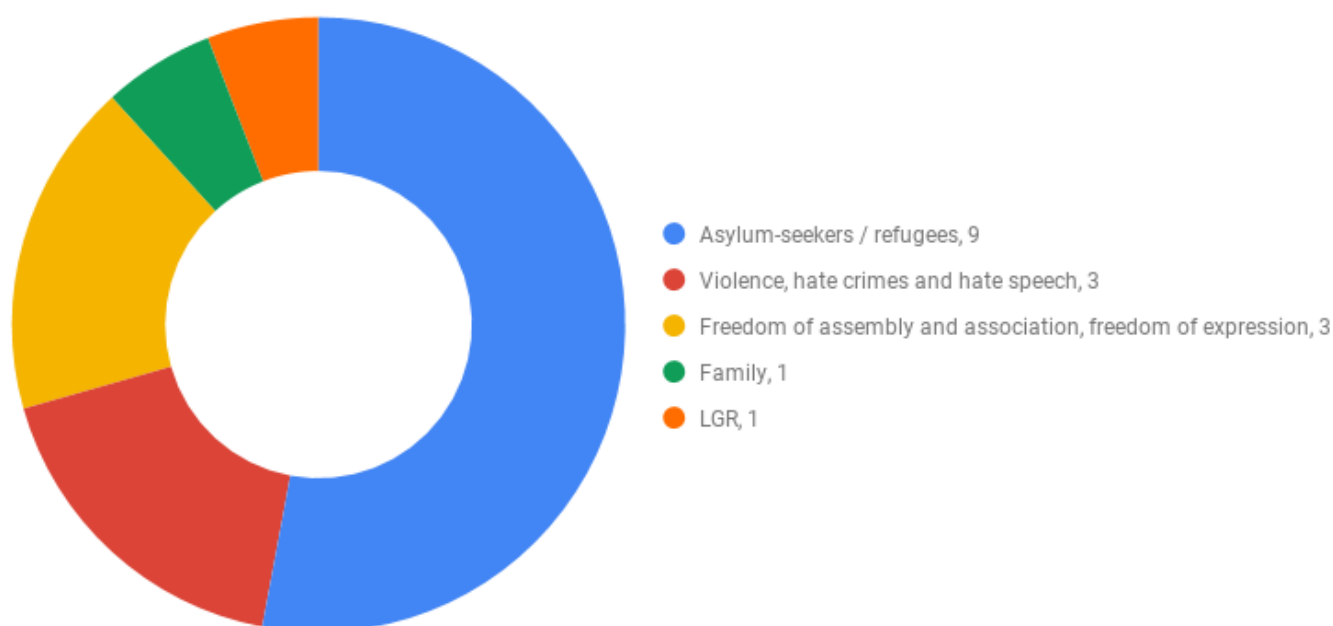
The majority of the Treaty Body decisions related to the topic of asylum-seekers or refugees. In these cases, Committees addressed the *non-refoulement* principle. A violation was found in only two of these cases.

Three cases concerned violence in prison and hate speech. While Treaty Bodies have not yet reviewed any cases on hate crimes, at least two such communications are currently pending.

Three cases addressed freedom of assembly and association and freedom of expression. In all three cases, HRCtee held that a violation occurred, including in a case against Russia on the implementation of the law on “gay propaganda”.

One case concerned same-sex marriage (or, more specifically, impediments to divorce). In another case, the main issue was the requirement to end marriage for LGR. In both cases, HRCtee found violations. Among the known pending cases, one against Albania concerns the lack of same-sex partnership recognition.

Figure 14: Decisions on Individual Communications on LGBT issues, by topic (2014–2019)



From 2014 to 2019, Treaty Bodies made decisions on Individual Communications against the following countries:

- Australia (2 decisions)
- Belarus (2 decisions)
- Canada (3 decisions)
- Denmark (3 decisions)
- Georgia (1 decision)
- Hungary (1 decision)
- Kyrgyzstan (1 decision)
- Russian Federation (2 decisions)
- Sweden (1 decision)
- Switzerland (1 decision).

From the perspective of ILGA World regions, the majority of these countries belong to ILGA-Europe (of these decisions, half relate to Eastern European and Central Asian countries), with only two other countries from ILGA Oceania (Australia, 2 decisions) and ILGA North America (Canada, 3 decisions). There were no decisions on any of the countries of ILGA Asia, ILGA LAC, or Pan Africa ILGA. However, of the 14 pending cases, there is one against Sri Lanka.

Compiling and analysing SOGIESC references from 2014–2019 allowed us to identify SOGIESC-related trends and language in Lists of Issues, Concluding Observations, General Comments and decisions on Individual Communications; to consider strategies to ensure that SOGIESC issues are increasingly included in the agenda of Treaty Bodies; to offer observations on thematic opportunities; and finally, to highlight certain achievements.

In 2014–2019, all 9 Treaty Bodies made 672 SOGIESC-inclusive references in 385 Concluding Observations. HRCtee, CE-DAW, CRC and CESCR made the majority of these references. However, other Committees, including CRPD, CERD, CMW and CED, also developed their approaches on LGBTI issues.

Treaty Bodies produced 104 stand-alone trans references and 70 specific intersex references. In 2014, there were only 7 trans-specific references and no stand-alone intersex references, while in 2019, these amounted to 18 and 20, respectively.

Between 2014 and 2019, 7 Treaty Bodies selected 33 SOGIESC recommendations for their follow-up review.

17 decisions on Individual Communications were adopted by three Committees in 2014–2019, with a violation found in 9. Two of the cases were brought by trans persons, however, there have been no intersex cases so far.

Out of 26 General Comments adopted by Treaty Bodies, 20 (77%) contained references to SOGIESC.

These achievements would not have been possible without the active and consistent participation of LGBTI defenders from around the world, who collected data, drafted and submitted shadow reports, travelled to Geneva, and engaged with Committee members, usually on a purely voluntary basis and sometimes putting their safety at risk. Their efforts have already resulted in significant changes, not only for their own countries and communities, but also for the global movement.

However, the United Nations system itself is truly meaningful to the lives of LGBTI people only if the Committees' recommendations are actually implemented in the States concerned. This can only be done if local SOGIESC advocates are equipped with the knowledge and skills to hold their governments accountable to do so. With this in mind, ILGA World is initiating a project in 2020 to support LGBTI defenders in drafting and presenting shadow reports on the implementation of follow-up recommendations made by the Human Rights Committee. We will be happy to share the results of this project in the next Annual Treaty Bodies report.

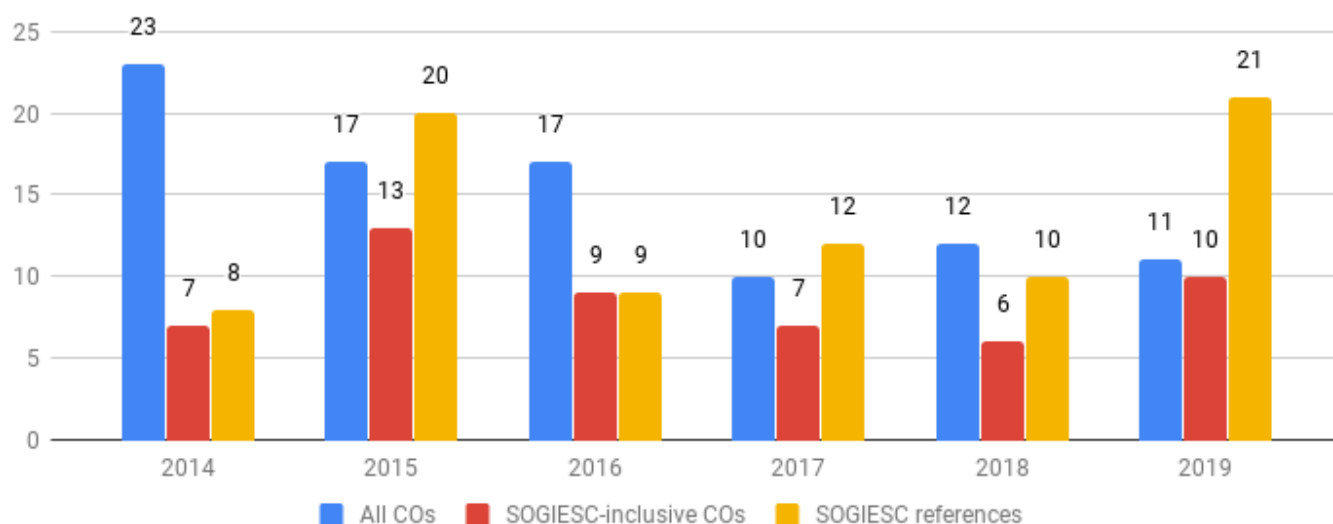
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Committee on Economic, Social and Cultural Rights

General Information

In 2019, CESCR made SOGIESC references in Concluding Observations on 10 out of 11 countries reviewed. Therefore, 91% of the Committee's country reviews ended with SOGIESC recommendations – the highest ever percentage achieved by this Committee. The number of SOGIESC-inclusive references (21) was also the highest ever made by this Committee (see Fig. 15).

Figure 15: SOGIESC-inclusive Concluding Observations – CESCR, 2014–2019



In 2019, the Committee made LGBTI recommendations on all but one of the states reviewed; moreover, the number of SOGIESC references in the Concluding Observations was unprecedentedly high. In other words, aside from demonstrating a general interest in LGBTI topics, CESCR also addressed them in detail, formulating more than one LGBTI recommendation for more than half of the states that received SOGIESC-inclusive Concluding Observations.

A majority of the countries (**Cameroon, Estonia, Israel, Kazakhstan, Mauritius, Senegal and Switzerland**) received their first recommendations on LGBTI from CESCR, while the Committee already addressed this topic in relation to three other countries (**Denmark, Ecuador and Slovakia**) during previous reviews.

In 2019, CESCR received CSO reports mentioning SOGIESC on eight countries. However, there were stand-alone LGBTI submissions on only three countries (**Cameroon, Ecuador and Kazakhstan**). These three countries received recommendations on the topic from the Committee, and out of eight countries with SOGIESC-inclusive shadow reports, all but one received relevant recommendations.

Seven out of 10 countries that received SOGIESC recommendations (**Cameroon, Ecuador, Kazakhstan, Mauritius, Senegal, Slovakia and Switzerland**) also received SOGIESC questions in their Lists of Issues. Only 3 countries (**Denmark, Estonia and Israel**) received LGBTI recommendations in the absence of SOGIESC-inclusive Lists of Issues. The only country without LGBTI recommendations, **Bulgaria**, did not receive any questions on the topic in its List of Issues.

Table 3: CESC country reviews, 2019¹⁶

COUNTRY	SOGIESC IN PREVIOUS COS	LOI	CSO REPORTS MENTIONING SOGIESC	STAND-ALONE SOGIESC REPORTS	SOGIESC IN THE CONSTRUCTIVE DIALOGUES	COS	
Bulgaria	Yes	No	Yes	No	Yes	No	n/a
Cameroon	No	Yes	Yes	Yes	Yes	Yes	SOGI + LGBTI + same-sex + homosexual
Denmark	Yes	No	Yes	No	No	Yes	SOGI; SC + I + LGBTI
Ecuador	Yes	Yes	Yes	Yes	Yes	Yes	LGBTI
Estonia	No	No	Yes	No	Yes	Yes	SO; SO
Israel	No	No	No	n/a	No	Yes	SO
Kazakhstan	No	Yes	Yes	Yes	Yes	Yes	LGBT; SOGI + LGBT; LGBT; SOGI
Mauritius	No	Yes	No	n/a	Yes	Yes	GI; GI + SOGI + LGBTI + same-sex; GI
Senegal	No	Yes	Yes	No	No	Yes	SO + SOGI + homosexual; MSM + same-sex; SOGI + homosexual
Slovakia	Yes	Yes	No	n/a	Yes	Yes	SO + SOGI + same-sex
Switzerland	No	Yes	Yes	No	Yes	Yes	SI + LGBTI; SOGI; LGBTI

CESCR has significantly developed its approach to SOGIESC topics in recent years. It progressed from only 30% of Concluding Observations being LGBTI-inclusive in 2014 to a record-breaking 91% in 2019. The number of SOGIESC references almost tripled from 8 in 2014 to 21 in 2019. In addition, some of the current Committee members are particularly friendly towards LGBTI topics. This provides a good opportunity to LGBTI defenders who wish to engage with CESCR.

Themes

One of the main topics traditionally addressed by CESCR in relation to LGBTI was **discrimination**. The Committee frequently recommended states to adopt comprehensive, SOGI-inclusive anti-discrimination legislation,¹⁷ and occasionally to review existing laws in order to repeal those of a discriminatory nature.¹⁸ Other anti-discrimination recommendations

¹⁶ In this table, as well as in similar tables in the following Committee-specific chapters, the rows with information on countries with SOGIESC recommendations are filled with a solid colour.

¹⁷ See Concluding Observations on **Denmark** (outside the labour market), **Ecuador**, **Israel**, **Kazakhstan**, **Mauritius** (gender identity as a specific protected ground), **Senegal** and **Switzerland**.

¹⁸ See Concluding Observations on **Cameroon**.

included organizing awareness-raising campaigns,¹⁹ collecting data and measuring the effect of steps taken to prevent discrimination,²⁰ and developing targeted policies and programmes.²¹

In a few instances, the Committee referred to the problem of **harassment** and **attacks** against LGBTI people. Consequently, States received questions and recommendations on tailored protection measures against such attacks and harassment, and on the investigation of such cases.²²

In some reviews, CESCR focused particular attention on LGBTI issues related to **education**.²³ In particular, there were questions and recommendations on bullying, discrimination and violence in schools.²⁴

Discrimination in **health** was another topic raised by the Committee in relation to LGBTI people.²⁵ Concrete examples of problems addressed by CESCR included the prevalence of HIV among MSM, the need to combat stigma and decriminalize consensual same-sex acts;²⁶ and the high suicide rate among young LGBTI persons.²⁷

A few countries received questions and recommendations regarding discrimination based on SOGI in the field of **employment**.²⁸ In its Concluding Observations on **Switzerland**, the Committee expressed its concerns over cases of sexual harassment and discrimination based on SOGI, and recommended the State to take relevant protective measures, including by reversing the burden of proof in judicial proceedings.

In one occasion, CESCR addressed the issue of **housing**. **Azerbaijan** was asked about forced evictions of gay men and transgender persons in the Committee's List of Issues.

The situation of **LGBTI human rights defenders** was discussed by the Committee in its review of **Kazakhstan**. The state was recommended to ensure an enabling environment for NGOs, including through a functional and accommodating registration procedure for LGBT human rights NGOs.

Lastly, CESCR continued to examine the problems faced by LGBTI **families**. Recommendations to legally recognise same-sex partnerships were made to three countries:

- **Ecuador** was requested to implement the Constitutional Court decision on equal civil marriage rights.
- In Concluding Observations on **Mauritius**, the Committee expressed concerns over the absence of any legal recognition of same-sex couples, which may restrict the protection of same-sex partners upon separation, or following the illness or death of a partner.
- **Slovakia** was called upon to develop a legal institution, such as registered partnerships or civil unions, which would provide protection equivalent to marriage to those in same-sex relationships.

In addition, the Committee formulated questions on legal frameworks recognising same-sex partnerships and on the impact of measures to combat discrimination against LGBTI people in family life in its Lists of Issues for **Latvia** and **Serbia**. While no recommendations on same-sex families were made to **Estonia**, the topic was [addressed](#) by a Committee member during the constructive dialogue with the State delegation. The State party was asked about the criminalization of surrogacy "which potentially jeopardized the rights of women incapable of bearing children, and same-sex couples from forming a family".

19 See Concluding Observations on **Cameroon** and **Slovakia**. See also List of Issues for **Azerbaijan**.

20 See Concluding Observations on **Ecuador**.

21 See Concluding Observations on **Slovakia**.

22 See Concluding Observations on **Kazakhstan** and List of Issues for **Latvia**.

23 See Lists of Issues for **Bolivia**, **Latvia**, **Nicaragua** and **Serbia**, and Concluding Observations on **Kazakhstan**.

24 See List of Issues for **Bolivia** and Concluding Observations on **Kazakhstan**.

25 See Lists of Issues for **Nicaragua** and **Serbia**, and Concluding Observations on **Kazakhstan**, **Senegal** and **Switzerland**.

26 See Concluding Observations on **Senegal**.

27 See Concluding Observations on **Switzerland**.

28 See Lists of Issues for **Nicaragua** and **Serbia**, and Concluding Observations on **Kazakhstan**.

An analysis of the work of the Committee on SOGIESC issues demonstrates its openness to addressing LGBTI issues. Therefore, advocates are encouraged to include activities related to CESC in their advocacy plans. The Committee may be a particularly good platform for addressing different challenges faced by LGBTI persons in spheres such as education, employment, housing or health care. Other issues, such as violence, the situation of LGBTI human rights defenders, asylum, family and reproduction, may also be addressed to the Committee.

Criminalization

Consensual same-sex relations were criminalized in three States reviewed by CESC in 2019.²⁹ All three of them received recommendations to repeal relevant legal provisions.

When reviewing **Cameroon**, CESC asked about criminalization in the List of Issues, and subsequently recommended the State to repeal article 347-1 of the Criminal Code.

The Committee recommended **Mauritius** to decriminalize consensual same-sex relations. In doing so, CESC also mentioned the colonial roots of relevant provisions of the Criminal Code.

Senegal was urged to decriminalize consensual same-sex sexual acts twice, including in the context of HIV/AIDS prevention. CESC noted that stigma against gay people “prevent them from enjoying their rights to health on an equal basis with the rest of the population.” Notably, one of these two recommendations was selected by the Committee for the follow-up process. Therefore the State is required to report on the implementation of this recommendation within the next two years.

CESC takes the issue of criminalization of consensual same-sex sexual acts quite seriously. This was demonstrated by the concrete recommendations made by the Committee, including follow-up recommendations on the topic.

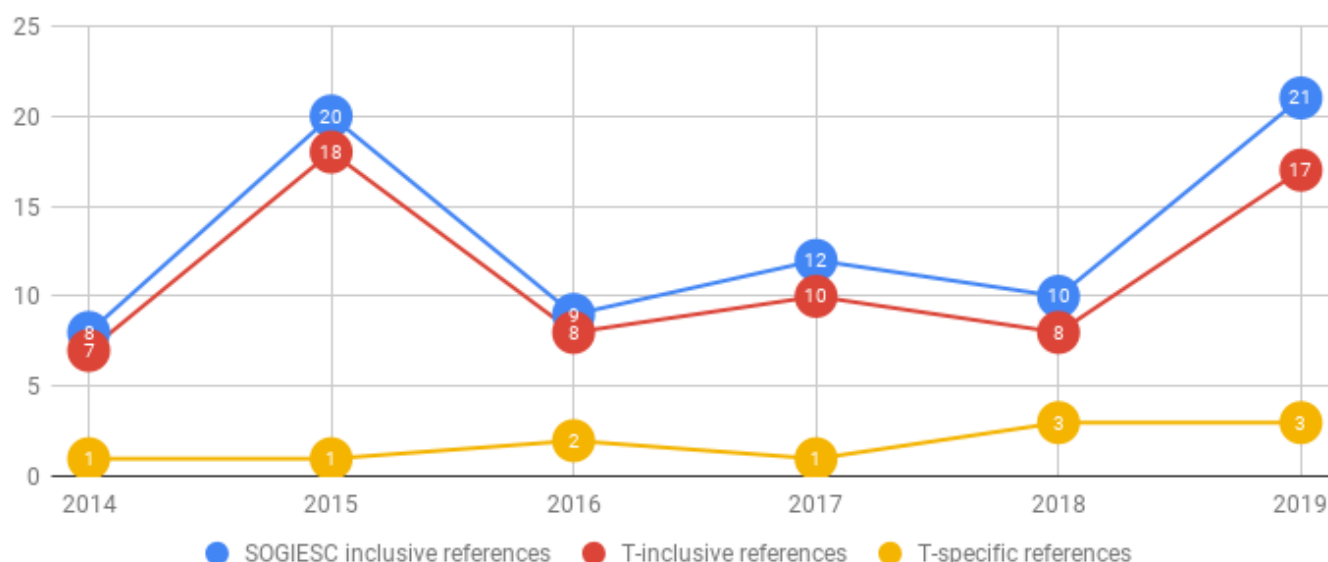
Advocates should rely on this when seeking new recommendations on decriminalization from CESC. They can also further encourage the Committee to discuss the impact of criminalization on the enjoyment of specific economic, social and cultural rights, such as the right to health or employment, by people affected by criminalizing laws.

Gender Identity and Expression

In 2019, CESC mentioned gender (or trans) identity in 17 out of 21 SOGIESC-inclusive references in its Concluding Observations. However, out of these 17 references, only three addressed gender identity specifically (same as in 2018).

²⁹ Information on criminalizing states see: International Lesbian, Gay, Bisexual, Trans and Intersex Association: Lucas Ramon Mendos, *State-Sponsored Homophobia 2019* (Geneva; ILGA, March 2019).

Figure 16: GIE references, CESC Concluding Observations



These three references were made in the Concluding Observations on **Mauritius**, and concerned gender identity as a protected ground in anti-discrimination legislation. Notably, the recommendation to adopt a gender identity-inclusive anti-discrimination law was selected by CESC for the follow-up review.

While no other States received stand-alone recommendations on gender identity, three countries were asked about the particular situation of trans persons in the Committee Lists of Issues:

- **Azerbaijan** was invited to provide information on forced evictions of transgender persons, as well as gay men, from their places of residence in 2017.
- **Bolivia** was questioned in relation to the impact of its Gender Identity Act.
- **Latvia** was asked about measures to regulate the procedure and conditions for gender reassignment.

At the same time, very few CSOs submitted reports to the Committee that specifically addressed the situation of trans persons. One of the few exceptions was a [report](#) by a civil society coalition on **Ecuador** titled “Violation of the Rights of Trans People due to their Sexual Orientation, Gender Identity or Expression”. Some specific issues related to LGR and access to transition-related health care were addressed by a civil society coalition [report](#) on **Switzerland**. However, neither of the two countries received stand-alone trans recommendations as a result.

While it seems that CESC is open to addressing trans issues, in order to obtain specific trans recommendations, defenders are encouraged to submit specific information on this population and to participate actively in the Committee’s pre-sessional meetings and main sessions.

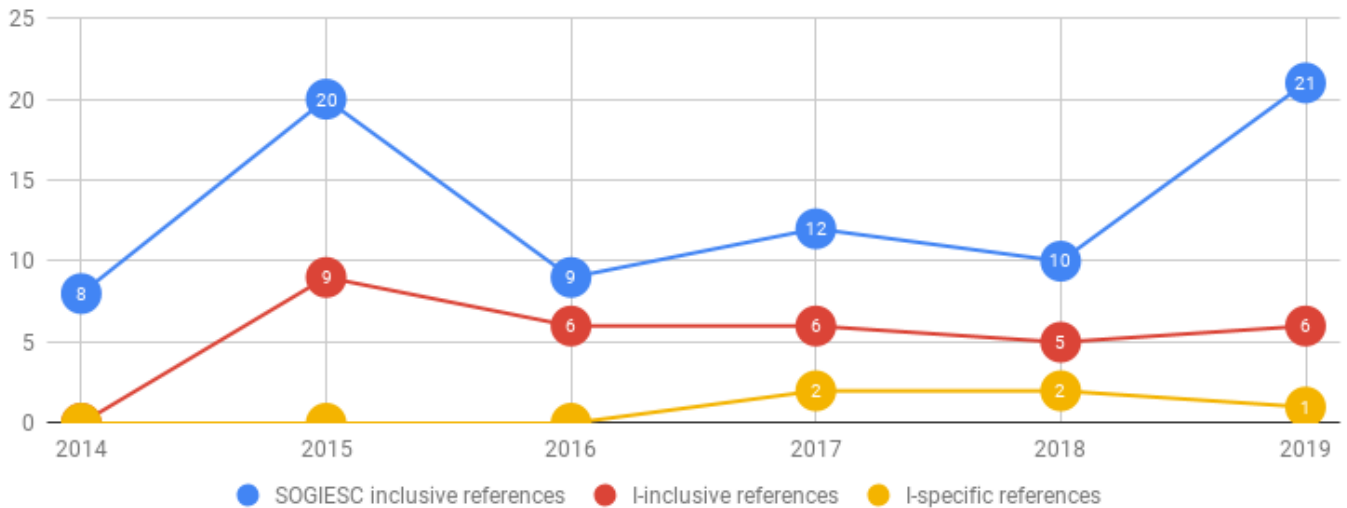
Additional data on how the lack of appropriate LGR procedures affects the access of trans people to employment, education, health care and other services may help to bring about further specific recommendations regarding gender identity.

ILGA World’s guide on gender identity and expression advocacy at CESC published in 2016 in [English](#) and in [Russian](#) can also serve as a helpful tool for such work.

Sex Characteristics

In 2019, CESCR made only six intersex-inclusive references in its Concluding Observations³⁰ – a number in line with the Committee’s practice since 2016, but lower than the nine references made in 2015. Out of these six references, only one addressed specific issues relevant to intersex people (compared to two intersex-specific references in 2017 and 2018).

Figure 17: Intersex references, CESCR Concluding Observations



In its review of **Denmark**, CESCR expressed its concerns about the definition of “disorders (differences) of sex development”, and about the reported performance of medically unnecessary procedures on intersex children. Consequently, the Committee made a set of intersex-specific recommendations to the State party. This included common recommendations such as: to ensure that no medically unnecessary procedures are performed until children can give their consent; to train medical professionals; and to organize support and consultations for intersex persons and their families. In addition to these recommendations, Denmark was called upon to identify and investigate human rights violations against intersex people; ensure consultations with the intersex community in the development of any measures affecting them; and to introduce a legal definition of “intersex person” that would include genitals, gonads and chromosome patterns in determining differences in sex characteristics.

No detailed information on intersex persons was provided to the Committee by CSOs in 2019. The only notable exception was a [report](#) by *Amnesty International* on **Denmark** with a chapter on the rights of intersex people, including a summary of an [earlier study](#) “*First, do no harm*”.

CESCR has already addressed specific challenges faced by intersex persons and made quite detailed and creative recommendations. However, initial input from civil society seems to be crucial. Therefore, intersex advocates are particularly encouraged to submit shadow reports and to brief the Committee when their countries are reviewed.

Women

Similarly to previous years, CESCR made no specific references to LB/TI women in 2019. In addition, civil society did not provide any detailed information on this population to the Committee.

The only notable exception was input from the Kazakhstani Feminist Initiative “Feminita”. The group submitted stand-alone reports on LBT women in the country for both the Committee’s [pre-session](#) and the [main session](#), and a representative of the group attended NGO meetings with CESCR in Geneva in 2018 and 2019. She [spoke](#) about discriminatory legal provisions in the Criminal Code, violence based on SOGI, and discrimination against LBT women in health care leading to self-medication or reluctance to seek health services. While the resulting Concluding Observations on Kazakhstan covered most of the problems addressed by “Feminita”, and one of the recommendations was even selected for the follow-up review, the nature of the recommendations was quite general. CESCR referred to LGBT/SOGI without any particular focus on the gender/women dimension of the problems.

While CESCR has not made any specific recommendations on LB/TI women so far, defenders working on these populations may consider engaging with the Committee. Taking into account the Committee’s mandate and general practice, CESCR may be a good platform to raise topics such as: the effect of gender pay gaps and the economic situation of women in general on LB/TI women and same-sex female couples; access of LB/TI women to sexual and reproductive health services and information, including assisted reproductive technologies; “corrective rapes”, honour killings and forced marriages; the impact of “traditional forms” of restrictions on women’s rights, such as limitations in testimony or inheritance, on LB/TI women, etc.

However, as such a perspective would be new to the Committee, defenders will have to highlight and explain clearly how exactly SOGIESC intersects with gender and how the situation of LB/TI women is different from that of non-LBTI women or other populations within the LGBTI community.

Individual Communications

The Individual Communications mechanism of CESCR, established by the [OP to the ICESCR](#), is still relatively new. The OP entered into force on 5 May, 2013, and only 24 States have ratified it as of 16 January, 2020. The State parties include those from four ILGA World regions, namely:

- Europe and Central Asia – 11 countries³¹
- Latin America and the Caribbean – 8 countries³²
- Pan Africa - 4 countries³³
- Asia – 1 country.³⁴

None of the states of North America or Oceania currently have access to CESCR individual complaint mechanisms.

Since 2013, CESCR has adopted approximately 40 decisions on Individual Communications, none of which directly related to SOGIESC. It also seems that none of the [pending cases](#) currently concern LGBTI issues.

31 Belgium, Bosnia and Herzegovina, Finland, France, Italy, Luxembourg, Montenegro, Portugal, San Marino, Slovakia and Spain.

32 Argentina, Bolivia, Costa Rica, Ecuador, El Salvador, Honduras, Uruguay and Venezuela.

33 Cabo Verde, Central African Republic, Gabon and Niger.

34 Mongolia.

In 2019, the Committee made nine decisions, none of which related to LGBTI topics. However, in [S.C. and G.P. v. Italy](#),³⁵ the Committee addressed some aspects related to assisted reproductive technologies. While the authors of the communication were a heterosexual couple, the decision could be referred to in future cases brought by LGBTI persons.

Case of *S.C. and G.P. v. Italy* (CESCR, 2019)

The authors of the case were a woman S.C. and a man G.P. They were participating in an IVF programme in an Italian reproductive clinic. At one point, ten embryos were produced. Only one of them was determined to be free of hereditary multiple osteochondromas, but was deemed to be of “average quality”, with a low chance of nesting if transferred into the uterus. S.C. initially declined to have the “average quality” embryo transferred into her uterus. However, the clinic personnel insisted that, according to the law, consent to transfer embryos into the uterus can only be revoked before fertilization has taken place. The personnel even threatened S.C. with a lawsuit if she insisted on not having the embryo transferred. Because of this, S.C. agreed to have the embryo transferred into her uterus, and eventually suffered a miscarriage.

The authors claimed that Italy violated their rights guaranteed under articles 10 (protection and assistance to the family), 12 (the right to the enjoyment of the highest attainable standard of health) and 15 (the right to enjoy the benefits of scientific progress and its applications) of ICESCR. The authors specifically described the following two violations: the transfer of the embryo without their valid consent, and the legal uncertainty regarding withdrawal of consent preventing them from new attempts at conception. The Committee considered the claims under article 15 of ICESCR inadmissible, but found violations in regard to the other claims.

Consequently, CESCR obliged Italy to take measures in relation to the particular situation of the authors, as well to the situation in general. Among the general measures, it specifically requested the State to:

- (a) Adopt appropriate legislative and/or administrative measures to guarantee the right of all women to take free decisions regarding medical interventions affecting their bodies, in particular ensuring their right to withdraw their consent to the transfer of embryos into their uterus; and
- (b) Adopt appropriate legislative and/or administrative measures to guarantee access to all reproductive treatments generally available and to allow all persons to withdraw their consent to the transfer of embryos for procreation, ensuring that all restrictions to access to these treatments comply with the criteria provided in article 4 of ICESCR.

In 2019, the Committee also adopted new [guidelines on interim measures](#) in relation to Individual Communications. Such measures can be requested by CESCR in exceptional circumstances to avoid possible irreparable damage to the victim of the alleged violations. These measures can be requested at any time after the receipt of a communication and before a determination on the merits has been made.

The guidelines added to the set of documents that provide procedural details on the Committee’s Individual Communications procedure. Previously, CESCR also adopted [rules on follow-up](#) (2016), and [guidance on third party interventions](#) (2017).

35 Communication no. 22/2017, views of 7 March 2019.

While Individual Communications have not previously been used as a tool for LGBTI advocacy with CESCR, this procedure could be a useful avenue to pursue.

SOGIESC cases to the Committee could address a wide range of topics, including housing, education, employment, health, etc.

The recommendations and approaches on LGBTI issues already developed by CESCR in its country periodic reviews and General Comments could be used as a basis for Individual Communications on particular cases.

The Committee's procedural guidelines on interim measures, follow-up, and on third party interventions may help LGBTI advocates to work on their cases.

Finally, as the mechanism is still relatively new and the number of countries that have ratified OP to ICESCR is comparatively low, a complaint will probably be considered fairly quickly, i.e. within a couple of years after being submitted.

General Comments

In 2019, CESCR adopted no General Comments. However, three instruments in progress were under discussion:

- General Comment on sustainable development and economic, social and cultural rights³⁶
- General Comment on economic, social and cultural rights and land³⁷
- General Comment on the right to enjoy the benefits of scientific progress and its applications.³⁸

LGBTI advocates are encouraged to participate in discussions on future CESCR General Comments, particularly by providing written input and taking part in general discussion days. Specifically, SOGIESC issues could be highlighted in relation to the right to enjoy the benefits of scientific progress (as the current draft does not have any references to SOGIESC/LGBTI), as well as in the new instrument on sustainable development.

³⁶ In March 2019, during its 65th session, CESCR [held informal consultations](#) on the drafting of a general comment on sustainable development. The draft [was still in the early stages](#) and wider consultations were planned in the first half of 2020. A day of general discussion would be organized in 2020, provided that sufficient time and resources could be made available.

³⁷ A [general discussion day](#) was held on 14 October 2019 in Geneva, and written submission were collected until 30 November 2019. Particularly, a submission by the [Women's Legal Centre and the Legal Resources Centre](#) included some references to SOGIESC.

³⁸ The current draft is available [here](#) (no SOGIESC references), and written comments to the draft [are collected](#) until 14 February 2020.

Follow-up Procedure

The formal procedure for [follow-up to Concluding Observations](#) was adopted by CESCR in 2017.

According to the procedure, the Committee selects up to three recommendations from its Concluding Observations for the follow-up procedure. The selected recommendations should require urgent action and should be attainable within a period of 24 months. The State party is required to respond to the selected recommendations within 24 months.

CSOs can submit information on the implementation of follow-up recommendations, as they do for the general reporting procedure. The information should be presented in a concise manner, with a maximum length of 3,500 words, and be sent in Word format to cescr@ohchr.org. This information should be sent within 24 months of the adoption of the Concluding Observations or, at the latest, three weeks before the beginning of the session at which the State follow-up report is considered.³⁹

Assessment of the implementation of follow-up recommendations may result in four conclusions by the Committee:

- Sufficient progress
- Insufficient progress
- Lack of sufficient information to make an assessment
- No response.

In 2019, CESCR selected LGBTI recommendations for its follow-up process three times:

- **Kazakhstan** – recommendation on SOGI-inclusive anti-discrimination legislation (state report due by 8 March, 2021; follow-up review expected in fall 2021).
- **Mauritius** – recommendation on GI-inclusive anti-discrimination legislation (state report due by 8 March, 2021; follow-up review expected in fall 2021).
- **Senegal** – recommendations on decriminalization of consensual same-sex sexual acts and on SOGI-inclusive anti-discrimination legislation (state report due by 18 October, 2021; follow-up review expected in spring 2022).

Additionally, in the Concluding Observations on **Estonia** a recommendation on the Equal Treatment Act was selected for follow-up (state report due by 8 March, 2021; follow-up review expected in fall 2021). While the recommendation itself did not refer to SOGIESC, a paragraph expressing concern preceding the recommendation mentioned that the Equal Treatment Act only prohibited discrimination based on five grounds, including sexual orientation. Therefore, LGBTI advocates may still submit a shadow report with information on whether or not GIESC are considered protected grounds under the Equal Treatment Act.

Since 2017, CESCR has selected LGBTI recommendations for its follow-up review several times.

*LGBTI advocates from countries such as **Bangladesh** (2018 Concluding Observations), **Estonia**, **Kazakhstan**, **Mauritius** and **Senegal** (2019 Concluding Observations) are encouraged to monitor the implementation of recommendations by their governments and to report them to the Committee.*

LGBTI defenders from other countries may consider advocating for follow-up LGBTI recommendations in the future.

39 See the tentative [schedule](#) of consideration of follow-up reports.

Sex Work and HIV/AIDS

In 2019, references to **sex work** were made in CESCR [Lists of Issues](#) (paras. 5, 23) and [Concluding Observations](#) (para. 39) only on **Senegal**.

References to **HIV/AIDS** that were not SOGIESC-related were made in the Committee List of Issues for [Azerbaijan](#) (paras. 26b and 27), [Benin](#) (para. 26c), [Latvia](#) (para. 30d), [Mongolia](#) (para. 16), [Senegal](#) (paras. 5, 23) and [Serbia](#) (para. 7), as well as in the Concluding Observations on [Bulgaria](#) (paras. 46-47), [Estonia](#) (paras. 46-47), [Kazakhstan](#) (para. 46), [Mauritius](#) (para. 53b) and [Senegal](#) (paras. 39-40).

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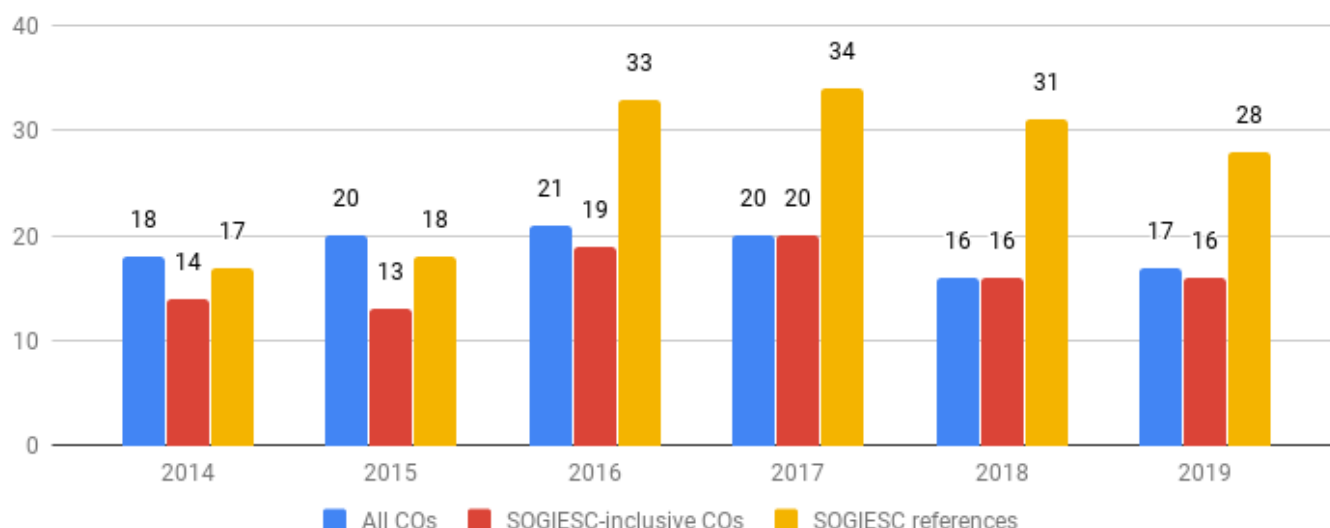
Human Rights Committee

General Information

In 2019, HRCtee reviewed 17 countries and made SOGIESC-inclusive Concluding Observations on 16 of them. Thus, following two years in which 100% of the Committee's reviews ended with references to SOGIESC, this figure fell to 94%. The **Netherlands**, which received a question on LGBTI issues in 2017, did not receive any recommendations on the topic in 2019.

In 2019, the Committee also formulated SOGIESC-inclusive questions in its Lists of Issues (prior to reporting) on 18 out of 19 countries (95%).

Figure 18: SOGIESC-inclusive Concluding Observations – HRCtee, 2014–2019



Eleven countries (**Angola, Belgium, Cabo Verde, Czech Republic, Equatorial Guinea, Eritrea, Niger, Nigeria, Senegal, Tajikistan** and **Viet Nam**) received their first recommendations on SOGIESC from HRCtee.

SOGIESC aspects were discussed in every constructive dialogue held by the Committee, and only one country reviewed in 2019 (**Angola**) did not have any related questions from the Committee in the List of Issues.

In most cases, HRCtee received SOGIESC-related information on countries from civil society, including stand-alone reports on 6 countries. However, the Committee made LGBTI recommendations even when it did not receive any relevant data from CSOs.

Table 4: HRCtee country reviews, 2019

COUNTRY	SOGIESC IN PREVIOUS COS	LOI	CSO REPORTS MENTIONING SOGIESC	STAND-ALONE SOGIESC REPORTS	SOGIESC IN THE CONSTRUCTIVE DIALOGUES	COS	
Angola	No	No	No	n/a	Yes	Yes	SO + LGBT
Belgium	No	Yes	Yes	Yes	Yes	Yes	GIE + SOGI + T; LGBTI; SM; SOGII + I
Cabo Verde	n/a	Yes	Yes	No	Yes	Yes	LGBT
Czech Republic	No	Yes	No	No	Yes	Yes	same-sex; T; LGBTI; LGBTI

Equatorial Guinea	n/a	Yes	Yes	No	Yes	Yes	SOGI + LGBTI
Eritrea	n/a	Yes	No	n/a	Yes	Yes	LGBTI
Estonia	Yes	Yes	Yes	Yes	Yes	Yes	GI + SOGI; GI + SOGI
Mauritania	Yes	Yes	Yes	No	Yes	Yes	SOGI + same-sex
Mexico	Yes	Yes	Yes	Yes	Yes	Yes	SOGI + I + LGBTI
Netherlands	No	Yes	Yes	No	Yes	No	n/a
Niger	No	Yes	Yes	No	Yes	Yes	SOGI + same-sex
Nigeria	No	Yes	Yes	Yes	Yes	Yes	SOGI; SOGI + LGBT + same-sex
Paraguay	Yes	Yes	Yes	Yes	Yes	Yes	LGBTI + T; LGBTI + T
Saint Vincent and the Grenadines	Yes	Yes	No	n/a	Yes	Yes	SOGI + LGBT + same-sex
Senegal	No	Yes	Yes	No	Yes	Yes	SOGI + SGM; SO + SOGI + SGM + same-sex
Tajikistan	No	Yes	Yes	Yes	Yes	Yes	SOGI; SOGI + LGBT
Viet Nam	No	Yes	Yes	No	Yes	Yes	SOGI; SOGI + SOGII + I + LGBTI + T + same-sex

In 2019, the HRCtee introduced the predictable [review cycle](#) in order to improve predictability in reporting and to ensure regular reporting by all States parties. The predictable review cycle will be based on an eight-year cycle, which includes periods for the submission of reports and constructive dialogue with the Committee. The [predictable review calendar](#) is now available on the Committee's webpage.

The HRCtee continues to be the treaty body that is most open to SOGIESC issues. It consistently includes relevant references in its List of Issues and Concluding Observations. Therefore, defenders can expect the Committee to focus attention on LGBTI issues even if they do not provide comprehensive information on the topic.

At the same time, to ensure the visibility of distinct needs and advocacy issues relevant for particular communities under the LGBTI umbrella, defenders may wish to collect and present more specific data to the Committee.

Additionally, as the Committee is now utilizing the predictable review calendar, defenders may plan their engagement with HRCtee well in advance.

Themes

As in the past, in 2019, the Committee addressed a wide range of different SOGIESC topics in its country reviews.

A significant number of SOGIESC references made by HRCtee were related to **violence, hate crimes and hate speech** against LGBTI persons. Frequently, the Committee drew attention to the investigation, prosecution, and punishment of such acts.⁴⁰ **Dominica** was asked about a case in which violence against an LGBT person was justified by the victim's "unnatural advances" in court proceedings. **Estonia** received a recommendation to criminalize hate crimes and hate speech against LGBTI persons, including by recognizing hatred based on sexual orientation or gender identity as an aggravating circumstance. Other recommendations included awareness-raising campaigns and training courses for law enforcement officials, judiciaries, etc.⁴¹

On many occasions, the Committee expressed concerns over **discrimination** against LGBTI persons and recommended that States adopt comprehensive and SOGI-inclusive anti-discrimination legislation.⁴² **Angola** was commended for criminalizing discrimination based on sexual orientation. HRCtee also asked States to address cases of discrimination and to collect data on such cases and their outcomes.⁴³ Several recommendations related to awareness-raising campaigns or public education.⁴⁴

In the List of Issues prior to reporting for the **Republic of Korea**, HRCtee asked about "**conversion therapy**". The country also received a question about **sexuality education** covering information on diverse forms of SOGI.

Several recommendations made by the Committee related to the situation of **LGBTI human rights defenders**, as well as to **freedom of expression, freedom of association and freedom of peaceful assembly**.⁴⁵

Nigeria received recommendations about LGBTI persons in **detention**, including to train the staff of all places of detention.

HRCtee continued to examine the topic of **family**. **Chile** was asked about its same-sex marriage bill. **Czech Republic** received recommendations to ensure equal treatment of same-sex couples, including in relation to joint adoption. The Committee also welcomed the elimination of the prohibition of same-sex marriage in **Viet Nam**, but recommended the State to consider providing recognition and protection to same-sex couples.

HRCtee consistently demonstrates its commitment to raising various SOGIESC issues, from hate crimes, hate speech, discrimination and awareness-raising to adoption and marriage. Therefore, defenders are encouraged to engage with the Committee and provide it with information on the various forms of violations faced by LGBTI communities.

Criminalization

In 2019, HRCtee reviewed six countries (**Eritrea, Mauritania, Niger**,⁴⁶ **Nigeria, Saint Vincent and the Grenadines, and Senegal**) that criminalize consensual same-sex sexual acts between adults.⁴⁷ Each of the six countries not only received SOGI-

⁴⁰ See, e.g., Lists of Issues (prior to reporting) for **Croatia, Dominica, Nicaragua, Ukraine and Uzbekistan**; and Concluding Observations on **Mexico, Nigeria, Tajikistan and Viet Nam**.

⁴¹ See, e.g., Concluding Observations on **Estonia, Nigeria and Tajikistan**.

⁴² See, e.g., Lists of Issues (prior to reporting) for **Dominica, India, Lesotho, Republic of Korea, Spain and Ukraine**; and Concluding Observations on **Equatorial Guinea, Mauritania, Niger, Nigeria, Saint Vincent and the Grenadines, Senegal and Tajikistan**.

⁴³ See, e.g., Lists of Issues for **Bolivia and Cabo Verde**, and Concluding Observations on **Angola and Equatorial Guinea**.

⁴⁴ See, e.g., List of Issues on **Eritrea**, and Concluding Observations on **Equatorial Guinea and Nigeria**.

⁴⁵ See, e.g., Lists of Issues (prior to reporting) for the **Republic of Korea and Ukraine**, and Concluding Observations on **Nigeria and Senegal**.

⁴⁶ Strictly speaking, **Niger** has established different ages of consent for opposite-sex and same-sex sexual acts. For the latter, the age of consent is 21.

⁴⁷ Information on criminalizing states see: International Lesbian, Gay, Bisexual, Trans and Intersex Association: Lucas Ramon Mendos, *State-Sponsored*

ESC-inclusive recommendations from the Committee, but were also called upon to decriminalize relevant acts.

In addition, several List of Issues (prior to reporting) included questions on criminalization and measures to abolish it. This was the case for **Dominica**, **Lesotho** and **Uzbekistan**.

Aside from simply referring to the criminalization of same-sex sexual acts between consenting adults, HRCtee also addressed negative practices surrounding the implementation of such provisions. For example, **Dominica** was asked about the discretionary power of courts to order the admission of persons convicted of “buggery” for psychiatric treatment. **Mauritania** was called upon to release anyone currently detained under article 308 of the Criminal Code. **Nigeria** was requested to refrain from applying criminalizing provisions until they are formally repealed.

Together with the criminalization of consensual same-sex sexual acts *per se*, the Committee also addressed other criminalizing provisions affecting LGBTI persons:

- Criminalization of entering into a same-sex union or supporting, meeting or forming a group advocating for LGBT human rights (**Nigeria**).
- Criminalization of “offenses against decency or morality” and the use of this provision to arrest, prosecute or convict individuals based on their sexual orientation or gender identity (**Chile**).
- Sanctions against same-sex sexual acts in the Military Criminal Act (**Republic of Korea**).

In several cases, HRCtee mentioned the negative consequences of criminalization, such as promoting homophobia and stigmatization (**Eritrea** and **Saint Vincent and the Grenadines**) and discouraging LGBT people from filing complaints when they are victim of discrimination and harassment (**Saint Vincent and the Grenadines**).

The Committee continues to maintain its consistent approach towards the criminalization of consensual same-sex sexual acts between adults. This approach was introduced more than twenty years ago in the first Treaty Body decision, Toonen v. Australia.

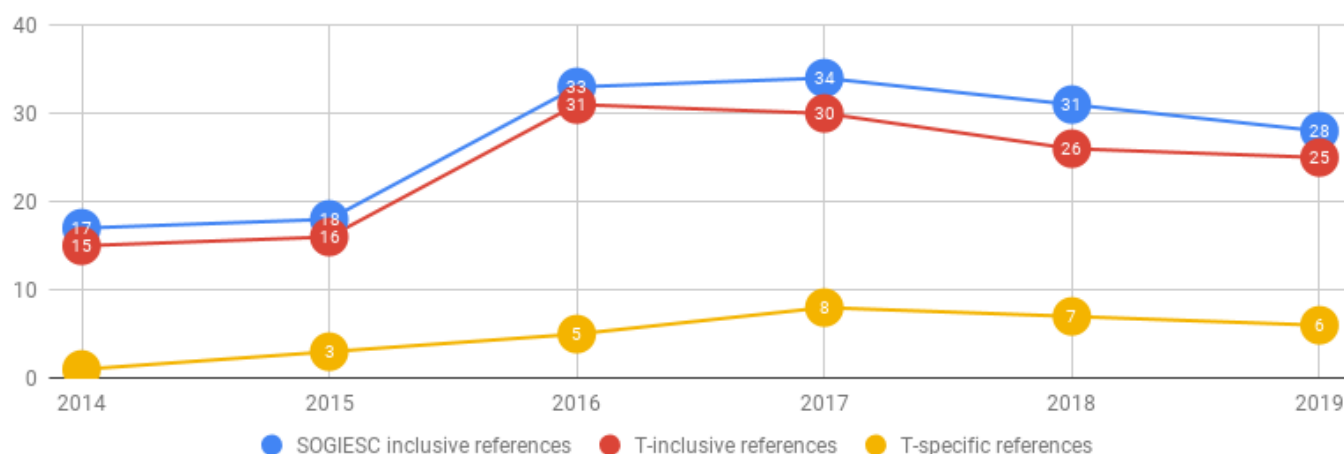
Currently, HRCtee considers criminalization to be a grave violation of the ICCPR and therefore, defenders from countries criminalizing same-sex sexual acts can rely on engagement with the Committee on this issue.

Advocates may refer to HRCtee with particular and contextualised explanations of what criminalization means for LGBTI communities, how it is implemented in their country and what negative practises surround the implementation of such provisions. The criminalization of specific forms of gender identity or expression may also be addressed by the Committee.

Gender Identity and Expression

In 2019, HRCtee made trans references and/or references to gender identity in 25 out of 28 SOGIESC-inclusive references in its Concluding Observations. Out of these 25 references, 6 were stand-alone trans references. This is a slight decrease in absolute numbers, compared to 2017 and 2018, but still represents progress in comparison to the period before 2017.

Figure 19: GIE references, HRCtee Concluding Observations



Stand-alone trans references were made by the Committee in its Concluding Observations on **Czech Republic**, **Estonia**, **Paraguay** and **Viet Nam**.

Even more countries received specific trans questions and/or questions about gender identity. Such questions were included into the Lists of Issues (prior to reporting) for **Chile**, **Bolivia**, **Finland**, **India**, **Nicaragua**, **Republic of Korea**, **Spain**, the **United States** and **Uzbekistan**.

The most frequent theme addressed by HRCtee in its trans-specific references was **legal gender recognition**.

The Committee welcomed the establishment of such a procedure in **Viet Nam**, and asked the **Republic of Korea** and **Spain** about measures to facilitate the access of trans people to LGR. **Czech Republic** was called on to establish a quick, transparent and accessible procedure based on self-identification.

The HRCtee also asked questions about or recommended the abolishment of specific abusive LGR requirements, such as:

- End of marriage⁴⁸
- Sterilization or infertility⁴⁹
- Gender reassignment surgery⁵⁰
- Psychiatric diagnosis⁵¹
- Hospitalization in a psychiatric clinic for a month⁵²
- Medical requirements.⁵³

Chile was asked about access to LGR for persons aged 14 to 18.

The implementation of jurisprudence on LGR was addressed in the Concluding Observations on **Czech Republic** and in the List of Issues prior to reporting for **India**.⁵⁴

48 See List of Issues prior to reporting for **Chile**.

49 See List of Issues prior to reporting for **Finland** and Concluding Observations on **Czech Republic**.

50 See List of Issues prior to reporting for **India**.

51 See List of Issues prior to reporting for **Finland** and Concluding Observations on **Czech Republic**.

52 See List of Issues for **Uzbekistan**.

53 See Concluding Observations on **Viet Nam**.

54 *Transgender Europe and ILGA-Europe v. Czech Republic* (2018 decision of the European Committee on Social Rights); *National Legal Services Authority v. Union of India and others* (2014 judgment of the Indian Supreme Court).

However, the Committee also examined specific problems faced by trans people in other areas, including:

- **Violence** against trans people⁵⁵
- **Discrimination** based on gender identity, including protection mechanisms and legislation⁵⁶
- The situation of trans people in **detention**.⁵⁷

In the vast majority of references, the Committee addressed “gender identity” only. However, “**gender expression**” was mentioned in the Lists of Issues prior to reporting for **Belgium** and **Spain**. In both cases, the Committee examined gender expression as a protected ground in anti-discrimination legislation.

The quite comprehensive approach to trans issues in the Committee’s practice followed the extensive data provided by civil society, including a number of reports describing the situation of trans persons in detail.⁵⁸

The Committee is very open to including trans issues and gender identity under the general LGBT(I) umbrella. Some trans-specific issues, particularly LGR procedures, have already taken hold in the HRCtee practice.

However, the Committee also began to address other issues, including, for example, criminalization of some forms of gender identity and/or expression, violence against trans persons, and discrimination based on GIE.

Based on this, advocates are encouraged to address HRCtee with different problems faced by trans persons.

Sex Characteristics

In 2019, 10 out of 28 SOGIESC-inclusive references made by HRCtee mentioned intersex issues. This is a slight decrease compared to the results achieved by the Committee in 2017 and 2018.

Of the 10 intersex-inclusive references, 3 were stand-alone references on this population. This is the second time the Committee made intersex-specific recommendations; the first was in 2017, when it made 3 such references.

Intersex-specific recommendations were made to **Belgium, Mexico** and **Viet Nam**. **Chile, Finland** and **Spain** received intersex-specific questions in the Committee’s Lists of Issues prior to reporting.

These trends reflect the state of CSO reporting on intersex issues. In 2018, there were no specific intersex submissions on countries receiving Concluding Observations, however, in 2019, such reports were made on several countries (**Belgium**,⁵⁹ **Mexico**,⁶⁰ **Spain**⁶¹ and the **United States**⁶²). Even though **Finland** did not have any intersex-specific submissions, four reports addressed the problem in some detail.⁶³ Sections on the rights of intersex persons were also included in CSO reports

55 See List of Issues prior to reporting for **India** and Concluding Observations on **Paraguay**.

56 See List of Issues prior to reporting for **Finland** and the **United States**, and Concluding Observations on **Estonia**.

57 See List of Issues (prior to reporting) for **Nicaragua** and the **United States**, and Concluding Observations on **Paraguay**.

58 See, e.g., submission by [civil society coalition](#) on **Chile**; submission by [Trasek ry](#) on **Finland** (stand-alone report on trans and intersex rights).

59 Submission by [Intersex Belgium](#) for the 127th Session.

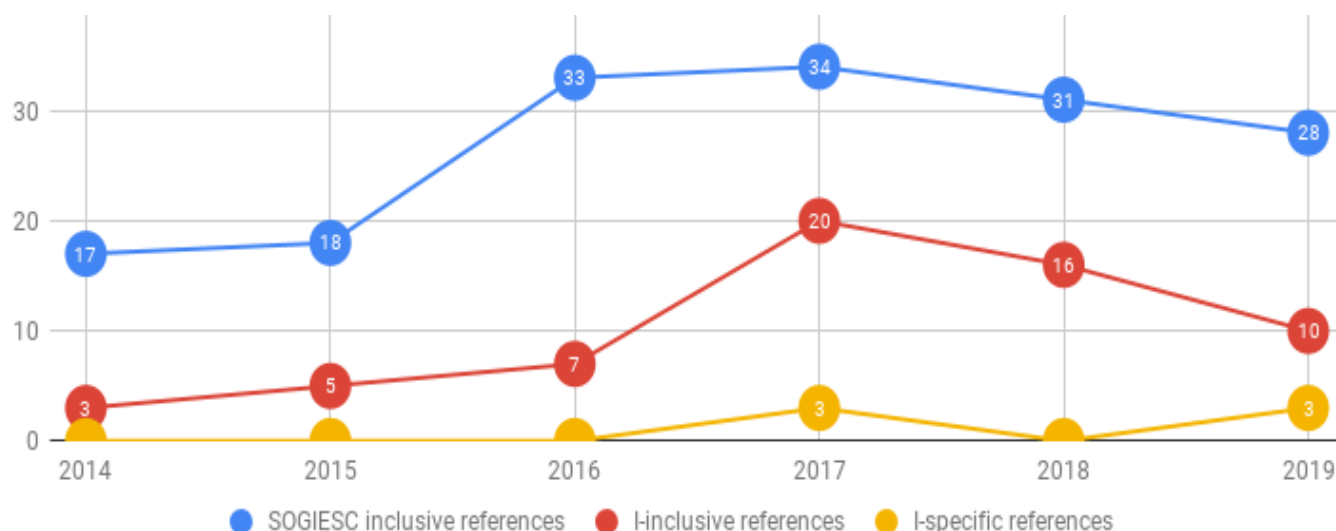
60 Submission by [Brújula Intersexual](#) for the 127th Session.

61 Submission by [Brújula Intersexual](#) for the 127th Session.

62 Submission by [interACT](#) for the 125th Session.

63 See: submission by [Trasek ry](#) for the 125th Session (stand-alone report on trans and intersex rights, including forced medical treatment and surgeries); submission by [Amnesty International](#) for the 125th Session (section on trans and intersex persons, including on unnecessary surgeries on children); submission by the [Finnish League for Human Rights](#) for the 125th Session (section on trans and intersex rights and forced medical procedures); NHRI submission by the [Finnish Human](#)

Figure 20: Intersex references, HRCtee Concluding Observations



The majority of the Committee's stand-alone questions and recommendations on intersex issues related to ending the practice of **irreversible medical interventions**, specifically surgeries, on intersex children who are unable to provide their consent, except in cases where such interventions are absolutely necessary.

Chile received a question on the refusal to **register** intersex babies.

Finland was asked about binding national **guidelines** on the treatment of intersex individuals, and on their **access to justice and reparations**. Access to justice, redress and reparations were also addressed in a question to **Spain**.

The Committee's recent recommendations and questions specifically related to the situation of intersex people show that HRCtee is open to addressing this problem. However, it is crucial that civil society presents specific information on the situation of this population, ideally in the form of stand-alone reports prepared by intersex activists or organizations.

At the same time, activists from more general LGBTI (and especially LGBT) backgrounds should not bring intersex issues to the consideration of the Committee without proper consultations with intersex people and activists. It is of the utmost importance that any developments, especially the very first ones, are driven by the intersex community.

[Rights Centre](#) for the 125th Session (discusses intersex surgeries among other problems).

64 Submission by [civil society coalition](#) for LOIPR.

65 Submission by the [Human Rights Space & GPAR](#) for the 125th Session.

Women

In 2019, similarly to previous years, the Committee referred to SOGIESC/LGBTI on many occasions, but there were no explicit stand-alone references to LB/TI women.

This corresponded to the lack of specific information on LB/TI women provided by civil society. There were very few exceptions. For example, an [LGBT report](#) on **Nigeria** included some paragraphs on LBT women, and specifically discussed the issues of “corrective rape” and forced marriage faced by such women. A [submission](#) on **Paraguay** addressed several particular issues relevant to lesbians, for instance, partner visitation rights and violence against detainees. A [report](#) on **Equatorial Guinea** mentioned “over two dozen cases of forced pregnancy among lesbian, gay, transgender, bisexual or intersex women documented [in two cities].” Another [report](#) on **Nicaragua** cited a case in which a transgender woman was illegally detained during a public protest. Double stigmatization of lesbian women based on their gender and their sexual orientation was mentioned in a [submission](#) on **Uzbekistan**.

In most instances, however, CSOs provided either general information framed under the LGBT(I) umbrella, or stand-alone submissions on intersex and/or trans persons without any specific reports on LB/TI women.

Taking into account the HRCtee’s general openness to considering LGBTI issues, as well as its approach towards the human rights of women and intersectional forms of discrimination, defenders representing LB/TI women may wish to consider approaching this Committee with a specific agenda.

However, additional information and explanations may be needed to convince Committee members that stand-alone references would help to mitigate specific human rights problems faced by LB/TI women.

Individual Communications

In 2019, HRCtee made decisions on approximately one hundred Individual Communications. However, none of them concerned SOGIESC.

According to the Committee’s [list of cases registered in 2019](#), one new case on discrimination based on sexual orientation and on freedom of assembly (communication no. 3596/2019, concerning Russian Federation) was registered.

This was in addition to 10 pending cases on the following topics:

- Asylum seekers and *non-refoulement* (three cases against Canada)
- Hate crimes and violence (one case against Russian Federation and one case against Kyrgyzstan)
- Freedom of expression, freedom of assembly and association (four cases against Russian Federation)
- Same-sex couples (one case against Albania).⁶⁶

⁶⁶ Periodically updated information on the LGBTI decisions and pending cases of Treaty Bodies, collected by ILGA World, see here: <https://ilga.org/Treaty-Bodies-jurisprudence-SOGIESC>.

HRCtee has already adopted several views and decisions on Individual Communications on sexual orientation and gender identity,⁶⁷ and additional cases have been submitted to the Committee by local activists. To date, the Committee has reviewed the most individual cases of all the Treaty Bodies, has found the most violations in cases reviewed, and has considered the most diverse range of topics, including the criminalization of same-sex sexual acts, the principle of non-refoulement and asylum seekers, violence, freedom of assembly and freedom of expression, same-gender families and LGR.

Therefore, LGBTI defenders can rely on this mechanism in their advocacy strategies. Apart from submitting cases to the Committee, they can also participate in third party interventions. HRCtee has specific guides on this available in [English](#), [French](#), [Spanish](#) and [Russian](#).

Taking into account the gaps that still exist in HRCtee jurisprudence, particular efforts could be made with regard to discrimination (including multiple discrimination) cases and communications on gender identity, expression and sex characteristics.

The length of the Individual Communications procedure (approximately three to six years to obtain a final decision) could help advocates from countries where other available international mechanisms would require more time or do not exist at all.

General Comments

In 2019, HRCtee did not adopt any General Comments.

However, the Committee was in the process of working on a draft **General Comment on Article 21 of ICCPR (right of peaceful assembly)**. A [general discussion day](#) was held on 20 March, 2019, following which a [call for submissions](#) was issued (with a deadline of 14 February, 2020).

The current draft of the new General Comment is available on the Committee's webpage in [English](#), [French](#) and [Spanish](#). The draft refers to SOGI in two paragraphs:

- States must not deal with assemblies in a discriminatory manner, for example on the basis of [...] sexual orientation or gender identity. Particular efforts should be made to ensure equal and effective protection of the right of peaceful assembly of individuals who are members of groups who are or have been subjected to discrimination. This includes the duty to protect participants from homophobic, sexual or gender-based attacks. (Para. 28).
- 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 parochial understandings of morality or be based on principles 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 and the principle of non-discrimination. Restrictions based on this ground may not for instance reflect opposition to expressions of sexual orientation. (Para. 52).

⁶⁷ Analysis of the Committee practice on SOGI cases see, e.g., International Lesbian, Gay, Bisexual, Trans and Intersex Association: Kirichenko K, *United Nations Treaty Bodies' jurisprudence on sexual orientation, gender identity, gender expression and sex characteristics: Policy Paper* (Geneva: ILGA World, October 2019).

Brief descriptions of cases and information on related follow-up activities see in Suggested citation: International Lesbian, Gay, Bisexual, Trans and Intersex Association: Kirichenko K, *United Nations Treaty Bodies jurisprudence on sexual orientation, gender identity, gender expression and sex characteristics: Case Digest* (Geneva: ILGA World, October 2019).

Taking into account the general openness of the Committee to discuss SOGIESC issues, as well as its concrete practice on country periodic reviews and Individual Communications, LGBTI defenders are encouraged to provide their input on new General Comments of the Committee when possible. In particular, a new document on freedom of assembly could potentially provide new angles for the work of LGBTI groups.

Follow-up Procedure

According to the Committee's [rules of procedure](#), it may select certain recommendations in its Concluding Observations for the follow-up procedure. For each country, the HRCtee identifies two to four recommendations, the implementation of which should be reported to the Committee by the State party within two years of the adoption of the Concluding Observations. The Committee has established two main criteria for the selection of recommendations for follow-up: (1) the recommendation is implementable within two years of its adoption, and (2) the recommendation requires immediate attention because of the level of gravity and recognised emergency of the referred situation. The Committee appoints a Special Rapporteur for follow-up on Concluding Observations and a Deputy Special Rapporteur.

CSOs can submit follow-up shadow reports. This can be done either before the submission of the State report (by the deadline established for the State report submission) or after (according to the deadline established by HRCtee, approximately two months before the session at which the implementation of the follow-up recommendations is reviewed by the Committee).

In 2019, HRCtee selected SOGI-inclusive recommendations on hate crimes and hate speech in its Concluding Observations on **Estonia** (State report due by 29 March, 2021). Additionally, while the recommendation paragraph on hate crimes and hate speech on **Czech Republic** (State report due by 8 November, 2021) did not mention LGBTI explicitly, such a reference was made in the preceding concern paragraph.

Mongolia, which received follow-up [recommendations](#) on SOGI-based discrimination and violence in 2017, submitted its [follow-up report](#) to the Committee in 2019. The report will be considered by the Committee in July 2020.

In addition, the implementation of LGBT recommendations was assessed by the Committee in 2019 in relation to **Namibia**.

Review of the follow-up report on LGBT recommendations to Namibia (HRCtee, 2019)

In 2016, HRCtee [recommended](#) that Namibia decriminalize consensual same-sex sexual acts, adopt anti-discrimination and hate speech legislation, and include same-sex partners into the scope of the domestic violence law.

In 2018, Namibia submitted its [report](#) on the implementation of these recommendation. It specifically stated that "in terms of our laws it is very clear that the LGBT people are not discriminated or rejected by the Government because of their sexual preferences."

During its 126th Session, the Committee [reviewed](#) the follow-up report of Namibia and assessed the level of implementation of the LGBT recommendations with a [C] grade ("Reply/action not satisfactory").

The Committee regretted that the State denied the existence of discrimination against LGBT persons, that no information was provided on specific legislation adopted to prohibit discrimination based on sexual orientation, including in the Labour Act, and that no information was furnished on the adoption of hate crime legislation to address homophobic and transphobic violence. HRCtee also regretted that no information was provided on abolishing the crime of sodomy or including same-sex relationships in the Combating of Domestic Violence Act.

The Committee reiterated its recommendations and discontinued the follow-up procedure. Relevant issues should be discussed in the next country periodic report cycle (State report due by 31 March, 2020).

Given that HRCtee increasingly includes SOGIESC recommendations in its lists for follow-up, defenders are encouraged to consider this opportunity in their advocacy plans. Usually, NGO representatives participating in the session have a chance to suggest specific issues to be covered by the Committee's follow-up procedure. Therefore, cooperation with other NGOs, both before the session and in Geneva, can be crucial to ensuring the inclusion of a SOGIESC dimension in the agreed CSO proposal.

When relevant topics are selected for the follow-up procedure, it is important to update the Committee on any developments.⁶⁸ In 2020, defenders from **Belize, Bulgaria, Honduras, Lithuania, Mongolia and Sudan** may submit their follow-up shadow reports to the Committee. ILGA World is organizing a [specific project](#) to support defenders from these six countries.

Sex Work and HIV/AIDS

HRCtee made references to **sex work** that were not SOGIESC-specific in the Lists of Issues (prior to reporting) for [Dominica](#) (para. 4) and [Lesotho](#) (para. 7), and in the Concluding Observations on [Paraguay](#) (paras. 14 and 15).

The Committee addressed **HIV/AIDS** in its Lists of Issues (prior to reporting) for [Dominica](#) (para. 4), [Cabo Verde](#) (para. 3), [Lesotho](#) (paras. 7 and 10), [Portugal](#) (para. 16) and [Senegal](#) (para. 4); and in the Concluding Observations for [Angola](#) (paras. 13 and 14), [Cabo Verde](#) (paras. 9 and 10), [Equatorial Guinea](#) (paras. 6(f), 24 and 25), [Nigeria](#) (paras. 22 and 6(a)), [Paraguay](#) (paras. 14 and 15), [Tajikistan](#) (paras. 29 and 33) and [Viet Nam](#) (para. 15, 16 and 29).

⁶⁸ The CCPR Centre has designed a template for follow-up reports to the Committee. Get in touch with them at info@ccprcentre.org for further information. For an example of a follow-up CSO report on LGBTI rights see [here](#) (Republic of Korea).

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Committee on the Elimination of Discrimination against Women

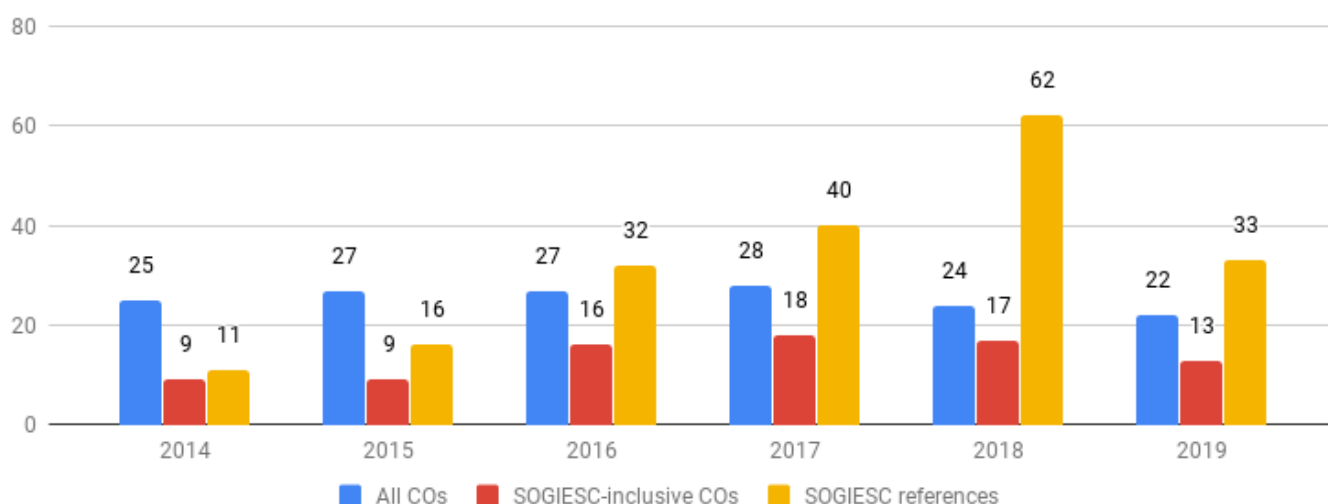
General Information

CEDAW made SOGIESC references in its Concluding Observations on 13 out of the 22 countries (59%) reviewed in 2019. This equalled the percentage achieved by the Committee in 2016, with higher rates in 2017 and 2018, and lower rates in 2014 and 2015.

The number of countries reviewed by CEDAW also slightly decreased in 2019 (from 24 to 22). However, the decrease in SOGIESC references was more significant. The number of SOGIESC-inclusive Concluding Observations decreased by nearly a quarter relative to 2018 (from 17 to 13), while the number of SOGIESC-inclusive references decreased by nearly 50% (from 62 to 33).

These changes may be explained by two factors. First, in 2018, the year with the highest number of SOGIESC references by CEDAW ever, ILGA World specifically focused on LB/TI women's advocacy before CEDAW. Many local groups were able to engage with the Committee and to inform their recommendations. Second, the composition of CEDAW changed significantly in 2019, as the Committee members most friendly to SOGIESC issues, such as Patricia Schultz and Ruth Kaddari, who consistently supported LB/TI causes for years, left the Committee. Due to this, additional efforts from civil society may be required in order to raise the awareness of the new experts about LB/TI issues.

Figure 21: SOGIESC-inclusive Concluding Observations – CEDAW, 2014–2019



In 2019, seven countries (**Andorra, Angola, Antigua and Barbuda, Botswana, Kazakhstan, Seychelles** and the **United Kingdom**) received SOGIESC-inclusive Concluding Observations from this Committee for the first time.

Table 5: CEDAW country reviews, 2019

COUNTRY	SOGIESC IN PREVIOUS COS	LOI	CSO REPORTS MENTIONING SOGIESC	STAND-ALONE SOGIESC REPORTS	SOGIESC IN THE CONSTRUCTIVE DIALOGUES	COS	
Andorra	No	No	No	No	Yes	Yes	same-sex
Angola	No	Yes	Yes	Yes	Yes	Yes	SO + LB/TI
Antigua and Barbuda	No	Yes	Yes	No	Yes	Yes	LB/T; LB/T + same-sex
Austria	Yes	Yes	Yes	Yes	Yes	Yes	SO; LB/T + I
Bosnia and Herzegovina	Yes	No	Yes	No	Yes	Yes	SOGISC; SO; LB/T
Botswana	No	Yes	Yes	Yes	Yes	Yes	LB/TI

Cabo Verde	No	Yes	Yes	No	Yes	No	n/a
Cambodia	No	No	Yes	No	Yes	No	n/a
Colombia	Yes	Yes	Yes	Yes	Yes	Yes	LBT; LBT; LBT; LBT; LBT; SGI + LBT + same-sex
Côte d'Ivoire	No	No	Yes	No	No	No	n/a
Democratic Republic of the Congo	No	No	No	n/a	Yes	No	n/a
Ethiopia	No	Yes	Yes	Yes	Yes	No	n/a
Guyana	Yes	Yes	No	n/a	Yes	Yes	SOGI; LGBTI
Iraq	No	Yes	Yes	Yes	No	No	n/a
Kazakhstan	No	Yes	Yes	Yes	Yes	Yes	SOGI; LGBTI; T; SOGI + LGBTI + L + T; [T]
Lithuania	Yes	Yes	Yes	No	Yes	Yes	SO; [T]; LGBTI; same- sex
Mozambique	No	No	Yes	No	Yes	No	n/a
Myanmar	No	No	Yes	No	No	No	n/a
Qatar	No	No	No	n/a	No	No	n/a
Serbia	Yes	Yes	Yes	Yes	Yes	Yes	GI; SOGI; LGBTI; LGBTI
Seychelles	No	Yes	Yes	Yes	Yes	Yes	LBT + same-sex
United Kingdom of Great Britain and Northern Ireland	No	Yes	Yes	Yes	Yes	Yes	LGBTI

In most cases, CEDAW made SOGIESC recommendations to those countries on which it received shadow reports from CSOs. The two exceptions were **Andorra** and **Guyana**, on which no CSO reports on LGBTI issues were published. Unfortunately, CEDAW did not make any LGBTI recommendations on **Cabo Verde**, **Côte d'Ivoire**, **Ethiopia**, **Iraq**, **Mozambique** and **Myanmar** despite some references to this population in parallel reports on these countries.

With the exception of **Andorra** and **Bosnia and Herzegovina**, CEDAW made SOGIESC recommendations only after issuing SOGIESC-inclusive Lists of Issues.

There was a discussion of relevant topics during the constructive dialogues with all countries that received SOGIESC recommendations. At the same time, in five cases (**Cabo Verde**, **Cambodia**, **Democratic Republic of the Congo**, **Ethiopia** and **Mozambique**), raising relevant issues during the dialogue did not result in SOGIESC-inclusive Concluding Observations.

As demonstrated in 2018 and 2019, the participation of civil society in CEDAW processes makes a real difference. When LGBTI issues are raised in CSO submissions and, ideally, at the Committee session in Geneva, recommendations generally address SOGIESC. Moreover, when defenders are actively engaged, CEDAW is more inclined to address the multiple problems faced by LGBTI communities and to adopt more detailed recommendations. Conversely, when CSO participation is limited or non-existent, LGBTI issues do not receive much attention from the Committee.

It also seems that in order to obtain SOGIESC references in CEDAW Concluding Observations, advocates should seek the inclusion of such references in the Committee's Lists of Issues and in constructive dialogues with the State in particular. If such issues are not mentioned in the List of Issues or during the constructive dialogue, they will not appear in the Concluding Observations.

The new composition of CEDAW requires extra efforts by civil society to ensure that the SOGIESC agenda is understood and supported by the Committee experts.

Themes

In 2019, one of the topics most frequently addressed by CEDAW was **violence** against LBT women and intersex persons. In order to address the problem of violence, the Committee recommended States to adopt hate crimes legislation, including recognizing hatred based on SOGI as an aggravating circumstance,⁶⁹ and to ensure access to justice, including the investigation and punishment of hate crimes, and compensation for survivors.⁷⁰

Another theme widely analysed by the Committee was **discrimination**. In relation to this issue, CEDAW made recommendations on the:

- Adoption of anti-discrimination legislation,⁷¹ including the criminalization of discrimination based on sexual orientation and gender identity⁷² or the introduction of strict penalties for discrimination⁷³
- Development of action plans or programmes aimed at eliminating discrimination⁷⁴
- Organization of awareness-raising activities,⁷⁵ including those aimed at informing women and intersex persons about CEDAW and its mechanisms⁷⁶
- Removal of barriers to health care and social services,⁷⁷ free antiretroviral treatment and public services.⁷⁸

With regard to **employment**, the Committee expressed its concerns over harassment against LBT women and intersex persons in **Serbia**.

On **education**, CEDAW made recommendations on eliminating stereotypes that hinder access to health care for LBT women (**Austria**), and on introducing information on LBT women's rights into the education system (**Colombia**).

69 See, e.g., Concluding Observations on **Kazakhstan**.

70 See, e.g., Concluding Observations on **Colombia, Guyana, Kazakhstan and Seychelles**.

71 See Concluding Observations on **Antigua and Barbuda, Austria, Colombia and Serbia**.

72 See, e.g., Concluding Observations on **Kazakhstan**.

73 See Concluding Observations on **Angola**.

74 See Concluding Observations on **Bosnia and Herzegovina and Colombia**.

75 See Concluding Observations on **Angola**.

76 See Concluding Observations on **Antigua and Barbuda**.

77 See Concluding Observations on **Antigua and Barbuda**.

78 See Concluding Observations on **Botswana**.

The Committee asked **Ecuador** about “**conversion therapy**” in its List of Issues prior to reporting.

Recommendations on **Kazakhstan** addressed obstacles faced by LGBTI activists in their enjoyment of the rights to **freedom of assembly and association and freedom of expression**.

Finally, CEDAW continued to address the topic of **family**. It welcomed relevant legislative developments in **Andorra** and recommended to:

- Eliminate any discriminatory difference between marriage and civil unions (**Andorra**).
- Implement the national Constitutional Court’s decision on same-sex marriage and to train civil servants accordingly (**Colombia**).
- Recognize “non-traditional forms of family relations other than marriage, including same-sex unions” (**Lithuania**)⁷⁹.

In addition to this, **Serbia** received a recommendation on enhancing access to family planning services and artificial insemination for LBT women and intersex persons.

Although CEDAW generally raises issues of hate crimes and discrimination against LGBTI women, defenders may seek a more complex approach to the themes addressed. This could lead to a deeper understanding of the root causes of problems faced by different LGBTI communities or specific populations within this broader group.

More detailed and specific recommendations may be sought with regard to employment, education or health care. The Committee may also provide recommendations on family, including partnership relationships and parental rights.

Criminalization

Out of the 22 countries reviewed by CEDAW in 2019, same-sex sexual acts between consenting adults were criminalized in 7, including in 5 that criminalize such acts between persons of any gender.⁸⁰

However, only three of these countries, **Antigua and Barbuda**, **Botswana** and **Guyana**, received SOGIESC recommendations from the Committee, and only **Antigua and Barbuda** was recommended to decriminalize consensual same-sex relations between adults. This recommendation was made following a discussion on the topic during the [constructive dialogue](#) with the State delegation.

In 2018, CEDAW asked **Guyana** about progress made in relation to decriminalizing cross-dressing in its List of Issues, however, this did not lead to any relevant recommendations from the Committee in 2019.

In addition, the Committee welcomed the decriminalization of same-sex relationships by **Seychelles** following an inquiry included in the List of Issues about whether the State had repealed criminalizing provisions.

CSOs provided information on the criminalization of same-sex sexual acts between consenting adults on **Botswana**,⁸¹ **Ethiopia**⁸² and **Iraq**.⁸³ A [submission](#) on **Angola** also explained how provisions criminalizing same-sex acts, despite being

⁷⁹ See also List of Issues prior to reporting for **Switzerland**.

⁸⁰ **Antigua and Barbuda**, **Botswana**, **Ethiopia**, **Guyana**, **Iraq**, **Myanmar** and **Qatar**. Only **Myanmar** and **Guyana** apply the restrictions to men only. For information on criminalizing states see: International Lesbian, Gay, Bisexual, Trans and Intersex Association: Lucas Ramon Mendos, *State-Sponsored Homophobia* 2019 (Geneva; ILGA, March 2019).

⁸¹ See submission by [Black Queer DocX \(BQDX\)](#) and [Lesbians, Gays and Bisexuals of Botswana \(LEGABIBO\)](#) and submission by [Sisonke and BONELA](#) for the 72nd Session.

⁸² See submission by [Setaweet Movement and DAWN](#) for the 72nd Session.

⁸³ See, e.g., submission by [civil society coalition](#) for the 74th PSWG.

repealed, still contribute to stigma against LGBTI.

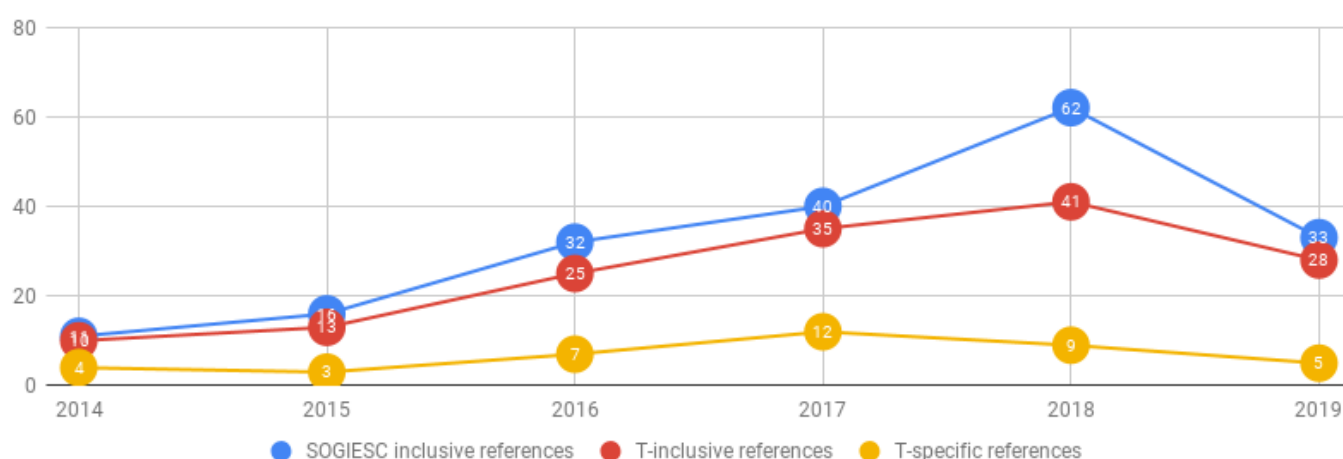
Despite the insufficient attention given by CEDAW to the issue of criminalization of same-sex sexual acts and cross-dressing, defenders are advised to continue highlighting this problem and its effects on LB women and trans persons.

For example, if a law explicitly prohibits lesbian sexual acts, this should be reflected in the report. If a law criminalizes only male-identified individuals, CSO submissions should clearly explain that such provisions could affect trans people, and could impact the enjoyment of specific rights, such as access to employment or access to justice, by LB women.

Gender Identity and Expression

In 2019, 28 out of the 33 (85%) SOGIESC references made by CEDAW mentioned trans issues, including 5 (15%) references that addressed specific trans issues. Compared to previous years, this represents an increase in both absolute numbers and as a percentage.

Figure 22: GIE references, CEDAW Concluding Observations



Stand-alone trans references were made in the Committee's Concluding Observations on **Kazakhstan**, **Lithuania** and **Serbia**. Notably, a recommendation to **Kazakhstan** was selected for the follow-up procedure.

In its stand-alone trans references, CEDAW addressed two topics:

- LGR and gender reassignment surgery requirements⁸⁴;
- Anti-discrimination legislation covering gender reassignment⁸⁵ or gender identity⁸⁶ as protected grounds.

In addition, **Uruguay** was asked about violence against trans women in the List of Issues.

When addressing trans populations, CEDAW referred to trans women only, and not to trans persons in general. In some

84 See Concluding Observations on **Kazakhstan**.

85 See Concluding Observations on **Lithuania**.

86 See Concluding Observations on **Serbia**.

cases, such an approach was not very logical. For instance, the Committee referred to “mandatory gender reassignment surgery for transgender women” in its Concluding Observations on **Kazakhstan**, even though LGR procedures are similar for all trans people in the country.

In 2019, only one stand-alone trans report, on the **United Kingdom**, was submitted to CEDAW.⁸⁷ However, there were several shadow reports submitted on other countries that, among other topics, covered trans-specific issues.

During previous years, CEDAW demonstrated not only its commitment to include trans identities into a broader SOGIESC agenda, but also its understanding of the specific challenges faced by trans populations. The Committee has made stand-alone recommendations covering LGR and other topics relevant to trans populations. Therefore, defenders working for trans communities are strongly encouraged to engage with CEDAW.

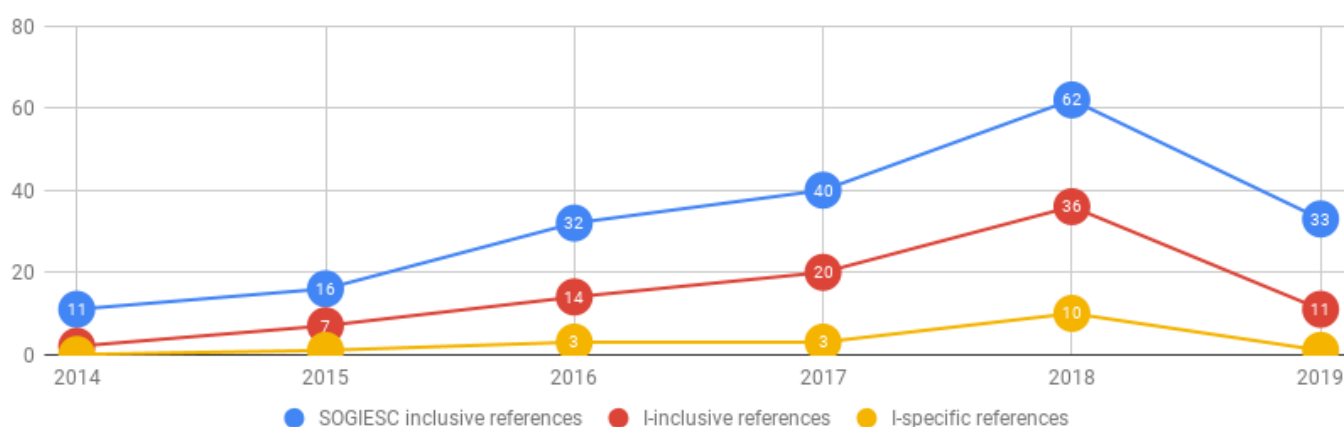
However, more in-depth information, such as stand-alone trans reports from civil society, would help to further develop the Committee’s approach. Taking into account the precedent established on Kazakhstan, defenders may even expect trans recommendations to be selected for the follow-up procedure.

Another possible way to improve the Committee’s practice might be to ensure the consistent inclusion of trans and gender non-conforming persons into the CEDAW narrative, rather than limiting the scope to “transgender women” only.

Sex Characteristics

In 2019, 11 out of the 33 (33%) SOGIESC-inclusive references in CEDAW Concluding Observations included intersex issues, including only one stand-alone intersex reference. This demonstrates a decrease in terms of both percentage and absolute numbers, especially compared to 2018 when CEDAW made 36 intersex-inclusive and 10 intersex-specific references.

Figure 23: Intersex references, CEDAW Concluding Observations



87 Submission by [Transgender Northern Ireland](#) for the 72nd Session.

88 Submission by [StopIGM.org/Zwischengeschlecht.org](#) for the 73rd PSWG.

89 Submission by [Brújula Intersexual](#) and [StopIGM.org](#) for the 75th Session.

90 Submission by [InterAction](#) for the 76th PSWG.

dom⁹¹ and Zimbabwe.⁹² Some other countries received shadow reports covering intersex issues among others things.

In 2019, CEDAW decreased its attention towards intersex persons. However, all stand-alone intersex references by the Committee were only made on countries on which CSOs had provided in-depth information.

Based on this, as well as taking into account the previous achievements of CEDAW, intersex activists may consider engaging with CEDAW, and may wish to address not only irreversible and non-consensual medical interventions on intersex children, but also other issues, such as discrimination based on intersex status.

Women

Because of its nature and mandate, CEDAW always addresses intersections between SOGIESC and gender, but does not normally examine the situation of LGBTI people as a whole.

When CEDAW referred to LBT, it used the term “women” (or sometimes “women and girls”). However, the majority of intersex references were about “intersex persons”.

In 2019, CEDAW made one specific reference to “**lesbianism**” in its Concluding Observations on **Kazakhstan**. The State received a recommendation to revise certain articles of the Criminal Code in order to remove the reference to “lesbianism”. This was recommendation was made after local defenders provided relevant information to the Committee.⁹³

At the same time, references to “same-sex partners”, “same-sex unions”, “same-sex families”, etc.⁹⁴ may also be understood as primarily referring to LB women.

Additionally, sexual orientation, but not gender identity, gender expression or sex characteristics, was addressed in the Committee’s List of Issues prior to reporting for **Ecuador** (gender-based violence statistics), and in the Concluding Observations on **Austria** (anti-discrimination legislation) and **Lithuania** (hate speech and anti-discrimination legislation).

The situation of **trans women** was not specifically reflected in CEDAW’s Concluding Observations. The only specific mention of violence against trans women was in the Committee’s List of Issues on **Uruguay**.

For the first time, CEDAW specifically addressed **intersex women and girls** in its List of Issues on **Zimbabwe**, following the approach presented in a shadow report.

There were quite a lot of CSO submissions to CEDAW on the situation of LGBTI, including a few stand-alone reports on LB women or lesbian women only.⁹⁵ One report specifically addressed the situation of trans women and girls,⁹⁶ and another – the situation of intersex women and girls.⁹⁷

91 Submission by [StopIGM.org](#), [IntersexUK \(iUK\)](#) and the [UK Intersex Association \(UKIA\)](#) for the 72nd PSWG; submission by [Intersex NGO Coalition UK](#) for the 72nd Session.

92 Submission by [civil society coalition](#) for the 75th Session.

93 Submissions by Kazakhstan Feminist Initiative “Feminita” for the [74th PSWG](#) and for the [74th Session](#).

94 See Concluding Observations on **Andorra**, **Colombia** and **Lithuania**, and Lists of Issues (prior to reporting) for **Latvia**, **Lithuania** and **Switzerland**.

95 See, e.g., Submission by [Arquivo de Identidade Angolano](#) on Angola for the 72nd PSWG (stand-alone report on discrimination of LB women in Angola, including in health, education and employment); Submission by [Labris - Lesbian Human Rights Organisation](#) on Serbia for the 72nd PSWG (stand-alone report on discrimination of lesbians).

96 Submission by [Transgender Northern Ireland](#) for the 72nd Session.

97 Submission by [civil society coalition](#) for the 75th Session.

Although CEDAW consistently referred to LBT(I) women, it has not reflected the specificities of the situations for each of the groups under this acronym.

At the same time, only a few CSO reports to CEDAW described specific experiences of lesbians, trans women, and especially bisexual women, with even fewer providing an analysis of the specific situation of intersex women. As a result, the majority of the Committee's recommendations related to LBT(I) women in general, rather than to particular groups.

Such an approach is acceptable unless defenders themselves see the need for stand-alone recommendations on lesbians, intersex, bisexual or trans women. If this is the case, it is advisable to collect disaggregated data, submit shadow reports based on such data, and ideally travel to Geneva to clearly explain why and how the situation of the particular group is unique.

Individual Communications

In 2019, CEDAW reviewed 14 Individual Communications, including one concerning sexual orientation – **K.K. v. Russian Federation**.⁹⁸ However, the communication was declared inadmissible.

Case K.K. v. Russian Federation (CEDAW, 2019)

The complaint concerned a lesbian activist who was threatened and insulted by a deputy of the St. Petersburg Legislative Assembly at the 2013 *QueerFest* festival. Following numerous rejections and appeals in court, the author brought the case before CEDAW, claiming a violation of her rights based on her sexual orientation, gender identity and LGBTI activism. She argued that she had been discriminated against by a representative of the State, which she said had an obligation to refrain from and investigate such discrimination, and that Russia had failed to provide her with effective legal remedies and recognition of her rights. She referred to numerous statements and judgements by the United Nations and the Council of Europe human rights bodies in this regard.

Among the arguments submitted by the Russian State was the claim that the deputy was not aware of the negative meanings of the words he used, that he had whispered the words, that his attitude “could have been the result of a conflict situation or could have been triggered by other factors”, and that in any case they were “the subjective opinion of the defendant towards the happenings, which he was free to express under the Constitution”. The courts did not find the words used insulting or degrading because they were not considered abusive words and “did not personally characterize the author”.

However, CEDAW did not address the substantive matter of the case. While agreeing that the author had exhausted domestic remedies, the Committee did not find that the Russian State had handled the case in a manner that discriminated against women or amounted to a denial of justice, as both sides had been able to put forward their opinions and the courts had based their decisions upon this material. CEDAW therefore declared the case inadmissible.

No new complaints addressing SOGIESC were registered by CEDAW in 2019, according to the Committee's [publication](#).

As of the end of 2019, CEDAW has only reviewed two Individual Communications related to sexual orientation, finding them both inadmissible. However, the Committee continues to be an important space for L(G)BTI Individual Complaints, given its practice on country periodic reviews and its General Recommendations, as well as the concept of intersectionality enshrined in the very spirit of CEDAW.

In particular, defenders working on SOGIESC may consider bringing cases to the Committee relating to gender-based violence, including hate crimes, domestic violence and femicide; labour discrimination and harassment; the conditions of LBTI in detention; access to health care, including sexual and reproductive health services; parental rights and family status; name changes and LGR for trans persons; medical interventions on intersex children; or the criminalization of female same-sex sexual acts.

Some of these topics may soon be addressed by the Committee in its decisions on complaints brought against Russia and Sri Lanka in 2017 and 2018, respectively.⁹⁹ Defenders who were not involved in these cases may consider preparing third-party interventions to address the criminalization of female same-sex activities and homophobic hate crimes. CEDAW has published some [guidelines](#) on third-party interventions.

The only topic, on which CEDAW did not express very positive views is asylum-seeking processes. It may be better to bring cases on this problem to other Treaty Bodies.

In future complaints, it will also be important to address the intersections between gender and SOGIESC, and to properly demonstrate different dimensions of discrimination.¹⁰⁰

General Recommendations

In 2019, CEDAW did not adopt any General Recommendations.

However, it organized a [consultation](#) on the new draft **General Recommendation on trafficking in women and girls in the context of global migration**.

The Committee referred to “women from sexual minorities” when identifying groups of women who are subjected to multiple and intersecting forms of discrimination and violence, and who are at a higher risk of being trafficked. CEDAW noted that “discrimination experienced by these groups of women and girls is compounded by their concurrent social, economic and political marginalization. Such devaluation of their personhood renders these women and girls as easier targets of trafficking and exploitation.”¹⁰¹

Some of the submissions by civil society indeed referred to the situation of trans sex workers or more broadly to SOGI/LGBTIQ.¹⁰²

99 Periodically updated information on LGBTI decisions and pending cases of Treaty Bodies, collected by ILGA World, see here: <https://ilga.org/Treaty-Bodies-jurisprudence-SOGIESC>.

100 Multiple and intersecting forms of discrimination addressed by CEDAW previously include: women/foreign nationality (M.W. v Denmark, [CEDAW/C/63/D/46/2012](#), views of 22 February 2016, parental rights); women/Roma (A.S. v Hungary, [CEDAW/C/36/D/4/2004](#), views of 14 August 2006, coerced sterilisation); women/migrant status (Isatou Jallow v Bulgaria, [CEDAW/C/52/D/32/2011](#), views of 23 July 2012, domestic violence); women/disability (R.P.B. v Philippines, [CEDAW/C/57/D/34/2011](#), views of 21 February 2014, sexual violence); women/indigenous status (Cecilia Kell v Canada, [CEDAW/C/51/D/19/2008](#), views of 28 February 2012, domestic violence); women/African origin (Maria de Lourdes da Silva Pimentel v Brazil, [CEDAW/C/49/D/17/2008](#), views of 25 June 2011, access to health care).

101 See: CEDAW, [Concept Note prepared for CEDAW on its elaboration of a General Recommendation on Trafficking in Women and Girls in the Context of Global Migration](#), para 31.

102 See, e.g., submissions by the [Project X, IWRAW Asia Pacific](#).

When the Committee updates or drafts new General Recommendations, defenders are strongly encouraged to present their views on the SOGIESC dimensions of relevant issues. This can be done by providing examples of specific violations and barriers faced by LB women and TI persons in different regions, and by proposing specific provisions to be included in the texts of General Recommendations.

Given that CEDAW adopts new General Recommendations quite frequently, this platform could provide very interesting opportunities for LGBTI defenders.

The new General Recommendation on trafficking could be of particular interest for LGBTI defenders representing sex workers.

Follow-up Procedure

In 2019, CEDAW revised its follow-up procedure. According to the [updated procedure](#), the Committee selects up to four sub-paragraphs from its Concluding Observations that will be included in the follow-up procedure. The issues selected for urgent short-term action should be specific, measurable, achievable and realistic within the relevant time frame. The State party has to submit a follow-up report within one or two years following the adoption of the Concluding Observations.

CSOs can also submit follow-up reports. Such reports should be:

- As concise as possible (3,500 words maximum).
- Submitted one month before the beginning of the session during which the State party's follow-up report is scheduled to be assessed.
- Transmitted to the Secretariat in Word format to cedaw@ohchr.org.

Submissions which are not confidential will be made public on the CEDAW webpage.

The Committee assesses the level of implementation using the following categories:

- Implemented
- Substantially implemented
- Partially implemented
- Not implemented
- Lack of sufficient information to make an assessment
- Information or measures taken are contrary to or reflect rejection of the recommendation.
- In 2019, CEDAW selected LGBTI recommendations for follow-up procedure only once:
- **Kazakhstan** – a recommendation to abolish mandatory gender reassignment surgery (state follow-up report in two years).

No previous follow-up recommendations on SOGIESC were assessed by the Committee.

CEDAW has already selected SOGIESC recommendations for its follow-up review in the past. Therefore, LGBTI defenders are encouraged to advocate for SOGIESC follow-up recommendations in their country reviews. This would help to put greater pressure on governments, to achieve effective implementation of relevant recommendations, and to change the situation on the ground.

Building coalitions with other NGOs from the country may help to achieve this, and ensure that CSO proposals on issues to be selected for follow-up are presented to the Committee.

Groups from countries that have already received follow-up SOGIESC recommendations – such as **Kazakhstan** in 2019, as well as **Chile, Luxembourg, New Zealand and the Republic of Korea** in 2018 – may compile and submit their shadow follow-up reports to the Committee.

Sex Work and HIV/AIDS

In most cases, CEDAW uses the terms “prostitution” and “exploitation in prostitution” rather than **sex work**.¹⁰³

In 2019, the majority of CEDAW’s references to “prostitution” related to reducing demand, preventing women in vulnerable situations from “being exploited in prostitution”, and supporting women who wish to leave “prostitution”, including through alternative income opportunities. This represents a visible shift in the Committee’s position following changes to its composition. Prior to 2019, CEDAW occasionally used the term “sex work” and did not always place an emphasis on abolishing sex work, but rather recommended many states to decriminalize sex work and to protect sex workers from violence and discrimination.

However, a significant number of the Committee’s questions, concerns and recommendations still addressed the criminalization of sex work, violence and discrimination against sex workers, and their access to health care. Of particular interest are the Committee’s references in the Lists of Issues (prior to reporting) for [Afghanistan](#) (para. 12), [Antigua and Barbuda](#) (paras. 29 and 39 (d)), [Bosnia and Herzegovina](#) (para. 10), [Cambodia](#) (para. 13), [Canada](#) (para. 15), [Eritrea](#) (para. 13), [Iraq](#) (para. 12), List of Issues for [Kiribati](#) (para. 11), [Kyrgyzstan](#) (para. 11), [Latvia](#) (para. 16), [Lithuania](#) (para. 13), [Pakistan](#) (para. 11), [Republic of Moldova](#) (para. 12), [Seychelles](#) (para. 15), [Tunisia](#) (para. 11), and the Concluding Observations on [Angola](#) (para. 11), [Austria](#) (paras. 24(f) and 25(g)), [Botswana](#) (paras. 29 and 30(a)), [Cambodia](#) (paras. 28 and 29), the [Democratic Republic of the Congo](#) (para. 28(c)), [Guyana](#) (paras. 29 and 30), [Kazakhstan](#) (paras. 25(h), 26(g), 27 and 28), [Lithuania](#) (para. 27), [Mozambique](#) (paras. 27 and 28), [Qatar](#) (paras. 29 and 30), [Serbia](#) (paras. 25 and 26), [Seychelles](#) (paras. 29 and 30) and the [United Kingdom](#) (para. 36(c)).

References to **HIV/AIDS** that were not SOGIESC-related were made in the Lists of Issues (prior to reporting) for [Canada](#) (para. 22), [Denmark](#) (para. 20), [Kazakhstan](#) (para. 19), [Kiribati](#) (para. 22), [Kyrgyzstan](#) (paras. 11, 18 and 21), [Latvia](#) (para. 21), [Seychelles](#) (para. 20), [Spain](#) (para. 18), [Switzerland](#) (para. 19), [Uruguay](#) (para. 3) and [Zimbabwe](#) (para. 14), and in the Concluding Observations on [Angola](#) (paras. 43(a) and 44(a)), [Antigua and Barbuda](#) (paras. 38(d) and 39 (d)), [Bosnia and Herzegovina](#) (paras. 37(e) and 38(d)), [Botswana](#) (paras. 5(h), 29 and 30(a) and 37), [Cabo Verde](#) (paras. 34(c) and 35(d)), [Cambodia](#) (paras. 38 and 39(a)), [Colombia](#) (paras. 37 and 38(g)), [Democratic Republic of the Congo](#) (paras. 6(b), 36 and 37(i)), [Guyana](#) (paras. 39 and 40), [Iraq](#) (paras. 33(b) and 34(b)), [Kazakhstan](#) (paras. 25(f), 26(g), 27(c), 28, 39(e), 40 and 48(a)), [Mozambique](#) (paras. 4(d), 5(e), 35(a) and 36(a)), [Myanmar](#) (paras. 37(a) and 42(c)), [Qatar](#) (paras. 39 and 40) and [Seychelles](#) (para. 39(b)).

103 The only exceptions were references to “sex workers” in the List of Issues on [Kiribati](#) (para. 11).

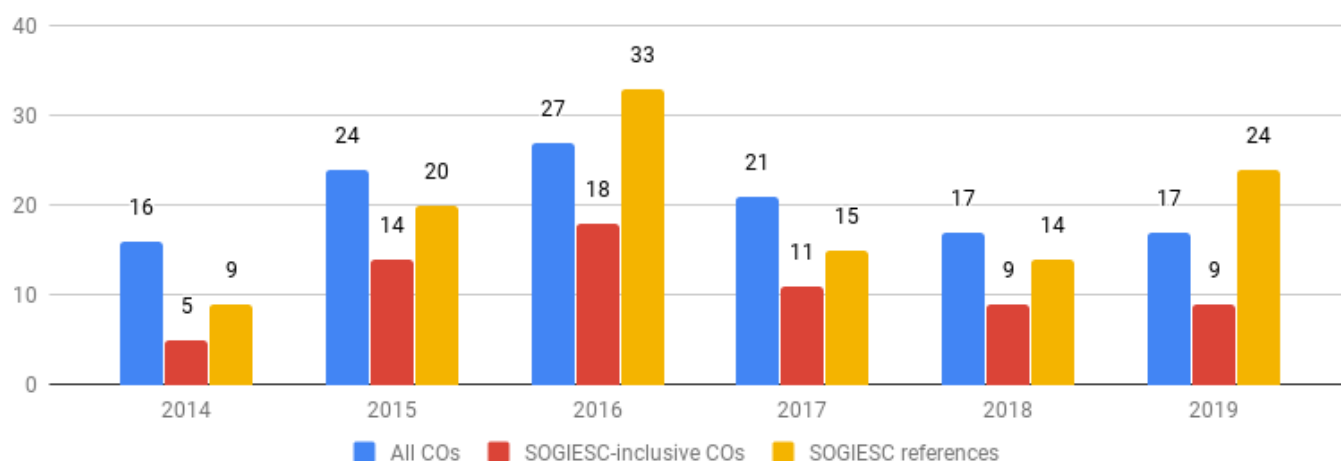
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Committee on the Rights of the Child

General Information

In 2019, CRC made SOGIESC-inclusive Concluding Observations on 9 countries out of the 17 reviewed. In addition, the Committee made 24 LGBTI or SOGIESC references, which is the second largest number of such references in the history of its practice. Only in 2016 was the number of SOGIESC references higher (33 references); the number of SOGIESC-inclusive Concluding Observations was also higher that year (18 countries).

Figure 24: SOGIESC-inclusive Concluding Observations – CRC, 2014–2019



Of the nine countries with SOGIESC-inclusive Concluding Observations, five (**Guinea, Italy, Japan, Malta and Singapore**) received their first recommendations on this topic from CRC.

The majority of the countries that received LGBTI recommendations (7 out of 9) were asked by the Committee about SOGIESC issues in the Lists of Issues (prior to reporting). Only **Guinea** and **Singapore** received SOGIESC recommendations in the absence of any relevant questions in the Committee's Lists of Issues.

Guinea and **Singapore** were also the only two countries on which the Committee did not receive any information from CSOs. On all of the other countries with SOGIESC recommendations, the Committee received, at a minimum, coalition reports covering LGBTI topics. On five of these countries, civil society also presented stand-alone SOGIESC reports, mainly on the situation of intersex persons.

It should be noted that **Bosnia and Herzegovina** did not receive any LGBTI recommendations even after SOGIESC issues were addressed in the List of Issues, constructive dialogue with the State and in CSO shadow reports, including one [stand-alone submission](#) on LGBTI children and children of LGBTI parents.

CRC raised SOGIESC issues in the constructive dialogues with all but one of the countries that received LGBTI recommendations. The one exception was **Guinea**.

Table 6: CRC country reviews, 2019

COUNTRY	SOGIESC IN PREVIOUS COS	LOI	CSO REPORTS MENTIONING SOGIESC	STAND-ALONE SOGIESC REPORTS	SOGIESC IN THE CONSTRUCTIVE DIALOGUES	COS	
Australia	Yes	Yes	Yes	Yes	Yes	Yes	LGBTI; LGBTI; I; LGBTI; LGBTI
Bahrain	No	No	No	n/a	No	No	n/a
Belgium	Yes	Yes	Yes	Yes	Yes	Yes	I
Bosnia and Herzegovina	No	Yes	Yes	Yes	Yes	No	n/a

Botswana	No	No	No	n/a	No	No	n/a
Cabo Verde	No	No	No	n/a	No	No	n/a
Côte d'Ivoire	No	No	No	n/a	No	No	n/a
Guinea	No	No	No	n/a	No	Yes	LGBTI
Italy	No	Yes	Yes	Yes	Yes	Yes	I + LGBT; SOGI + I + LGBT; I
Japan	No	Yes	Yes	No	Yes	Yes	LGBTI; LGBTI
Malta	No	Yes	Yes	Yes	Yes	Yes	I; SOGI; GI + GIESC + I
Mozambique	No	No	No	n/a	No	No	n/a
Portugal	Yes	Yes	Yes	Yes	Yes	Yes	LGBTI; I
Republic of Korea	Yes	Yes	Yes	No	Yes	Yes	SO + SOGI + LGBTI; SOGI; SOGI + LGBTI
Singapore	No	No	No	n/a	Yes	Yes	LGBTI + same-sex; LGBTI + same-sex; LGBTI
Syrian Arab Republic	No	No	Yes	No	No	No	n/a
Tonga	n/a	No	No	n/a	No	No	n/a

In addition, in 2019, CRC posed SOGIESC questions in its Lists of Issues (prior to reporting) to 8 countries under future review. These included **Belarus, Cambodia, Costa Rica, Eswatini, Luxembourg, the Netherlands, Switzerland** and **Tuvalu**.

CRC has raised SOGIESC issues in its country periodic reviews in the past. Therefore, LGBTI advocates should consider this Committee when developing their strategies and plans. As seen from our analysis, the Committee is quite responsive to CSO information and sometimes raises SOGIESC issues even in the absence of shadow reports.

While SOGIESC-inclusive Lists of Issues may lead to relevant references in Concluding Observations, it is not a requisite condition. Hence, the Committee may make LGBTI recommendations even when relevant topics were not included in the List of Issues. However, the inclusion of such topics in the constructive dialogues seems to be extremely important.

Themes

The majority of the SOGIESC references made by CRC in 2019 addressed the issue of **discrimination**.¹⁰⁴ The Committee frequently formulated quite general recommendations or questions related to combatting discrimination against various groups of children, including LGBTI children.

CRC also made more concrete recommendations on the following:

- prioritized and targeted social services for LGBTI children¹⁰⁵
- affirmative actions¹⁰⁶
- awareness-raising measures and human rights education, including for professional groups working with children¹⁰⁷
- effective systems for reporting and dealing with cases of discrimination cases¹⁰⁸
- SOGI-inclusive anti-discrimination legislation.¹⁰⁹

The Committee made several references to **violence**, including online violence, against LGBTI children.¹¹⁰ In this regard, CRC specifically recommended that States deal with reported cases of violence, and encourage community-based programmes to prevent violence against LGBTI children.

In some reviews, CRC examined the situation of LGBTI children in **education**, and in particular, expressed concerns over bullying and harassment,¹¹¹ and called for support for child victims.¹¹² The inclusion of LGBTI issues into educational programmes was also addressed in some reviews.¹¹³

The Committee also made individual references to topics such as:

- **Health** – **Australia** was recommended to provide mental health services to LGBTI children.
- **Family** – **Portugal** was asked in the List of Issues about the access of same-sex couples to adoption, civil sponsorship and other family relationships, however this did not result in any recommendations on the topic.
- **Detention** – **Republic of Korea** was recommended to end discrimination against LGBTI children in detention, including through reasonable accommodation.

Although, the Committee generally only referred to LGBT(I) children, in certain cases, it also addressed the situation of children living in LGBTI families, children of LGBT parents or children of same-sex couples.¹¹⁴

104 See e.g., List of Issues for **Eswatini**, List of Issues prior to reporting for the **Netherlands**, and Concluding Observations on **Guinea, Italy, Japan, Portugal, Republic of Korea** and **Singapore**.

105 Concluding Observations on **Guinea**.

106 Concluding Observations on **Italy** and **Singapore**.

107 Concluding Observations on **Japan, Portugal** and **Singapore**.

108 Concluding Observations on **Singapore**.

109 See Concluding Observations on the **Republic of Korea**. Similarly, **Malta** was commended for the adoption of a SOGI-inclusive anti-discrimination law, and **Switzerland** was asked about draft anti-discrimination legislation referring to sexual orientation.

110 See e.g., List of Issues on **Belarus**, and Concluding Observations on **Australia** and **Singapore**.

111 See List of Issues for **Belarus**, and Concluding Observations on **Australia**.

112 See Concluding Observations on **Australia**.

113 See List of Issues for **Belarus**, and Concluding Observations on **Singapore**.

114 See List of Issues for **Portugal** and Concluding Observations on **Italy** and **Singapore**.

CRC can be a perfect space to highlight the different types of violations faced by LGBTI children, as well as by children of LGBTI parents. Defenders are encouraged to approach the Committee with relevant demands and to identify problems specific to the situation in their country.

Criminalization

In 2019, CRC reviewed five countries that criminalize consensual same-sex sexual acts (**Botswana, Guinea, Singapore, Syrian Arab Republic and Tonga**).¹¹⁵

However, only two of them (**Guinea and Singapore**) received SOGIESC-inclusive Concluding Observations, and only the latter received a recommendation to decriminalize consensual same-sex acts.

It should be noted that the CSO submissions on these countries published on the Committee's webpage did not address this issue. The only exception was a submission on **Syria** by the [All Survivors Project Foundation](#), which mentioned the vulnerability of LGBTI youth to sexual violence and the reluctance of male victims to report rapes due to criminalization. However, the State did not receive any SOGIESC recommendations from the Committee.

In addition, in its List of Issues for **Tuvalu**, CRC asked about any progress made in reviewing discriminatory laws, including the Penal Code, under which consensual same-sex sexual activity between men is penalised.

CRC does not have a consistent approach to addressing the criminalization of consensual same-sex sexual acts. However, if defenders raise this issue with the Committee, their efforts may lead to relevant recommendations. In this case, the Committee may need more information on how criminalization affects children and adolescents (for example, if it hampers their access to health information and services, if they are subjected to ill-treatment, or if it affects children in diverse families).

At the same time, LGBTI defenders may wish to avoid approaching the problem of criminalization through the lens of children's rights. Addressing criminalization from this perspective could have a pushback effect and create additional difficulties.

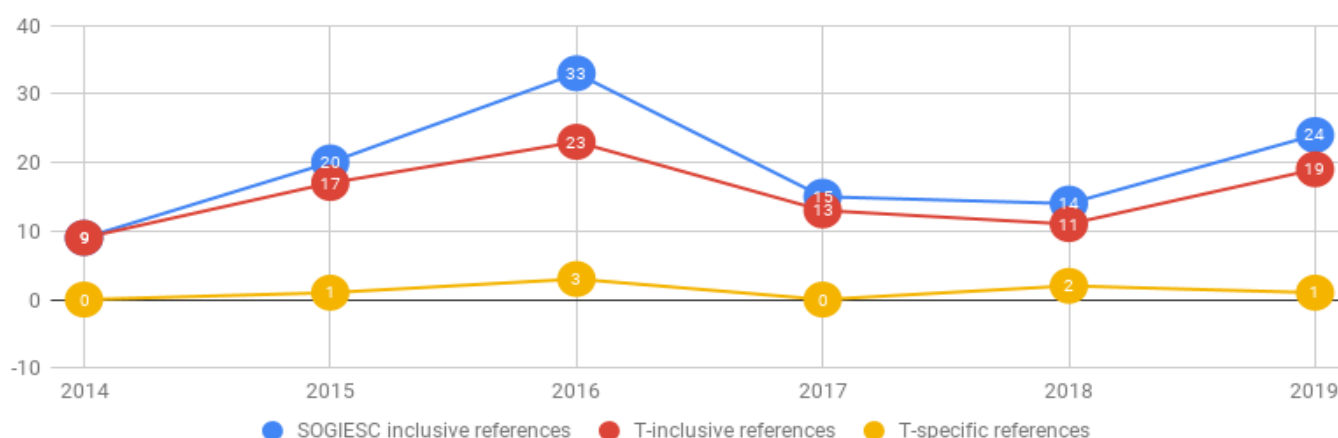
Gender Identity and Expression

In 2019, CRC referred to trans issues or gender identity in 19 out of 24 (79%) SOGIESC-inclusive references in its Concluding Observations.

However, of the trans-inclusive references, only one specifically addressed gender identity. **Malta** was commended for its Gender Identity, Gender Expression and Sex Characteristics Act, which provided for the recognition of gender identity based on a person's self-identification.

¹¹⁵ For information on criminalizing states see: International Lesbian, Gay, Bisexual, Trans and Intersex Association: Lucas Ramon Mendos, *State-Sponsored Homophobia 2019* (Geneva; ILGA, March 2019).

Figure 25: GIE references, CRC Concluding Observations



In addition, CRC asked **Costa Rica** in its List of Issues about the inclusion of gender identity questions in health surveys.

While several submissions by civil society did mention the situation of trans children among other issues,¹¹⁶ there were no stand-alone shadow reports on gender identity and/or gender expression.

Advocates are encouraged to focus on the right to identity protected under the CRC Convention in order to raise issues of gender identity and expression. The access of trans children to LGR can be one of the issues to raise with the Committee. CRC is also very experienced in discussing issues related to the capacity of children to consent, as well as their right to health, which could be very useful in the context of accessing puberty blockers, for example. Restrictions on the parental rights of trans parents, as well as parents of trans children, can also be raised before this Committee.

Sex Characteristics

In 2019, 88% of CRC's SOGIESC-inclusive references were also intersex inclusive (21 out of 24). This is the highest percentage ever achieved by this Committee.¹¹⁷

At the same time, the Committee also made the highest number of intersex-specific references, which amounted to 8, compared to 7 in 2016, 2 each in 2015 and 2018, 1 in 2017, and none in 2014.

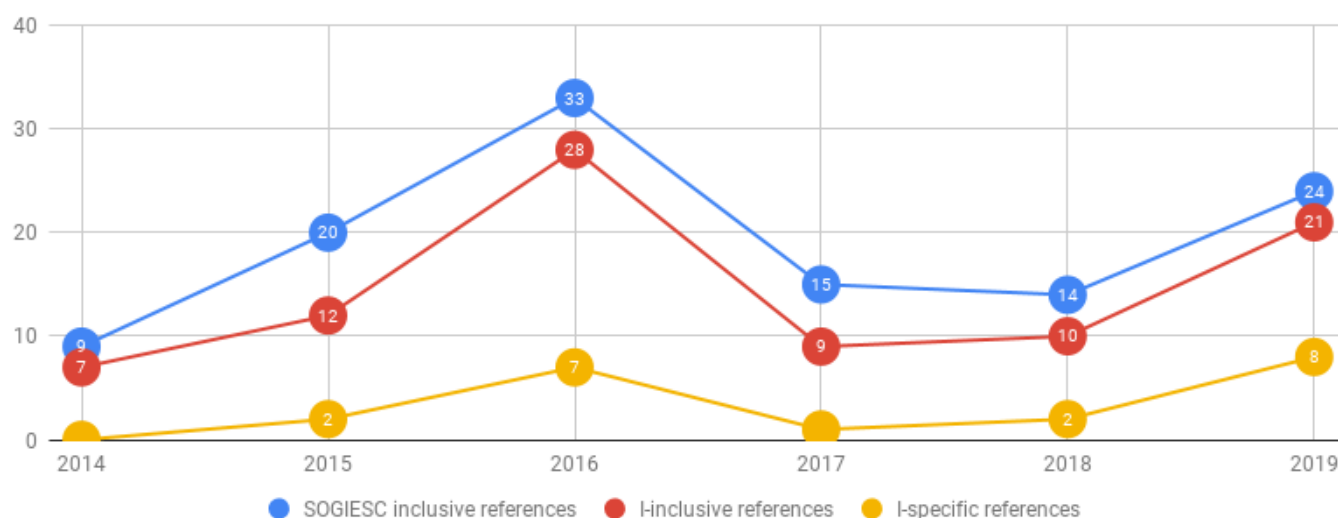
CRC made intersex-specific references in its Concluding Observations on five countries, **Australia, Belgium, Italy, Malta** and **Portugal**. In addition, specific intersex questions were included in the Committee's Lists of Issues prior to reporting for **Luxembourg** and **Switzerland**.

¹¹⁶ See: submission by the [Human Rights Law Center](#) on **Australia** (a section on LGR for trans and gender diverse children); submission by [Cavaria](#) on **Belgium** (a section on LGR for transgender minors); submission by [civil society coalition](#) on **Bosnia and Herzegovina** (a section on the situation of trans individuals); submission by [civil society coalition](#) on **Japan** (some information on LGR); submission by [Human Rights Watch](#) on **Japan** (mentioning the lack of proper LGR and describing how it affects trans students); submission by [civil society coalition](#) on **Malta** (describing the new Law on SOGIESC); submission by [Child Rights Network Switzerland](#) (a section on access of trans children to health care); submission by [civil society coalition](#) on the **Netherlands** (a section on transgender, including on waiting list and depathologization, and on domestic violence and child abuse).

¹¹⁷ There were 7 such references out of 9 (78%) SOGIESC-inclusive references in 2014, 12 out of 20 (60%) in 2015, 28 out of 33 (85%) in 2016, 9 out of 15 (60%) in 2017 and 10 out of 14 (71%) in 2018.

Notably, CRC received multiple stand-alone CSO reports on the situation of intersex persons. This was the case for all of the countries mentioned above,¹¹⁸ except **Belgium**. However, there was a shadow report on **Belgium** with a specific section on intersex children.¹¹⁹

Figure 26: Intersex references, CRC Concluding Observations



In its recommendations, CRC frequently addressed issues such as legislative prohibitions on coerced sterilization or unnecessary medical or surgical treatment and ensuring that no one is subjected to such practices,¹²⁰ and support and counselling for families with intersex children.¹²¹

In certain reviews, the Committee also referred to remedies, including compensation, rehabilitation and redress,¹²² and lifting relevant statutes of limitations;¹²³ child rights-based health care protocols;¹²⁴ training and education for health professionals;¹²⁵ and the investigation of incidents of surgical or other medical interventions performed on intersex children without their proper consent.¹²⁶

The Committee recommended **Belgium** to prohibit the performance of unnecessary medical or surgical interventions on intersex children in cases when those procedures can be safely deferred *until children are able to provide their informed consent*. It also asked **Switzerland** whether unnecessary medical or surgical interventions for intersex children are covered by *disability insurance*.

CRC seems to raise specific intersex issues when civil society provides relevant information on the topic. Intersex advocates are strongly recommended to engage with CRC to raise issues regarding forced surgeries and treatments performed on intersex children. Defenders are encouraged to rely on solutions and activities previously recommended by CRC in its country periodic reviews.

118 See: submission by [IHRA](#) for **Australia**, submission by [StopIGM.org / Zwischengeschlecht.org](#) for **Italy**, submission by [StopIGM.org / Zwischengeschlecht.org](#) for **Luxembourg**, submission by [StopIGM.org / Zwischengeschlecht.org](#) for **Malta**, Submission by [StopIGM.org / Zwischengeschlecht.org](#) for **Portugal**, and submission by [InterAction](#) for **Switzerland**.

119 See submission by [Cavaria](#).

120 See List of Issues prior to reporting on **Switzerland**, and Concluding Observations on **Australia, Belgium, Italy, Malta and Portugal**.

121 See Lists of Issues prior to reporting for **Luxembourg** and **Switzerland**, and Concluding Observations on **Australia, Belgium, Italy, Malta and Portugal**.

122 See List of Issues prior to reporting for **Luxembourg**, and Concluding Observations on **Malta and Portugal**.

123 See Concluding Observations on **Belgium**.

124 See List of Issues prior to reporting for **Luxembourg**, and Concluding Observations on **Italy**.

125 See Concluding Observations on **Italy**.

126 See Concluding Observations on **Malta**.

Women

In 2019, CRC made no stand-alone references to LB/TI women and girls. However, it did make general references to LGBT(I), and several mentions of same-sex families.

Given that CRC is quite familiar with carrying out gender analyses and pays particular attention to the situation of girls, defenders can advocate for the specific needs of LB/TI women and girls or certain sub-groups of them. For example, the following issues can be raised before CRC: the access of LB/TI girls and young women to sexual and reproductive health information and services, specific forms of violence, including forced marriages and “corrective rapes”, or harassment against LB/TI teachers in schools. The Committee can also examine the situation of LB/TI mothers (parents).

Individual Communications

The Individual Communications mechanism of CRC came into force in 2014. As of January 2020, it has been ratified by 46 States from all ILGA World regions, except North America.¹²⁷ This includes 26 countries in Europe and Central Asia,¹²⁸ 11 countries in LAC,¹²⁹ 4 countries in Asia,¹³⁰ 3 countries in PAI¹³¹ and 2 countries in Oceania.¹³²

None of the Individual Communications reviewed by the Committee have related to SOGIESC, including the 18 decisions issued by CRC in 2019.

However, at least one communication on SOGIESC is pending. The case, **A.B. v. Finland** (complaint No. 51/2018), concerns the deportation of a female same-sex couple with a child to Russia, with an alleged risk of irreparable harm based on the sexual orientation of the child’s mother. The author claims that the State party violated their rights guaranteed under articles 3, 12 and 22 of the CRC Convention.¹³³

Taking into account the relatively low number of countries that have ratified the CRC Individual Communications mechanism, as well as the fact that the mechanism itself has been in force since 2014, defenders are encouraged to consider applying to the Committee with their cases. These factors would probably allow for a quicker response time from CRC than from most other Treaty Bodies or regional human rights courts.

In communications to the Committee, defenders may rely on the practice developed by CRC in its Concluding Observations and General Comments. Based on this, a broad range of topics relevant to LGBTI children and children from LGBTI families could potentially be addressed in Individual Communications to CRC.

127 A list of countries that have agreed, by ratifying the OP, that Individual Communications can be brought against them is available by clicking “underlying data” under the map available on this page: <http://indicators.ohchr.org/>.

128 Albania, Andorra, Belgium, Bosnia and Herzegovina, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Georgia, Germany, Ireland, Italy, Lichtenstein, Luxembourg, Monaco, Montenegro, Portugal, San Marino, Slovakia, Slovenia, Spain, Switzerland, Turkey and Ukraine.

129 Argentina, Bolivia, Brazil, Chile, Costa Rica, Ecuador, El Salvador, Panama, Paraguay, Peru and Uruguay.

130 Maldives, Mongolia, State of Palestine and Thailand.

131 Benin, Gabon and Tunisia.

132 Marshall Islands and Samoa.

133 Source: CRC, [Table of pending cases](#). Periodically updated information on Treaty Bodies LGBTI decisions and pending cases collected by ILGA World see here: <https://ilga.org/Treaty-Bodies-jurisprudence-SOGIESC>.

LGBTI advocates may also consider participating in third-party interventions on pending cases. The Committee has issued [some rules](#) on such interventions.

General Comments

In 2019, CRC adopted [General Comment No. 24 on children's rights in the child justice system](#). It refers to sexual orientation and gender identity when addressing guarantees for fair trials for children. It specifically says that “safeguards against discrimination are needed from the earliest contact with the criminal justice system and throughout the trial, and discrimination against any group of children requires active redress. In particular, gender-sensitive attention should be paid to girls and to children who are discriminated against on the basis of sexual orientation or gender identity.” (para. 40).

Additionally, CRC is in the process of drafting another new **General Comment on children's rights in relation to the digital environment**. In March 2019, the Committee [invited](#) all interested parties to comment on the concept note of the General Comment. Some of the submissions addressed problems related to accessing information by LGBT youth.¹³⁴ In 2020, the Committee will continue working on the draft.

When CRC adopts General Comments, it frequently refers to SOGIESC. Therefore, LGBTI advocates are encouraged to engage with CRC by submitting relevant information to inform the development of new General Comments, and to participate in General Discussion days.

Follow-up Procedure

CRC does not currently have a written follow-up procedure, nor does it identify priority issues for follow-up in its Concluding Observations. The Committee has emphasized that it is open to discussion on follow-up procedures. However, the failure to establish such a procedure is related to a lack of human and financial resources.¹³⁵

Despite the lack of a formal follow-up procedure, in every set of Concluding Observations, CRC identifies several recommendations in relation to which urgent measures must be taken. In 2019, the Committee designated LGBTI recommendations as urgent following its review of **Australia, Italy, Japan, Malta** and the **Republic of Korea**.

In addition, in its Concluding Observations on **Portugal**, CRC recalled its previous recommendations to the State when calling for measures to end discrimination against LGBTI children.

¹³⁴ See e.g., a submission by [Human Rights Watch](#) (data on Russian cases about restriction of information aimed at LGBT youth under the law on so-called “homosexual propaganda”).

¹³⁵ See *Procedures of the human rights treaty bodies for following up on concluding observations, decisions and Views*, 29th session of the meeting of Chairs of the human rights treaty bodies, 8 May 2017, [HRI/MC/2017/4](#).

Although CRC does not have a formal follow-up procedure in place for its Concluding Observations, SOGIESC recommendations may be designated as urgent by the Committee. Advocates should take this into account in their follow-up strategies and engagement with national authorities.

LGBTI advocates are also encouraged to refer to the Committee's previous SOGIESC recommendations in their submissions for new review cycles.

Sex Work and HIV/AIDS

The CRC does not use the term “**sex work**” in the context of children, referring instead to “child prostitution.” CRC consistently made non-SOGIESC-related references to child prostitution in its Concluding Observations in 2019.

In the Concluding Observations on [South Korea](#), the Committee expressed concerns over the fact that “children who are considered to have entered prostitution voluntarily [...] are treated as offenders, denied legal aid and support services and are subjected to detention-like ‘protective dispositions’, deterring them from reporting sexual exploitation” (para. 28(c)). The State was consequently recommended to “ensure that all children [...] engaged in prostitution [...] are not treated as offenders but as victims, including by referring to them as ‘victims’ in the legislation, abolishing the ‘protective dispositions’, providing affected children with support services and legal aid and ensuring their access to justice, including compensation and redress.” (para. 29(d)).

References to **HIV/AIDS** that were not SOGIESC-related were made in the CRC Lists of Issues (prior to reporting) for [Belarus](#) (paras. 11 and 17(b)), [Cambodia](#) (para. 2), [Czech Republic](#) (para. 17(c)), [Eswatini](#) (para. 4), [Micronesia](#) (para. 16(h)), [Mozambique](#) (para. 10), [Netherlands](#) (para. 8(c)), [Portugal](#) (para. 15(m)), [Rwanda](#) (paras. 3 and 8(c)), [State of Palestine](#) (para. 11(c)) and [Tuvalu](#) (para. 16(g)), and in the Concluding Observations on [Bahrain](#) (para. 37(d)), [Botswana](#) (paras. 3, 22(b), 25, 28(c), 48, 49 and 51(c)), [Cabo Verde](#) (paras. 66 and 67), [Côte d'Ivoire](#) (paras. 5 and 46(d)), [Guinea](#) (paras. 17(b) and 35(c)), [Japan](#) (paras. 34(a) and 35(b)), [Mozambique](#) (paras. 32(b), 33 and 36), [Portugal](#) (para. 34(e)) and [South Korea](#) (paras. 41(g), 42(f), 46(h) and 47(l)).

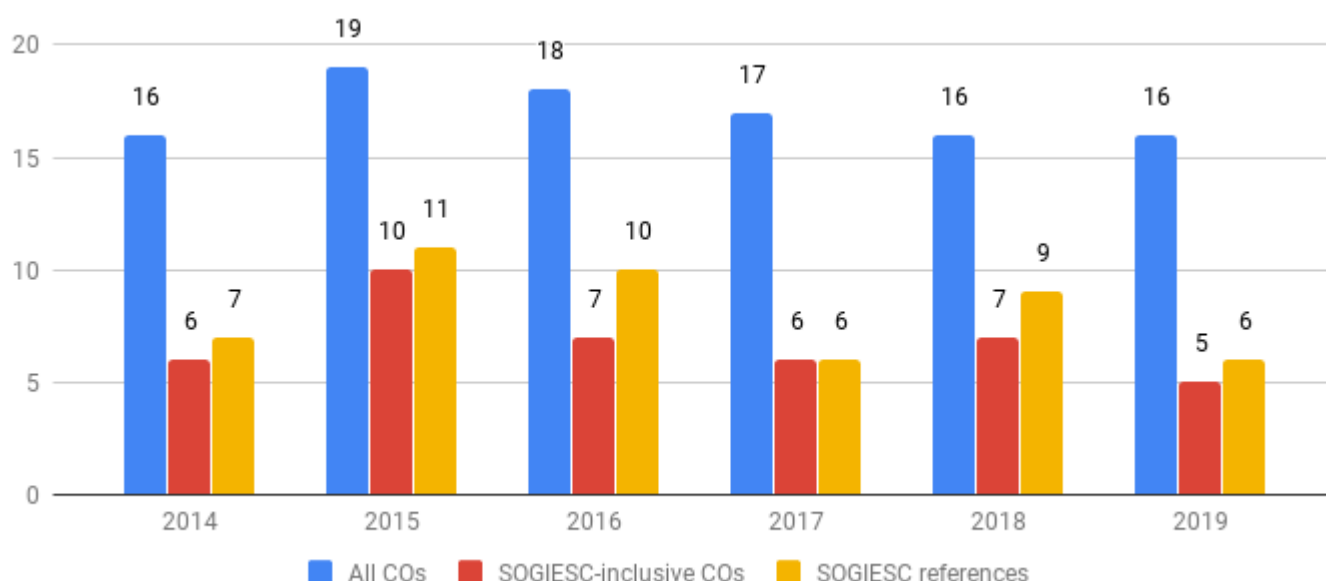


**Committee against
Torture**

General Information

In 2019, CAT made only 6 SOGIESC references in 5 Concluding Observations out of 16 countries reviewed. This constituted a record low for the Committee since 2014, with only 31% of its Concluding Observations being SOGIESC-inclusive.¹³⁶

Figure 27: SOGIESC-inclusive Concluding Observations – CAT, 2014–2019



Four countries (**Bangladesh**, **Portugal**, the **United Kingdom** and **Uzbekistan**) received their first SOGIESC recommendations from CAT, while **Poland** had already received SOGIESC recommendations from the Committee in the past.

SOGIESC-inclusive Concluding Observations were generally preceded by Lists of Issues (prior to reporting) covering the topic. However, three countries (**Cyprus**, **Germany** and **Latvia**), did not receive recommendations from CAT after being asked about LGBTI issues in the Committee's Lists of Issues.

The Committee discussed SOGIESC topics in its constructive dialogues with nine countries under review, including five (**Cyprus**, **Germany**, **Greece**, **Latvia** and **South Africa**) which did not receive LGBTI recommendations. At the same time, the dialogues on all but one country with SOGIESC recommendations covered relevant topics.

Table 7: CAT country reviews, 2019

COUNTRY	SOGIESC IN PREVIOUS COS	LOI	CSO REPORTS MENTIONING SOGIESC	STAND-ALONE SOGIESC REPORTS	SOGIESC IN THE CONSTRUCTIVE DIALOGUES	COS	
Bangladesh	n/a	n/a	Yes	No	Yes	Yes	LGBT + same-sex
Benin	No	No	No	n/a	No	No	n/a
Burkina Faso	No	No	No	No	No	No	n/a
Cyprus	No	Yes	Yes	No	Yes	No	n/a

¹³⁶ Compared with 44% of Concluding Observations being SOGIESC-inclusive in 2018, 35% in 2017, 39% in 2016, 53% in 2015, and 38% in 2014.

Democratic Republic of the Congo	No	No	No	n/a	No	No	n/a
Germany	Yes	Yes	Yes	Yes	Yes	No	n/a
Greece	No	No	Yes	No	Yes	No	n/a
Latvia	Yes	Yes	No	No	Yes	No	n/a
Mexico	No	No	Yes	Yes	No	No	n/a
Niger	n/a	n/a	No	No	No	No	n/a
Poland	Yes	Yes	No	n/a	No	Yes	LGBT + LGBTI
Portugal	No	Yes	Yes	No	Yes	Yes	GIESC
South Africa	No	No	Yes	No	Yes	No	n/a
Togo	No	No	Yes	No	No	No	n/a
United Kingdom	No	Yes	Yes	Yes	Yes	Yes	T; I
Uzbekistan	No	Yes	Yes	Yes	Yes	Yes	LGBT + same-sex

In 2019, CSOs provided submissions mentioning SOGIESC on 10 out of the 16 countries reviewed, however, there were stand-alone reports on LGBTI populations for only 4 countries. Two countries with specific LGBTI reports (**Germany** and **Mexico**) did not receive any recommendations on the topic; only one country (**Poland**) received an LGBTI recommendation in the absence of any CSO reports.

As a general rule, the Committee does not raise SOGIESC issues unless they are addressed by CSO submissions and included in the List of Issues. However, even the submission of a stand-alone LGBTI report cannot guarantee that the Committee references SOGIESC issues in its Concluding Observations.

LGBTI defenders willing to engage with the Committee in the future may wish to think about how to sensitize CAT members and how to raise their awareness about SOGIESC issues.

Themes

In 2019, as in previous years, the Committee widely addressed issues related to **hate crimes and violence and harassment** against LGBTI people. Recommendations on this topic usually related to investigations and prosecutions, the creation of accessible reporting mechanisms, or to training programmes for law enforcement officials.¹³⁷ In its review of **Uzbekistan**, CAT expressed detailed concerns over the misconduct of officials, mentioning that LGBT persons are subjected to violence and torture while in detention and to persecution by the police, including through the use of online entrapment schemes, threatening videos, and other forms of extortion.

¹³⁷ See Concluding Observations on **Poland**, the **United Kingdom** and **Uzbekistan**. See also Lists of Issues prior to reporting for **Ecuador**, **Honduras**, **Lesotho**, **Mongolia** and **Namibia**.

The Committee also addressed the situation of LGBTI people in **detention** in relation to **Armenia** (criminal subculture punishing “homosexual” prisoners), **Ecuador**, and **Honduras** (protocols for meeting the special needs of LGBT prisoners).

CAT addressed the situation of **asylum seekers and refugees** in its List of Issues prior to reporting for **Namibia**. The State received questions about measures to ensure that persons at risk of persecution due to their sexual orientation or gender identity are not sent back to their country of origin, and that they have equal access to refugee protection. The Committee also asked the State about statistics on asylum applications from individuals claiming persecution on such grounds.

The problem of “**conversion therapy**” and other forced, involuntary and coercive or abusive treatment was raised in the Committee’s List of Issues prior to reporting for **Ecuador**.

CAT can be a useful platform for defenders working on issues such as hate crimes, police violence, or the situation of LGBTI persons in detention.

Other topics that may be addressed to the Committee include “conversion therapy”, hate speech, the persecution of LGBTI asylum seekers in their home countries in light of the non-refoulement principle, or more specific topics relevant to LGBTI detainees, such as access to transition-related health care for trans individuals.

Criminalization

Three countries (**Bangladesh**, **Togo** and **Uzbekistan**) reviewed by CAT in 2019 criminalize consensual same-sex sexual acts.¹³⁸ Only two of them (**Bangladesh** and **Uzbekistan**) received recommendations to repeal relevant criminalizing laws. In both of Concluding Observations, CAT also emphasized the connection between criminalization and violence against LGBT people. It should be noted that CSOs also provided information on criminalization in these two countries.

In addition, the Committee addressed criminalization in its Lists of Issues prior to reporting for two countries. **Kuwait** was asked about the deportation of men on suspicion of being gay, about arrests of trans people under its gender impersonation law, and about any steps taken towards the decriminalization of consensual same-sex sexual acts. **Namibia** was questioned about measures to amend legislation, which bars individuals convicted of sodomy from entering the country.

CAT can be an important forum for defenders fighting for the decriminalization of consensual same-sex sexual acts in their countries. The Committee can examine criminalization, as well as related practices, such as the detention or deportation of persons suspected of engaging in same-sex sexual acts, or the use of coercive medical examinations to prove such offences.

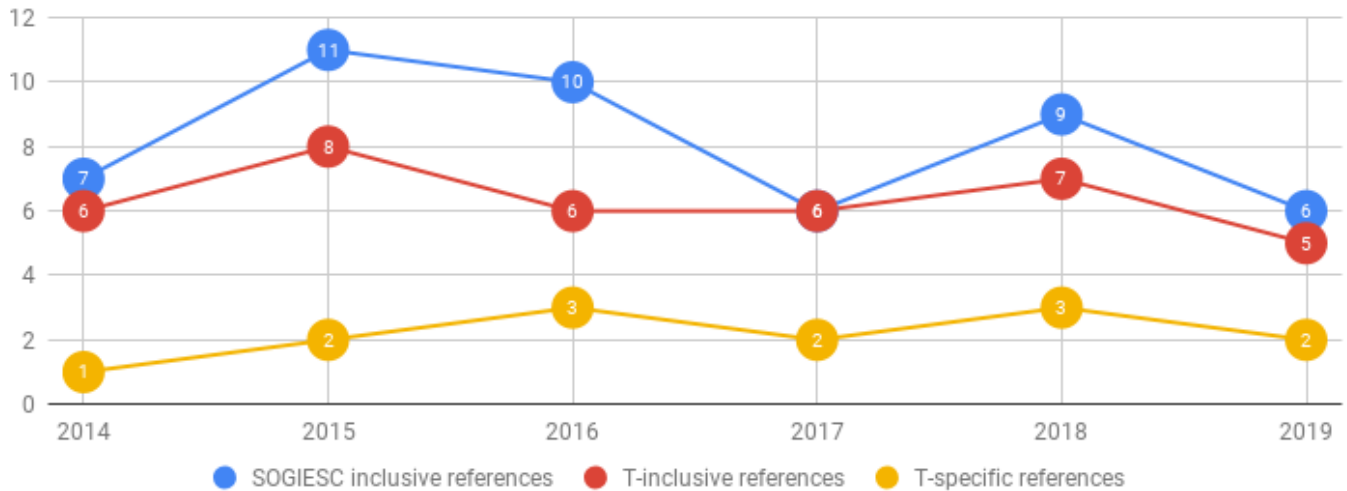
However, the submission of a report and, ideally, participation in the Committee session in Geneva seem to be necessary in order to obtain recommendations from CAT.

138 For information on criminalizing states, see: International Lesbian, Gay, Bisexual, Trans and Intersex Association: Lucas Ramon Mendos, *State-Sponsored Homophobia 2019* (Geneva; ILGA, March 2019).

Gender Identity and Expression

In 2019, trans issues or gender identity was mentioned in five out of the six SOGIESC-inclusive references made by CAT in its Concluding Observations. However, of these five, there were only two stand-alone trans references, neither of which included specific recommendations.

Figure 28: GIE references, CAT Concluding Observations



In its review of **Portugal**, CAT welcomed the adoption of the Law on the right to self-determination of gender identity and gender expression and the protection of sex characteristics. In its Concluding Observations on the **United Kingdom**, the Committee expressed concerns over the increase in cases of hatred and violence, including “anti-transgender crimes”. The United Kingdom also received questions on anti-trans violence in the Committee’s List of Issues prior to reporting, and several alternative reports addressed the specific situation of trans persons in the country.¹³⁹

CAT also made trans-specific references in its questions to the **Dominican Republic** (on measures against hate crimes and intolerance against LGBTI persons, particularly trans women) and **Kuwait** (on arrests of trans people for “imitating the opposite sex”).

CAT is open to addressing the violence faced by trans persons, especially trans women, their treatment in detention, as well as the State response to these problems. The criminalization of certain gender identities or expressions, as well as “gender impersonation laws” may also be relevant topics for the Committee.

It is not clear, however, whether CAT is willing to consider other demands such as those related to sterilization and other abusive requirements for LGR or access to gender reassignment services. Trans advocates are encouraged to provide CAT with more in-depth information on these issues.

139 See Submission by [INQUEST Charitable Trust](#) for the 66th Session (mentions deaths of transgender women in men’s prisons, including suicide); submission by [REDRESS](#) for the 66th Session (mentions increase in SOGI-based hate crimes, deaths of trans women in prisons, and the vulnerability of LGBTI persons to torture); NHRI submission by [Equality and Human Rights Commission](#) for the 66th Session (notes increase in transphobic hate crimes and recommends specialised mental health services for trans women); NHRI submission by [Northern Ireland Human Rights Commission](#) for the 66th Session (stand-alone sections on gender recognition, intersex genital mutilation and transphobic hate crimes); NHRI submission by [Scottish Human Rights Commission](#) for the 66th Session (section on LGBTI domestic abuse and violence, in particular against trans persons).

Sex Characteristics

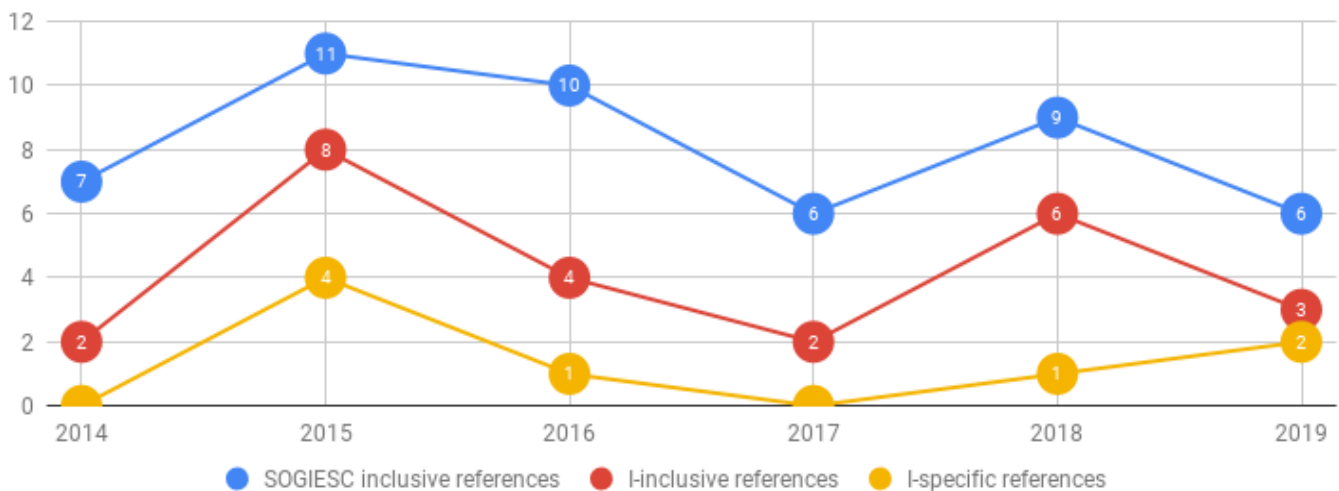
In 2019, CAT made three intersex-inclusive references, including two intersex-specific references, in its Concluding Observations.

Portugal was commended for the adoption of the Law on the right to self-determination of gender identity and gender expression and the protection of sex characteristics.

The **United Kingdom** received recommendations on counselling and support for the parents or guardians of intersex children, and on redress mechanisms.

On the other hand, **Germany** did not receive any intersex recommendations, despite the fact that the Committee included questions on intersex issues in both the [List of Issues prior to reporting](#) and the [constructive dialogue](#),¹⁴⁰ and that a stand-alone [civil society report](#) on the issue was submitted.¹⁴¹

Figure 29: Intersex references, CAT Concluding Observations



Taking into account the previous work done by CAT, intersex advocates are encouraged to engage with the Committee when their countries are under review.

Intersex activists may also consider whether they want to see intersex issues included in more general SOGIESC recommendations, such as those on hate crimes or detention situations. If so, it is advisable to stress in communications with the Committee, that these problems are relevant not only to LGBT people, but also to intersex people.

¹⁴⁰ The questions followed up on Germany's [previous COs](#). The State's response to the question can be read [here](#).

¹⁴¹ See also NHRI submission by [German Institute for Human Rights](#) for the 51st Session (*stand-alone section on intersex minors, recommends prohibiting unnecessary, irreversible surgeries without consent*).

Women

In 2019, CAT made no references to LB/TI women in its Concluding Observations. One reference to trans women was made in the List of Issues prior to reporting for the **Dominican Republic**.

There were no stand-alone reports on LB/TI women from CSOs. However, some CSO submissions did address the specific situation of trans women, forced marriages of lesbian women, and other issues.¹⁴²

Although the Committee only made a few stand-alone references to LB/TI women, issues such as “corrective rape”, violence against trans women, LBT women in detention, forced marriages and crimes committed in the name of “honour” are all topics that CAT could address.

Defenders should develop their advocacy strategies to increase the potential of LB/TI women defenders to engage with CAT.

Providing in-depth information and explanations of the importance of an intersectional approach in both written reports and during on-site advocacy is crucial to ensure relevant developments in the practice of the Committee.

Individual Communications

In 2019, CAT published 52 decisions, however none of them related to LGBTI issues.

As of the end of 2019, the Committee had produced nearly a quarter of all LGBT decisions made by Treaty Bodies (8 CAT decisions out of 30 adopted). CAT ranks second, after HRCtee, with 21 decisions.¹⁴³

Almost all Individual Communications on the topic reviewed by CAT related to non-refoulement and LGBT asylum-seekers/refugees. In these cases, CAT ruled that one complaint was inadmissible, there was no violation of the CAT Convention in four cases, and that two complaints constituted violations.

However, given the range of issues raised by CAT in its Concluding Observations, the Individual Communications mechanism can be explored further by LGBTI defenders whose work addresses, for example, hate crimes, ill-treatment by State or non-state actors, the situation of LGBTI asylum seekers and other groups in detention facilities.

¹⁴² See, e.g. **United Kingdom**: Submission by [INQUEST Charitable Trust](#) for the 66th Session (mentions deaths of transgender women in men's prisons, including suicide); submission by [REDRESS](#) for the 66th Session (mentions increase in SOGI-based hate crimes, deaths of trans women in prisons, and the vulnerability of LGBTI persons to torture); NHRI submission by [Equality and Human Rights Commission](#) for the 66th Session (notes increase in transphobic hate crimes and recommends specialised mental health services for trans women); **Uzbekistan**: Submission by the [Eurasian Coalition on Male Health \(ECOM\)](#) for the 66th Session (stand-alone report on human rights violations of LGBTQ people, including forced marriage of lesbians).

¹⁴³ ILGA World collects and periodically updates information about adopted decisions and pending cases on LGBTI before Treaty Bodies. This information could be found [here](#).

General Comments

CAT did not issue any General Comments in 2019.

Follow-up Procedure

According to the CAT [Rules of Procedure](#), the Committee can identify a limited number of recommendations that warrant: (1) a request for additional information; (2) discussion with the State party concerning its periodic report; and (3) requests for follow-up reports. Follow-up recommendations are identified based on whether they are serious, protective, and viable within a limited time frame. A rapporteur is appointed by the Committee to monitor the State party's compliance with these requests and presents progress reports on the results.¹⁴⁴ CAT also has its own [Guidelines to follow-up on Concluding Observations](#).

In 2019, CAT did not select any SOGIESC recommendations for the follow-up procedure.

Taking into account that CAT has previously selected SOGIESC-related recommendations for its follow-up procedure,¹⁴⁵ defenders can consider proposing SOGIESC issues for this process.

Sex Work and HIV/AIDS

CAT made references to **HIV/AIDS** in the Lists of Issues prior to reporting for [Lesotho](#) (para. 31), [Namibia](#) (paras. 16 and 28) and [Mongolia](#) (para. 24).

No references to **sex work** were made by the Committee in 2019.

¹⁴⁴ See *Procedures of the human rights treaty bodies for following up on concluding observations, decisions and Views*, 29th session of the meeting of Chairs of the human rights treaty bodies, 8 May 2017, [HRI/MC/2017/4](#).

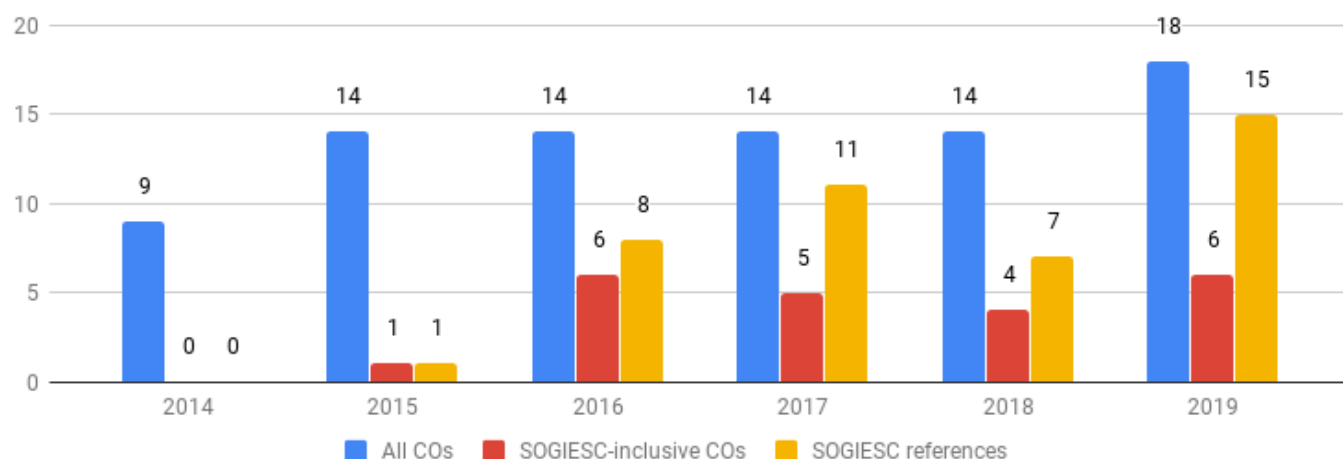
¹⁴⁵ In 2015, CAT requested that Serbia provide follow-up information on publicly condemning and investigating threats to and attacks on human rights defenders, journalists, LGBTI persons and members of the Roma community. See: Concluding Observations on [Serbia](#) ([CAT/C/SRB/CO/2](#), para. 23).

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Committee on the Rights of Persons with Disabilities

General Information

In 2019, CRPD made 15, the highest number ever, SOGIESC references in its Concluding Observations on 6 out of 18



countries reviewed. Each of these six countries received their first LGBTI recommendations from this Committee.

Figure 30: SOGIESC-inclusive Concluding Observations – CRPD, 2014–2019

Of the six countries with SOGIESC recommendations, only half (**Australia, India and Norway**) had received relevant questions from the Committee in their Lists of Issues. **Cuba** was asked about SOGI-inclusive anti-discrimination legislation in 2018, however, this did not result in any recommendations on the topic.

SOGIESC issues were discussed in the constructive dialogues with four out of the six States that received LGBTI recommendations (**Australia, El Salvador, India and Norway**). However, two countries (**Albania and Ecuador**) did not receive SOGIESC-inclusive Concluding Observations even though these issues were addressed during the constructive dialogues.

When CSOs presented stand-alone SOGIESC reports, CRPD always made relevant references in the Concluding Observations. This was the case for **Australia, India and Spain**. At the same time, when LGBTI issues were mentioned among other topics in broader CSO submissions on countries, the Committee made SOGIESC recommendations in only half of these cases.

Table 8: CRPD country reviews, 2019

COUNTRY	SOGIESC IN PREVIOUS COS	LOI	CSO REPORTS MENTIONING SOGIESC	STAND-ALONE SOGIESC REPORTS	SOGIESC IN THE CONSTRUCTIVE DIALOGUES	COS	
Albania	n/a	No	Yes	No	Yes	No	n/a
Australia	No	Yes	Yes	Yes	Yes	Yes	LGBTIQ; SC + I; LGBTIQ
Cuba	n/a	Yes	Yes	No	No	No	n/a
Ecuador	No	No	No	n/a	Yes	No	n/a
El Salvador	No	No	No	n/a	Yes	Yes	GI
Greece	n/a	No	Yes	No	No	No	n/a

India	n/a	Yes	Yes	Yes	Yes	Yes	LGBTI; SOGII; I; I; I; I
Iraq	n/a	No	No	n/a	No	No	n/a
Kuwait	n/a	No	No	n/a	No	No	n/a
Myanmar	n/a	No	No	n/a	No	Yes	SOGI
Niger	n/a	No	No	n/a	No	No	n/a
Norway	n/a	Yes	Yes	No	Yes	Yes	LGBTI; SOGI
Rwanda	n/a	No	No	n/a	No	No	n/a
Saudi Arabia	n/a	No	No	n/a	No	No	n/a
Senegal	n/a	No	No	n/a	No	No	n/a
Spain	No	No	Yes	Yes	No	Yes	LGBTI; SOGI
Turkey	n/a	No	Yes	No	No	No	n/a
Vanuatu	n/a	No	No	n/a	No	No	n/a

In addition, 8 out of 24 (33%) Lists of Issues (prior to reporting) adopted by CRPD in 2019 contained SOGIESC questions to the States parties.

CRPD made significant progress on LGBTI issues in 2019. This may be at least partly due to the new composition of the Committee.

Therefore, defenders working on SOGIESC issues are particularly encouraged to engage with this Committee. Stand-alone submissions on SOGIESC, rather than just chapters or sections in coalition reports, could serve as a powerful tool to advocate for the inclusion of LGBTI issues in CRPD Concluding Observations.

Themes

The main SOGIESC-related topic addressed by CRPD in 2019 was **intersectional discrimination**. The Committee mentioned LGBTI-inclusive anti-discrimination legislation or policies in relation to several countries.¹⁴⁶ The Committee also posed some questions or made recommendations on awareness-raising campaigns aimed at ensuring acceptance and non-discrimination.¹⁴⁷

Several CRPD questions and recommendations referred to the **participation of LGBTI persons with disabilities** in the development of any policies, programmes or campaigns that affect them.¹⁴⁸

¹⁴⁶ See List of Issues prior to reporting for **Canada**, List of Issues for **France** (emphasizing redress and reparation measures), and Concluding Observations on **India**, **Myanmar** and **Spain**.

¹⁴⁷ See List of Issues prior to reporting on **Canada** and Concluding Observations on **Norway**.

¹⁴⁸ See List of Issues for **Switzerland**, and Concluding Observations on **Australia** and **Spain**.

In the Concluding Observations on **Australia**, CRPD specifically addressed the topic of **assisted reproductive technologies**. It recommended the State to ensure that LGBTIQ persons with disabilities do not face discrimination when accessing these services.

The attention to SOGIESC topics already demonstrated by CRPD should encourage LGBTI advocates to further develop their engagement with this Committee. It is a particularly promising space for organizations and groups working on intersections between SOGIESC and disabilities. However, it is clear that more in-depth information on the topic needs to be provided to the Committee.

CRPD has already proved its openness to addressing various problems faced by LGBTI persons with disabilities.

The concept of “perceived disability” developed by CRPD in 2017 can be particularly useful for advocacy related to recent classifications of diseases and the continuing practice of treating LGBT persons as ill and requiring medical interventions (“conversion therapy”).

At the same time, disability as a result of SOGIESC-related violations (for example, “conversion therapy”), is not an obvious topic for the Committee. Several CRPD members clearly indicated that the prevention of disabilities does not fall within the scope of the CRPD Convention.

Criminalization

Five countries reviewed by CRPD in 2019 criminalize consensual same-sex sexual acts (**Iraq, Kuwait, Myanmar, Saudi Arabia and Senegal**).¹⁴⁹ However, only **Myanmar** received SOGIESC-inclusive recommendations from the Committee, and these did not mention criminalization. Moreover, the Committee did not make any recommendations related to the criminalization of certain forms of gender identity and expression.

It should be noted that civil society did not provide the Committee with any SOGIESC data on the five States that criminalize same-sex sexual acts.

Although the Committee has not yet addressed the problem of the criminalization of consensual same-sex sexual acts and particular forms of gender identity and expression in its Concluding Observations, LGBTI advocates may consider using a more creative approach when presenting these topics under the framework of the CRPD Convention.

For example, defenders can rely on studies proving that criminalization, discrimination, societal ignorance and prejudice about same-sex relations place LGBT people at risk of serious distress and poor mental health, including psychosocial disability. A Committee member previously cited such studies during the constructive dialogue with a State.

A more obvious way to include the issue of criminalization into advocacy efforts with CRPD would be to show how it affects LGBT persons with disabilities (e.g., problems faced by LGBT persons with disabilities in detention facilities after being charged with “sodomy”).

¹⁴⁹ For information on criminalizing states, see International Lesbian, Gay, Bisexual, Trans and Intersex Association: Lucas Ramon Mendos, *State-Sponsored Homophobia 2019* (Geneva; ILGA, March 2019).

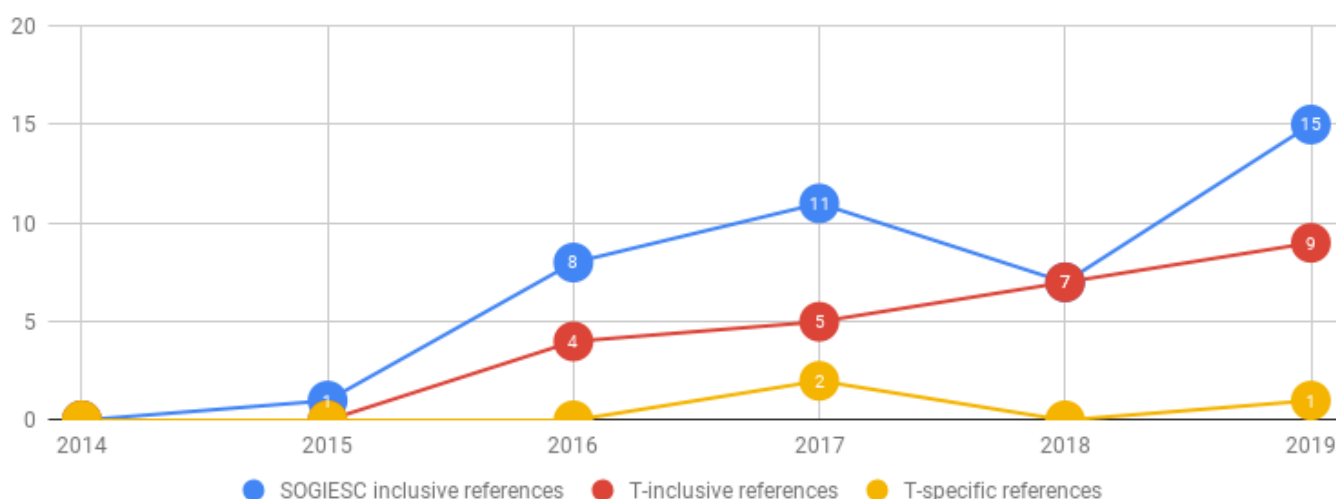
Gender Identity and Expression

In 2019, CRPD made the highest ever number of trans-inclusive references (9 references), including one stand-alone recommendation on gender identity. The Committee recommended **El Salvador** to adopt anti-discrimination legislation including gender identity among other protected grounds.

The Committee also asked **Canada** about the access of transgender and gender-diverse persons with disabilities to “gender-affirming comprehensive health care”.

Nevertheless, the Committee still pays relatively little attention to gender identity and expression, which can be partially explained by the lack of data on trans populations provided by civil society to CRPD.

Figure 31: GIE references, CRPD Concluding Observations



Trans advocates are encouraged to engage with CRPD on specific human rights problems related to the intersections of gender identity and expression and disability. Depathologization and distinguishing trans gender identities from disability are topics that are particularly important to such advocacy.

Sex Characteristics

In 2019, the Committee made a record 11 intersex-inclusive references, including 5 stand-alone intersex recommendations. Intersex-specific recommendations were made to **Australia** and **India**. Additionally, intersex-specific questions were included in the Committee’s Lists of Issues (prior to reporting) for **Belgium, France, Slovakia** and **Switzerland**.

Some of these references addressed intersex-related topics that have become relatively common among Treaty Bodies. These included:

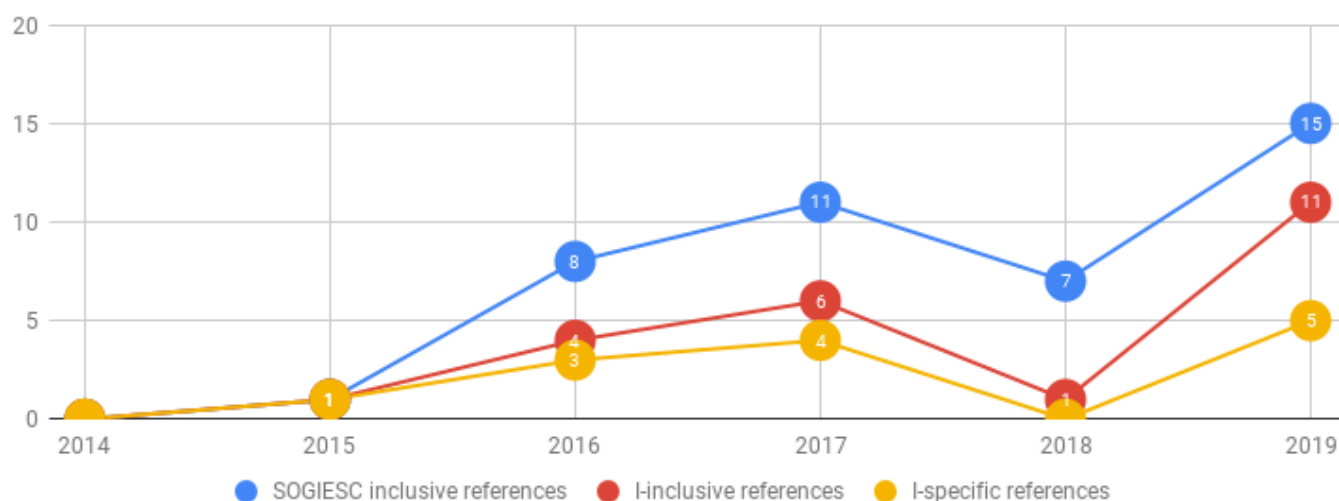
- Legislation prohibiting unnecessary, invasive and irreversible interventions without the proper consent of intersex children themselves;
- Counselling and support for families with intersex children;

- Redress for intersex persons who were subjected to harmful medical interventions.¹⁵⁰

However, in 2019, CRPD also addressed a broader range of issues relevant to intersex people, including “mercy killings” of intersex children,¹⁵¹ birth registration,¹⁵² access to justice¹⁵³ and access to health¹⁵⁴ and education¹⁵⁵.

In its List of Issues for **Switzerland**, the Committee referred to intersex-specific recommendations that other Treaty Bodies, namely CRC, CAT, CEDAW and HRCtee, have made to the State. This can be considered a good practice that would ensure the consistent development of intersex human rights standards across the Treaty Bodies system.

Figure 32: Intersex references, CRPD Concluding Observations



Crucially, CSOs not only included information on intersex issues in their coalition reports to CRPD, but also submitted stand-alone reports on intersex persons to the Committee. Particularly extensive and comprehensive data on intersex issues was presented in relation to **Australia** and **India**,¹⁵⁶ two countries with the strongest intersex-specific references out of those adopted by the Committee in its Concluding Observations in 2019.

In 2019, CRPD made significant progress in terms of the number of intersex recommendations and the range of topics covered by them. The Committee demonstrated its openness to addressing intersex-specific human rights violations, including medical interventions without valid consent, as well as other types of violations.

Therefore, intersex defenders are strongly encouraged to approach this Committee. More detailed recommendations made by other Treaty Bodies on these issues can serve as a reference to strengthen the demands of intersex activists.

150 See Concluding Observations on **Australia**.

151 See Concluding Observations on **India**.

152 See Concluding Observations on **India**.

153 See Lists of Issues on **France** and **Switzerland**.

154 See Lists of Issues on **France** and **Switzerland**.

155 See Concluding Observations on **India**.

156 See on **Australia**: Submission by [Intersex Australia](#) for LOIPR; submission by [Intersex Human Rights Australia - IHRA](#) for the 22nd Session; on **India**: Submission by [civil society coalition](#) for the 22nd Session.

Women

CRPD did not issue any recommendations or questions specific to LB/TI women in 2019. Civil society did not provide the Committee any relevant information on LB/TI women.¹⁵⁷

The very text of the CRPD Convention (art. 6 – Women with disabilities) establishes the gender sensitive approach of the Committee. Moreover, CRPD [General Comment No. 3 \(2016\)](#) on this article mentions LBT women (and intersex persons) specifically in the context of multidimensional discrimination and the diversity of women with disabilities.

Defenders are encouraged to rely on this when raising issues related to the intersectionality of gender and SOGIESC before the Committee.

However, more in-depth data and analysis, as well as on-site advocacy, may be needed from civil society in order to encourage CRPD to consider these issues.

Individual Communications

CRPD considered nine Individual Communications in 2019, none of which made reference to SOGIESC.

Similarly, none of the Committee's [published pending cases](#) relate to SOGIESC.

CRPD jurisprudence is still in its early stages. Therefore, taking a controversial topic to this forum may have certain limitations. However, cases on violations already discussed by the Committee in its country reviews, such as multiple forms of discrimination, violence against LGBTI persons with disabilities, or harmful medical interventions towards intersex children, have a high chance of being recognized by CRPD.

General Comments

In 2019, CRPD did not adopt any general comments.

However, the Committee organized some activities related to the adoption of a possible new **General Comment on article 11 of ICRPD, on situations of risk and humanitarian emergencies**.

¹⁵⁷ The only exception was Albania, which received a [report](#) citing research on violence against disadvantaged groups of women, including women from the LGBT community.

Taking into account the previous inclusion of SOGIESC into the Committee's General Comments,¹⁵⁸ defenders working on the intersections between SOGIESC and disability are strongly encouraged to provide input relevant to the development of any new such instruments.

Follow-up Procedure

Article 35 (2) of the CRPD Convention allows the Committee to request State parties to report on the implementation of follow-up recommendations within one year of the adoption of the Concluding Observations. The criteria for selecting recommendations for follow-up review are:

- Whether the recommendation can be implemented in the short, medium or long term;
- Whether the issues identified in the recommendation constitute major obstacles to the enjoyment of human rights by persons with disabilities;
- Whether the issues identified in the recommendation constitute a major obstacle to the implementation of the CRPD Convention as a whole;
- Whether the implementation of the recommendation is feasible and measurable;
- The seriousness of the issues and the feasibility of adopting implementation measures within a calendar year;
- The feasibility of adopting short-term policies to address the selected concerns.

The Committee appoints one of its members to serve as Rapporteur on the follow-up. The Rapporteur submits a report to the Committee within two months of receiving relevant information from the State party.¹⁵⁹

In 2019, the Committee did not select SOGIESC recommendations for the follow-up procedure.

However, in its List of Issues prior to reporting for **Canada**, the Committee asked for follow-up information on the LGBTI [recommendations](#) made by the Committee in 2017.

Defenders planning to engage with CRPD should consider advocating for SOGIESC-related recommendations to be selected for the follow-up review. However, if this happens, it is also important to provide CRPD with additional information regarding the implementation of the recommendations.

¹⁵⁸ See the Committee's [General comment No. 3](#) Article 6: Women and girls with disabilities, paras. 4, 5, 32 and 44; [General comment No. 4](#) Article 24: Right to inclusive education, para. 13; [General comment No. 5](#) on living independently and being included in the community, paras. 8, 23 and 60; [General Comment No. 6](#) on equality and non-discrimination, paras. 21, 33 and 34; [General Comment No. 7](#) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention, paras. 16, 45, 50 and 94.

¹⁵⁹ See *Procedures of the human rights treaty bodies for following up on concluding observations, decisions and Views*, 29th session of the meeting of Chairs of the human rights treaty bodies, 8 May 2017, [HRI/MC/2017/4](#).

Sex Work and HIV/AIDS

The Committee made references to **HIV/AIDS** in its Lists of Issues for [Bangladesh](#) (para. 23(b)) and [India](#) (para. 5(a)), and in the Concluding Observations on [India](#) (para. 12(c)), [Niger](#) (para. 41(b)), [Rwanda](#) (paras. 45(a) and 46(a)) and [Senegal](#) (paras. 9 and 10).

- No references to **sex work** were made in the Committee's List of Issues or Concluding Observations.

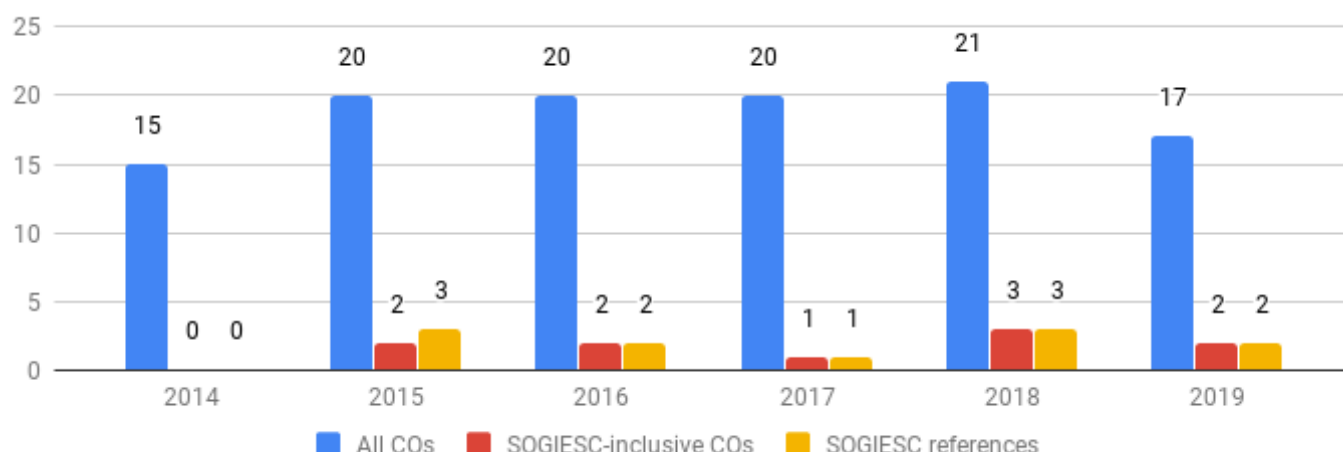
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Committee on the Elimination of Racial Discrimination

General Information

The Committee referred to SOGIESC in 2 (12%) of the 17 Concluding Observations it adopted in 2019. These 2 states each received their first SOGIESC-inclusive Concluding Observations from this Committee. However, one of the two Concluding Observations only referred to sexual orientation in the section on positive developments. Therefore, CERD only made a single SOGIESC recommendation in 2019.

Figure 33: SOGIESC-inclusive Concluding Observations – CERD, 2014–2019



None of the Lists of Themes adopted by CERD included references to SOGIESC.

At the same time, certain aspects related to the situation of LGBTI persons were highlighted in the Committee's constructive dialogues with State parties. There was a total of 8 SOGIESC-inclusive dialogues (nearly half of the country reviews), including on the two countries that received Concluding Observations with references to LGBT. This demonstrates the potential for the further development of SOGIESC approaches by the Committee.

Table 9: CERD country reviews, 2019

COUNTRY	SOGIESC IN PREVIOUS COS	LOT	CSO REPORTS MENTIONING SOGIESC	STAND-ALONE SOGIESC REPORTS	SOGIESC IN THE CONSTRUCTIVE DIALOGUES	COS	
Andorra	n/a	No	No	n/a	Yes	No	n/a
Cambodia	No	No	No	n/a	No	No	n/a
Colombia	No	No	Yes	Yes	Yes	Yes	LGBT
Czech Republic	No	No	No	n/a	No	No	n/a
El Salvador	No	No	No	n/a	No	No	n/a
Guatemala	No	No	No	n/a	Yes	No	n/a
Hungary	No	No	Yes	No	No	No	n/a
Iceland	No	No	No	n/a	Yes	Yes	SO
Ireland	No	No	Yes	No	Yes	No	n/a
Israel	No	No	Yes	No	No	No	n/a
Lithuania	No	No	Yes	No	No	No	n/a
Mexico	No	No	No	n/a	Yes	No	n/a
Mongolia	No	No	Yes	No	Yes	No	n/a

Poland	No	No	Yes	No	No	No	n/a
State of Palestine	n/a	No	No	n/a	No	No	n/a
Uzbekistan	No	No	No	n/a	Yes	No	n/a
Zambia	No	No	No	n/a	No	No	n/a

CERD received CSO submissions covering SOGIESC topics on seven states under review, with only one stand-alone shadow report on LGBT migrants in **Colombia**. It should be noted that this country was the only one that received SOGIESC-inclusive recommendations from the Committee, an outcome likely influenced by the participation of a civil society representative at the CERD session in Geneva.

In addition, a meeting with various NGOs was organized during the 100th session of the Committee in December 2019 to discuss the experience of civil society in engaging with CERD and to identify ways to improve communication between the Committee and CSOs. A representative of ILGA World delivered a statement during the meeting commending the progress made by CERD over the last several years in relation to SOGIESC issues, and encouraging the Committee to further develop its approaches to LGBTI populations facing racial discrimination.

LGBTI advocates are encouraged to engage with CERD and to submit more in-depth information to the Committee. Preferably, such submissions should be in the form of specific reports devoted to SOGIESC dimensions of racial discrimination, or more general coalition submissions including chapters devoted to LGBTI issues in the context of racial discrimination. The participation of defenders in CERD NGO briefings may further influence the recommendations of the Committee.

However, it is crucial to establish a clear link between SOGIESC issues and racial discrimination as the Committee cannot examine LGBTI issues unless they are somehow connected to discrimination based on race.

Themes

In its review of **Colombia**, based on information presented by CSOs, CERD expressed its concerns over “the increase in the discourse of discrimination, racial hatred and xenophobia in the State party, especially against migrants, particularly those with HIV and LGBT.” Consequently, the Committee recommended the State party to take a set of measures to combat **hate speech and hate crimes**.

Additionally, in its Concluding Observations on **Iceland**, CERD commended new legislation relating to hate speech in the media, which covers a number of grounds, including sexual orientation.

Alternative reports submitted to CERD in 2019 also addressed other topics relevant to the Committee’s mandate. For example, a report on **Israel**¹⁶⁰ included a sub-section on solitary confinement of transgender detainees, two submissions on **Hungary**¹⁶¹ mentioned LGBTI asylum seekers, while reports from **Lithuania**¹⁶² discussed discrimination based on gender identity and the right to family reunions for same-sex couples. However, these submissions did not result in any recommendations on these issues from the Committee.

No stand-alone references to **LB/TI women**, **trans** or **intersex** persons were made by CERD, nor did the Committee address the **criminalization** of consensual same-sex sexual acts.

160 Submission by [Hotline for Refugees and Migrants \(HRM\)](#) for the 100th Session.

161 Submissions by [Working Group Against Hate Crimes \(GYEM\)](#) and by [Hungarian Helsinki Committee \(HHC\)](#) for the 98th Session.

162 NHRI submission by [Office of the Equal Opportunities Ombudsperson](#) for the 98th Session.

In 2019, CERD limited its references to sexual orientation and gender identity only, and intersex persons were not mentioned at all. In comparison, in 2015 and 2016, the Committee did address intersex issues, though under the LGBTI umbrella.

Figure 34: GIE references, CERD Concluding Observations

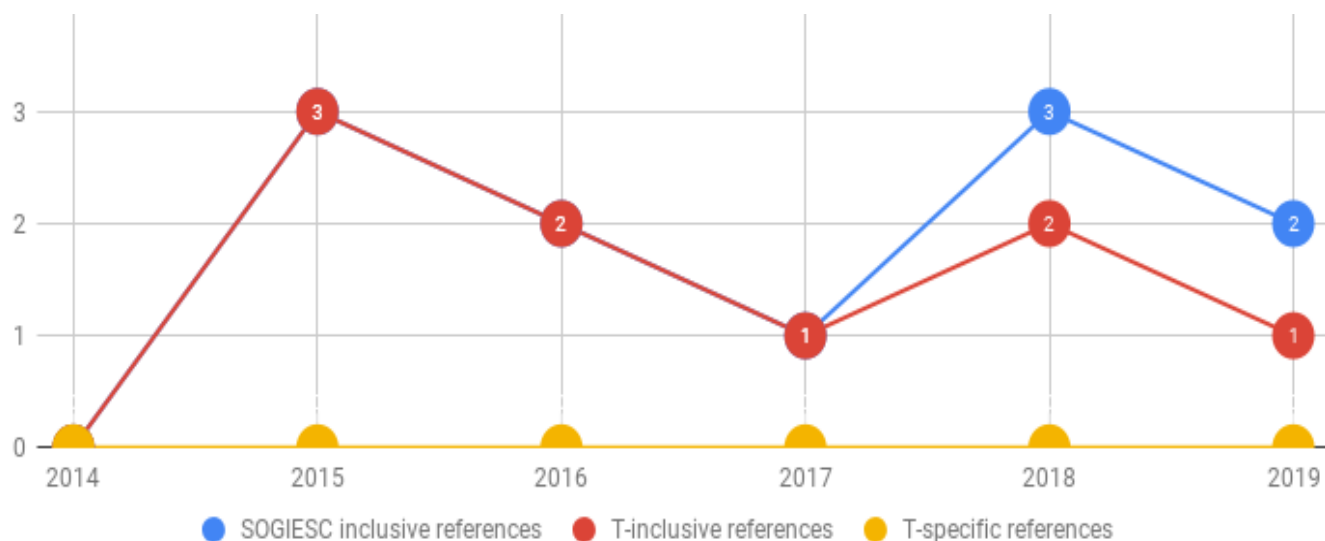
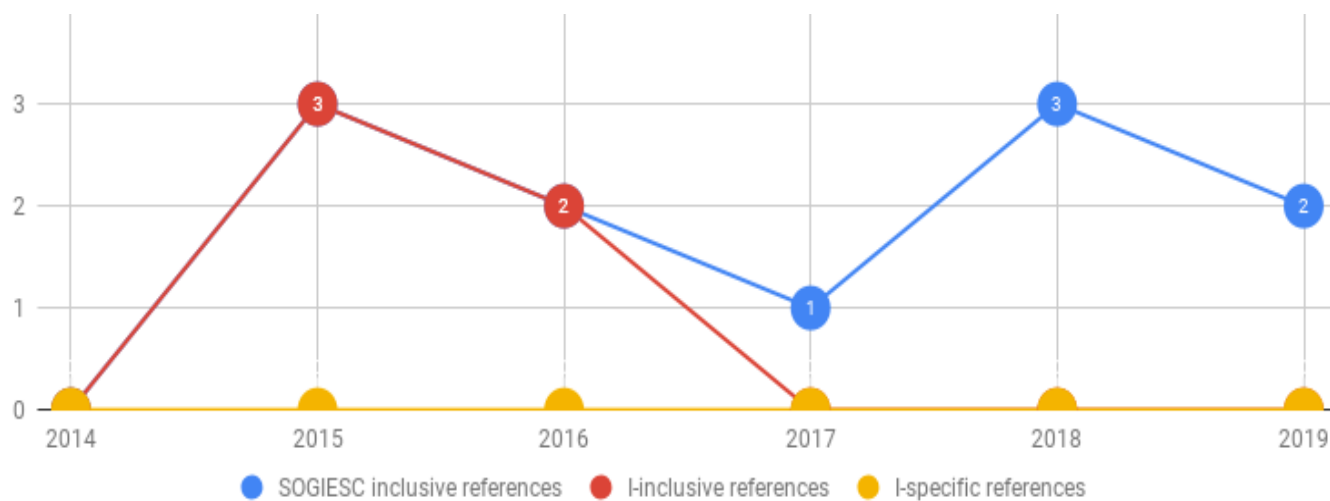


Figure 35: Intersex references, CERD Concluding Observations



CSOs engaging with CERD may address a range of issues and topics related to the intersection between SOGIESC and racial discrimination. This may include:

- Efforts to raise public awareness and knowledge about multiple discrimination;
- Trainings on how to recognise and react to discriminatory practices;
- The inclusion of a SOGIESC dimension into general programmes aimed at combating racism, or the integration and inclusion of a racial dimension into programmes aimed at promoting tolerance towards LGBTI persons;
- Data on LGBTI asylum seekers and refugees, for example, on homophobic, biphobic and transphobic behaviour by immigration officers, harassment by fellow detainees at asylum facilities, specific discriminatory practices, such as questioning by immigration officers about sexual acts, or on the return of asylum seekers fearing persecution based on their sexual orientation back to their countries of origin;
- Information on the situation of and particular barriers faced by specific communities, such as migrant trans sex workers, lesbian women of colour, or LGBTI persons from indigenous communities.

Defenders from countries where consensual same-sex sexual acts are criminalized can consider engaging with CERD on this problem. However, in such cases, criminalization should be analysed through the lens of racial discrimination. For example, good cases for submission to CERD could include the practice of racial profiling if people affected are charged with illegal same-sex activities, the use of criminalizing provisions to blackmail gay men from ethnic minority communities, or the deportation of individuals resulting from being charged with the crime of “sodomy”.

Defenders wishing to engage with the Committee can take advantage of the broad nature of the definition of “racial discrimination” found in the ICERD. It explicitly covers five grounds of discrimination: race, colour, descent (including social stratification, such as caste and analogous systems of inherited status), nationality and ethnic origin. The interpretation of the ICERD by the Committee includes groups such as indigenous people, stateless people, and non-citizens in this definition. While religion is not included in the grounds for discrimination set out in the ICERD, advocates can apply to the Committee if they are able to draw a clear line between ethnic/national origin and religion.¹⁶³

To strengthen their claims and advocacy efforts, defenders may rely on recommendations and statements made by other international bodies and mechanisms, such as the United Nations Special Procedures. For example, the Working Group of Experts on People of African Descent have made several references to LGBTI persons of African descent, especially in reports following country visits.¹⁶⁴

General Comments

The Committee did not adopt any General Recommendations in 2019.

However, CERD continued drafting the **General Recommendation on preventing and combating racial profiling**. The [latest draft](#) does refer to intersectional forms of discrimination, however, SOGIESC were not explicitly listed among the protect-

¹⁶³ See for more detail: The International Movement Against All Forms of Discrimination and Racism (IMADR): Shirane D., [ICERD and CERD: A Guide for Civil Society Actors](#) (Geneva, 2011).

¹⁶⁴ See ILGA World's and ISHR's [factsheet](#) on SOGIESC-related references by the Working Group of Experts on people of African descent. Other relevant Special Procedures include the Special Rapporteur on the [human rights of migrants](#), the Special Rapporteur on [minority issues](#) and the Special Rapporteur on [contemporary forms of racism, racial discrimination, xenophobia and related intolerance](#).

ed grounds.¹⁶⁵ The Committee [invited](#) stakeholders to submit information to inform this process, and some CSOs referred to LGBTI in their submissions.¹⁶⁶

As LGBTI issues are still quite new for CERD, defenders are strongly encouraged to provide more data on the intersections between race and SOGIESC to the Committee. Defenders can do this by participating in country periodic reviews, providing input on the development of General Comments, including one [on preventing and combating racial profiling](#), as well as by preparing statements for general discussion days.¹⁶⁷

Individual Communications

In 2019, CERD did not consider any Individual Communications.

Given the fact that the Committee has rarely examined SOGIESC issues, an Individual Complaint can be a useful way to provide the Committee with an in-depth picture of the intersectional discrimination faced by LGBTI persons.

Follow-up Procedure

The Committee's [Rules of Procedure](#) allow CERD to request information or an additional report on action taken to implement its recommendations. The Committee can appoint a follow-up coordinator to work in cooperation with the country rapporteurs.¹⁶⁸

Civil society can participate in the follow-up process by providing information about the State's implementation of follow-up recommendations. A template for such reports can be found [here](#).¹⁶⁹

In 2019, the only SOGIESC-inclusive recommendation issued by CERD was not selected for follow-up.

The follow-up mechanisms available at CERD can provide defenders with greater opportunities for work on the ground. Such mechanisms need to be developed in the future, as the Committee has yet to select any SOGIESC recommendations for the follow-up process.

¹⁶⁵ "The Committee observes that profiling can also be biased on the basis of sex, gender, age, or religion or other prohibited or intersecting grounds. Those practices should be also addressed." (para. 17).

¹⁶⁶ See, e.g., a submission by the [Center for Constitutional Rights](#).

¹⁶⁷ See one such example in International Lesbian, Gay, Bisexual, Trans and Intersex Association: Kirichenko K, [United Nations Treaty Bodies: References to sexual orientation, gender identity, gender expression and sex characteristics 2016](#) (Geneva: ILGA, November 2017), p. 64.

¹⁶⁸ See *Procedures of the human rights treaty bodies for following up on concluding observations, decisions and Views*, 29th session of the meeting of Chairs of the human rights treaty bodies, 8 May 2017, [HRI/MC/2017/4](#).

¹⁶⁹ By the International Movement Against All Forms of Discrimination and Racism (IMADR) and the US Human Rights Network (USHRN). Available also in [Spanish](#) and [Italian](#).

Sex Work and HIV/AIDS

CERD made one **HIV/AIDS** reference in the Concluding Observations on [Colombia](#) (para. 10).

A reference to **sex work/prostitution** was included in the Concluding Observations on [Cambodia](#) (para. 31).

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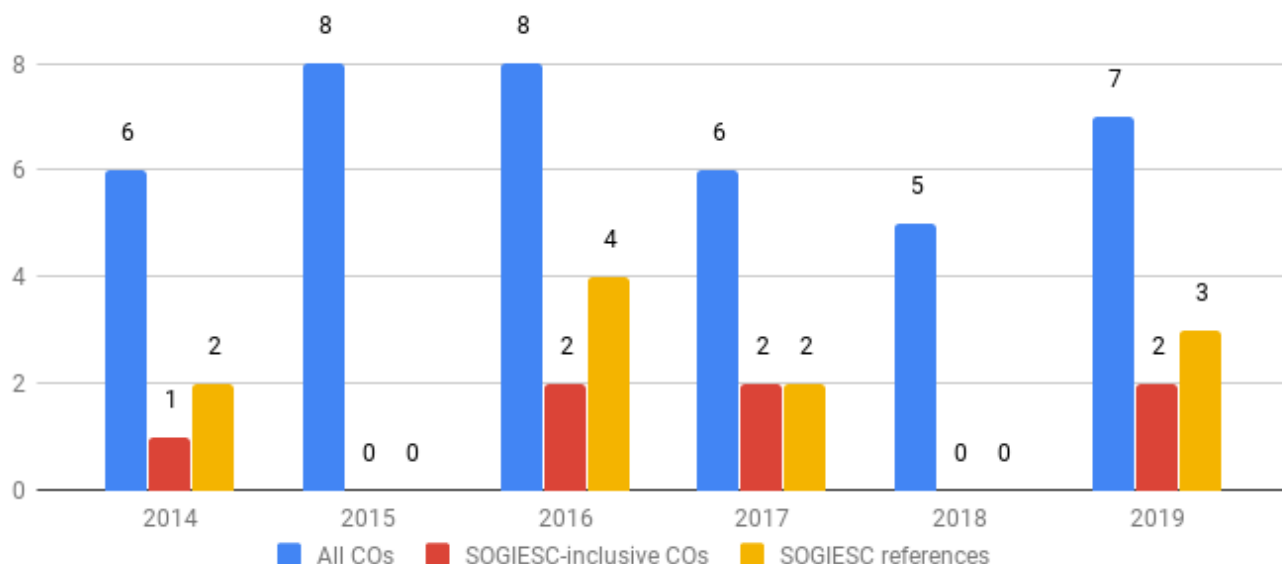
Committee on Migrant Workers

General Information

The Committee issued SOGIESC-inclusive Concluding Observations on two (**Argentina** and **Guatemala**) of the seven states reviewed in 2019. Each of these two countries received one recommendation. A recommendation on **Argentina** was selected by CMW for its follow-up procedure. Therefore, the number of SOGIESC references amounted to three.

Both **Argentina** and **Guatemala** received their first SOGIESC recommendations from this Committee.

Figure 36: SOGIESC-inclusive Concluding Observations – CMW, 2014–2019



Both countries also received questions on LGBTI in their Lists of Issues prior to reporting. Civil society from these countries provided information on the topic. Relevant questions were discussed in the constructive dialogues with both State delegations.

Aside from these two cases, the List of Issues on **Colombia** included a question on LGBTI; a [shadow report](#) described the situation of LGBT persons, in particular migrants and refugees from Venezuela, in Colombia; and SOGI-inclusive anti-discrimination laws were briefly addressed in the [constructive dialogue](#). However, this did not result in any references to SOGIESC in the Committee's Concluding Observations.

Table 10: CMW country reviews, 2019

COUNTRY	SOGIESC IN PREVIOUS COS	LOI	CSO REPORTS MENTIONING SOGIESC	STAND-ALONE SOGIESC REPORTS	SOGIESC IN THE CONSTRUCTIVE DIALOGUES	COS	
Albania	No	No	No	n/a	No	No	n/a
Argentina	No	Yes	Yes	No	Yes	Yes	LGBT
Bosnia and Herzegovina	No	No	No	n/a	No	No	n/a
Colombia	No	Yes	Yes	No	Yes	No	n/a
Guatemala	No	Yes	Yes	No	Yes	Yes	LGBTI
Libya	n/a	No	No	n/a	No	No	n/a
Tajikistan	No	No	No	n/a	No	No	n/a

In addition, a question with a reference to SOGI was included in the List of Issues prior to reporting for **Belize**. The State was asked about anti-discrimination legislation protecting all migrant workers and members of their families.

The lack of in-depth and nuanced consideration of SOGIESC issues by CMW correlates with the lack of relevant submissions from civil society. Providing more data to the Committee may therefore help to change the current situation.

Themes

In its review of **Argentina**, CMW examined the issue of **police violence and harassment** against certain groups of migrant workers, including LGBT. This was the subject of the Committee's questions and concerns it expressed in both the List of Issues prior to reporting and in its Concluding Observations. Consequently, the State was recommended to strengthen its efforts to prevent violence against vulnerable groups of migrants; to protect these groups from crime; and to investigate, prosecute and punish perpetrators.

In relation to **Guatemala**, the Committee addressed the issue of **mistreatment** against, *inter alia*, LGBTI persons. The State was called upon to combat stigmatization, to sanction all forms of aggression and violence against migrants, and LGBTI persons in particular, and to develop campaigns against machismo and homophobia.

Finally, in the List of Issues prior to reporting for **Belize**, CMW asked the State party about SOGI-inclusive **anti-discrimination legislation** to protect all migrant workers and members of their families.

Anti-LGBTI violence and discrimination in different countries across the globe force many LGBTI people to leave their countries of origin, including for purposes of labour migration. However, LGBTI migrant workers face additional challenges caused by both their migrant status and SOGIESC. CMW could be used as a platform for LGBTI migrant workers to speak out about the problems they face.

Issues such as discrimination against LGBTI migrant workers in employment or housing, barriers to accessing justice, the lack of disaggregated statistics or programmes to support LGBTI migrant populations, and discriminatory practices related to relocation, among others, could be addressed to CMW.

At the same time, limitations related to wordings in the ICMW itself should be taken into account. For instance, the ICMW only provides a narrow definition of family,¹⁷⁰ and establishes strict requirements in relation to access to health care.¹⁷¹ These limitations may impede relevant developments on issues such as the non-recognition of LGBTI migrant workers' partners or children, or barriers to accessing appropriate health care, particularly by trans or intersex persons.

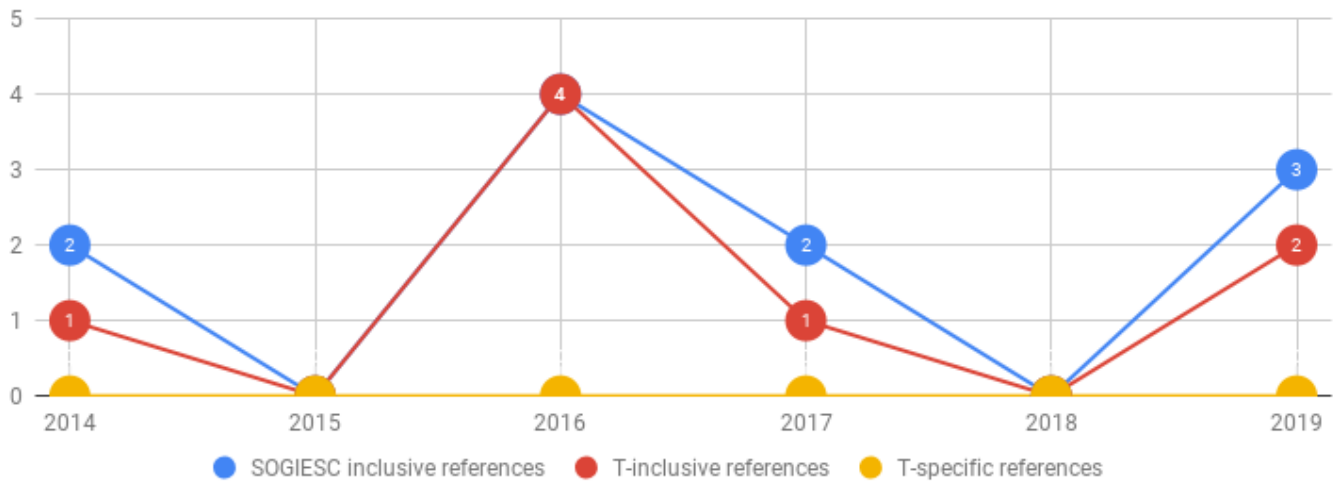
170 Article 4 of the ICMW: "the term 'members of the family' refers to persons married to migrant workers or having with them a relationship that, **according to applicable law**, produces effects equivalent to marriage, as well as their dependent children and other dependent persons who are recognized as members of the family **by applicable legislation or applicable bilateral or multilateral agreements** between the States concerned." [Bold added. – K.K.].

171 Article 28 of the ICMW: "Migrant workers and members of their families shall have the right to receive any medical care that is **urgently required for the preservation of their life or the avoidance of irreparable harm to their health** on the basis of equality of treatment with nationals of the State concerned. Such emergency medical care shall not be refused them by reason of any irregularity with regard to stay or employment." [Bold added. – K.K.]. At the same time, there are also other provisions related to health care in the text of the Convention (see arts. 25(a) and 43(e)).

Gender Identity and Expression

Two of the Committee's SOGIESC-inclusive recommendations covered trans issues under the LGBT(I) umbrella. The only relevant question in the Lists of Issues prior to reporting issued in 2019 also addressed both sexual orientation and gender identity. At the same time, CMW did not make any stand-alone trans references in 2019 or in previous years.

Figure 37: GIE references, CMW Concluding Observations



CMW practice on gender identity could be expanded through a more detailed analysis of specific problems faced by trans populations. For example, advocates could provide information related to violence disproportionately experienced by trans domestic workers, problems in obtaining visas or crossing borders due to documentation issues, labour discrimination, and to access to trans-related health care.¹⁷²

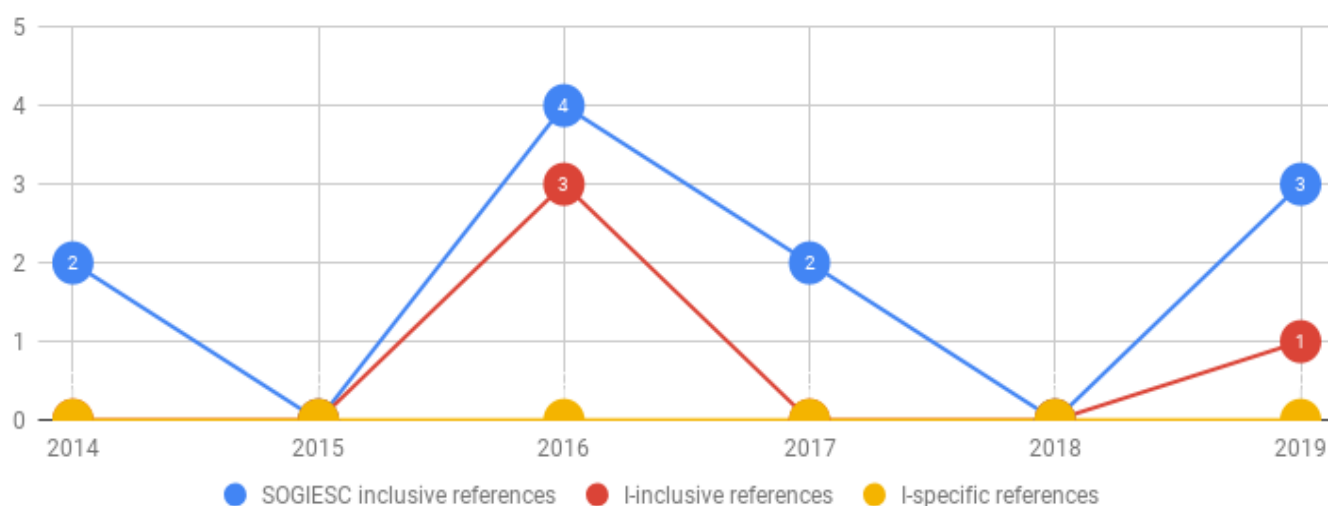
The situation of trans migrant sex workers could also be addressed by CMW. However, when bringing issues related to sex work to the attention of CMW, it is important to clearly articulate the needs and possible solutions related to this group of people. It should be noted that, in the past, the Committee mainly addressed the issue of sex work in the context of sexual exploitation and abuse.

Sex Characteristics

CMW has never made any stand-alone intersex references. However, in 2019, intersex persons were mentioned under the LGBTI umbrella in one of the two SOGIESC recommendations, something the Committee has often failed to do in the past.

172 However, specific limitations set up by the wording of the CMW Convention should be taken into account. See fn. 207 for more information on this.

Figure 38: Intersex references, CMW Concluding Observations



Intersex advocates may consider providing CMW with specific information on the challenges faced by intersex populations. This can include, for example, the need to leave a country because of harmful practices towards intersex persons, documentation problems, or access to health care for intersex migrant workers.

Women

CMW did not make any specific references to LB/TI women in 2019 or in previous years.

The Committee has the potential to address the situation of LB/TI women. Both the ICMW and the practice of the Committee consistently include a gender sensitive approach to the examination of the situations of migrant workers. In particular, CMW General Comments and Concluding Observations often take into account gender-based violence, gender-sensitive health care, and the need for gender-sensitive programmes and analyses.

In addition, LB/TI women, including lesbian migrant workers, face particular challenges related to both their gender and their SOGIESC. Such challenges may include a lack of awareness about LB/TI women's rights, discrimination in the workplace, the need for inclusive spaces, for example Pride marches that take into account the language needs of LB/TI women, as well as their time limitations resulting from their work schedules, stereotypes in media, or psychological pressure and related health problems.¹⁷³

¹⁷³ See e.g. [HONG KONG: Lesbian Migrant Workers Face Layers of Discrimination](#) (5 July 2017); Lai, F.Y. (2018), Migrant and lesbian activism in Hong Kong: a critical review of grassroots politics, *Asian Anthropology* 17 (2), pp. 135–150.

Individual Communications

Under article 77 of the ICMW, the Committee has the competence to receive and consider Individual Communications on alleged violations of the ICMW by States parties, provided they have made the necessary declaration under this article. However, the Individual Complaint mechanism will only come into force once ten States parties have made such a declaration. So far, only four States (**Ecuador, El Salvador, Mexico and Uruguay**) have recognised the competence of CMW under article 77 of the ICMW.

General Comments

CMW did not adopt any General Comments in 2019.

However, the Committee is [currently developing](#) a new **General Comment on migrants' rights to liberty and freedom from arbitrary detention**. In 2019, CMW collected information from civil society to inform the draft, and some issues related to SOGIESC were addressed in these CSO submissions.¹⁷⁴

The Committee [encourages](#) CSOs to provide input on general comments being developed by the Committee, and to make use of the general comments in promotional activities relating to the ICMW and the human rights of migrant workers.

Taking into account the extensive SOGI references made by CMW in its previous General Comments, defenders are encouraged to continue engaging with the Committee by referring to the General Comments in their submissions and by providing SOGIESC input on General Comments under development.

Follow-up Procedure

In its Concluding Observations on **Argentina**, the Committee selected a recommendation related to concerns about, *inter alia*, LGBT persons for its follow-up review. While the recommendation itself only mentioned “vulnerable group of migrants”, the preceding concern paragraph referred to LGBT persons specifically. Therefore, SOGI-related information can be relevant for assessing the level of implementation of this recommendation. The State has to report on the implementation of the follow-up recommendations by 1 October, 2020.

In addition to requesting SOGIESC-inclusive recommendations, civil society may also ask the Committee to select these recommendations for the follow-up procedure.

*LGBT advocates from **Argentina** are particularly encouraged to provide follow-up information to the Committee in 2020.*

174 See e.g. a [submission](#) by the Sexual Rights Initiative.

Sex Work and HIV/AIDS

In relation to **sex work**, CMW consistently only raises the issues of sex tourism and sexual exploitation in the context of trafficking, with such references appearing in several List of Issues and Concluding Observations from 2019.

In its Concluding Observations on [Libya](#), the Committee addressed issues such as the criminalization of “prostitution” that prevents victims of “forced prostitution” from accessing justice (paras. 30–31), expressed its concerns that migrant workers risk arbitrary detention for non-migration-related charges, such as “prostitution” (para. 38(f)), and recommended the State to ensure that migrant workers “are not subjected to arrest, detention or deportation on the basis of national legislation regarding prostitution” (para. 35(e)).

In its Concluding Observations on [Argentina](#), CMW expressed concerns over reports that groups of migrant workers, including “women in prostitution”, are subjected to violence and harassment by the police (para. 32).

CMW did not make any references to **HIV/AIDS** in 2019.

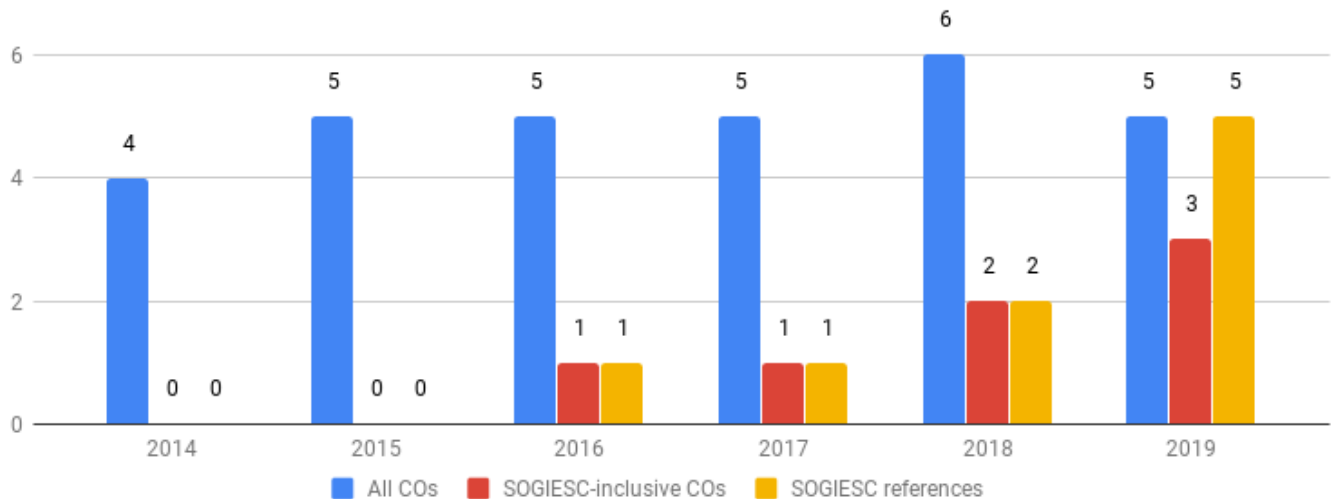
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Committee on Enforced Disappearances

General Information

In 2019, CED made a record number of three (60%) SOGIESC-inclusive Concluding Observations out of five States reviewed. The number of SOGIESC references was also the highest the Committee had ever made. There were five such references in 2019, compared to two in 2018, one each in 2017 and 2016, and none in 2015 and 2014.

Figure 39: SOGIESC-inclusive Concluding Observations – CED, 2014–2019



The Committee issued SOGIESC-inclusive recommendations to **Bolivia**, **Peru** and **Slovakia**, with each of the three countries receiving its first recommendations on the topic from CED.

Of the three countries that received SOGIESC recommendations, none received Lists of Issues covering the topic prior to the main review. Furthermore, there were no SOGIESC references in the five Lists of Issues adopted by CED in 2019.¹⁷⁵

The Committee is generally characterized by relatively few civil society submissions. For example, there were no alternative reports on two of the five states reviewed in 2019. However, CSOs and/or NHRIs referred to SOGIESC in their reports on each of the three countries that received recommendations on this topic. However, no stand-alone documents on the situation of LGBTI persons were prepared.

CED raised questions on LGBT issues in the constructive dialogue with two out of the three countries that received SOGIESC recommendations.

Table 11: CED country reviews, 2019

COUNTRY	SOGIESC IN PREVIOUS COS	LOI	CSO REPORTS MENTIONING SOGIESC	STAND-ALONE SOGIESC REPORTS	SOGIESC IN THE CONSTRUCTIVE DIALOGUES	COS	
Bolivia	n/a	No	Yes	No	No	Yes	SOGI
Chile	n/a	No	No	n/a	No	No	n/a
Italy	n/a	No	No	n/a	No	No	n/a
Peru	n/a	No	Yes	No	Yes	Yes	SOGI; SOGI
Slovakia	n/a	No	No	No	Yes	Yes	SOGI; SOGI

¹⁷⁵ See Lists of Issues for **Bolivia** and **Slovakia** (main review held in 2019), and for **Nigeria**, **Mongolia** and **Switzerland** (main review scheduled for future sessions).

In all cases, the **content of recommendations** related to establishing a system of reparations for enforced disappearances that takes into account the victim's individual characteristics, including their sexual orientation and gender identity. The same recommendations were previously made by CED when it addressed SOGIESC.¹⁷⁶ Although the Committee has not expanded its coverage of SOGIESC issues since then, it has not backtracked, and may even increase its inclusion of LGBT issues in country reviews.

In the constructive dialogues on [Peru](#) and [Slovakia](#), CED experts asked the country delegations whether or not partners of LGBTI persons could be included under the definitions of a “close person” and “family” as they are understood in national law. This led to the Committee expressing concerns in its Concluding Observations on [Peru](#) over the fact that the definition of “disappeared persons and members of their families” in the national law excluded “persons such as the spouses or partners of LGBTI persons”.

The Committee made no specific references to **LB/TI women, trans people** or **intersex persons** in 2019, nor has it done so in previous years (2014–2018). However, while CED still tends to refer to “sexual orientation” and “gender identity” only, in one case, namely the Concluding Observations on [Peru](#), it did refer to intersex persons for the first time under the LGBTI umbrella.

Figure 40: GIE references, CED Concluding Observations

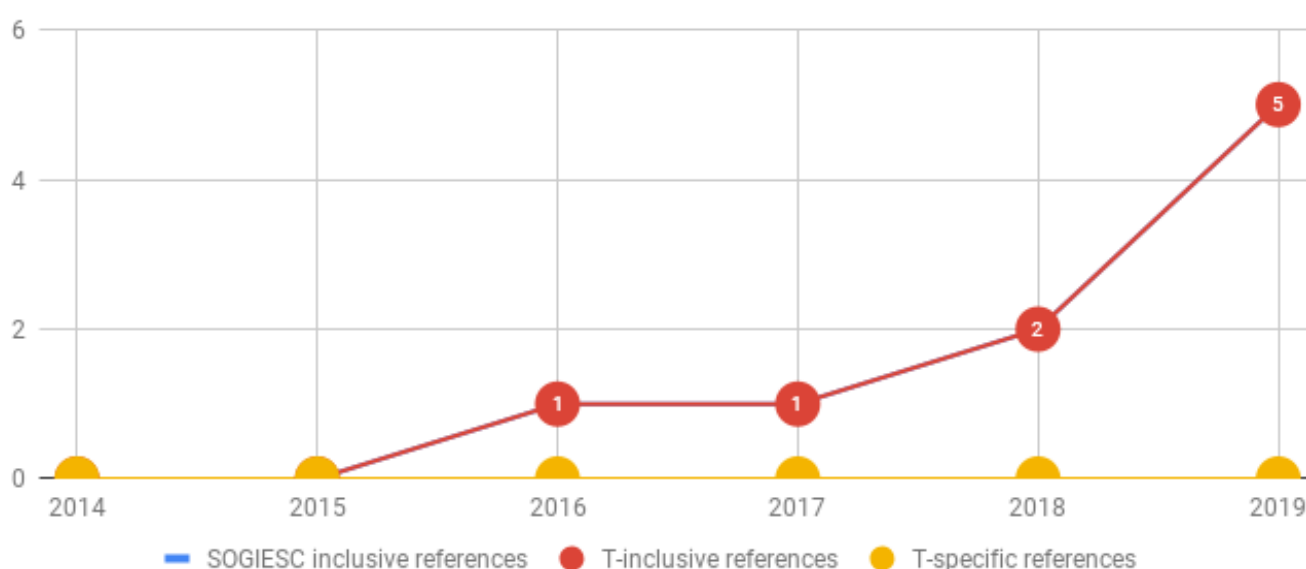
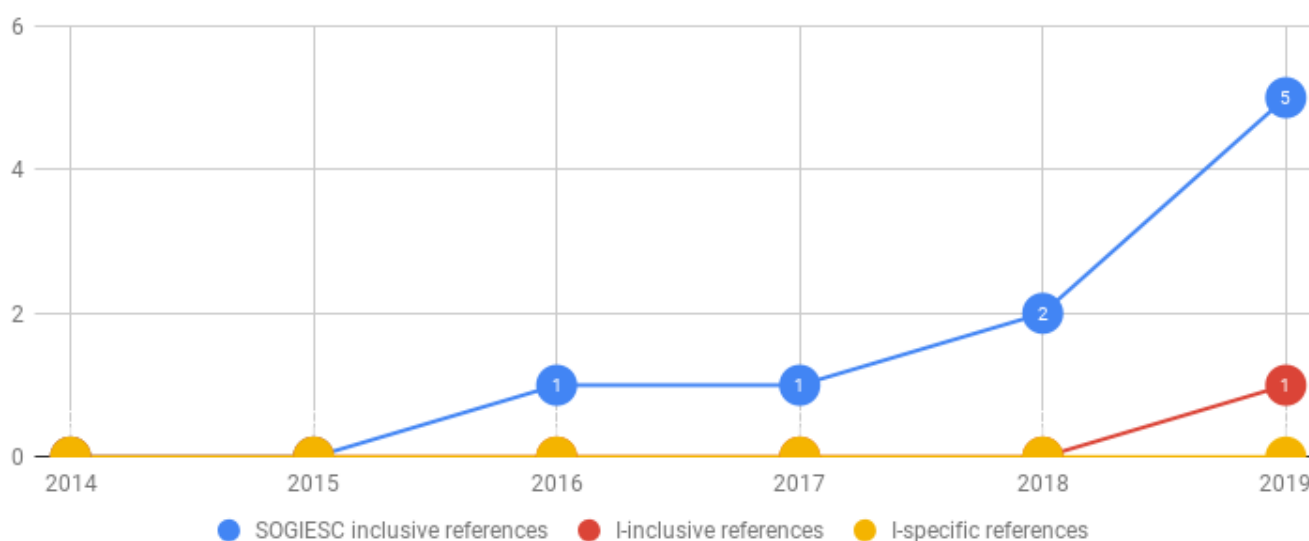


Figure 41: Intersex references, CED Concluding Observations



176 See CED Concluding Observations on [Colombia](#) (2016), [Cuba](#) (2017), [Honduras](#) (2018) and [Japan](#) (2018).

While the ICED can be relevant to LGBTI persons, the Committee does not always issue SOGIESC questions or recommendations to State parties. Civil society has the potential to encourage their adoption through the submission of alternative reports detailing LGBTI issues.

LGBTI advocates may address issues such as enforced disappearances of LGBTI persons related to criminalization, socio-economic vulnerability and marginalization,¹⁷⁷ as well as the need for a definition of family that recognizes the partners and children of LGBTI victims.

The fact that CED usually receives few to no civil society submissions can be an advantage in drawing the attention of the Committee to SOGIESC issues.

Individual Communications and General Comments

CED did not publish any decisions on Individual Communications in 2019. The Committee has yet to adopt any General Comments.

However, in 2019, the Committee published its new [Guiding principles for the search for disappeared persons](#). According to this document, the search should follow a differential approach. Specifically, “in cases involving disappeared persons or persons participating in the search who are members of the LGBTI community, have disabilities or are older persons, the bodies responsible for the search should take account of their particular needs.”

In its guidance notes for submitting [urgent action](#) requests and [individual communications](#), the Committee explicitly requests information about whether the victim belongs to the LGBTI community, if relevant. This request suggests the willingness and potential of CED for stronger engagement on SOGIESC issues. Therefore, defenders working in the context of enforced disappearances may consider applying to CED with Individual Communications.

Follow-up Procedure

According to the [Rules of Procedure](#), CED may request a State party to provide follow-up information to its Concluding Observations by a specified date. To further the implementation of Concluding Observations, the Committee may also designate one or more Rapporteurs to follow-up with the State party.

Civil society actors can provide the Committee with written information, including an evaluation of the measures taken by the State party to implement the follow-up recommendations. This information should be submitted at the time the State party is due to submit its follow-up report, or once the follow-up information submitted by the State party is made public.¹⁷⁸

177 For instance, enforced disappearances were listed as a grave violation against gay people in Chechnya in a 2018 [report by PACE](#).

178 See CED, [The relationship of the Committee on Enforced Disappearances with civil society actors](#), CED/C/3, para. 11.

In 2019, CED selected SOGI-inclusive recommendations twice for its follow-up review:

- **Peru** (state report due by 18 April, 2020)
- **Slovakia** (state report due by 11 October, 2020).

As the Committee has not previously issued SOGIESC follow-up recommendations, this development represents significant progress in terms of the position of CED on LGBTI issues.

In addition to requesting LGBTI-inclusive recommendations, civil society may also ask the Committee to designate these recommendations for the follow-up procedure.

*LGBTI groups from **Peru** and **Slovakia** may consider collecting data relevant to the CED follow-up recommendations, and submitting it for the consideration of the Committee.*

Sex Work and HIV/AIDS

In 2019, CED made no references to **HIV/AIDS** or **sex work** in its Lists of Issues or Concluding Observations.

Annexes

1. List of countries reviewed by Treaty Bodies in 2019

Committee	SOCIESC-inclusive Concluding Observations
<i>Committee</i>	SOGIESC-inclusive List of Issues (prior to reporting)
Committee	No SOGIESC references in the Concluding Observations
<i>Committee</i>	No SOGIESC references in the List of Issues (prior to reporting)

Afghanistan	HRCtee CEDAW CRC
Albania	CRPD CRPD CMW
Andorra	CEDAW CEDAW CERD CERD
Angola	HRCtee CEDAW
Antigua and Barbuda	CEDAW
Argentina	CMW
Armenia	CAT
Australia	CRC CRC CRPD
Austria	CESCR CEDAW CRC
Azerbaijan	CESCR
Bahrain	CRC
Bangladesh	CAT CRPD
Belarus	CRC
Belgium	HRCtee CEDAW CRC CRPD
Belize	CMW
Benin	CESCR CAT
Bolivia	CESCR HRCtee CMW CED CED
Bosnia and Herzegovina	CESCR CEDAW CEDAW CRC CRC CMW
Botswana	CEDAW CRC
Bulgaria	CESCR

Burkina Faso	CAT CAT CMW
Cabo Verde	HRCtee HRCtee CEDAW CRC CMW
Cambodia	CEDAW CEDAW CRC CERD CERD
Cameroon	CESCR
Canada	CEDAW CRPD
Central African Republic	HRCtee
Chile	HRCtee CED
Colombia	CEDAW CERD CERD CMW
Cook Islands	CRC CRPD
Costa Rica	CRC
Côte D'Ivoire	CEDAW CRC
Croatia	HRCtee
Cuba	CAT CRPD
Cyprus	HRCtee CRC CAT
Czech Republic	HRCtee CRC CRPD CERD CERD
Democratic Republic of the Congo	CEDAW CAT
Denmark	CESCR CEDAW CRPD
Djibouti	CRPD
Dominica	HRCtee
Dominican Republic	CAT
Ecuador	CESCR CESCR CEDAW CAT CRPD
El Salvador	CRPD CERD CERD
Equatorial Guinea	HRCtee
Eritrea	HRCtee CEDAW
Estonia	CESCR HRCtee CRPD
Eswatini	CRC
Ethiopia	CEDAW
Finland	CESCR HRCtee CAT
France	CRPD
Gabon	CEDAW
Germany	CAT
Greece	CAT CRPD CRPD
Guatemala	CERD CERD CMW
Guinea	CRC
Guyana	CEDAW
Honduras	CAT
Hungary	CERD CERD

Iceland	CERD CERD
India	HRCtee CRPD CRPD
Iraq	CEDAW CEDAW CRPD
Ireland	CERD CERD
Israel	CESCR CESCR CERD CERD
Italy	CRC CED
Jamaica	CRPD
Japan	CRC CRPD
Kazakhstan	CESCR CEDAW CEDAW
Kiribati	CEDAW
Kuwait	CESCR CAT CRPD CRPD
Kyrgyzstan	CEDAW
Laos	CRPD
Latvia	CESCR CEDAW CAT
Lesotho	HRCtee CAT
Libya	CMW
Lithuania	CEDAW CEDAW CERD CERD
Luxembourg	CRC
Maldives	CEDAW
Malta	CRC
Mauritania	HRCtee
Mauritius	CESCR CRPD
Mexico	HRCtee CAT CRPD CERD CERD
Micronesia	CRC
Monaco	CAT
Mongolia	CESCR CAT CERD CERD CED
Mozambique	CEDAW CRC CRC
Myanmar	CEDAW CRPD CRPD
Namibia	CAT
Netherlands	HRCtee CRC
Nicaragua	CESCR HRCtee
Niger	HRCtee CAT CRPD
Nigeria	HRCtee CED
Norway	CRPD
Pakistan	CEDAW
Paraguay	HRCtee
Peru	CED

Poland	CAT CERD CERD
Portugal	HRCtee CRC CRC CAT
Qatar	CEDAW
Republic of Korea	HRCtee CRC CRC
Republic of Moldova	CEDAW
Rwanda	CRC CRPD
Saint Vincent and the Grenadines	HRCtee
Sao Tome and Principe	CMW
Saudi Arabia	CRPD
Senegal	CESCR CESCR HRCtee HRCtee CRPD
Serbia	CESCR CEDAW
Seychelles	CEDAW CEDAW
Singapore	CRC CRPD
Slovakia	CESCR CRPD CED CED
South Africa	CAT
Spain	HRCtee CEDAW CRPD
State of Palestine	CRC CERD CERD
Sweden	CEDAW
Switzerland	CESCR CEDAW CRC CRPD CED
Syrian Arab Republic	CRC
Tajikistan	HRCtee CMW
Togo	CAT
Tonga	CRC
Tunisia	CEDAW CRC
Turkey	CRPD
Tuvalu	CRC
Ukraine	HRCtee CRPD
United Kingdom of Great Britain and Northern Ireland	CEDAW CAT
United States of America	HRCtee
Uruguay	CEDAW
Uzbekistan	HRCtee CAT CAT CERD CERD
Vanuatu	CRPD
Venezuela	CRPD
Viet Nam	HRCtee
Zambia	CERD CERD
Zimbabwe	CEDAW

2. Civil society submissions

Committee on Economic, Social and Cultural Rights

Argentina

- Submission by [civil society coalition](#) for the 66th Session (*stand-alone report on LGBTI*).

Azerbaijan

- Submission by [ECOM](#) for the 65th PSWG (*stand-alone report on SOGI-based violations*).
- Submission by [civil society coalition](#) for the 65th PSWG (*stand-alone report addressing discrimination and inequality in economic, social and cultural rights*).

Bolivia

- Submission by [Equal Rights Trust and Comunidad de Derechos Humanos](#) for the 65th PSWG (*mentioning prejudices and stereotypes, as well as limits on access to work for LGBT persons*).

Bulgaria

- Submission by the [Bulgarian Helsinki Committee](#) for the 65th Session (*paragraphs on SOGIE, poverty and social exclusion, on access to health for trans and intersex people, and on access of LGBTI people to education*).
- Submission by [Harm Reduction International & Center for Humane Policy](#) for the 65th Session (*referring to a study with MSM participants*).

Cameroon

- Submission by [Human Rights Watch](#) for the 65th Session (*a section on physical and mental health of LGBT people*).

Denmark

- Submission by [Amnesty International](#) for the 66th Session (*a chapter on the rights of intersex persons*).

Ecuador

- Submission by [ALFIL – REDLACTRANS, Synergia, Akahatá and SRI](#) for the 64th PSWG (*stand-alone report on trans and LGBT persons and their rights to work, health and education*).
- Submission by [Fundación PAKTA](#) for the 66th Session (*stand-alone LGBTI report*).
- Submission by [civil society coalition](#) for the 66th Session (*mentioning LGBTI child rights*).
- Submission by [Coalición Nacional de Mujeres del Ecuador](#) for the 66th Session (*mentioning the need for disaggregated data on LBT women*).

Estonia

- Submission by [International Human Rights Clinic & Associazione Luca Coscioni](#) for the 62nd PSWG (*mentioning “homosexual couples” with regards to surrogacy*).
- Submission by [International Human Rights Clinic & Associazione Luca Coscioni](#) for the 65th Session (*mentioning “homosexual couples” with regards to surrogacy*).

Finland

- Submission by [SETA LGBTI Rights and other NGOs](#) for the 64th PSWG (two sections on trans and intersex health).

Kazakhstan

- Submission by [Feminita - Kazakhstan Feminist Initiative](#) for the 62nd PSWG (stand-alone report on LBT women, including discrimination and hate crimes).
- Submission by [Equal Rights Trust](#) for the 62nd PSWG (a sections on access to employment and healthcare for LGBTI persons).
- Submission by [Equal Rights Trust and Kazakhstan International Bureau for Human Rights](#) for the 62nd PSWG (a chapter on discrimination and violence against LGBT persons).
- Submission by [International Human Rights Clinic & Associazione Luca Coscioni](#) for the 62nd PSWG (recommending granting homosexual couples access to artificial reproduction).
- Submission by [Feminita - Kazakhstan Feminist Initiative](#) for the 65th Session (stand-alone report on LBT women, including criminalization, health and employment).
- Submission by [civil society coalition](#) for the 65th Session (a section on forced sterilization of trans people and discrimination against LGBT persons).
- Submission by [Equal Rights Trust](#) for the 65th Session (mentioning discrimination against LGBTI people, particularly in health care).
- Submission by [Human Rights Watch](#) for the 65th Session (a section on LGBT discrimination and health care).
- Submission by [International Human Rights Clinic & Associazione Luca Coscioni](#) for the 65th Session (mentioning lack of access to IVF and surrogacy for homosexual couples).

Nicaragua

- Submission by [Plataforma Nacional Juvenil and Asociación Diversidad Sexual Nicaraguense](#) for the 65nd PSWG (stand-alone report on LGBTIQ rights).

Senegal

- Submission by [Human Rights Watch](#) for the 64th PSWG (a section on sexual orientation and gender identity, including criminalization, police abuse and HIV).

Serbia

- Submission by [Platform of organizations for Cooperation with UN Human Rights Mechanism](#) for the 65th PSWG (requesting to ask the State about LGBT human rights and collecting statistical data).

Switzerland

- Submission by [Platform of Swiss NGOs Human Rights](#) for the 66th Session (one chapter dedicated to LGBTIQ rights).

Belgium

- Submission by [Intersex Belgium](#) for the 127th Session (*stand-alone report on IGM and violations against children with variations of reproductive anatomy*).
- Submission by [Ligue des Droits Humains](#) for the 127th Session (*a section on discrimination against transgender and intersex people and “people from sexual minorities”*).

Bolivia

- Submission by [civil society coalition](#) for the 127th Session (*stand-alone report on civil and political rights of the LGBTI Bolivian community*).
- Submission by [civil society coalition](#) for the 127th Session (*mentioning the full exercise of all fundamental rights of transgender and transsexual persons*).

Cabo Verde

- Submission by [civil society coalition](#) for the 127th Session (*mentioning the patterns of discrimination against LGBTI population*).

Chile

- Submission by [civil society coalition](#) for LOIPR (*stand-alone report on the situation of trans persons*).
- Submission by [civil society coalition](#) for LOIPR (*a section on discrimination against LGBT*).
- Submission by [INDH](#) for LOIPR (*a section on discrimination against LGBTI*).

Equatorial Guinea

- Submission by [EG Justice](#) for the 126th Session (*mentioning different problems faced by LGBT persons, including alleged forced pregnancy among LGBTI women*).

Estonia

- Submission by the [ECOM, Estonian Network of People Living with HIV, and VEK LGBT](#) for the 125th Session (*stand-alone report on MSM*).

Finland

- Submission by [Trasek ry](#) for the 125th Session (*stand-alone report on trans and intersex rights, including forced medical treatment and surgeries, legal gender recognition and right to family*).
- Submission by [Amnesty International](#) for the 125th Session (*section on trans and intersex persons, including on legal gender recognition and unnecessary surgeries on children*).
- Submission by the [Finnish League for Human Rights](#) for the 125th Session (*section on trans and intersex rights and forced medical procedures*).

India

- Submission by [civil society coalition](#) for LOIPR (*a paragraph on transgender populations and cultural/gender identities*).
- Submission by [Housing and Lands Right Network](#) for LOIPR (*mentioning SO in passing*).

- Submission by [CHRI](#) for LOIPR (*mentioning decriminalization case as an example of positive developments*).
- Submission by [Human Rights Watch](#) for LOIPR (*some references to jurisprudence on decriminalization and trans persons' rights, as well as a bill on trans persons*).
- Submission by [civil society coalition](#) for LOIPR (*briefly mentioning collection of data on trans populations*).
- Submission by [civil society coalition](#) for LOIPR (*briefly mentioning targeting "sexual minorities"*).

Lesotho

- Submission by the [Lesotho Council of Non-Governmental Organizations](#) for the 125th Session (*recommending LGBTI-inclusive policies, marriage, and protection of health and privacy*).

Mauritania

- Submission by [Freedom Now](#) for LOI (*mentioning criminalization of and capital punishment for consensual same-sex sexual acts*).
- Submission by [civil society coalition](#) for the 126th Session (*explaining that consensual same-sex sexual acts are criminalized and recommending decriminalization*).
- Submission by [Geneva International Centre for Justice](#) for the 126th Session (*mentioning criminalization of and capital punishment for consensual same-sex sexual acts*).
- Submission by [Human Rights Watch](#) for the 126th Session (*mentioning criminalization of and capital punishment for consensual same-sex sexual acts and recommending decriminalization*).
- Submission by [L'observatoire mauritanien des droits de l'homme et de la démocratie and Association pour la défense des droits de la femme mauritanienne](#) for the 126th Session (*mentioning criminalization of consensual same-sex sexual acts*).
- Submission by [MENA Rights Group](#) for the 126th Session (*mentioning criminalization of consensual same-sex sexual acts*).

Mexico

- Submission by [AsiLegal](#) for the 127th Session (*stand-alone report about LGBT human rights situation in Mexico*).
- Submission by [Brújula Intersexual](#) for the 127th Session (*stand-alone report on IGM and intersex persons' rights*).
- Submission by the [Advocates for Human Rights](#) for the 127th Session (*mentioning legal support given on fleeing extrajudicial killings, gender-based violence, and violence targeting LGBTI persons in Mexico*).
- Submission by [Mexicanas con Discapacidad](#) for the 127th Session (*mentioning intersectionality within women with disabilities, including LGBT+*).
- Submission by [civil society coalition](#) for the 127th Session (*paragraphs on LGBTI persons in prison and a complete section about sexual diversity*).
- Submission by [civil society coalition](#) for the 127th Session (*mentioning LGBTI people among the "migrants caravans" traveling through Mexico*).
- Submission by [Article 19](#) for the 127th Session (*mentioning the lack of access to internet service by LGBT+ people*).

Netherlands

- Submission by [Dutch Section of the International Commission of Jurists](#) for LOIPR (mentioning positive steps on LGR).
- Submission by [Geneva International Centre for Justice](#) for the 126th Session (mentioning SO in passing).
- Submission by [Privacy First](#) for the 126th Session (mentioning 'sexual preferences' as sensitive data in passing).

Nicaragua

- Submission by [Asociación Diversidad Sexual Nicaraguense and Plataforma Nacional Juvenil](#) for the 127th Session (stand-alone report LGBTI Nicaraguans).
- Submission by [Unidad de Defensa Jurídica](#) for the 127th Session (mentioning a transgender women illegally detained during public protest in Nicaragua).

Niger

- Submission by the [Réseau Nigérien des Défenseurs des Droits Humains, CODDHD & ROTAB](#) for the 125th Session (mentioning the lack of protection against discrimination, and criminalization of same-sex sexual acts).

Nigeria

- Submission by the [Advocates for Human Rights & World Coalition Against the Death Penalty](#) for LOI (mentioning criminalization of consensual same-sex sexual acts).
- Submission by [civil society coalition](#) for the 126th Session (stand-alone report on LGBT persons, including some paragraphs on LBT women – "corrective rape", forced marriages etc.).
- Submission by [Amnesty International](#) for the 126th Session (a section on LGBT, mainly criminalization and arrests).

Paraguay

- Submission by [civil society coalition](#) for LOIPR (a stand-alone report on SOGI-based discrimination, including LGBT in detention, public services, anti-discrimination legislation and plans, murders of trans people and impunity, arrests of LGBTI persons, and LGBTI children and adolescents).
- Submission by [civil society coalition](#) for the 126th Session (stand-alone report on women and LGBTI persons).
- Submission by [civil society coalition](#) for the 126th Session (several paragraphs on LGBTI, lesbian women and trans persons, including in prison).

Republic of Korea

- Submission by [Center for Military HR Korea](#) for LOIPR (a paragraph on violations against "sexual minorities", especially in the military).
- Submission by [civil society coalition](#) for LOIPR (paragraphs on comprehensive anti-discrimination legislation, LGR, criminalization of same-sex sexual acts in military, and same-sex couples).
- Submission by [ODRI](#) for LOIPR (mentioning LGBT in passing).
- Submission by [National Human Rights Commission of Korea](#) for LOIPR (some paragraphs on SOGI-based discrimination).

Senegal

- Submission by [RADDHO](#) for the 127th Session (mentioning the penalization of "acts against nature").

Spain

- Submission by [Brújula Intersexual](#) for the 127th Session (*stand-alone report about IGM*).
- Submission by [World Evangelical Alliance and Alianza Evangélica Española](#) for the 127th Session (*mentioning how “positive discrimination” in favor of LGBTI community affects the freedom of religion*).
- Submission by [Plataforma en defensa de la libertad de información](#) for the 127th Session (*a paragraph about hate speech against LGBTI people and their families in Andalusia*).
- Submission by [Plataforma de género a quien defiende y sus racismo cataluña](#) for the 127th Session (*mentioning sexual orientation and gender identity as protected categories under the Penal Code in Spain*).

Tajikistan

- Submission by [Human Rights Watch](#) for LOI (*a paragraph on LGBT, including discrimination and abuse, and the police register*).
- Submission by [civil society coalition](#) for LOI (*briefly mentioning the lack of comprehensive anti-discrimination legislation, including to protect sexual orientation*).
- Submission by [ECOM](#) for the 126th Session (*stand-alone report on human rights violations based on SOGI, including the lack of anti-discrimination legislation, obstructing the rights of MSM and trans persons in health, and prosecution*).
- Submission by [civil society coalition](#) for the 126th Session (*briefly mentioning the lack of comprehensive anti-discrimination legislation, police abuse and discrimination*).
- Submission by [FIDH and OMCT](#) for the 126th Session (*mentioning harassment against LGBTI organizations*).
- Submission by [Human Rights Centre](#) for the 126th Session (*mentioning harassment against LGBTI organizations*).
- Submission by [Human Rights Watch](#) for the 126th Session (*a paragraph on LGBT, including discrimination and abuse and the police register*).
- Submission by [civil society coalition](#) for the 126th Session (*a section on “LGBT people: police abuse, arbitrary detention and extortion”*).

United States of America

- Submission by [interACT](#) for the 125th Session (*stand-alone report on intersex children and non-consensual genital surgeries*).
- Submission by [Human Rights Campaign](#) for the 125th Session (*stand-alone report on LGBTQ prisoners, youth, discrimination and health*).
- Submission by [Duke Law International Human Rights Clinic](#) for the 125th Session (*mentioning the lack of data on domestic violence in LGBTI relationships*).
- Submission by [American Civil Liberties Union](#) for the 125th Session (*a section on LGBT rights, particularly regression in trans rights*).
- Submission by [Community United for Safety and Protection](#) for the 125th Session (*mentioning vulnerability of trans women and LGBTQ youth in sex work*).
- Submission by [Harris World Law Institute - Washington University School of Law](#) for the 125th Session (*a reference to Orlando shooting and sexual orientation provoking gun violence*).
- Submission by [Columbia Law School’s Human Rights Institute & International Association of Official Human Rights Agencies](#) for the 125th Session (*mentioning state laws curtailing legal protection against discrimination based on sexual orientation*).

- Submission by [Human Rights Watch](#) for the 125th Session (a section on the current situation of SOGI rights, particularly trans rights, and a section on LGBT health).
- Submission by [Pan-African Community Action](#) for the 125th Session (mentioning Black queer and trans persons as particularly impacted by police violence).
- Submission by [Global Justice Center](#) for the 125th Session (mentioning the harmful effect of the “Global Gag Rule” on LGBT people, particularly lesbian and bisexual women and trans persons).
- Submission by [MADRE](#) for the 125th Session (mentioning vulnerability of trans women and LGBTI persons to gender-based violence, and detention of a gay asylum seeker).
- Submission by [Campaign for Youth Justice](#) for the 125th Session (recommending collecting data on children in the criminal justice system disaggregated by, inter alia, sexual orientation).
- Submission by [Amnesty International](#) for the 125th Session (a section on SOGI-based hate crimes, federal and state-level discrimination, and LGBTI asylum seekers).
- Submission by [Women Enabled International](#) for the 125th Session (report on women and non-binary persons with disabilities, mentioning LGBT people’s vulnerability to violence and trans persons’ access to mental and sexual health care).
- Submission by [Colegio de Abogados y Abogadas de Puerto Rico](#) for the 125th Session (mentioning police violence against vulnerable groups, including trans persons, in Puerto Rico).

Ukraine

- Submission by the [EGHR-Ukraine](#) for the 127th Session (stand-alone report on human rights violations on the grounds of sexual orientation and gender identity in Ukraine).
- Submission by [civil society coalition](#) for the 127th Session (a suggested question about measures taken to include LGBTI people in protected categories in anti-discrimination legislation).
- Submission by [civil society coalition](#) for the 127th Session (mentioning attacks against LGBT community by security bodies).
- Submission by [The Legal Development Network \(LDN\)](#) for the 127th Session (mentioning LGBTI cases as examples of violations of ICCPR).
- Submission by [civil society coalition](#) for the 127th Session (a section about LGBTI human rights violations).

Uzbekistan

- Submission by [ECOM](#) for LOI (stand-alone report on human rights violations based on SOGI, including sections on trans people and lesbian women).
- Submission by [Human Rights Watch](#) for LOI (mentioning criminalization and violence against LGBTI).

Viet Nam

- Submission by the [Center for Education Promotion and Empowerment of Women](#) for the 125th Session (recommending taking SOGI into account in education reform).
- Submission by the [Human Rights Space & GPAR](#) for the 125th Session (a section and recommendations on anti-discrimination, same-sex couples and trans and intersex rights).

Angola

- Submission by [Arquivo de Identidade Angolano](#) for the 72nd PSWG (stand-alone report on discrimination against LB women in Angola, including in health, education and employment).
- Submission by [Angolan Feminist LGBTIQ Collective](#) for the 72nd Session (stand-alone report on the situation of LGBTIQ persons, including criminalization, discrimination, HIV, sex work and abortion).

Antigua and Barbuda

- Submission by [Women Against Rape](#) for the 72nd Session (mentioning the lack of protection for LGBTQ persons and marginalization of LBT women).

Austria

- [Submission](#) (a section on intersex people; LBT women's access to health briefly) and [Annex](#) (a section on same-sex female families) by Austrian civil society coalition for the 73rd PSWG.
- Submission by [StopIGM.org/Zwischengeschlecht.org](#) for the 73rd PSWG (a stand-alone intersex report).
- Submission by [StopIGM.org/Zwischengeschlecht.org](#) for the 73rd Session (a stand-alone intersex report).

Belgium

- Submission by [civil society coalition](#) for the 76th PSWG (mentioning recommendation to implement non-discrimination law, including sexual orientation protection).

Bosnia and Herzegovina

- Submission by [Helsinki Citizens' Assembly Banja Luka and Rights for All](#) for the 74th PSWG (a chapter and recommendations on LGBTI women by Sarajevo Open Centre).
- Submission by [Sarajevo Open Centre and others](#) for the 74th PSWG (a section on LGBTI persons, including hate crimes/speech, freedom of assembly, same-sex unions and TI persons).
- Submission by [civil society coalition](#) for the 74th PSWG (a chapter about women discriminated against based on their SOGI; some references to intersex persons).
- Submission by [civil society coalition](#) for the 74th PSWG (mentioning implementation of Concluding Observation on LGBTI women).
- Submission by [CURE and ERA](#) for the 74th Session (stand-alone report on LGBTI women).

Botswana

- Submission by [Black Queer DocX \(BQDX\) and LEGABIBO](#) for the 72nd Session (stand-alone report on LBT women, including criminalization of same-sex acts, political participation, gender identity recognition, discrimination and access to education).
- Submission by [BOCONGO](#) for the 72nd Session (mentioning sexual abuse against LBQ women, exclusion of SOGI from National Youth Policy, and the lack of legal or policy framework for intersex children).
- Submission by [Sisonke and BONELA](#) for the 72nd Session (submission on sex workers and trans people, including section on criminalization of same-sex acts and marginalization of TI persons).

Cabo Verde

- Submission by [civil society coalition](#) for the 73rd Session (a chapter on SOGI/LBTI women).

Cambodia

- Submission by [Cambodian NGO Committee on CEDAW](#) for the 74th PSWG (section on LBTI+, including marriage, LGR, employment discrimination and police harassment).

Canada

- Submission by [Coalition of NGOs](#) for the 76th PSWG (mentioning SOGI in educational curricula of Ontario).
- Submission by [FAFI-AFIA](#) for the 76th PSWG (mentioning LGBTQI2S as part of the First Nations).
- Submission by [Amnesty International](#) for the 76th PSWG (mentioning LGBTI sex workers).

Colombia

- Submission by [LIMPAL](#) for the 72nd PSWG (a reference to murders of trans women).
- Submission by [National Network of Women \(RNM\)](#) for the 72nd PSWG (calling for LBT-specific measures to implement the Peace Agreement and to combat violence against women).
- Submission by [Caribe Afirmativo](#) for the 72nd Session (stand-alone report on LBT women).
- Submission by [Colombia Diversa, Fundación Grupo de Acción y Apoyo a Personas Trans \(GAAT\), and Diversas Incorrectas](#) for the 72nd Session (stand-alone report on LBT women, 2013-2018).
- Submission by [Coalición Colombiana por la Implementación de la CDPD](#) for the 72nd Session (mentioning intersectional discrimination based on sexual orientation and other grounds).
- Submission by [Grupo de Monitoreo para la Implementación de la CEDAW](#) for the 72nd Session (mentioning the harm of “gender ideology” discourse for LGBT persons, and the lack of same-sex marriage).
- Submission by [Lawyers Without Borders Canada](#) for the 72nd Session (mentioning the importance of women’s and LGBTI rights in implementing the Peace Agreement).
- Submission by [RIDH and GSHR](#) for the 72nd Session (report on “gender ideology” discourse and its attacking LGBTI rights).
- Submission by [Women’s Network for Unity](#) for the 74th Session (mentioning gender-based violence against transgender sex workers).
- Submission by [NGO-CEDAW](#) for the 74th Session (mentioning LBT+ couples, access to marriage and adoption, and access to hormonal treatments).
- Submission by [Coalition of NGOs](#) for the 74th Session (mentioning inequality under the law for LBT+ women and suggesting questions for the Committee).

Côte d’Ivoire

- Submission by [ISHR](#) for the 73rd PSWG (briefly mentioning violations against LGBTI HRDs).

Denmark

- Submission by [Amnesty International](#) for the 74th Session (mentioning that data collection on rape is not disaggregated to account for the LGBTI population).

Ecuador

- Submission by [Defensoría del Pueblo](#) for the 74th PSWG (mentioning violence against LGBTI persons, restricted access to rights and femicide of trans women).

Ethiopia

- Submission by [Setaweet Movement and DAWN](#) for the 72nd Session (mentioning criminalization of “sexual minorities”, rising homophobia, censorship, and marginalization of LBI women).

Iraq

- Submission by [OWEI, ASUDA, HRGJ and MADRE](#) for the 74th PSWG (a section on gender-based crimes by ISIL mentioning torture and murder of gays and lesbians, and the government’s inaction).
- Submission by [civil society coalition](#) for the 74th Session (mentioning LGBTIQ+ people as targets of crimes committed under ISIL occupation).

Kazakhstan

- Submission by [Kazakhstan Feminist Initiative “Feminita”](#) for the 74th PSWG (stand-alone report on LBQT women, including criminalization of “lesbianism”, discrimination in law, employment, public services and marriage, “anti-propaganda” laws, gender recognition and civil society restrictions).
- Submission by [civil society coalition](#) for the 74th PSWG (questioning the lack of SOGI as prohibited grounds of discrimination).
- Submission by [Kazakhstan Feminist Initiative “Feminita”](#) for the 74th Session (stand-alone report on LBQT women’s human rights).
- Submission by [civil society coalition](#) for the 74th Session (including a recommendation on access to health without discrimination based on SOGI).

Kyrgyzstan

- Submission by [civil society coalition](#) for the 76th PSWG (mentioning the Bill “On the Protection of Children from Harmful Information” which attempts to copy Russian anti-propaganda law).
- Submission by [civil society coalition](#) for the 76th PSWG (mentioning reference to “lesbianism” in the Criminal Code).

Lithuania

- Submission by [LNE](#) for the 74th Session (mentioning sexual orientation as a protected ground in the anti-discrimination law).

Mozambique

- Submission by [ODRI](#) for the 73rd Session (several references to LBT women, specifically in refugee settings; the need for inclusive anti-discrimination legislation; references to the IE on SOGI’s country visit).
- Submission by [Tiyane Vavasate Association](#) for the 73rd Session (a submission on the situation of sex workers with a brief reference to discrimination against trans sex workers in health).

Myanmar

- Submission by [GJC](#) for the 72nd Session (mentioning multiple discrimination faced by LGBT persons).

Pakistan

- Submission by [Planète Réfugiés Droits de l'Homme and PMHA](#) for the 75th Session (mentioning sexual orientation in passing).
- Submission by [ODRI](#) for the 75th Session (paragraphs on health of intersex women and girls and on violence against LBTI women).
- Submission by [Young Omang Pakistan](#) for the 75th Session (some information on trans issues).

Serbia

- Submission by [Labris - Lesbian Human Rights Organisation](#) for the 72nd PSWG (stand-alone report on discrimination against lesbians).
- Submission by [Equal Rights Trust](#) for the 72nd PSWG (brief reference to case of discrimination against a bisexual woman).
- Submission by [Femplatz and A11 Initiative for Economic and Social Rights](#) for the 72nd PSWG (mentioning government's pledge to ensure participation of LGBT organizations in policy-making).
- Submission by [Women's Centre Užice, Femina Creativa Subotica, Women's Initiative Priboj and Ternipe Pirot](#) for the 72nd PSWG (mentions multiple discrimination against women based on sexual orientation).
- Submission by ["Equal Rights" NGO](#) for the 72nd Session (report on sex workers, including government violence against Roma trans sex workers and their exclusion from the LGBT community).
- Submission by [Equal Rights Trust](#) for the 72nd Session (mentioning high cost of civil litigation for a case of discrimination based on sexual orientation).
- Submission by [INHR/RIDH and GSHR](#) for the 72nd Session (report on the threat of anti-LGBT and "gender ideology" discourse to women's rights and gender equality).
- Submission by [Platform of Organizations for Cooperation with UN HR Mechanisms](#) for the 72nd Session (a section on intersex people recommending support, protocols, research and third sex option)
- Submission by [Roma Women's Network of Serbia](#) for the 72nd Session (mentioning LBT women's vulnerability, account of a paperless lesbian, and the lack of government funding for the NGO Labris).
- Submission by [SOS Vojvodina Network](#) for the 72nd Session (discussing how the lack of same-sex marriage places LB women at risk of poverty).

Seychelles

- Submission by [LGBTIsey](#) for the 74th Session (stand-alone report about LGBTIQ human rights).

Spain

- Submission by [Brújula Intersexual and StopIGM.org](#) for the 75th Session (stand-alone intersex report).

Sweden

- Submission by [REFSL](#) for the 74th PSWG (stand-alone report on LBTQ women, non-binary and intersex persons addressing asylum, violence, access to justice, "normalising" surgeries and gender recognition).
- Submission by [Diakonia, SSNC and CIEL](#) for the 74th PSWG (mentioning the exacerbating effect climate change can have on discrimination, including for sexual minorities).

Switzerland

- Submission by [InterAction](#) for the 76th PSWG (stand-alone report about intersex persons).
- Submission by [NGO Coordination post Beijing Switzerland](#) for the 76th PSWG (mentioning LGBTIQ people regarding access to housing, asylum seeking and health).

United Kingdom

- Submission by [StopIGM.org, IntersexUK \(iUK\) and the UK Intersex Association \(UKIA\)](#) for the 72nd PSWG (stand-alone report on intersex genital mutilation in the UK).
- Submission by [Amnesty International](#) for the 72nd PSWG (mentioning online violence based on SOGI and the lack of same-sex marriage in Northern Ireland).
- Submission by the [Asylum Aid and Women for Refugee Women](#) for the 72nd PSWG (mentioning vulnerability of LGBTI asylum seekers).
- Submission by [Committee on the Administration of Justice \(CAJ\)](#) for the 72nd PSWG (mentioning the lack of protection for gender and gender identity in the Public Order (Northern Ireland) Order).
- Submission by the [Engender, NIWEP, WEN Wales and Women's Resource Centre](#) for the 72nd PSWG (mentioning discrimination and violence against LGBT women).
- Submission by the [INQUEST](#) for the 72nd PSWG (mentioning deaths and suicide of trans women in male prisons).
- Submission by the [Nordic Model Now! and other NGOs](#) for the 72nd PSWG (transphobic references to trans people and so-called "transgender trend").
- Submission by [Women's Equality Network Wales](#) for the 72nd PSWG (references to discrimination against LGBT and trans people, including in education, health care and employment).
- Submission by [Women's Resource Centre](#) for the 72nd PSWG (a reference to lesbian asylum seeker case).
- Submission by [Intersex NGO Coalition UK](#) for the 72nd Session (stand-alone intersex report with 10 personal accounts).
- Submission by [Transgender Northern Ireland](#) for the 72nd Session (stand-alone report on trans-gender women and girls).
- Submission by [Amnesty International](#) for the 72nd Session (mentioning SOGI-based online violence and legislative progress on same-sex marriage).
- Submission by [Baobab Women's Project and Refugee Rights Europe](#) for the 72nd Session (mentioning trauma due to persecution based on sexual orientation).
- Submission by [Committee on the Administration of Justice](#) for the 72nd PSWG (mentioning the lack of protection for gender and gender identity in Northern Ireland legislation).
- Submission by [Engender \(Scotland\)](#) for the 72nd Session (mentioning intersecting discrimination and the lack of political representation of LGBT women, in particular trans women).
- Submission by [civil society coalition](#) for the 72nd Session (mentioning LGBT women as a vulnerable group).
- Submission by [Inclusion Scotland](#) for the 72nd Session (calling for inclusion of non-binary people).
- Submission by [Nordic Model Now!](#) for the 72nd Session (mentioning the NHRI's priority on LGBT students in anti-bullying programmes in the context of critics as the authors suggested to focus on boys' bullying against girls).

- Submission by [Plan International UK](#) for the 72nd Session (recommending teaching about LGBT families, homo- and transphobia in the Relationships and Sex Education).
- Submission by [Rape Crisis England and Wales](#) for the 72nd Session (recommending government funding to the National LGBT Domestic Abuse Helpline).
- Submission by [SWARM](#) for the 72nd Session (mentioning LGBT and trans women sex workers).
- Submission by [Sisters for Change](#) for the 72nd Session (mentioning sexual orientation in the context of intersectional discrimination and violence).
- Submission by [Sisters of Frida and Women Enabled International](#) for the 72nd Session (data on violence against LGBT persons with disabilities).
- Submission by [Women's Equality Network Wales](#) for the 72nd Session (mentioning transphobia in politics, schools and health care, and the new gender identity clinic in Cardiff).
- Submission by [WILPF-UK](#) for the 72nd Session (mentioning gender-based violence based on SOGI).

Uruguay

- Submission by [Colectivo Ovejas Negras, Akahatá, Synergia and SRI](#) for the 74th PSWG (stand-alone report on LBT women's rights, including legal recognition of their children, and murders and violence against trans women).
- Submission by [CLADEM, Colectiva Mujeres and Cotidiano Mujer](#) for the 74th PSWG (mentioning femicide of trans women).

Zimbabwe

- Submission by [civil society coalition](#) for the 75th Session (a stand-alone intersex report).
- Submission by [Zimbabwe women lawyers association and the women's coalition of Zimbabwe](#) for the 75th Session (mentioning SO in passing).

Committee on the Rights of the Child

Australia

- Submission by [IHRA](#) for the 82nd Session (stand-alone report on intersex children).
- Submission by [Disabled People's Organisations Australia \(DPO Australia\)](#) for the 82nd Session (forced sterilization and medical interventions of children with disabilities and children with intersex variations).
- Submission by [Human Rights Watch](#) for the 82nd Session (a section on intersex children and the right to health).
- Submission by [Human Rights Law Center](#) for the 82nd Session (several mentions about LGBTI people and access to health and sub-section regarding intersex medical procedures on children).
- Submission by [Australian Child Rights Taskforce and UNICEF](#) for the 82nd Session (a sub-section regarding forced intersex medical interventions).

Belgium

- Submission by [Cavaria – standing up for LGBT's](#) for the 80th PSWG (stand-alone report on LGBTI children, with sections on trans and intersex children and the education system).
- Submission by [Myria, Unia and the Combat Poverty, Insecurity and Social Exclusion Service](#) for the 80th PSWG (recommending an inclusive, structural approach for LGBT youth in schools).

Bosnia and Herzegovina

- Submission by [Coalition of NGOs](#) for the 82nd Session (stand-alone report on LGBTI children and children of LGBTI parents).

Italy

- Submission by [StopIGM.org / Zwischengeschlecht.org](#) for the 80th PSWG (stand-alone report on intersex genital mutilation in Italy).
- Submission by the [CRC Group](#) for the 80th PSWG (mentions discrimination against children based on sexual orientation and gender identity).
- Submission by the [CRC Group](#) for the 80th Session (section on discrimination and hatred based on sexual orientation and gender identity, education and legal recognition of LGB families).

Japan

- Submission by [Citizens and NGOs Association for the CRC](#) for the 79th PSWG (several sub-sections on “sexual minorities”, including bullying, education, discrimination and gender identity).
- Submission by [Committee for NGO Reporting on the CRC](#) for the 79th PSWG (a section on LGBTI children in schools and their vulnerability to bullying and suicide; recommending teacher training, anti-discrimination laws, gender-neutral uniforms and facilities, and victim support).
- Submission by [Human Rights Watch](#) for the 79th PSWG (a section on LGBT rights and sex education in schools, including the pathologization of gender identity).
- Submission by [Citizens and NGOs Association for the CRC](#) for the 80th Session (mentioning the lack of protection for “sexual minorities” and public hate speech against same-sex couples).
- Submission by [Committee for NGO Reporting on the CRC](#) for the 80th Session (mentioning the lack of anti-discrimination legislation including LGBTI persons).
- Submission by the [Japan Federation of Bar Associations](#) for the 80th Session (mentioning that LGBTI children are not covered by hate speech legislation).

Luxembourg

- Submission by [StopIGM.org / Zwischengeschlecht.org](#) for the 82nd PSWG (stand-alone report on IGM).

Malta

- Submission by [StopIGM.org / Zwischengeschlecht.org](#) for the 81st Session (stand-alone report on IGM).
- Submission by [European Union Agency on Fundamental Rights \(FRA\)](#) for the 81st Session (presenting results from EU-LGBT Survey (2012) on Malta).
- Submission by the [Platform of Human Rights Organisations in Malta](#) for the 81st Session (listing positive SOGIESC developments and recommending better LGBTIQ education and trans support).

Netherlands

- Submission by [civil society coalition](#) for the 84th PSWG (stand-alone report about LGBTI rights, including on education, bullying and suicide, “curative therapy”, LGR, intersex and transgender specific sections).
- Submission by [Dutch National Youth Council](#) for the 84th PSWG (mentioning the lack of information about lesbian and gay children in schools and appropriate care for victims).

Portugal

- Submission by [StopIGM.org / Zwischengeschlecht.org](#) for the 82nd Session (stand-alone report on IGM).
- Submission by [civil society coalition](#) for the 82nd Session (mentioning that LGBT adolescents should be protected against discrimination).
- Submission by [UNICEF](#) for the 82nd Session (mentioning discrimination against LGBTI children in school and community, as well as describing the situation of intersex children).

Republic of Korea

- Submission by [Human Rights Watch](#) for the 82nd Session (mentioning LGBTI children in the context of education and access to health).
- Submission by [civil society coalition](#) for the 82nd Session (mentioning the need to prohibit discrimination against LGBTI children).
- Submission by [Korea NPO Coalition for UNCRC](#) for the 82nd Session (several paragraphs on access to education, homeless youth and strategic budgeting).
- Submission by [civil society coalition](#) for the 82nd Session (mentioning LGBT+ youth in shelters).
- Submission by [Public Health Foundation of Georgia and ECPAT International](#) for the 82nd Session (mentioning “homosexual and lesbian” in a section on exploitation of children in prostitution).

Switzerland

- Submission by [InterAction](#) for the 84th PS WG (stand-alone report about IGM)
- Submission by [Child Rights Network Switzerland](#) for the 84th PS WG (a sub-section on the educational opportunities and access to health care for transgender children)

Syrian Arab Republic

- Submission by the [All Survivors Project Foundation](#) for the 80th PSWG (mentioning LGBTI youth as vulnerable to sexual violence, and male victims’ fear of reporting rape due to criminalization).

Committee against Torture

Bangladesh

- Submission by [ODRI](#) for the 67th Session (a separate section on the situation of LGBTI persons, including on criminalization of consensual same-sex sexual acts, violence and harassment).
- Submission by [Human Rights Forum Bangladesh](#) for the 67th Session (a paragraph on violations against ‘sexual minorities’ and hijras, including on criminalization of consensual same-sex sexual acts, violence and harassment).

Cyprus

- Submission by [Cyprus Refugee Council](#) for the 67th Session (mentioning LGBTI persons in a paragraph about the detention of vulnerable persons).

Dominican Republic

- Submission by [Comisión Nacional de los Derechos Humanos](#) for the 66th Session (recommending to include SOGI in anti-discrimination and hate crime legislation, and to sensitize health personnel to LGBTI persons, particularly in regard to HIV).

Finland

- Submission by [Amnesty International](#) for the 68th Session (a sub-section on issues specific to intersex people).

Germany

- Submission by [StopIGM.org / Zwischengeschlecht.org](#) for the 66th Session (stand-alone report on IGM, including data, recent developments and previous recommendations).

Greece

- Submission by [The Greek Council for Refugees](#) for the 67th Session (a brief reference to sexual orientation in the context of asylum seekers).
- Submission by [World Organisation Against Torture, the Greek Helsinki Monitor \(GHM\) and Refugee Rights Europe \(RRE\)](#) for the 67th Session (a section on the situation of LGBTIQ+ asylum seekers).
- Submission by [ODRI](#) for the 67th Session (a section on LGBTI persons).

Mexico

- Submission by [The Advocates for Human Rights](#) for the 66th Session (stand-alone report on LGBTI human rights violations in Mexico, based on information from LGBTI asylum seekers).
- Submission by [Asilegal](#) for the 66th Session (a SOGIE chapter with sections on LGBT persons deprived of liberty, homicides, migration and “conversion therapy”).
- Submission by [Grupo Impulsor Contra la Detención Migratoria y la Tortura](#) for the 66th Session (mentioning vulnerability of LGBTTTI persons in detention).
- Submission by [Mexican Civil Society Organisations](#) for the 66th Session (a section on LGBTIQ issues, including violence, homicides, police abuse, imprisonment and sex work).

Portugal

- Submission by [ODRI](#) for the 68th Session (mentioning LGBTI human rights violations in Portugal, based on information from LGBTI asylum seekers).

South Africa

- Submission by [African Policing Civilian Oversight Forum \(APCOF\)](#) for the 65th Session (a section on safety and rights of LGBTI persons in custody).
- Submission by [CSVR](#) for the 66th Session (mentioning vulnerability of LGBTIQ+ persons to torture).

Togo

- Submission by [Coalition Togolaise des défenseurs des droits de l'Homme \(CTDDH\)](#) and [ISHR](#) for the 66th Session (a brief reference to sexual orientation in the context of LGBTIQ HRDs' situation).

United Kingdom

- Submission by [StopIGM.org](#), [IntersexUK \(iUK\)](#) and [UK Intersex Association \(UKIA\)](#) for the 66th Session (stand-alone report on IGM in the UK, with data and case studies).
- Submission by [INQUEST Charitable Trust](#) for the 66th Session (mentioning deaths of transgender women in men's prisons, including suicide).
- Submission by [National Survivor User Network](#) for the 66th Session (mentioning the increase in both sexual orientation and gender identity-based hate crimes).
- Submission by [REDRESS](#) for the 66th Session (mentioning increase in SOGI-based hate crimes, deaths of trans women in prisons, and the vulnerability of LGBTI persons to torture).

Uzbekistan

- Submission by [ECOM](#) for the 66th Session (stand-alone report on human rights violations against LGBTQ people, including criminalization, youth, violence and extortion, freedom of association, and forced marriages of lesbians).
- Submission by [AHRCA](#) and [IPHR](#) for the 66th Session (mentioning criminalization of homosexuality and the physical and sexual abuse of LGBTI persons in prison).
- Submission by [ECOM](#) for the 68th Session (stand-alone report on LGBTI human rights violations of LGBTQ people, including extortion, forced marriage for lesbian women, freedom of thought, etc.).
- Submission by [World Organisation Against Torture \(OMCT\)](#) and [the Uzbek League for Human Rights \(ULHR\)](#) for the 68th Session (a sub-section on violence against women and LGBT).
- Submission by [civil society coalition](#) for the 68th Session (a section on persecution and torture of LGBTI people).
- Submission by [Human Rights Watch](#) for the 68th Session (a paragraph about hate crimes against LGBT people).
- Submission by [NGOs Association for Human Rights in Central Asia and International Partnership for Human Rights](#) for the 68th Session (mentioning the implementation of article 120 of the Criminal Code and negative repercussions against LGBTI people).

Committee on the Rights of Persons with Disabilities

Albania

- Submission by [Albanian Disability Rights Foundation](#) for the 11th PSWG (referring to a report on LGBT women concerning violence against disadvantaged groups).

Australia

- Submission by [Intersex Australia](#) for the LOIPR (stand-alone report on intersex issues related to Australian population).
- Submission by [Disabled People's Organisation's Australia](#) for the LOIPR (refers to intersex persons' rights to self-determination, and access to sexual and reproductive health and rights).

- Submission by [Intersex Human Rights Australia - IHRA](#) for the 22nd Session (*a stand-alone intersex report; developed various chapters on intersex persons, about rights violations, medical procedures, data, etc.*).
- Submission by [NGO Coalition](#) for the 22nd Session (*referring to medical interventions in relation to intersex adults and children*).
- Submission by [Autism Aspergers Advocacy Australia](#) for the 22nd Session (*mentioning that non-binary gender identity is expected to be higher in the autistic population; and claiming that support for this group is inadequate in Australia*).

Canada

- Submission by [civil society coalition](#) for the LOIPR (*mentioning the right to equality and non-discrimination of LGBTQI2S+ persons; calling for more specific data collection and freedom from violence*).
- Submission by [Autistic United Canada](#) for the LOIPR (*mentioning some recommendations on implementation of standards for inclusive education for LGBTQ+ people; the need to recognize intersecting barriers among autistic people and COGIE; and the creation of national legislation for autistic communities with the LGBTQ+ intersectionality perspective*).
- Submission by [civil society coalition](#) for the LOIPR (*mentioning the right of LGBTQI2S+ not to be discriminated against nor sexually exploited*).

Cuba

- Submission by [Red Cultura Inclusiva - Cubalex](#) for the 9th PSWG (*recommending considering the situation of trans people with disabilities*).

Denmark

- Submission by [DPOD and Civil Society](#) for the 21st Session (*recommending anti-discrimination measures which include sexual orientation*).

Estonia

- Submission by the [Estonian Chamber of Disabled People](#) for the 11th PSWG (*mentioning sexual orientation as ground for discrimination*).

Greece

- Submission by [National Confederation of Disabled People of Greece \(NCDP\)](#) for the 21nd Session (*mentioning the State's effort to raise awareness about the rights of people with disabilities, and the law on recognition of gender identity*).

India

- Submission by [National CRPD Coalition India for the 11th PSWG](#) (*mentions decriminalization of homosexuality, and trans persons with disabilities*).
- Submission by the [civil society coalition](#) for the 22nd Session (*complete report on intersex issues*).
- Submission by [United National CRPD Coalition-India submission](#) for the 22nd session (*mentioning the right to access to health of transgender and intersex persons*).
- Submission by [National CRPD Coalition-India](#) for the 22nd Session (*mentioning low participation of transgender people with disabilities in inclusion programmes*).

Norway

- Submission by [civil society coalition](#) for the 21st Session (mentioning sexual orientation as a ground for multiple discrimination).

Spain

- Submission by [Soledad Arnau Ripollés - IPADEVI](#) for the 17th and 21st Sessions (stand-alone report on LGBTQI+ persons with disabilities).
- Submission by [Autistic Minority International](#) for the 17th Session (mentioning “Jews and homosexuals” as groups previously considered unworthy of life).

Turkey

- Submission by [Association for Monitoring Equal Rights](#) for the 10th PSWG (mentioning sexual orientation and LGBTI in the context of intersectional discrimination).
- Submission by [Association for Monitoring Equal Rights](#) for the 21st Session (mentioning the need for data on LGBTI+ persons with disabilities).

Committee on the Elimination of Racial Discrimination

Colombia

- Submission by [Plataforma LGBTI por la paz and Red Somos](#) for the 100th Session (stand-alone report about the situation of LGBTI migrants, refugees and asylum seekers in Colombia).

Hungary

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

Ireland

- Submission by the [Movement of Asylum Seekers in Ireland - MASI](#) for the 100th Session (mentioning a judicial decision about a gay man from Zimbabwe seeking asylum in Ireland).
- Submission by [INAR, the Irish Network Against Racism](#) for the 100th Session (mentioning the participation of LGBT people in decision-making, as well as transgender women as a target of hate attacks).
- Submission by [Coalition Against Hate Crime 2019](#) for the 100th Session (mentioning LGBT people and hate crimes).
- Submission by [Amnesty International](#) for the 100th Session (mentioning LGBTI people and non-binary individuals in the context of intersectional discrimination; also referring to trans sex workers on several occasions).
- Submission by [Abolish Direct Provision Ireland](#) for the 100th Session (some information on LGBTQ asylum seekers).

Israel

- Submission by [Hotline for Refugees and Migrants \(HRM\)](#) for the 100th Session (a sub-section about solitary confinement of transgender detainees).

Lithuania

- Submission by the [European Foundation of Human Rights \(EFHR\) and Lithuanian Centre for Human Rights \(LHCR\)](#) for the 98th Session (*recommending to include gender identity as a prohibited ground of discrimination in the Criminal Code*).

Mongolia

- Submission by [civil society coalition](#) for the 99th CERD session (*mentioning SOGI as to be protected under the Constitution*).

Poland

- Submission by the [Polish Society of Antidiscrimination Law \(PSAL\)](#) for the 99th session (*mentioning hate speech against LGBT+ Community in Poland*)

Committee on Migrant Workers

Argentina

- Submission by [NGO coalition](#) for the LOIPR (*mentioning Transgender and Travesty people detained by police under "identity investigation"*).

Belize

- Submission by [ODRI](#) (*mentioning LGBTI migrant community in Belize being victims of sexual exploitation and human trafficking; xenophobia and hate speech broadcasted in media; a recommendation on protocols or procedures for the identification of persons in special situations of vulnerability; suggesting a question on how the training programmes addressed LGBTI issues*).

Colombia

- Submission by [ODRI](#) (*two sections on LGBTI Venezuelan migrant and refugee community in Colombia; some specific SOGIESC recommendations on the creation of public policies that incorporate transgender individuals and also LG-BITQ+ community and their right to health*).

Guatemala

- Submission by [Grupo Articulador de la Sociedad Civil en Materia Migratoria para Guatemala](#) for the 30th Session (*a section on LGBTI migrants and violations of their human rights*).
- Submission by [Grupo Articulador de la Sociedad Civil en Materia Migratoria para Guatemala](#) for the 27th Session (*mentioning LGBTI as a vulnerable group of migrants in the areas of health care, labour exploitation, discrimination and trafficking*).

Committee on Enforced Disappearances

Bolivia

- Submission by [ODRI](#) for the 16th Session (*mentioning the inclusion of SOGI in the legal definition of victim*).

Peru

- Submission by [ODRI](#) for the 15th Session (*concerned that registries lack data and mechanisms to assess violence and vulnerabilities of LGBTI people subjected to enforced disappearances*).

3. Number of SOGIESC references in TB Concluding Observations (2014–2019)

All Concluding Observations	SOGIESC inclusive Concluding Observations			SOGIESC inclusive references*			T-inclusive references			T-specific references			I-inclusive references			I-specific references		
	NN	%		NN			NN	%		NN	%		NN	%		NN	%	

2014

CAT	16	6	38%	7	6	86%	1	14%	2	29%	0	0%
CED	4	0	0%	0	0	0%	0	0%	0	0%	0	0%
CEDAW	25	9	36%	11	10	91%	4	36%	2	18%	0	0%
CERD	15	0	0%	0	0	0%	0	0%	0	0%	0	0%
CESCR	23	7	30%	8	7	88%	1	13%	0	0%	0	0%
CMW	6	1	17%	2	1	50%	0	0%	0	0%	0	0%
CRC	16	5	31%	9	9	100%	0	0%	7	78%	0	0%
CRPD	9	0	0%	0	0	0%	0	0%	0	0%	0	0%
HRCtee	18	14	78%	17	15	88%	1	6%	3	18%	0	0%
All	132	42	32%	54	48	89%	7	13%	14	26%	0	0%

2015

CAT	19	10	53%	11	8	73%	2	18%	8	73%	4	36%
CED	5	0	0%	0	0	0%	0	0%	0	0%	0	0%
CEDAW	27	9	33%	16	13	81%	3	19%	7	44%	1	6%
CERD	20	2	10%	3	3	100%	0	0%	3	100%	0	0%
CESCR	17	13	76%	20	18	90%	1	5%	9	45%	0	0%
CMW	8	0	0%	0	0	0%	0	0%	0	0%	0	0%
CRC	24	14	58%	20	17	85%	1	5%	12	60%	2	10%
CRPD	14	1	7%	1	0	0%	0	0%	1	100%	1	100%
HRCtee	20	13	65%	18	16	89%	3	17%	5	28%	0	0%
All	154	62	40%	89	75	84%	10	11%	45	51%	8	9%

2016

CAT	18	7	39%	10	6	60%	3	30%	4	40%	1	10%
CED	5	1	20%	1	1	100%	0	0%	0	0%	0	0%
CEDAW	27	16	59%	32	25	78%	7	22%	14	44%	3	9%
CERD	20	2	10%	2	2	100%	0	0%	2	100%	0	0%
CESCR	17	9	53%	9	8	89%	2	22%	6	67%	0	0%
CMW	8	2	25%	4	4	100%	0	0%	3	75%	0	0%
CRC	27	18	67%	33	23	70%	3	9%	28	85%	7	21%
CRPD	14	6	43%	8	4	50%	0	0%	4	50%	3	38%
HRCtee	21	19	90%	33	31	94%	5	15%	7	21%	0	0%
All	157	80	51%	132	104	79%	20	15%	68	52%	14	11%

2017

CAT	17	6	35%	6	6	100%	2	33%	2	33%	0	0%
CED	5	1	20%	1	1	100%	0	0%	0	0%	0	0%
CEDAW	28	18	64%	40	35	88%	12	33%	20	50%	3	8%
CERD	20	1	5%	1	1	100%	0	0%	0	0%	0	0%
CESCR	10	7	70%	12	10	83%	1	8%	6	50%	2	17%
CMW	6	2	33%	2	1	50%	0	0%	0	0%	0	0%
CRC	21	11	52%	15	13	87%	0	0%	9	60%	1	7%
CRPD	14	5	36%	11	5	45%	2	18%	6	55%	4	36%
HRCtee	20	20	100%	34	30	88%	8	24%	20	59%	3	9%
All	141	71	50%	122	102	84%	25	20%	63	52%	13	11%

2018

CAT	16	7	44%	9	7	78%	3	33%	6	67%	1	11%
CED	6	2	33%	2	2	100%	0	0%	0	0%	0	0%
CEDAW	24	17	71%	62	41	66%	9	33%	36	58%	10	16%
CERD	21	3	14%	3	2	67%	0	0%	0	0%	0	0%
CESCR	12	6	50%	10	8	80%	3	30%	5	50%	2	20%
CMW	5	0	0%	0	0	0%	0	0%	0	0%	0	0%
CRC	17	9	53%	14	11	79%	2	14%	10	71%	2	14%
CRPD	14	4	29%	7	7	100%	0	0%	1	14%	0	0%
HRCtee	16	16	100%	31	26	84%	7	23%	16	52%	0	0%
All	131	64	49%	138	104	75%	24	17%	74	54%	15	11%

2019

CAT	16	5	31%	6	5	83%	2	33%	3	50%	2	33%
CED	5	3	60%	5	5	100%	0	0%	1	20%	0	0%
CEDAW	22	13	59%	33	28	85%	5	15%	11	33%	1	3%
CERD	17	2	12%	2	1	50%	0	0%	0	0%	0	0%
CESCR	11	10	91%	21	17	81%	3	14%	6	29%	1	5%
CMW	7	2	29%	3	2	67%	0	0%	1	33%	0	0%
CRC	17	9	53%	24	19	79%	1	4%	21	88%	8	33%
CRPD	18	6	33%	15	9	60%	1	7%	11	73%	5	33%
HRCtee	17	16	94%	28	25	89%	6	21%	10	36%	3	11%
All	130	66	51%	137	111	81%	18	13%	64	47%	20	15%