



Advocating on Gender Identity and Gender Expression

The Committee on Economic, Social and Cultural Rights

Practical guide

The United Nations (UN) human rights mechanisms are becoming increasingly aware of human rights issues surrounding gender identity and gender expression (GIGE), but there is still a long way to go to ensure that the UN recommendations are useful to human rights defenders on the ground.

This guide aims to help GIGE activists use one specific tool in the UN – **the Committee on Economic, Social and Cultural Rights (CESCR)** – to achieve their national objectives. It gives a brief introduction to CESCR, explains how and when trans rights defenders can advocate before the Committee, identifies positive developments and opportunities for growth, highlights challenges and offers tips to overcome them, and provides links to additional resources.

While CESCR has not frequently addressed GIGE themes in detail in the past, the Committee offers opportunities to obtain concrete recommendations for states to combat violations of the rights to **health, education, employment, housing, sanitation, family, cultural life and scientific progress**, amongst others, of trans persons. This guide provides detailed information on each of these spheres.

Defenders can obtain recommendations on these issues for their particular **country**, bring individual cases that will create jurisprudence to help trans persons **globally**, or even contribute to shaping the Committee's own interpretation of the rights within the Covenant

This guide is an updated and enlarged version of the first guide published by ILGA World in 2016. The first version of the guide was researched and written by **Helen Nolan** with input from **Zhan Chiam**. The updated version was researched and written by **Kseniya Kirichenko** with support from **Andrea M. Ayala**.

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If you have any questions or comments regarding this guide or engagement with Treaty Bodies, please contact us on untreaties@ilga.org.

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"It was important for me to represent the Russian transgender community during the CESC session, because I believe the community, its specific needs and its expectations to be under-represented.

Being a transgender person myself, I was able to speak for the community and I saw that our voice was heard by the committee members, and through their questions – by the Russian delegation.

Although the Russian delegation largely ignored the questions by the committee members about transgender issues, the delegation did notice them and they cannot keep ignoring them forever. They were reminded that transgender people exist in Russia, and I found that an achievement in itself.

I believe it is extremely important that the needs of Russian transgender community are recognized by the United Nations."

*A representative of the Transgender Legal Defense Project
on her participation in CESC session*

The International Covenant on Economic, Social, and Cultural Rights (ICESCR) is one of the most important **foundations of international human rights law**. The Covenant, together with the International Covenant on Civil and Political Rights (ICCPR) and the Universal Declaration on Human Rights, form the fundamental substance of **universal human rights**. ICESCR is an international treaty that sets out the basic economic, social and cultural rights that all persons should be able to enjoy – without discrimination. These include the right to adequate housing, health, education and employment.

Since it was drafted half a century ago, ICESCR has been ratified by 170 states (only three less than the ICCPR). However, while ratifying a treaty is a first step in giving effect to human rights obligations, the Covenant would have very little force without a body to monitor whether states are doing what they are meant to. With this in mind, the Committee on Economic, Social and Cultural Rights (CESCR) was established in 1985.

The Committee is made up of 18 independent experts who not only **monitor state compliance**, but also **provide guidance to states** on what their duties are. CESCR meets two or three times a year for 3-4 week “sessions” during which it performs *country reviews* (examines the situation in particular countries), prepares *general comments* (authoritative interpretations of particular rights or concepts in the Convention) and makes decisions on *individual communications* (complaints brought by individuals against states for violating the Covenant). All three of these areas offer opportunities for civil society to advocate on GIGE, and ILGA World is available to provide assistance throughout the process.

The next section of the guide will look into these three methods in more detail.

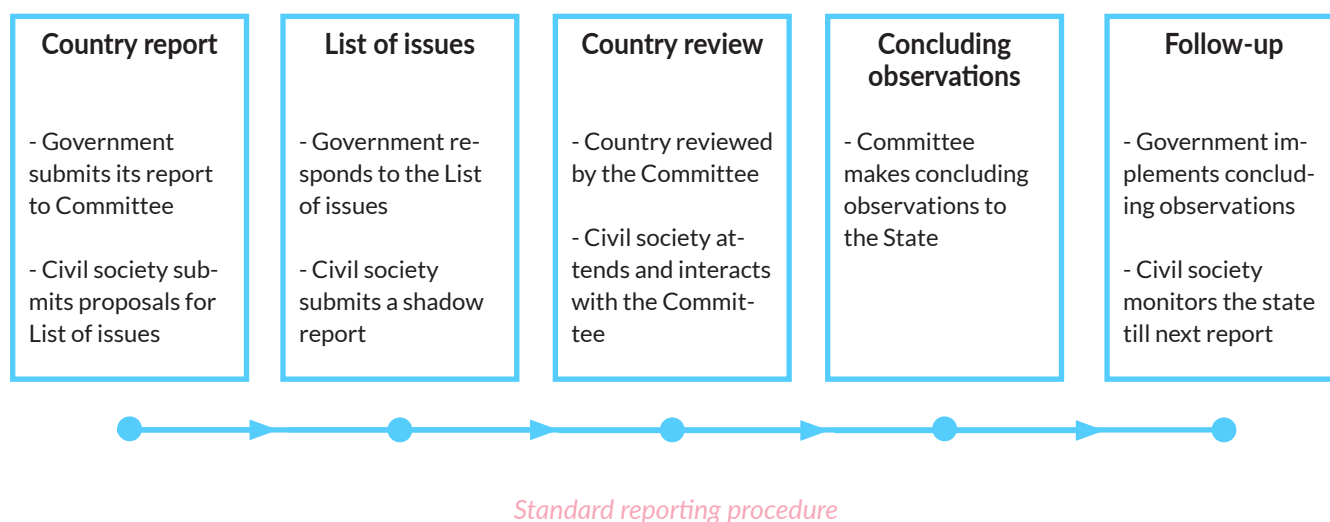


Palais Wilson in Geneva, Switzerland where CESCR holds its sessions
©: UN Photo/Jean-Marc Ferré



WHAT DOES CЕСCR DO?

2.1. Country Reviews



Countries that have ratified the Covenant have to submit periodic reports to CESCR **every 5 years**. Civil society can help the Committee find out whether states are meeting their duties by submitting **shadow reports**, highlighting particular problems and responding to states' claims. This can be done at two stages:

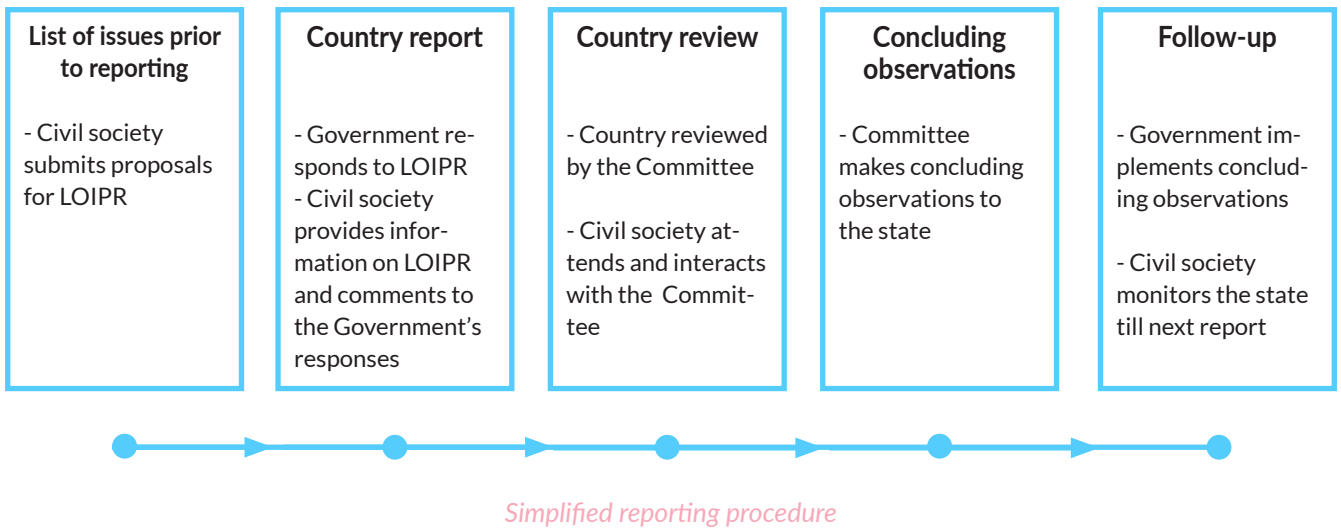
1. After the state submits its country report and before the Committee drafts the **list of issues** (LOI: questions on specific topics about which the Committee wants more information in a particular country).
2. After the state has responded to the LOI and **before the session** where CESCR will review the country's compliance with the Covenant.

Since 2016, CESCR started to implement, on a pilot basis, the so-called **simplified reporting procedure (SRP)** for states with at least three review cycles. In 2020, the Committee decided to extend this procedure to all countries, but state parties still can decide to opt-out.

Under the SRP, CESCR compiles a list of questions to the state before it submits a report. This **list of issues prior to reporting** (LOIPR) guides the state report. Therefore, the state does not need to cover the whole Covenant in its report, but rather should focus only on issues specified by the Committee in LOIPR. In other words, the state's replies to the Committee's questions become the state report.

A constructive dialogue under SRP also has a different dynamic, compare to the standard reporting procedure. The dialogue under SRP is shaped by LOIPR and responses to them provided by the state. Any new issues could be discussed only on the exceptional basis and if either of the three situations occurs:

1. New and dramatic developments in the state party, for example, a financial crisis or natural disaster.
2. New issues arise in the state replies and CSO submissions related to these replies.
3. There was a complete gap or omission of an issue before, but in this case it is the discretion of the state delegation on whether to respond to the new issue, or not.



For these reasons, as the content of LOIPR is crucial for the whole review process, it is extremely important for civil society to engage with the Committee from the very beginning of the review. Therefore, trans advocates are encouraged to submit shadow reports for the Committee's pre-sessions in order to get their issues to be included into LOIPR.

There is no template or a standard form for shadow reports. However, you may use this **recommended structure to follow**:

- **Title page**: name(s) of NGO(s) submitting the report; indication of the CESCRO session and the country; title of the report
- **Table of contents**
- **Executive summary**: 1-2 paragraphs summarising the main problems
- **Recommended questions** (for the Committee's LOI/PR and/or the dialogue with the state delegation) and **suggested recommendations** to the state. Questions and recommendations should be related to the main problems described in the main part
- **Main part**, divided by topics (for example: violence against trans people; legal gender recognition; access to transition-related health care, etc.) or [ICESCR articles](#) (for instance, art. 6 – the right to work; art. 9 – the right to social security, etc.). Generally, the main part should describe no more than 3-4 problems
- **Information about NGO(s) submitting the report**: 1-2 paragraphs with brief information on when you were founded, what is your mission and activities, and any experience in advocacy or legal topics, if any.

Examples of civil society shadow reports to CESCRO on trans populations:

- Bundesvereinigung Trans, [Violations of Economic, Social and Cultural Rights of Persons with Diverse Gender Identities in the Federal Republic of Germany](#) (Germany, 2018)
- Fundación Grupo de Acción y Apoyo a Personas Trans (GAAT), [Report to the Committee on Economic, Social and Cultural Rights](#) (Colombia, 2017)
- Hombres XX, Brújula Intersexual, Heartland Alliance for Human Needs & Human Rights, and Akahatá, [Discrimination due to gender identity and sex characteristics in Mexico](#) (Mexico, 2017)
- Irant-org, Legal Resource Centre, Triangle Project and Estian Smit, [Recognition of Economic, Social and Cultural Rights: A continued struggle for transgender, gender diverse and intersex persons in South Africa](#) (South Africa, 2017)
- Transgender Legal Defense Project, [The Situation of Transgender Persons in Russia](#) (Russia, 2017)
- TRANSVIDA, REDLACTRANS, Heartland Alliance for Human Needs & Human Rights, and Akahatá, [Economic, Social and Cultural Rights Situation for trans persons \(travestis, transgender and transsexuals\) in Costa Rica](#) (Costa Rica, 2016)

Information on deadlines and where to send reports can be found in the “**Information note for civil society**” on the [webpage for the session](#) at which a country will be reviewed. This document may only be available a couple of months before the session. Since 2020, CESCRO also implements the online submission system: <https://cescrosubmissions.ohchr.org>.

ILGA World maintains a list of **upcoming deadlines** on our website: <https://ilga.org/UN-Treaty-Bodies-deadlines>.

- Reports should be short and direct (maximum 10 pages), based on data and evidence where possible (include the sources).
- Paragraphs in the report should preferably be numbered for ease of reference.
- Tailor reports to the specific rights within the Covenant and the LOI (LOIPR), and respond to information in the state report where appropriate
- Try to submit report at the first opportunity (the report for the LOI or LOIPR can be very short, and the report for the session should be more detailed, especially if nothing was sent before)
- If there is only capacity to submit one report, try to provide a detailed one that can be used for both the LOI (LOIPR) and the session

During the session

The state review during the session takes place in Geneva and lasts for **six hours spread over two days** (three hours in the afternoon of the first day and three hours in the morning of the second). The state delegation makes a presentation describing on its compliance with the Covenant, after which individual members of the Committee ask questions related to particular articles and rights in the treaty, as well as specific challenges within the country. The state has the opportunity to respond immediately, the next day, or in writing within 48 hours of the session (published on the webpage for the session). If the state replies and the Committee is not satisfied with the response during the session, it can ask follow-up questions. **Civil society can attend** these sessions, but they are not allowed to participate in the questioning. Different committee members are responsible for asking questions related to specific articles of the Covenant, but any committee member may raise a question on topics that they are concerned about.

At the end of the 3-4 week session, the Committee will adopt **concluding observations** on each country reviewed. This is a document highlighting **positive developments** and **areas of concern**, and **making recommendations** to the state, which the state has a **duty to implement**. The concluding observations are published on the [session page](#).

Since 2017, CESC selects up to three recommendations for each country for its **follow-up procedure**. This procedure allows to monitor closely the implementation of the selected recommendations by the state party. The procedure is described in more detail in the Committee's [note on the procedure for follow-up to concluding observations](#).

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 sent in Word to cescr@ohchr.org. This information should be sent within 24 months after 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.

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.

By 2020, CESC has selected five SOGIESC recommendation for its follow-up review, including a recommendation to **Mauritius** to include gender identity as a protected ground in anti-discrimination legislation. Trans defenders engaging with the Committee may rely on this precedent to advocate for follow-up recommendations on GIGE for their country.

In the following sections, you will also find more information on what these concluding observations can contain and on how they can be used in national advocacy.

Discrimination of transgender persons in Russia

Even though the current Russian legislation and practice do allow change of transgender persons' documentation, there is **no quick, transparent and accessible procedure for legal gender recognition**.

This leads to discrimination against transgender persons because of the mismatch between their gender identity/appearance and their documentation.

It is often hard or impossible for a transgender person to receive transition-related medical assistance free of charge and without facing disrespect and/or verbal abuse. Without having the diagnosis established, it is also impossible in practice to change one's gender marker in their official documentation.

Hormone replacement therapy and gender reassignment surgeries, while often being required by civil registries and/or courts for legal gender recognition, are not covered by mandatory health insurance.



During our monitoring activities we have recorded **136 cases of discrimination** against transgender persons that took place in Russia in the period of 2011-2016. Most of the cases concern workplace discrimination.

Suggested questions for the interactive dialogue:

- When will the Russian Federation develop the form of a medical certificate required for legal gender recognition?
- Will the said form contain requirements of gender reassignment surgery and/or hormone replacement therapy in order to obtain legal gender recognition?

Suggested recommendation for the Russian Federation:

Develop and provide a quick, transparent and accessible procedure for legal gender recognition for transgender people that does not require undergoing gender reassignment surgery and/or hormone replacement therapy and is based on self determination.

Transgender Legal Defense Project
<http://www.pravo-trans.eu/>



A one-pager prepared
by Transgender Legal Defense Project
for CESC session in Geneva
(review of Russia, 2017)

It is during the session that advocates can have the biggest impact to ensure that GIGE issues are raised in questions by the Committee and in the concluding observations. Advocates are strongly encouraged to attend, if possible. More information on financial support available for travel to Geneva is presented in the section on “Funding & Assistance”.

There are **four opportunities for civil society to advocate** during the session:

- 1) **Formal briefing**: on Monday morning of the week that the country is being reviewed, advocates can make very brief (usually **2-3 minute**) oral statements to the Committee. The Committee sometimes asks questions regarding the information. Note that this session is public and it is an opportunity to speak for civil society from all four of the countries being reviewed that week.
- 2) **Lunchtime briefing**: at lunchtime before the beginning of a country review, civil society from that country can request to hold an **informal briefing session** (approximately **1 hour** long) with the Committee. Activists can explain human rights issues in greater detail and the committee members are able to ask questions. Committee members who plan to ask questions will usually attend this briefing, as well as the “**country rapporteur**” responsible for coordinating the review and the drafting of the concluding observations, with the support of the CESCR secretariat.
- 3) **Private meetings**: in the mornings, lunchtimes and evenings civil society can try to **meet with individual committee members** to encourage them to ask the state questions about specific issues. This is particularly useful if there are many competing human rights issues in a country, where civil society from the country has allowed GIGE issues little space during briefings, or where the committee members at the lunchtime briefing did not seem responsive to GIGE topics.
- 4) **During the session**: during breaks in the session, advocates may **approach committee members** or send them information by email in order to respond to statements by the government delegation or provide more material on a particular issue that has been raised. Civil society can also **send such information within 48 hours** of the end of the review.







If you are able to attend the review session, you will have to **register for the event** between six weeks and 10 days before the session to get accreditation (more information on this can be found in the “Information note for civil society” on the [relevant session page](#). The **dates of the reviews** are available in the “Programme of Work”, available on the same page.

In order to **organise a lunchtime briefing**, you should contact the CESCR secretariat in OHCHR (cescr@ohchr.org) at least three weeks before the session. If this date has passed, you should contact the secretariat, as well as the Global Initiative for Economic, Social and Cultural Rights (GI-ESCR – Lucy McKernan: lucy@globalinitiative-escr.org or the current “Geneva Representative”: <https://www.gi-escr.org/staff>) – an organisation that works closely with the Committee – to see if you can participate in a briefing that is already organised.

- Find out what civil society from your country will attend the session so that you can coordinate for briefings and ensure that presentations are not repetitive or too long
- Take advantage of the session to build a relationship with the state delegation so that you can meet again at home
- Contact ILGA World to get assistance on how to engage with the Committee in Geneva, in particular for information on committee members open to raise GIGE issues
- While in Geneva, try to meet with other stakeholders, such as:
 - » **Special Procedures** (see [list of thematic mandates](#) and [list of country mandates](#))
 - » **OHCHR** staff members dealing with your specific country (contact details of the relevant departments are available on the regional and country pages on the OHCHR website [here](#))
 - » **UN Agencies** (UNHCR, WHO, UNAIDs, UNICEF, etc)
 - » **Embassies and Permanent Missions** (reach out to ILGA World for contact details)

2.2. Individual Communications

24 countries have ratified the **Optional Protocol to the International Covenant on Economic, Social and Cultural Rights** (OPICESCR) as of 16 January 2020,² which means that they have agreed that **individuals or organisations can bring a complaint** against them for violating the Covenant. These cases are called **individual communications**, and CESCR considers each case and then presents its “**views**” on the situation.

 <p>Europe and Central Asia</p> <ul style="list-style-type: none"> - Belgium - Bosnia and Herzegovina - Finland - France - Italy - Luxembourg - Montenegro - Portugal - San Marino - Slovakia - Spain 	 <p>Latin America and the Caribbean</p> <ul style="list-style-type: none"> - Argentina - Bolivia - Costa Rica - Ecuador - El Salvador - Honduras - Uruguay - Venezuela 	 <p>Pan Africa</p> <ul style="list-style-type: none"> - Cabo Verde - Central African Republic - Gabon - Niger
 <p>Asia</p> <ul style="list-style-type: none"> - Mongolia 	 <p>Oceania</p> <ul style="list-style-type: none"> - None 	 <p>North America and the Caribbean</p> <ul style="list-style-type: none"> - None

Access to CESCR individual communications mechanism by countries in ILGA World regions (as of 16 January 2020)

By accepting the complaint procedure, states are considered to have also accepted to respect CESCR's findings. The views are authoritative interpretations of the duties of all states who have signed onto the Covenant – not just the country in the case). So a **positive decision on GIGE issues in one country is useful to trans activists globally**. CESCR can make specific recommendations to the state (for example calling for redress for the victim(s)), and the Committee has a follow-up mechanism in place to monitor whether the country has complied.

Since 1982, Treaty Bodies adopted more than 30 decisions on individual communications brought by LGBT persons. However, only two of them concerned **trans persons specifically**:

- **M.Z.B.M. v. Denmark** (deportation of a trans woman to Malaysia), Human Rights Committee, views of 20 March 2017, [CCPR/C/119/D/2593/2015](https://www.ohchr.org/en/hrbodies/cesccr/pages/pendingcases.aspx), no violation
- **G. v. Australia** (divorce requirement for legal gender recognition), Human Rights Committee, views of 17 March 2017, [CCPR/C/119/D/2172/2012](https://www.ohchr.org/en/hrbodies/cesccr/pages/pendingcases.aspx), violation

In **G. v. Australia**, the Human Rights Committee found that the difference in treatment of married and unmarried trans persons for legal gender recognition constituted discrimination on the basis of marital and transgender status and, therefore, the violation of the International Covenant on Civil and Political Rights. Australia was obliged to provide G. with a new birth certificate, and to revise legislation to prevent similar violations in the future. This finding, in addition to directly benefiting the specific person, demonstrates how useful these mechanisms can be in highlighting a particular situation or government policy.

CESCR adopted about 40 decisions on individual communications since 2013. None of them, however, addressed explicitly either gender identity or gender expression (or LGBTI more broadly). It also seems that so far none of the CESCR pending cases concerns LGBTI issues.

In the future, however, the Committee could address individual communications on gender identity and gender expression on the wide range of topics. This may include legal gender recognition, access to transition-related health care or assisted reproductive technologies, housing, education, employment, social benefits, etc. For example, it could be possible to bring a case for **a trans person who has been fired from their job** because of their gender identity and/or expression in a country where there is no anti-discrimination law that will allow them to get compensation.

The recommendations and approaches on gender identity and gender expression already developed by CESCR in its country periodic reviews and general comments could be relied on in individual communications on particular cases.

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

Admissibility: To be able to submit an individual communication, a person/organisation must have been the **victim of a violation** of its rights under ICESCR or must have the consent of such a victim (unless it is impossible to obtain consent). In addition, the person/organisation ("**the complainant**") must have **exhausted all domestic remedies**, i.e. used all possibilities in the domestic legal system to get redress for the violation. However, this is not required if the complainant can prove that the domestic options would take too long or would be ineffective. The complaint must be **sent within one year** of exhausting domestic remedies (unless it can be proven that this was not possible), and the case cannot be in the process of being considered by any other international settlement mechanism at the same time. Finally, the violation must have **occurred after 5 May 2013**, or it must still be continuing after that date.

Process of consideration of an individual communication:

1. **Submission:** individual/organisations submit complaint.
2. **Interim measures:** at any time, CESCR may ask the state to take certain steps to protect the victim(s) from possible irreparable harm – this does not affect admissibility or views. CESCR has its own [guidelines on interim measures](#) (2019).
3. **State response:** Government informed of case and requested by CESCR to provide information.
4. **Complainant's response:** complainant may be asked to respond to the government's comments. Steps 3 and 4 may be repeated several times.
5. **Admissibility decision:** CESCR decides whether case meets the criteria for it to be considered. This decision can be made at the same time as Step 6.

6. **Merits decision:** CESCER adopts its views on whether there has been a breach of the Covenant and whether recommendations should be made to the state. This decision cannot be appealed, and the views are made public on the OHCHR website.
7. **State implementation:** the state must report on action it has taken to remedy the violation within 6 months of CESCER publishing its views. The Committee will ask for a response from the complainant, and can request further information from the state. In 2016, the Committee adopted the [rules on follow-up](#), including on how civil society can participate in the process.

Submitting a complaint: Complaints should **briefly and clearly describe** – in Arabic, Chinese, English, French, Russian or Spanish – the events or the violation, giving information **chronologically**, highlighting **which rights** of ICESCR have been violated, how **domestic remedies were exhausted** (or why they have not been), and stating what actions the state should take to **remedy** the situation. If you do not want your name to be mentioned when the views are published publicly, you should state that. The complaint and any supporting documents should be sent to petitions@ohchr.org, with cescr@ohchr.org in copy.

“Third-party interventions” (amicus briefs): When examining individual communications, CESCER may accept relevant information and documentation submitted by third-parties when necessary for the proper determination of the case.

For example, a trans organization X. in Kazakhstan may find out that there is a case on abusive requirements for legal gender recognition submitted by an individual trans person to CESCER. (The Committee publishes [information on pending cases](#) on its webpage). The organization X. cannot become a party of the case, but it can consider providing the Committee with information on legislation on legal gender recognition in the region; on cases where trans people faced problems in Kazakhstan because their documentation did not fit their identity; on progressive standards adopted or recommended by different associations, etc.

Examples of third-party interventions on trans cases to the European Court of Human Rights by Transgender Europe (TGEU) and other organizations:

- **Legal gender recognition:** [X. v. Romania and Y. v. Romania](#) (2018); [X. v. Macedonia](#) (2017); [Y.T. v. Bulgaria](#) (2017)
- **Change of name:** [X. v. Russia](#) (2017)
- **Parental status:** [Y.P. v. Russia](#) (2017)
- **Prisons:** [Bogdanova v. Russia](#) (2015); [D.Ç. v. Turkey](#) (2013)
- **Violence:** [Koutra & Katzaki v. Greece](#) (2017)

The process of submitting a third-party intervention to CESCER includes the following steps:

1. A written **request for authorization** to CESCER (1 page max): the issue(s) to be addressed; the nature of the information or analysis to be submitted; and the reasons why the intervention is desirable.
2. If CESCER grants authorization it will indicate a **deadline and word-limit** of the submission; as well as the **issues** on which the intervention shall focus.
3. Third-party written submissions shall be **submitted** in any of the Committee’s working languages (Arabic, Chinese, English, French, Russian or Spanish), preferably in the language of the state party concerned, if it is also a working language of the Committee. They should be addressed to the Committee through petitions@ohchr.org (Petition and Inquires Section, OHCHR).

4. CESCRO shall forward third-party submissions to the **parties to the communication**, who are entitled to submit written observations and comments in reply, within a fixed time-limit.
5. If CESCRO considers it appropriate, the third-party submissions and observations and comments of the parties of the communication related to them **may be reflected in the body of the decision**.

CESCRO has its [guidance on third-party interventions](#) (2017).

- As CESCRO is only beginning to use its individual communications procedure, and no cases on LGBTI (or gender identity and gender expression specifically) have been reviewed by the Committee, it is very important that advocates ensure that they meet all the admissibility requirements
- OHCHR has produced a [factsheet](#) giving advice and model complaint templates
- In 2019, ILGA World published a [toolkit on Strategic Litigation in Treaty Bodies](#). The toolkit includes a policy paper and two case digests
- ILGA World has a [periodically updated list](#) of individual communications reviewed or pending before Treaty Bodies

2.3. General Comments

The other main activity of CESCR is the drafting of *general comments*, which are the Committees' interpretations of a particular right or its application of the Covenant in a particular context (e.g. environment and development). **These interpretations apply to all states** who are signatories to the Covenant (unlike concluding observations, which concern a single country).

The ICESCR (art. 2, para. 2) establishes that state parties “undertake to guarantee that the rights enunciated in the present Covenant will be exercised **without discrimination** of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” CESCR explained in its general comments that “**other status**” does cover sexual orientation and gender identity:

“In addition, gender identity is recognized as among the prohibited grounds of discrimination; for example, persons who are transgender [or] transsexual ... often face serious human rights violations, such as harassment in schools or in the workplace.”

– CESCR, General comment No. 20 (2009) *Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights)*, 2 July 2009, [E/C.12/GC/20](#), para. 32

Depending on the topic, these can be particularly **relevant to trans populations**: for example, in 2016, CESCR released a general comment on sexual and reproductive health, which discusses SOGIESC issues in some detail. In particular, on GIGE, it states:

“Laws and policies that indirectly perpetuate coercive medical practices, including incentive- or quota-based contraceptive policies and hormonal therapy, as well as surgery or sterilization requirements for legal recognition of one’s gender identity, constitute additional violations of the obligation to respect.”

– CESCR, General comment No. 22 (2016) *on the right to sexual and reproductive health (article 12 of the International Covenant on Economic, Social and Cultural Rights)*, 2 May 2016, [E/C.12/GC/22](#), para. 58

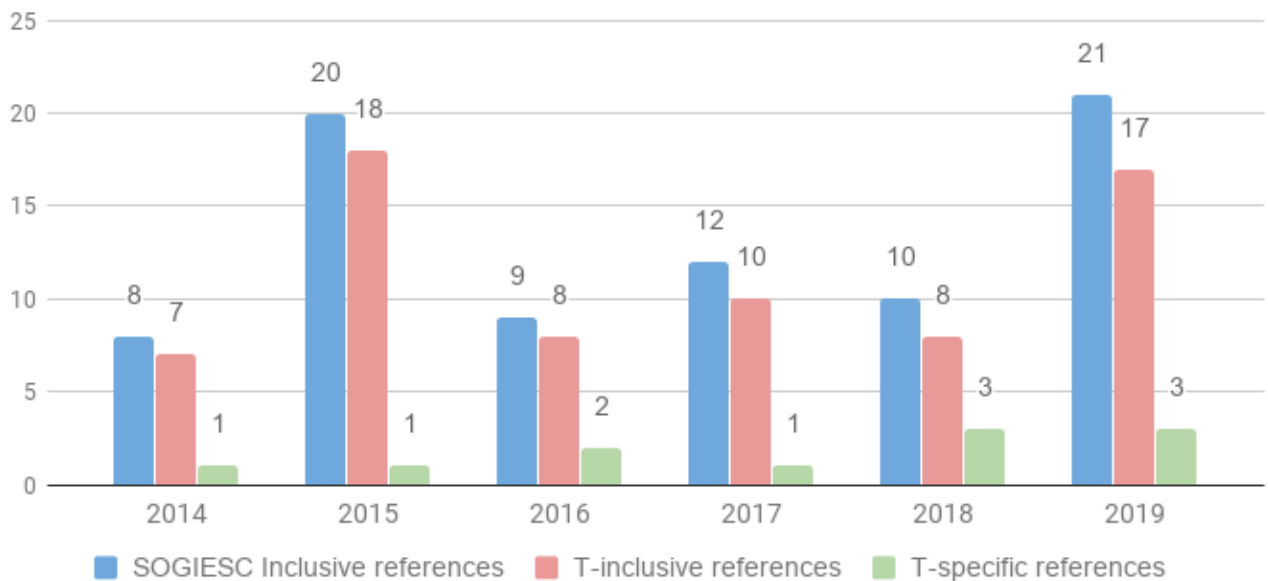
Civil society has the opportunity to make submissions to CESCR to **suggest areas to be included** or **possible amendments** to each general comment. Submissions made **before the first draft** should highlight the kinds of topics that the general comment should raise, explaining clearly why (with data, statistics, and references to UN documents and/or regional documents if possible). Submissions made **on an existing draft** should be brief, focusing on changes/additions to be made to specific paragraphs. General structural or conceptual problems can also be highlighted, but the Committee may be slow to make such substantial changes to the document. Calls for submissions are published in the “Upcoming Events” section of the [Committee’s website](#).

- It can be difficult to find out what opportunities there are to participate in the drafting of general comments. GIGE defenders can contact ILGA World for more information
- Activists should bear in mind that all groups will try to be included in general comments and that only a small space can be devoted to GIGE issues. Submissions should be focused



**WHAT ISSUES HAS CЕСCR
COVERED?**

CESCR almost always includes T in its LGBT(I) or SOGI(ESC) references. The Committee's general LGBT(I) recommendations usually call on states to combat discrimination in the enjoyment of all economic, social and cultural rights, including *health care, housing, education, employment and social security*. GIGE defenders can use these general and broad recommendations to advocate on particular needs of trans persons in their countries.



References to GIE in CESCR concluding observations (2014-2019)

In terms of GIGE specifically, CESCR has stated in its own General comment No. 20 (2009) on *non-discrimination* that gender identity is recognized as among the prohibited grounds of discrimination.

This opens a wide range of possible areas that the Committee could examine. Indeed, in 2014-2019 CESCR made 11 trans-specific references in its concluding observations, and even more in its lists of issues to different countries.

Criminalization: While CESCR addressed criminalization of consensual same-sex sexual acts between adults on several occasions, it also referred to criminalization of cross-dressing once:

“The Committee is concerned that ... cross-gender dressing [is] criminalized in the State party under sections 351 to 353 of the Criminal Law Offences Act (art. 2 (2)). The Committee recommends that the State party repeal the criminalization of ... cross-gender dressing.”

– Concluding observations: Guyana, 28 October 2015, [E/C.12/GUY/CO/2-4](#), paras. 24-25

Violence: A few times CESCR addressed specifically violence against trans women or trans persons:

“The Committee is concerned by the fact that transgender women are subjected to violence, including by law enforcement officials (art. 2).”

– Concluding observations: Dominican Republic, 21 October 2016, [E/C.12/DOM/CO/4](#), para. 25

“Please provide an assessment of how measures to combat different types of violence for groups such as ... transgender persons have been effective.”

– List of issues prior to reporting: New Zealand, 12 April 2016, [E/C.12/NZL/QPR/4](#), para. 4

Gender identity as a protected ground: In some instances, the Committee referred to gender identity as a distinct protected ground in anti-discrimination legislation, or specific legislation on gender identity:

“The Committee is concerned about the shortcomings of the Equal Opportunities Act 2012. The list of prohibited grounds of discrimination in section 2 does not include gender identity, social origin or property. ...

The Committee recommends that the State party revise the Equal Opportunities Act, in particular sections 2 and 19 (2), with a view to ensuring that the Act prohibits all direct, indirect and intersectional forms of discrimination, on any ground, including gender identity, social origin, property and other status, in all spheres relevant to the Covenant rights. ...

[The Committee] is also concerned about the limited protection of lesbian, gay, bisexual, transgender and intersex persons provided in anti-discrimination provisions, since gender identity is not included as a prohibited ground.”

– Concluding observations: Mauritius, 5 April 2019, [E/C.12/MUS/CO/5](#), paras. 15-17

“Please indicate whether the State party intends to establish comprehensive anti-discrimination legislation. Please provide information on the implementation of those provisions of laws that prohibit discrimination in the State party, in particular in the fields of education and employment, and whether those provisions effectively prohibit discrimination on all grounds, including national or social origin and gender identity, in all aspects of life.”

– List of issues: Turkmenistan, 19 October 2017, [E/C.12/TKM/Q/2](#), para. 5

“The Committee recommends that the State party: ... (f) provide sufficient financial and human resources for the full implementation of the Gender Identity Act.”

– Concluding observations: Argentina, 1 November 2018, [E/C.12/ARG/CO/4](#), paras. 24-25

“Please provide information on the impact of the Gender Identity Act (Act No. 807)...”

– List of issues: Bolivia, 13 November 2019, [E/C.12/BOL/Q/3](#), para. 9

Legal gender recognition: Since 2014, CESCR has made recommendations on legal gender recognition to four countries. It specifically addressed abusive requirements for legal gender recognition, such as gender reassignment surgeries; pathologization of transgender status; and the need for a quick, transparent and accessible procedure for legal gender recognition:

“The Committee is concerned at the situation of individuals in the State party who face discrimination in their enjoyment of the rights guaranteed under the Covenant on the grounds of sexual orientation or gender identity, including access to health-care services such as gender reassignment surgery.”

The Committee encourages the State party to take effective measures to ensure that lesbian, gay, bisexual and transgender persons can enjoy their economic, social and cultural rights without discrimination, including access to health care, employment and education, and that legal recognition of their gender is not dependent on whether or not they have undergone gender reassignment surgery.”

– Concluding observations: Lithuania, 24 June 2014, [E/C.12/LTU/CO/2](#), para. 8

"[The Committee] is ... concerned that the absence of legal recognition of their gender identity is a barrier to transgender persons having effective access to work, education and health services (art. 2).

The Committee ... recommends that the State party take the necessary legislative and administrative measures ... to ensure that transgender persons have effective access to economic, social and cultural rights."

- Concluding observations: Costa Rica, 21 October 2016, [E/C.12/CRI/CO/5](#), paras. 20-21

"[The Committee] recommends that the State party: ... (b) put in place a quick, transparent and accessible procedure for legal gender recognition, to facilitate the enjoyment of Covenant rights by transgender persons"

- Concluding observations: Russian Federation, 16 October 2017, [E/C.12/RUS/CO/6](#), para. 23

"The Committee welcomes the decision of the Federal Constitutional Court of 10 October 2017 concerning the third gender. ... [The Committee] is further concerned that gender laws (Transsexuellengesetz) in the State party pathologize transgender status (arts. 2 (2) and 12).

The Committee recommends that ... the State party revise its gender laws in accordance with international human rights standards and best practice."

- Concluding observations: Germany, 27 November 2018, [E/C.12/DEU/CO/6](#), paras. 24-25

"Please indicate whether the State party has taken any measures: (a) to regulate the procedure and conditions for gender reassignment..."

- List of issues: Latvia, 7 November 2019, [E/C.12/LVA/Q/2](#), para. 12

More broadly, CESCR frequently discusses **HIV/AIDS** and access to medical treatment for persons living with HIV/AIDS, and the Committee has also highlighted the situation of **sex workers**. For example, in the review of Indonesia in 2014, CESCR expressed concern regarding **"laws and by-laws which discriminate against women and marginalized individuals and groups such as sex workers, and LGBT persons"**. The Committee recommended that Indonesia **"review and repeal provisions in local laws and by-laws which have been found to be discriminatory against women and marginalized groups."**

In the 2015 review of Kyrgyzstan, amongst other issues, CESCR noted with concern that **"discrimination in access to health care persists against lesbian, gay, bisexual, transgender and intersex persons, women involved in prostitution, persons with disabilities, and persons living with HIV/AIDS"**. The Committee made a number of recommendations, including that Kyrgyzstan **"monitor discrimination in access to health services and ensure that health professionals who hamper anyone's access are duly sanctioned."**

Another important issue is the **terminology** used by CESCR. Use of "transsexuals" by the Committee has been replaced by references to "transgender persons". However, since 2014 CESCR has not widely used any of the terms for diverse genders that exist in local languages of countries reviewed, such as *Fa'afafine* in Samoa or *Hijra* in India. The only exception was the review of Bangladesh in 2018, even though the Committee did not make any specific recommendations on this population:

5 CESCR, Concluding observations: Indonesia, 19 June 2014, [E/C.12/IDN/CO/1](#), para. 6.

6 CESCR, Concluding observations: Kyrgyzstan, 7 July 2015, [E/C.12/KGZ/CO/2-3](#), para. 6.

7 *Ibid.*, para. 6.

“While welcoming the legal recognition of hijras, it remains concerned that same-sex relations between consenting adults are criminalized (art. 2 (2)).”

– *Concluding observations: Bangladesh, 18 April 2018, [E/C.12/BGD/CO/1](#), para. 23*

This may reflect a lack of understanding or sensitivity among particular committee members responsible for drafting concluding observations, but there is also a need to use consistent language throughout the concluding observations.

Similarly, the Committee does not refer to “**gender expression**”. It is likely that CESCR has not yet gained a strong understanding of the importance of including this in addition to “gender identity.”

- GIGE advocates can use the text of previous stand-alone trans references in CESCR lists of issues and concluding observations to encourage the Committee to make trans-specific questions and recommendations for their country
- Generic recommendations on discrimination against LGBTI persons can be used to show states that they are required to take action on GIGE issues, such as harassment of trans persons in the workplace
- Where civil society wants their local or national terms to be reflected in the text of CESCR recommendations, they should make this clear to the Committee, without presuming that CESCR will be experts on the differences between diverse sexualities, genders and bodies
- Rights violations due to gender expression can be raised separately from gender identity



GAPS & OPPORTUNITIES

In 2014-2019, only 15 per cent of SOGIESC-inclusive references in concluding observations by nine United Nations Treaty Bodies discussed the particular human rights situation of trans individuals. CESCR made 11 such references, being the fourth after the Committee on the Elimination of Discrimination against Women (40 references), the Human Rights Committee (30 references) and the Committee against Torture (13 references).

In other words, CESCR is not unusual in its approach, but **given the crucial rights that CESCR monitors, advocates should continue to push** the Committee to deal with GIGE in greater depth. There are some areas that are particularly interesting as existing gaps that should be bridged and potential opportunities: *health, education, employment, housing, sanitation, family, cultural life and scientific progress*.

Advocates can also look at the CESCR review of Uganda in 2015 where, in addition to a general call to “**combat and prevent discrimination and societal stigma**” and to guarantee enjoyment of economic, social rights of LGBTI persons, including “**access to housing, employment, social security, health care and education**”, the Committee examined the rights to housing and health in the context of LGBTI persons. The Committee expressed concern regarding **evictions** that occurred following the passage of the Anti-Homosexuality Act in 2014, and the **denial of healthcare** to LGBTI persons. This shows how the situation of a community can be examined in terms of specific rights, and not just general non-discrimination.

4.1. Health

Article 12 of ICESCR guarantees *“the right of everyone to the enjoyment of the highest attainable standard of physical and mental health”*. This means that GIGE advocates can raise problems such as:

- access to **hormonal treatment**
- access to **sexual and reproductive health** services
- **abusive preconditions** to gender recognition, such as sterilisation and unwanted surgeries
- **pathologization** of trans identities
- failures in **mental health** systems and high suicide rates of trans populations
- criminalisation of **sex work** (in particular health impacts)
- policies on **HIV/AIDS and drugs**

While CESCR did not make any particular recommendations on trans people in health care, other than references to legal gender recognition requirement, a few countries received questions on the topic:

“Please also provide information on specific measures adopted and their impact: (a) In the context of the implementation of the inter-federal action plan to combat discrimination and violence against lesbian, gay, bisexual, transgender and intersex persons (2018–2019), in particular as regards such discrimination ... in the area of access to health care (especially for transgender persons)...”

– List of issues prior to reporting: Belgium, 14 November 2018, [E/C.12/BEL/QPR/5](#), para. 11

“Please provide information on the measures taken to address the situation of transgender young persons ... in accessing public health-care services.”

– List of issues prior to reporting: Norway, 12 November 2018, [E/C.12/NOR/QPR/6](#), para. 16

*“Please provide information about the steps taken and the challenges faced in ensuring access to quality health care for all and in establishing a compulsory State health insurance scheme. In particular, please provide information on ... the measures taken to ensure **access to free and adequate medical care for transgender ... persons**, in line with the Human Rights Action Plan.”*

– List of issues prior to reporting: Ukraine, 14 November 2018, [E/C.12/UKR/QPR/7](#), para. 25

Trans advocates can also rely on recommendations made by other United Nations treaty bodies. For example, in 2018 the **Committee on the Elimination of Discrimination against Women** (CEDAW) recommended the Republic of Korea to “ensure that **transgender persons** have a right of access to medical services, including national **health insurance coverage**”.

9 CEDAW, *Concluding observations: Republic of Korea*, 14 March 2018, [CEDAW/C/KOR/CO/8](#), para. 41.

In 2017, the **Committee on the Rights of Persons with Disabilities** (CRPD) recommended Canada to “establish special measures to ensure that people with disabilities, including **transgender and gender-diverse persons** with disabilities, have equal access to health services, including ... **gender-affirming comprehensive health care**”.

In urging the Committee to examine these issues, human rights defenders can also support their reports with the work of the **Special Rapporteur on the right to health**, including the mandate-holders’ reports on criminalization of same-sex conduct and sexual orientation, sex work, and HIV transmission and on adolescents , both of which make recommendations relevant to the right to health of trans persons.

- ISHR and ILGA World published a [factsheet on SOGIESC work by the Special Rapporteur on the right to health](#). It includes information on thematic reports, country visits and communications made by the mandate since 2011.

10 CRPD, *Concluding observations: Canada*, 8 May 2017, [CRPD/C/CAN/CO/1](#), para. 46.

11 *Report to the Human Rights Council*, 27 April 2010, [A/HRC/14/20](#).

12 *Report to the Human Rights Council*, 4 April 2016, [A/HRC/32/32](#).

4.2. Employment

Articles 6 and 7 of the Covenant protect the *rights to work and to favourable conditions of work*. In this context, trans rights defenders can highlight:

- discrimination in **access to employment** (including the failure to legally prohibit it)
- discrimination **in the workplace**
- **harassment and violence** at work

In its General comment on the right to just and favourable conditions of work, the Committee highlights that gender identity should be an explicitly **prohibited ground of discrimination**. It identifies some aspects of the right that are particularly important to LGBTI persons (such as **consultation** and non-discriminatory policies of hiring, promotion and termination), also underlines the need to **define harassment broadly**.

The Committee has already addressed the situation of trans people in employment in one of its lists of issues:

“Please also provide information on specific measures adopted and their impact: (a) In the context of the implementation of the inter-federal action plan to combat discrimination and violence against lesbian, gay, bisexual, transgender and intersex persons (2018–2019), in particular as regards such discrimination in the areas of access to employment and in the work place ... (especially for transgender persons) ...”

– List of issues prior to reporting: Belgium, 14 November 2018, [E/C.12/BEL/QPR/5](#), para. 11

In the review of Argentina, CESCR paid particular attention to the quotas for trans people in the public sector:

“Please indicate to what extent measures have been taken to fully enforce anti-discriminatory legal provisions, such as those on an employment quota for persons with disabilities and those contained in Gender Identity Law No. 26.743 of 2012 and the Provincial Bill (No. 14.783) on a Transgender Labour Quota of 2015.”

– List of issues: Argentina, 19 October 2017, [E/C.12/ARG/Q/4](#), para. 8

“The Committee ... finds it regrettable that the quota for the hiring of transsexual persons in the public sector of the Province of Buenos Aires has not been met (art. 2 (2)).

The Committee recommends that the State party: ... (d) Enact regulations for Act No. 14783, adopted in September 2015 in the Province of Buenos Aires, which provides that the public sector of the Province of Buenos Aires must employ, in a proportion not less than 1 per cent of its entire staff, suitably qualified transvestite, transsexual and transgender persons...”

– Concluding observations: Argentina, 1 November 2018, [E/C.12/ARG/CO/4](#), paras. 24-25

13 CESCR, General comment No. 23 (2016) on the Right to just and favourable conditions of work (article 7), 27 April 2016, [E/C.12/GC/23](#), paras. 11, 31, 48, 56 and 65 (a).

4.3. Education

Article 13 of ICESCR details “*the right of everyone to education,*” which can be used by GIGE activists to raise concerns regarding:

- **bullying and violence** in schools
- recognition of and respect for a **student’s gender identity and/or expression**
- uniform requirements and **dress codes**
- access to **physical education** classes
- **drop-out** rates
- access to **bathrooms** of choice

CESCR has already questioned a state party about trans youth in education:

“Please provide information on the measures taken to address the situation of transgender young persons who have reportedly been facing discrimination and transphobia at school...”

– *List of issues prior to reporting: Norway, 12 November 2018, [E/C.12/NOR/QPR/6](#), para. 16*

Advocates can also turn to recommendations made by other United Nations treaty bodies, such as the **Human Rights Committee** (HRCtee) and the **Committee on the Rights of the Child** (CRC) when looking at education.

For example, CRC Concluding observations on Chile in 2015 expressed concern “about the high levels of violence in educational settings, including homophobic and **transphobic bullying**” and recommended that Chile “address all forms of violence against children in educational settings”.

In 2014, the HRCtee had recommended that Chile “step up its efforts to provide effective protection against violence and discrimination committed on the grounds of people’s sexual orientation or gender identity, especially in the education system, and **launch a public awareness campaign to combat social prejudices**”. The HRCtee made even more detailed recommendations on combatting discrimination in schools in its review of Malta in 2014.

14 CRC, *Concluding observations: Chile*, 30 October 2015, [CRC/C/CHL/CO/4-5](#), paras. 40-41.

15 HRCtee, *Concluding observations: Chile*, 13 August 2014, [CCPR/C/CHL/CO/6](#), para. 14.

16 HRCtee, *Concluding observations: Malta*, 21 November 2014, [CCPR/C/MLT/CO/2](#), para. 10.

4.4. Housing & Sanitation

Article 11 of the Covenant guarantees “*the right of everyone to an adequate standard of living (...), including adequate food, clothing and housing.*” GIGE advocates can rely on this right to highlight:

- discrimination in **access to housing** (including a lack of legal prohibitions)
- unfair **evictions**
- lack of access to **water/sanitation** (e.g. bathrooms)

As highlighted by the Concluding observations on Uganda (see page 21), CESCR regularly criticises unfair or discriminatory **evictions**. A similar question was asked by the Committee in another review:

*“Please also provide information on measures taken to address discrimination against lesbian, gay, bisexual, transgender and intersex persons in courts and by law enforcement agencies so that they can seek redress for violations of their economic, social and cultural rights, such as in the reported cases of **forced eviction of gay and transgender persons from their places of residence in 2017.**”*

– List of issues: Azerbaijan, 15 November 2018, [E/C.12/AZE/Q/4](#), para. 10

The right to adequate housing could also include situations where trans persons are refused accommodation in **state-funded housing** because of their GIGE or where national laws do not prohibit **discrimination by landlords** on the basis of GIGE.

The Committee is also likely to consider laws seeking to regulate access to public **bathrooms** – like those recently appearing in some states in the United States of America (USA) – as breaching the Covenant, possibly under Article 11, which CESCR has interpreted to include water and sanitation. Unfortunately, the USA has not ratified ICESCR.

Trans advocates may also rely on reports made by the **Special Rapporteur on the human rights to safe drinking water and sanitation**, including the reports on the human rights to water and sanitation in spheres of life beyond the household with an emphasis on public spaces and on gender equality in the realization of the human rights to water and sanitation. Both reports addressed the issue of access to toilets for trans, gender non-conforming and gender variant persons.

Advocates can also use the findings in the report on homelessness by the **Special Rapporteur on the right to adequate housing**. For example, she stated that “those who face discrimination on the grounds of ... gender identity ... are more likely to become **homeless** and, once homeless, experience additional discrimination”.

- ISHR and ILGA World published factsheets on SOGIESC work by the [Special Rapporteur on the right to adequate housing](#), and the [Special Rapporteur on the human rights to safe drinking water and sanitation](#). They include information on thematic reports, country visits and communications made by the mandate since 2011.
- In March 2020, the Special Rapporteur on the human rights to safe drinking water and sanitation published a [compilation on Gender Identity and the Human Rights to Water and Sanitation](#).

17 CESCR, General comment No. 15 (2002) *The right to water (arts. 11 and 12 of the International Covenant on Economic, Social and Cultural Rights)*, 20 January 2003, [E/C.12/2002/11](#).

18 *Report to the Human Rights Council*, 10 July 2019, [A/HRC/42/47](#).

19 *Report to the Human Rights Council*, 27 July 2016, [A/HRC/33/49](#).

20 *Homelessness as a global human rights crisis that demands an urgent global response: Report to the Human Rights Council*, 30 December 2015, [A/HRC/31/54](#), para. 39.

4.5. Family

Article 10 of ICESCR proclaims that *“The widest possible protection and assistance should be accorded to the family, ... particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses”*. Based on this article, GIGE advocates can address a number of topics, including:

- **Family-related legal gender recognition requirements** such as divorce or lack of minor children
- Access to **marriage** or **partnership** according to the person’s gender identity
- Access to **assisted reproductive technologies**
- Access to **filiation** and **adoption** over children
- **Custody** and **visitation rights** after the dissolution of marriage or partnership

While CESCR expressed concerns and made recommendations with regard to same-sex couples and families, this topic has not been addressed by the Committee yet in relation to trans persons and their families.

The only individual case on trans persons’ family rights has been reviewed by the **Human Rights Committee**. However, its conclusions could be also cited while advocating before CESCR. In its decision on the case *G. v. Australia* regarding the divorce requirement for legal gender recognition, the HRCtee concluded that “by denying transgender persons who are married a birth certificate that correctly identifies their sex, in contrast to unmarried transgender and non-transgender persons, the Government is failing to afford the author, and similarly situated individuals, equal protection under the law as a married transgender person”.

To support their advocacy aimed at trans families, advocates may also rely on the **Yogyakarta principles**, as well as recommendations by **regional human rights bodies**.

Principle 24 of the **Yogyakarta principles** addresses the right to found a family. According to this principle, everyone has the right to found a family, regardless of gender identity. Families exist in diverse forms. No family may be subjected to discrimination on the basis of the gender identity of any of its members. Consequently, states shall, in particular:

- take all necessary legislative, administrative and other measures to ensure the right to found a family, including through access to adoption or assisted procreation (including donor insemination), without discrimination on the basis of gender identity;
- ensure that laws and policies recognise the diversity of family forms, including those not defined by descent or marriage, and take all necessary legislative, administrative and other measures to ensure that no family may be subjected to discrimination on the basis of the gender identity of any of its members; and
- take all necessary legislative, administrative and other measures to ensure that in all actions or decisions concerning children, the best interests of the child shall be a primary consideration, and that the gender identity of the child or of any family member or other person may not be consid-

21 See e.g. CESCR, *Concluding observations: Slovakia*, 14 November 2019, [E/C.12/SVK/CO/3](#), paras. 14-15; CESCR, *Concluding observations: Mauritius*, 5 April 2019, [E/C.12/MUS/CO/5](#), paras. 17-18; CESCR, *Concluding observations: Cabo Verde*, 27 November 2018, [E/C.12/CPV/CO/1](#), paras. 20-21; CESCR, *Concluding observations: Russian Federation*, 16 October 2017, [E/C.12/RUS/CO/6](#), para. 23; CESCR, *Concluding observations: Costa Rica*, 21 October 2016, [E/C.12/CRI/CO/5](#), para. 21.

22 HRCtee, *G. v. Australia*, views of 17 March 2017, [CCPR/C/119/D/2172/2012](#), para. 7.14.

23 <http://yogyakartaprinciples.org/principles-en/official-versions-pdf/>.

ered incompatible with such best interests.

In addition, the **Yogyakarta principles plus 10** explain that states shall also take other measures such as:

- protect children from discrimination, violence or other harm due to gender identity or gender expression of their parents, guardians, or other family members;
- issue birth certificates for children upon birth that reflect the self-defined gender identity of the parents;
- enable access to methods to preserve fertility, such as the preservation of gametes and tissues for any person without discrimination on grounds of gender identity or gender expression, including before hormonal treatment or surgeries; and
- ensure that surrogacy, where legal, is provided without discrimination based on gender identity or gender expression.

GIGE advocates, especially those from European countries, may also refer to the Resolution of the **Parliamentary Assembly of the Council of Europe** “Private and family life: achieving equality regardless of sexual orientation”. It specifically calls on Member states to:

- ensure that their constitutional, legislative and regulatory provisions and policies governing the rights of partners, parents and children are applied without discrimination on grounds of gender identity, eliminating all unjustified differences in treatment based on this ground;
- ensure that all rights regarding parental authority, adoption by single parents and simple or second-parent adoption are granted without discrimination on the ground of gender identity; and
- provide for transgender parents’ gender identity to be correctly recorded on their children’s birth certificates, and ensure that persons who use legal gender markers other than male or female are able to have their partnerships and their relationships with their children recognised without discrimination

24 http://yogyakartaprinciples.org/wp-content/uploads/2017/11/A5_yogyakartaWEB-2.pdf.

25 Adopted unanimously on 19 September 2018, <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?file-id=25048&lang=en>.

4.6. Cultural Life

Article 15 (1) (a) of ICESCR guarantees *“the right of everyone to take part in cultural life”*. This means that GIGE advocates can raise problems such as:

- impediments to **cultural and sport events** involving GIGE themes
- persecution of trans and gender non-conforming **film makers, writers, poets, dancers**, etc.
- restrictions on the use of trans flag and other **GIGE-related symbolic**
- **fundamentalist, extremist and anti-gender movements’ efforts** to restrict the rights of trans and gender non-conforming persons
- **harmful traditions**, especially gender-related, affecting trans and gender non-conforming persons

CESCR defines “cultural life” **broadly and inclusively**. As it explained in its General comment on the right of everyone to take part in cultural life, it encompasses all manifestations of human existence, such as ways of life, language, oral and written literature, music and song, non-verbal communication, religion or belief systems, rites and ceremonies, sport and games, methods of production or technology, natural and man-made environments, food, clothing and shelter and the arts, customs and traditions. Culture is as a **living process**, historical, dynamic and evolving, with a past, a present and a future.

CESCR has not issued any recommendations on cultural life specifically on GIGE and hardly any on LGBTI. However, GIGE advocates can collect and submit to the Committee more information on the topic thus encouraging relevant developments in relation to their own countries but also globally.

In the absence of specific references from the Committee itself, trans activists may rely on the **Yogyakarta principles** and reports by the United Nations **Special Rapporteur on cultural rights**.

Principle 26 of the **Yogyakarta principles** addresses the right to participate in cultural life.

Everyone has the right to participate freely in cultural life, regardless of gender identity, and to express, through cultural participation, the diversity of gender identity. States shall:

- take all necessary legislative, administrative and other measures to ensure opportunities for the participation in cultural life of all persons, regardless of, and with full respect for, their gender identities; and
- foster dialogue between, and mutual respect among, proponents of the various cultural groups present within the state, including among groups that hold different views on matters of gender identity, consistently with respect for the human rights referred to in the Yogyakarta Principles.

The **Special Rapporteur on cultural rights** stated in one of her country reports that “the identity of individuals is always multi-faceted, and this includes gender identity... It is increasingly difficult for LGBT people ... to use cultural spaces such as film festivals and other events to **explore and express that part of their identity safely**.”

She brought attention to the impact of fundamentalism and extremism, as well as the “anti-rights” groups,

26 CESCR, *General comment No. 21 (2009) on the right of everyone to take part in cultural life (art. 15, para. 1 (a), of the International Covenant on Economic, Social and Cultural Rights*, [E/C.12/GC/21](#), paras. 11 and 13.

27 <http://yogyakartaprinciples.org/principles-en/official-versions-pdf/>.

28 *Country visit to the Russian Federation*, 11 March 2013, [A/HRC/23/34/Add.1](#), para. 101.

on the cultural rights of LGBTI persons and LGBTI defenders. In addition, she stated that “no historical, social, cultural or religious sensitivities can justify the criminalization of one’s sexual orientation or gender identity, or any other discriminatory or violent actions based on these grounds.”

She explained that the criminalization of sexual orientation “renders invisible cultural and artistic expression related to “gayness”, thereby suppressing the cultural content itself and regulating those who create or defend it.”

In her reports, she covered violations related to the distraction of and impediment to LGBTI cultural events, film screening, prides, festivals and commemorative days. By contrast, she welcomed state’s support of pride and equality marches, describing them as “important exercises of internationally guaranteed cultural rights and the right to freedom of assembly”, and LGBTI sport events.

She characterized the use of a flag combining the rainbow flag and a state symbol “as an exercise of cultural rights to express identity and inclusion” and encouraged public authorities to display rainbow flags on publicly owned buildings .

Therefore, GIGE advocates may rely on article 15 (1) (a) of ICESCR describing impediments by state and non-state actors to cultural and sport events involving trans and gender non-conforming people, such as marches, festivals, sport events, theatre, film screening, events organized under the Transgender Awareness Week or the Transgender Day of Remembrance, etc.

In addition, defenders engaging with CESCR may highlight harmful practice ground in tradition and affecting trans persons specifically, for example, the compelling of rites of passage for men (male circumcision) imposed on trans women.

- ISHR and ILGA World published a [factsheet on SOGIESC work by the Special Rapporteur on cultural rights](#). It includes information on thematic reports, country visits and communications made by the mandate since 2011.

29 See e.g. *Cultural Rights Defenders: Report to the Human Rights Council*, 20 January 2020, [A/HRC/43/50](#), para. 63; *The cultural rights approach to the universality of human rights and the close interrelationship between universality and cultural diversity: Report to the General Assembly*, 25 July 2018, [A/73/227](#), para. 34; *The impact of fundamentalism and extremism on the cultural rights of women: Report to the General Assembly*, 17 July 2017, [A/72/155](#), para. 87.

30 *The cultural rights approach to the universality of human rights and the close interrelationship between universality and cultural diversity*, para. 53.

31 *Cultural Rights Defenders: Report to the Human Rights Council*, 20 January 2020, [A/HRC/43/50](#), para. 55.

32 See e.g. *Country visit to Malaysia*, 10 January 2019, [A/HRC/40/53/Add.1](#), para. 40; *The impact of fundamentalism and extremism on the cultural rights of women*, para. 87; *Country visit to the Russian Federation*, paras. 101-104.

33 *Country visit to Poland*, 12 May 2020, [A/HRC/43/50/Add.1](#), para. 67.

34 The first LGBT Pan-American Games in Mexico City in 2019 as a result of DIDESEX’s efforts. *Cultural Rights Defenders*, para. 27.

35 *Country visit to Poland*, para. 68.

36 *The importance of public spaces for the exercise of cultural Rights: Report to the General Assembly*, 30 July 2019, [A/74/255](#), para. 48.

4.7. Scientific Progress

Article 15 (1) (b) of ICESCR guarantees “*the right of everyone to enjoy the benefits of scientific progress and its applications*”. GIGE advocates can rely on this right to address problems such as:

- **pathologization** of trans identities
- **medical requirements** as a prerequisite for legal gender recognition
- inclusion of outdated or non-scientific information regarding gender identity and gender expression in **school or medical university curricula**
- so-called “**conversion therapy**” attempting to change one’s gender identity and/or gender expression

In its General comment on science and economic, social and cultural rights, CESCR clarified that states must adopt measures to eliminate conditions and combat attitudes that perpetuate inequality and discrimination in order to enable all individuals and groups to **enjoy this right without discrimination** on the grounds of gender identity, among others.

The Committee also explained that states should adopt measures to prevent any person or entity from interfering with the right to participate in and to enjoy the benefits of scientific progress and its applications by, for example, **preventing access to knowledge or discriminating** on the grounds of gender, sexual orientation or gender identity or other circumstances. These persons or entities could include universities, schools, laboratories, cultural or scientific associations, patients in hospitals and volunteers participating in scientific experiments. States also should protect people from participating in research or tests that contravene the applicable **ethical standards for responsible research and guaranteeing their free, prior and informed consent**, and to ensure that private persons and entities do not disseminate **false or misleading scientific information**.

Trans and gender diverse people have been historically pathologized by psycho-medical and legal institutions. In May 2019, the World Health Organization officially adopts the International Classification of Diseases – 11th Revision (ICD-11). In the ICD-11, trans-related categories have been removed from the Chapter on Mental and Behavioral Disorders, which means that trans identities are formally de-psycho-pathologized.

Relying on this development, GIGE advocates can ask CESCR to recommend their countries to fully endorse and implement the new version of the ICD, to review and update all relevant school and medical university curricula, to train health professionals and to abolish medical requirements as a prerequisite for legal gender recognition.

Even before the ICD-11 was adopted, the Committee had addressed the problem of pathologization of trans identities. In its Concluding observations on Germany issued in 2018, CESCR already expressed its concerns on “pathologization of transgender status” by national laws.

The **Independent Expert on sexual orientation and gender identity** provided valuable information on the depathologization process in his report on violence and discrimination based on gender identity. He specifically recommended states to “move swiftly to adopt and implement the elements in the eleventh revision of the International Classification of Diseases that relate to the removal of the trans categories

37 CESCR, *General comment No. 25 (2020) on science and economic, social and cultural rights (article 15 (1) (b), (2), (3) and (4) of the International Covenant on Economic, Social and Cultural Rights*, [E/C.12/GC/25](#), para. 25.

38 *Ibid*, para. 43.

39 CESCR, *Concluding observations: Germany*, 27 November 2018, [E/C.12/DEU/CO/6](#), para. 24.

40 Report to the General Assembly, 12 July 2018, [A/73/152](#), paras. 10-16 and 48-50.

from the chapter on mental and behavioural disorders, including the adoption of all measures conducive to eradicating the conception of gender diversity as a pathology from all aspects of everyday life". In addition, he clarified that legal gender recognition procedures should be "based solely on the free and informed consent of the applicant without requirements such as medical and/or psychological or other certifications that could be unreasonable or pathologizing". GIGE advocates are encouraged to rely on this report in their advocacy with CESCR.

Another topic which could be framed under the right to enjoy the benefits of scientific progress is so-called "conversion therapies" aimed at change of gender identity or gender expression. Examples of such practices are efforts to force a child to adhere to stereotypical gender roles or preventing trans youth from transitioning. In advocating for abolishing such practices before CESCR, GIGE advocates may cite the **Independent Expert on sexual orientation and gender identity** who wrote a whole report on the topic of "conversion therapies", including those based on gender identity and gender expression. The report condemns such practices and suggests a number of specific recommendations to states in order to combat them.

In its General comment No. 22 (2016) CESCR observed that "regulations requiring that lesbian, gay, bisexual transgender and intersex persons be treated as mental or psychiatric patients, or requiring that they be 'cured' by so-called 'treatment', are a clear violation of their right to sexual and reproductive health", and GIGE advocates working on the topic of "conversion therapy" can rely on this as well.

- More information on "conversion therapies", including aimed at change of gender identity or gender expression specifically, could be found in: ILGA World: Lucas Ramon Mendos, *Curbing Deception: A world survey on legal regulation of so-called "conversion therapies"* (Geneva: ILGA World, 2020), pp. 45-48.

41 *Ibid*, paras. 77 (a) and 81 (d) (iv).

42 *Report to the Human Rights Council*, 1 May 2020, [A/HRC/44/53](#).

43 *Ibid*, paras. 87 and 88.

44 CESCR, *General comment No. 22 (2016) on the right to sexual and reproductive health (article 12 of the International Covenant on Economic, Social and Cultural Rights)*, 2 May 2016, [E/C.12/GC/22](#), para. 58

It is crucially important to understand that there is never a guarantee that CESCR will make a recommendation on GIGE. Engaging with the Committee is more of a fine art than a science, but trans advocates can try to improve the odds. Below are some tips and practical challenges that GIGE defenders should be aware of.

In terms of **country reviews**, there is a very high number of variables affecting whether a Committee raises a topic with a state being reviewed, including the type of information submitted, the timing of a submission, participation of advocates at the review session, the relative importance of other human rights issues, and the views of individual committee members.

It is important that CESCR be given **detailed information** on the situation of trans persons, accompanied with **concrete recommendations** (or questions, at the LOI stage – see above). This should be framed in terms of violations of each of the **specific rights** in the Covenant, showing how trans persons face challenges distinct from those that the wider LGB community encounter.

Regarding **timing**, it depends on whether your country is reviewed under the standard review procedure, or the simplified reporting procedure.

- **Standard reporting procedure:** CESCR takes a relatively flexible approach to when it needs to receive information in order to raise it with the country (for example, by contrast, if the Human Rights Committee has not raised a topic in its LOI, it is unlikely that the topic will be raised in later sessions). However, the best practice for human rights defenders is to **submit information to shape the LOI**, and then again in time for the session.
- **Simplified reporting procedure:** as LOIPR shapes the dialogue and the following Concluding observations, it is crucial to make sure that the Committee has information on GIGE at the pre-session. If trans issues were not included into LOIPR, it is very unlikely that they will be raised on the following stages of the review.

To reduce the workload, one single submission can cover both occasions, if the report provides concrete information, and proposes both questions for the LOI and recommendations for the concluding observations.

The most effective method of obtaining a recommendation on LGBTI persons is to **attend the session** in person, and to present the information to the Committee at formal and informal briefings. Personal testimonies and information coming directly from those working on-the-ground bears great weight with the Committee. And crucially, through their questioning, committee members can gain deeper understanding of aspects of GIGE that are unfamiliar to them.

In terms of **challenges**, a major one is the potential **lack of openness** of some committee members to GIGE issues – often stemming from unawareness of the issues or trans people (and LGBTI communities more broadly). As mentioned, this can be combatted by participation in the session, and also by reaching out to committee members who are open to examining these areas. ILGA World and others can help you to get in touch with such committee members.

There are a number of practical barriers for trans persons engaging with CESCR, three of which need to be emphasised. The first is **language**. While translation of English and one other UN language (depending on the country being examined) is available during the sessions and the formal briefing, it is not available for the informal lunch settings or private meetings. Other organisations may be able to assist advocates with translation, but whenever possible, an advocate travelling to Geneva should be able to speak English.

Secondly, United Nations security requires that anyone attending a country session register in advance, and they must register using the **name and gender on their passport**. ILGA World is working with the United Nations to change this requirement, but at the moment it is very difficult to obtain a badge that does not state a person's full legal name. Though it is possible to use the person's preferred name instead of their passport data during NGO briefings (for example, when a chair invites the person to make an oral statement).

Thirdly, travelling to and staying in Geneva for a session (for between 3-6 days) is **costly**. As stated above, advocates can have the biggest impact on the outcome of the concluding observations if they attend the session, and the section on "Funding & Assistance" provides details of organisations who may be able to provide financial assistance for engaging such travel. If you are unable to attend, the sessions can (usually) be watched on <http://webtv.un.org>. Also, there were some instances where the Committee organised meetings with online participation of civil society representatives.



**NATIONAL ADVOCACY:
HOW DO YOU USE IT AT HOME?**

Before engaging with the Committee, GIGE defenders must set out what their **national goals** are, and how engaging with CESCR can help them to reach those objectives. Below are a number of questions to ask.

Will CESCR engagement be a national campaign?

- A quiet campaign may be more useful where advocates are trying to build close relationships with government ministries in sensitive contexts
- If public, plan for press releases, social media and articles at different stages: when report is submitted, when the LOI are released, when further information is submitted, as the session approaches, during the session, when the concluding observations are published, and at what points later in the advocacy strategy
- Use tools at your disposal: OHCHR press release on the session and articles in the news, other civil society campaigns, even if GIGE are not mentioned

How will a report be drafted?

- Check dates
- Ensure there is information and evidence for a report. Use data where available, rely on brief personal testimonies if there is insufficient data
- Confirm that report can be drafted in one of the UN languages (preferably English)

Contact other civil society representatives to find out what is being done by other organisations for CESCR

- Consider forming a coalition
- Reach out to organisations working at the international level who can provide support

How to get the most out of the session?

- Build connections with civil society advocates attending the session
- Network with the government delegation and set up meeting for after the session, which will be useful even if there are no GIGE references in the recommendations

How to make the state act?

- Plan your follow-up strategies, fitting the CESCR engagement into national advocacy plans
- Create concrete indicators based on the concluding observations to measure whether the government is taking steps to implement the recommendations – engage with the state in this process, if possible
- Build towards next review
- Participate in the monitoring of implementation of follow-up recommendations, if trans recommendations were selected for the follow-up process, and provide the Committee with your information

What if GIGE are not in the concluding observations?

- Check whether GIGE issues were mentioned in questions during the session. See if the session was recorded (<http://webtv.un.org>) or read the “Summary records” on the session page
- Check if there are recommendations on non-discrimination, vulnerable groups, etc, that could be used
- Use fact the that a report was submitted to the UN to engage with government actors

This guide has focused on how to use CESCR to deal with GIGE issues, but these efforts must be closely tied to national strategies if success with CESCR is to be translated into changes on the ground. Here is an example of a national NGO targeting one Treaty Body – the Human Rights Committee – to achieve a trans-related advocacy goal. The experience can help others decide whether to engage with CESCR.

CASE STUDY: TRANSGENDER EQUALITY NETWORK IRELAND (TENI)

Broden Giambrone

1. Why: What made you decide to engage with the Human Rights Committee (HRCtee)?

In terms of the decision to work with the HRCtee [which monitors state compliance with the International Covenant on Civil and Political Rights (ICCPR)], there were two major goals. Firstly, it's helpful in national advocacy to have a broad range of arguments to pull from. Ultimately, what is the most likely to sway national legislatures is the “hearts and minds” stories (e.g. getting people to share their personal narrative). However, if you are trying to make an advocacy and legal argument (particularly in terms of human rights), it is really helpful to have UN level jurisprudence reinforcing what you are telling the government. This is particularly true when you have a specific recommendation for your country. In 2008, it was important to get a recommendation because, on the back of cases at the European Court of Human Rights (ECtHR), having the HRCtee endorsement meant we could argue that the Government's failure to introduce legislation was a breach of global (not just Europe-based) human rights.

Secondly, the ICCPR speaks generally about civil and political rights that are universally understood (and often nationally recognised). It is very helpful, when talking about sex discrimination and general equality, to be able to point to the ICCPR and say that the UN-level institution which acts as guardian of that Covenant has held that Ireland's failure to introduce gender recognition breaches these universal guarantees.

2. Strategy: How did working with the HRCtee fit into your national advocacy strategy?

UN advocacy played a complimentary role. The major focus was trying to convince the Government that legal gender recognition was (a) something they “should” do, and (b) something they were required to do under the Convention. The UN level advocacy was very helpful (1) in keeping up the pressure on the Government and (2) supporting more general arguments about human rights law. In terms of the removing a divorce requirement from the draft gender recognition law in Ireland, it was helpful because the 2014 concluding observations contradicted an ECtHR decision that failed to reject such pre-conditions, and suggested that forced divorce is not human rights compliant.

3. Drafting: How did you prepare the shadow report?

TENI sought assistance from a legal expert (Peter Dunne) who supports our work and is well-versed in the language of human rights. Peter did the first draft which was then reviewed by TENI staff. Peter then completed a longer draft which was submitted to the Committee, and which we then submitted to the Oireachtas (Irish Parliament) and also used for the government's public consultation on a proposed gender recognition law in 2013. We didn't have any specific assistance from another group, but Peter had been writing such reports with OutRight Action International for the previous year, so we had a good idea of the process. We focused a lot on what the Committee had previously said, and tried to bring our narrative within that context.

4. Attending the session: How did you engage with the Committee?

We did not have the resources to attend and did not engage with the Committee. However, TENI was part of a coalition of 12 organisations that submitted a detailed shadow report on human rights issues in Ireland in advance of the session in 2014. Representatives of the coalition attended the session and raised the issue of legal gender recognition in the formal briefing.

5. Concluding observations: Were you satisfied with the recommendations?

The HRCtee recommendations were very helpful. Not only did they hammer the government for failing to bring in recognition, but they were also the first UN body to really question the legitimacy of forced divorce, which was a concluding observation that we didn't expect but that was helpful.

6. Impact: How have the HRCtee's recommendations helped you achieve your advocacy goals?

In general, the UN observations have only limited impact for the national advocacy work. But I think that the recommendations from 2008 and 2014 were very helpful. They were clear, direct and easy to measure. And, they were useful in terms of buttressing our human rights arguments with the government. However, it will be interesting to see how useful the recommendations can be in other areas where trans people are specifically concerned. It has been more difficult with other committees to get them to separate out sexual orientation and gender identity, and to meaningfully address the (non-recognition related) concerns of the trans community.

7. Tips: Do you have recommendations for other trans defenders?

Consider how the UN advocacy work can fit into your overall advocacy strategy. Determine whether UN condemnation will help or hinder your cause. Determine which of the Treaty Bodies will most effectively address your work. Choose two/three core issues to emphasise. Include personal narratives in your report. Seek funding to attend the session. Do your best to publicise recommendations when released.

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FUNDING, ASSISTANCE AND ADDITIONAL RESOURCES

7.1. Funding & Assistance

There are several organisations working on gender identity and gender expression who can provide support with different aspects of advocacy before CESCR. Reach out to them for further information.

Capacity-building and training:

- International Trans Fund | <https://www.transfund.org>
- GATE | <http://gate.ngo>
 - » Trans, Gender Diverse and Intersex Advocacy in Action
- Transgender Europe (TGEU) | <https://tgeu.org> (for Europe and Central Asia)
- Asia Pacific Transgender Network (APTN) | <https://weareaptn.org> (for Asia and the Pacific)
- International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World) | <https://ilga.org>
- ILGA-Europe | <https://www.ilga-europe.org> (for Europe and Central Asia)
- COC Nederland | <https://international.coc.nl/> - international@coc.nl
- The Swedish Federation for Lesbian, Gay, Bisexual, Transgender, Queer and Intersex Rights (RFSL) | <https://www.rfsl.se/en/>

Drafting reports:

- GATE | <http://gate.ngo>
 - » Trans, Gender Diverse and Intersex Advocacy in Action
- Transgender Europe (TGEU) | <https://tgeu.org> (for Europe and Central Asia)
- Asia Pacific Transgender Network (APTN) | <https://weareaptn.org> (for Asia and the Pacific)
- International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World) | <https://ilga.org>
- ILGA-Europe | <https://www.ilga-europe.org> (for Europe and Central Asia)
- ILGA Asia | <https://www.ilgaasia.org> (for Asia)
- COC Nederland | <https://international.coc.nl/> - international@coc.nl

Financial support:

- International Trans Fund | <https://www.transfund.org>
- International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World) | <https://ilga.org>
- COC Nederland | <https://international.coc.nl/> - international@coc.nl

Advocacy in Geneva:

- International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World) | <https://ilga.org>

7.2. Additional Resources

- TGEU and ARC International – [Making the UN work for you: A toolkit on UN advocacy for trans activists](#)
A comprehensive guide for activists on engaging GIGE issues in different mechanisms of the UN
- Amnesty International – [Holding government to account: a guide to shadow reporting on economic, social and cultural rights](#)
An introduction to engaging with CESCR and advice on preparing a shadow report
- International Service for Human Rights (ISHR) – [Simple Guide to the UN Treaty Bodies](#)
[English](#) | [Español](#) | [Français](#) | [中文版](#) | [Arabic](#)
A comprehensive explanation of the treaty bodies system and opportunities for civil society engagement
- ILGA World – [United Nations Treaty Bodies: References to Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics](#)
Annual reports compiling and analyzing all SOGIESC references made by all treaty bodies in their lists of issues, concluding observations, decisions on individual communications and general recommendations. The reports include specific sections on gender identity and gender expression. They also suggest practical advice to LGBTI advocates.
- ILGA World – [UN Treaty Bodies Deadlines](#)
Monthly updated list of all deadlines for all countries and all treaty bodies. Countries are organized in alphabetical order so you can easily check your country.
- ILGA World – [Treaty Bodies Strategic Litigation Toolkit](#)
 - » Part 1 – Policy Paper
Information about the concept, aims and components of strategic litigation; basic information about treaty bodies and their working methods; procedural aspects of bringing individual complaints to the committees; analysis of existing treaty bodies’ jurisprudence on SOGIESC issues and pending cases, gaps and opportunities for future developments; six regional-specific sections with background information on LGBTI strategic litigation before treaty bodies, as well as evidence, recommendations and thoughts on the topic from activists, lawyers and experts working in the regions; and tables with brief information about treaty bodies’ jurisprudence, pending cases and useful resources and contacts.
[English](#) | [Español](#) | [Français](#) | [Русский](#)
 - » Part 2 – Treaty Bodies’ Case Digest
Treaty Bodies’ decisions on 25 LGBT cases: brief description of facts; reasoning and decision; 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 Treaty Bodies’ cases on SOGIESC (periodically updated).