



UN Treaty Bodies Quarterly Report

No. 3/2021 — July–September 2021

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ILGA World’s **UN Treaty Bodies Quarterly Report** provides main information on SOGIESC references made by UN Committees in their Lists of Issues and Concluding Observations under country periodic review process, as well as adopted General Comments and Individual Complaints.

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

!!! Due to the COVID-19 outbreak, several sessions of Treaty Bodies were postponed and some of them will be held online.

**SOGIESC-inclusive
Concluding Observations**

- ⇒ Check LGBTI recommendations to your country
- ⇒ Organize follow-up activities to inform your community about recommendations and to encourage your government to implement the recommendations

| |
|----------------|
| Brazil |
| Colombia |
| Czech Republic |
| Eswatini |
| France |
| Mongolia |
| Netherlands |
| Panama |
| Poland |
| Togo |
| Switzerland |

**SOGIESC-inclusive
Lists of Issues**

- ⇒ See what information was requested from your country before the formulation of recommendations
- ⇒ Collect information and provide your comments to inform Treaty Bodies’ future recommendations

| | |
|----------|-------------|
| Albania | Finland |
| Armenia | Guatemala |
| Bhutan | Honduras |
| Burundi | Mozambique |
| Canada | Netherlands |
| Chile | Poland |
| Ecuador | Togo |
| Estonia | Turkey |
| Eswatini | Spain |
| France | Switzerland |
| | Zambia |

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COUNTRY-SPECIFIC QUESTIONS AND RECOMMENDATIONS

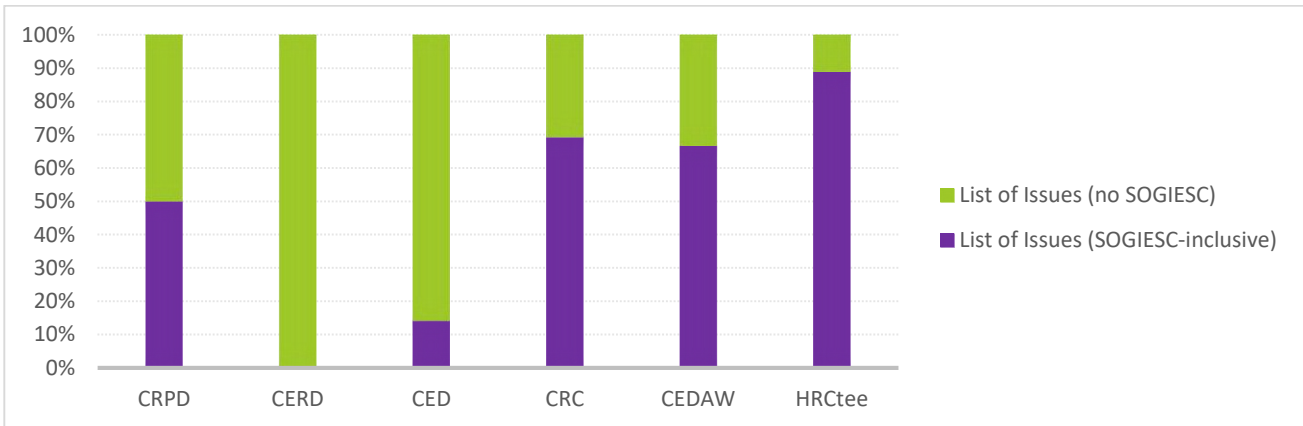
This section contains information about recommendations in Concluding Observations, as well as questions in Lists of Issues to specific countries under country periodic review process.

[**Bold**] = SOGIESC-inclusive questions or recommendations

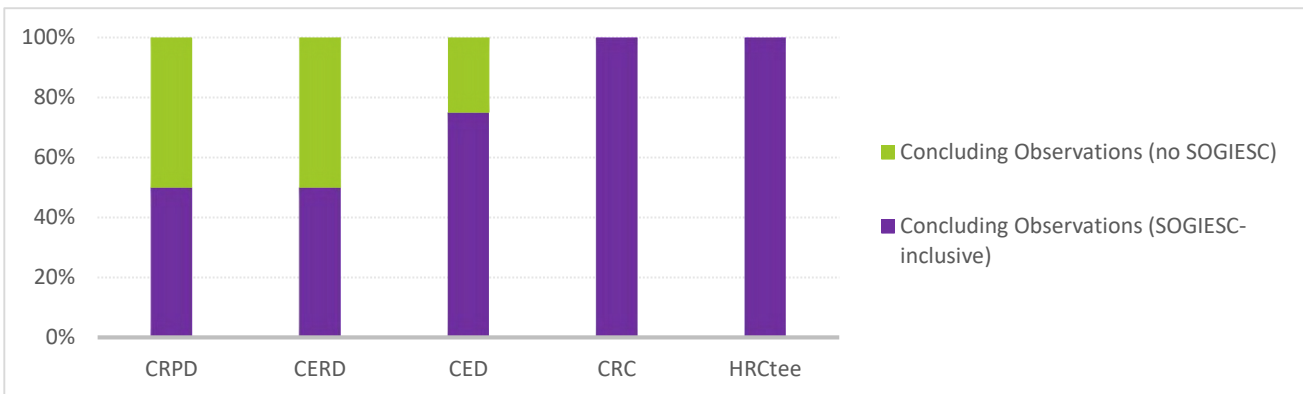
| Committee Session / PSWG | | Countries |
|--|--------------------------|---|
| HRCtee 132 Session : 28 Jun- 23 Jul 2021 | List of Issues: | Togo, Burundi, Albania, Canada, Ecuador, France, Mozambique, Timor-Leste, Turkey |
| | Concluding Observations: | Togo |
| CRC 88 Session : 06 Sep - 24 Sep 2021 | List of Issues: | Czech Republic, Eswatini, Poland, Switzerland |
| | Concluding Observations: | Czech Republic, Eswatini, Poland, Switzerland |
| 90 PSWG : 27 Sep - 01 Oct 2021 | List of Issues: | Chile, Zambia, Bhutan, Ecuador, Estonia, Georgia, Guatemala, Peru, Sierra Leone |
| CRPD 25 Online Session : 06 Aug- 14 Sep 2021 | List of Issues: | Djibouti, France |
| | Concluding Observations: | Djibouti, France |
| CED 21 Online Session : 13 Sep- 24 Sep 2021 | List of Issues: | Costa Rica, Mali, Mauritania, France, Spain, Brazil, Panama |
| | Concluding Observations: | France, Spain, Brazil, Panama |
| CERD 104 Session : 19 Apr- 30 Apr 2021 | List of Issues: | Lebanon, Netherlands, India |
| | Concluding Observations: | Lebanon, Netherlands |
| CEDAW 81 Virtual PSWG : 05 Jul- 09 Jul 2021 | List of Issues: | Armenia, Djibouti, Finland, Georgia, Honduras, Turkey, Estonia, Netherlands, Niger |

PSWG – Pre-Sessional Working Group | HRCtee – Human Rights Committee | CRC – Committee on the Rights of the Child | CED – Committee on Enforced Disappearances | CERD – Committee on the Elimination of Racial Discrimination | CRPD – Committee of the Rights of Persons with Disabilities | CEDAW – Committee on the Elimination of Discrimination against Women

Percentage of SOGIESC-inclusive List of Issues by Treaty Bodies (July-September 2021)



Percentage of SOGIESC-inclusive Concluding Observations (July-September 2021)



GENERAL COMMENTS

This section contains information about General Comments (General Recommendations) adopted by Treaty Bodies. These documents provide the Committees' interpretation of the content of human rights provisions regarding thematic issues or methods of work.

Committee

General Recommendation

No General Comments were adopted in July- September 2021

INDIVIDUAL COMPLAINTS

This section contains information about decisions made by the Committees on individual complaints. Individual complaint is a formal complaint, from an individual who claims that their rights under one of the treaties have been violated by a State party, which most of the treaty bodies are competent to consider.

| Committee Decision | Treaty's articles Issue Result |
|--|--|
| HRCtee H.G. v.Sweden Communication No. 3266/2018 Decision of 23 Jul 2021 | <i>Arts. 7 and 17 of the ICCPR</i> Deportation of a gay man to Afghanistan Torture; cruel, inhuman or degrading treatment or punishment, right to family life; deportation and asylum rejection on sexual orientation grounds Inadmissible |
| CAT H.S. v. Denmark Communication No. 792/2016 Decision of 19 Jul 2021 | <i>Art. 3 of the CAT Convention</i> Deportation of a lesbian woman to Uganda Non-refoulement; torture; deportation and asylum rejection on sexual orientation grounds Non-violation |

HRCtee– Human Rights Committee | **ICCPR** – International Covenant on Civil and Political Rights | **CAT** – Committee against Torture

Update! The new forms and guidance notes for individual complaints are available in the main website of the following Committees:

[HRCtee](#), [CERD](#), [CESCR](#), [CEDAW](#), [CAT](#), [CRC](#), [CRPD](#), [CED](#)

SUMMARY OF SESSIONS: COUNTRY PERIODIC REVIEWS

This section contains more detailed information on SOGIESC questions, recommendations and follow-up reviews adopted by specific Committees under the country periodic review process.

[Bold] = SOGIESC-inclusive recommendations in the Concluding Observations

[Light] = SOGIESC-inclusive concerns and questions in the Concluding Observations and List of Issues respectively

Committee on Enforced Disappearances

[21 Online Session](#) : 13 Sep - 24 Sep 2021

One LGBTI-inclusive **question** in the Committee's List of Issues:

[Spain](#) (para.11)

- Information on the reparation to victims of enforced disappearance and the efforts to ensure that this reparation take due account of the individual situation of the victims, including their SOGI

Two LGBTI-inclusive **recommendations** in the Committee's Concluding Observations on:

[France](#) (para. 22)

[Brazil](#) (para. 29)

[Panama](#) (paras. 11, 33)

- First SOGI recommendations from this committee to France, Brazil and Panama
- Ensure that national legislation provides a comprehensive system of reparation and compensation, taking into account the particular circumstances of the victims, including their sex and SOGI (France, Brazil, Panama)
- One follow-up recommendation: Ensure that the Single Register of Missing Persons include the sex, gender identity, sexual orientation, age, nationality and ethnic group of the disappeared person (Panama)¹

¹ Follow up due to 27 Sep, 2022

Human Rights Committee

132 Online Session: 21 Jun - 23 Jul 2021

Six LGBTI-inclusive **questions** in the Committee's List of Issues:

[Togo](#)² (para. 5)

[Burundi](#) (para. 4)

[Albania](#) (para. 7)

[Canada](#) (paras. 4, 6, 12)

[Ecuador](#) (para. 7)

[France](#) (para. 4)

[Mozambique](#) (paras. 5, 24)

[Turkey](#) (para. 3)

- Number of allegations of assault and arbitrary arrest and detention of persons based on SOGI, and the efforts to combat social stigmatization of LGBTI persons in relation to their access to employment, housing, education and health services (Togo)
- Measures to combat discrimination and stigma based on SOGI and to protect persons subjected to it from violent assaults and harassment by public officials or private individuals (Burundi)
- Efforts to combat hate crimes, hate speech, including online hate speech, and other acts of discrimination, stigmatization and violence on the basis of SOGI (Albania, Canada, France, Mozambique, Turkey)
- Measures to limit or prohibit medically unnecessary surgery on intersex children (Canada)
- Measures to prevent and combat violence and discrimination based on SOGI, including: training for judges, prosecutors, members of the security forces and medical practitioners; awareness-raising campaigns; investigations, prosecutions and convictions related to the killings of LGBTI; and legal initiatives to effectively eradicate the practice of placing people in clinics for "treatment to cure sexual identity or gender identity" (Ecuador)
- Respond to allegations that associations of LGBTI persons have been denied registration and provide information on the progress of the registration of the Mozambican Association for the Defence of Sexual Minorities (Mozambique)

Three LGBTI-inclusive **recommendations** in the Committee's Concluding Observations on:

[Togo](#) (paras. 17 ,18)

- Revise national legislation to include a definition of direct and indirect discrimination that covers SOGI
- Amend the Criminal Code to decriminalize sex between consenting adults of the same sex
- Guarantee protection to persons who are targeted on account of their SOGI and to organizations set up to defend such persons against all forms of targeted harassment, discrimination and violence

² List of issues from previous session

Committee on the Elimination of Discrimination against Women

81 Online PSWG: 05 – 09 Jul 2021

Seven LGBTI-inclusive **questions** in the Committee's List of Issues:

[Armenia](#) (para. 15)

[Finland](#) (paras. 10, 21)

[Honduras](#) (para. 4)

[Turkey](#) (para.9)

[Estonia](#) (para. 22)

[Netherlands](#) (paras. 8, 16, 22)

- Information on mandatory training for health workers on women's and girls' sexual and reproductive rights, paying particular attention to LGBTI women, and measures taken to ensure full consent for any medical procedure such as sterilization of transgender women (Armenia)
- Measures to tackle discriminatory gender stereotypes with regard to women and girls, including those experiencing multiple and intersecting forms of discrimination relating to SOGI (Finland, Honduras)
- Information about the reform of the Act on Legal Recognition of the Gender of Transsexuals (Finland)
- Steps to protect LBT women against discrimination and violence, by including SOGI in the legislation on hate crimes, and ensure that perpetrators of violence against LBT women do not benefit from the mitigating circumstances (Turkey)
- Information on any amendment to the Equal Treatment Act to cover discrimination on the grounds of SOGI in all spheres of society, and provide comprehensive statistics on the situation of LGBTI women (Estonia)
- Measures to address discrimination faced by LBT women in accessing the labour market, and to ensure that LBT women have effective access to justice, sexual and reproductive health services, income-generating opportunities, and social protection programmes (Netherlands)
- Measures to develop and implement a rights-based health care protocol for intersex children that ensures that children and their parents are properly informed of all options about irreversible medical interventions (Netherlands)

Committee on the Rights of the Child

88 Session: 06 Sep-24 Sep 2021 | 90 PSWG: 27 Sep- 01 Oct 2021

Nine LGBTI-inclusive **questions** in the Committee's List of Issues:

[Eswatini](#)³ (paras. 4, 37)

[Poland](#)⁴ (para. 10)

[Switzerland](#)⁵ (paras. 10,16)

[Chile](#) (paras. 9, 15, 38)

[Zambia](#) (paras. 9)

[Buthan](#) (para. 13, 18, 26)

[Ecuador](#) (paras.5, 11)

[Estonia](#) (para. 23)

[Guatemala](#) (para. 11)

- Measures to prevent discrimination against LGBTI children, including while accessing education and health services (Eswatini, Poland, Switzerland, Chile, Zambia, Buthan, Guatemala)
- Information on disaggregated data on intersex children subjected to medically irreversible surgery and forced sterilization and medication (Eswatini, Chile)
- Measures to ensure that intersex children are not subjected to unnecessary medical or surgical treatment, and to provide adequate counselling, support and access to effective remedies for the victims, as well as information on whether this practice is still covered by disability insurance (Switzerland)
- Information on the finalization and implementation of a rights-based health-care protocol for intersex children to ensure that no child is subjected to unnecessary surgery or treatment (Chile)
- Measures to combat violence, sexual harassment and bullying in schools, including against LGBTI children (Bhutan)
- Information on hate crimes, hate speech and homophobia against LGBTI persons (Poland)
- Measures to protect transgender and gender diverse children from all forms of physical and mental abuse, violence and maltreatment, including sexual abuse (Bhutan)
- Information on implementation of systemic reforms in areas affecting LGBTI children and adolescents and on the adoption of clear guidelines for public authorities aimed at ensuring non-discrimination against children in families composed of same-sex couples, and LGBTI children and adolescents (Ecuador)
- Measures to provide access to sexual and reproductive health services for LGBTI children (Estonia)

Seven LGBTI-inclusive **recommendations** in the Committee's Concluding Observations on:

[Czech Republic](#) (paras. 28)

[Eswatini](#) (paras. 26, 27)

[Poland](#) (paras. 17, 18, 35, 38)

[Switzerland](#) (paras. 3, 15, 17, 18, 29, 36, 39)

- First LGBTI recommendations from this committee to Czech Republic and Eswatini
- Ensure that intersex children are not subjected to unnecessary medical or surgical treatment during childhood, and provide social, medical and psychological services, adequate counselling, support and reparations, to families with intersex children (Czech Republic, Switzerland)
- Strengthen efforts to eliminate discrimination and stigmatization against groups of children in marginalized and disadvantaged situations, particularly LGBTI children (Eswatini)
- Train health professionals to support children with disabilities and LGBTI children (Poland)
- Address homophobic behaviour from students and teachers towards LGBT students and teachers, in particular in the context of religion classes (Poland)
- Develop policies and awareness-raising measures aimed at addressing the root causes of de facto discrimination, with a view to eliminating discrimination against LGBTI children (Switzerland)
- Ensure the effective implementation of the 2016 action plan on suicide prevention, and that it includes preventive measures specifically for transgender adolescents (Switzerland)
- Develop national programmes to prevent bullying and provide support to LGBTI children victims; and raise awareness about the harmful effects of bullying (Switzerland)

³ List of Issues from previous session

⁴ List of Issues from previous session

⁵ List of Issues from previous session

Committee on the Elimination of Racial Discrimination

[104 Session](#): 09 Aug– 25 Aug 2021

One LGBTI-inclusive **recommendation** in the Committee's Concluding Observations on:

[Netherlands](#) (para. 35, **36**)

- Engage in a dialogue with civil society organisations working with and on the issue of LGBTI asylum seekers to avoid stereotyping and explore possible improvements to assessments of LGBTI claims of asylum seekers

Committee on the Rights of Persons with Disabilities

[25 Online Session](#) : 16 Aug - 14 Sep 2021

Four LGBTI-inclusive **question** in the Committee's List of Issues⁶:

[France](#) (para.3, 12, 15, 27)

- Measures to recognize multiple and intersectional forms of discrimination, including on the grounds of SOGIESC
- Efforts to guarantee the access of persons with disabilities, including intersex persons with disabilities, to legal representation during criminal proceedings
- Information on efforts taken to prohibit non-consensual irreversible procedures on intersex persons, including children
- Measures to ensure the access of all persons with disabilities, including intersex persons with disabilities, to health care, including gynaecological, dental and other health-care services, facilities, amenities and equipment

Four LGBTI-inclusive **recommendations** in the Committee's Concluding Observations on:

[France](#) (para. 10, 11, **12**, **36**, **63**)

- First LGBTI recommendations from this committee to France
- Ensure meaningful and effective support and consultations with the diverse organizations of persons with disabilities, paying attention to organizations of LGBTI persons with disabilities
- Prohibit multiple and intersectional discrimination on the ground of SOGI and adopt strategies to eliminate it
- Ensure that intersex persons are not subjected to medical interventions without their consent
- Develop data collection systems on the situation of persons with disabilities with the data disaggregated by a range of factors, such as SOGI.

⁶ List of Issues from previous session