



UN Committee on the Elimination of Discrimination against Women: 70 Session and 72 Pre-Sessional Working Group

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RESUME:

- SOGIESC recommendations were made for [Australia](#), [Cook Islands](#), [Cyprus](#), [Liechtenstein](#), [Mexico](#) & [New Zealand](#), including:
 - First CEDAW recommendations for Australia, Cook Islands, Cyprus, Liechtenstein and Mexico
 - Second CEDAW recommendations for New Zealand
 - Recommendations on: awareness-raising (Australia, Mexico), school environment (Australia, New Zealand), mental health situation of LGBTI and access to non-discriminatory health services (Australia), data collection (New Zealand) and same-sex families (Cyprus, Liechtenstein)
 - Specific recommendations on legal gender recognition (Australia)
 - Specific intersex recommendations (Australia, Liechtenstein, Mexico and New Zealand)
- Questions on LB women and TI persons for [Angola](#), [Botswana](#), [Colombia](#), [Ethiopia](#), [Serbia](#) and the [United Kingdom](#).
 - Groups from these countries may submit their shadow reports for the Committee's winter session by 21 January 2019 (tbc)
- The Independent Expert on SOGI briefed the Committee on his mandate and work to protect LGBTI women and intersex persons from gender-based violence and intersecting forms of discrimination.

- Next Session: 22 October to 9 November 2018
 - Countries: Bahamas, Congo, Lao People's Democratic Republic, Mauritius, Nepal, Samoa, Tajikistan, The former Yugoslav Republic of Macedonia
 - NGO report deadline: 1 October 2018 (tbc)

1. SUMMARY

The UN Committee on the Elimination of Discrimination against Women (CEDAW) published its Concluding Observations as a result of the **70th Session** (2 to 20 July 2018). Australia, Cook Islands, Cyprus, Liechtenstein and Mexico received their first and New Zealand their second SOGIESC recommendations from CEDAW.

The Committee made SOGIESC recommendations on awareness-raising measures (Australia, Mexico), school environment (Australia, New Zealand), mental health situation of LGBTI and access to non-discriminatory health services (Australia), data collection (New Zealand) and same-sex families (Cyprus, Liechtenstein).

Concerning language, CEDAW again did not show a consistent approach referring to “*LBT women*”, “*LBTI women*”, “*LBT women and intersex persons*” and “*LBTI persons*.”

On one occasion, the Committee made reference to “*sexual preference*” (Cook Islands, the term was used by the State party in its report), and on another one it referred to *GIESC* (New Zealand).

No stand-alone references were made to “*lesbian women*” or “*lesbian and bisexual women*”, while it can be suggested that all the references to “*same-sex*” *union / civil union / cohabitation / partnership / couples* related (at least mostly) to LB women’s situation. In this sense, the Committee’s reference to transgender women in its appreciation of the adoption of the Civil Union Law by Cyprus seems to be not very conscious.

Stand-alone references on **trans issues** were made in the Concluding Observations on Australia with regard to legal gender recognition. While the problem *per se* is relevant not only for trans women, the Committee referred to this group only.

CEDAW continued to pay particular attention to **intersex issues**. Four countries, namely Australia, Liechtenstein, Mexico and New Zealand, received specific recommendations on intersex persons. Except for Liechtenstein, when relevant issues were framed under the “*Health*” section, the Committee put intersex recommendation under the topic of “*Harmful practices*.”

On 16 July, the **Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity**, Victor Madrigal-Borloz [briefed the Committee](#) via video conference on his mandate and work to protect LBT women and intersex persons from gender-based violence and intersecting forms of discrimination.

CEDAW also published its Lists of Issues as a result of the **72nd Pre-Sessional Working Group** (23 to 27 July 2018). Questions on LB women and TI persons were sent to six (Angola, Botswana, Colombia, Ethiopia, Serbia and the United Kingdom) out of seven countries reviewed during the PSWG. Stand-alone reference to **LB women** were made in the LOI for Ethiopia, and to **intersex** children, as well as **transgender** women and girls in the LOI for the UK.

2. CONCLUDING OBSERVATIONS

During its 70th Session, the Committee reviewed periodic reports of Australia, Cook Islands, Cyprus, Liechtenstein, Mexico, New Zealand, State of Palestine and Turkmenistan.

SOGIESC recommendations were made for six countries. Only New Zealand received its first LGBTI recommendations, while for five other countries (Australia, Cook Islands, Cyprus, Liechtenstein and Mexico) CEDAW made its first recommendations on SOGIESC.

Out of the six countries that received SOGIESC recommendations, only Cyprus and Mexico have been asked about LGBTI-related aspects as a result of CEDAW pre-session and Lists of Issues produced consequently.

SOGIESC issues have been also discussed in all bar two (Palestine and Turkmenistan) constructive dialogues of the Committee with country delegations.

Except for the Cook Islands, relevant issues have been addressed either in written submissions by NGOs, or in the defenders' statements during the session, or both.

In contrast with the [previous session](#), CEDAW has not selected any LGBTI recommendations for the follow-up review.

Country	SOGIESC in previous CO*	SOGIESC in LOI**	SOGIESC in the constructive dialogue	SOGIESC in CSS****	Defenders participating in the session	SOGIESC in COs	SOGIESC recommendations for follow-up
Australia	No	No	Yes	Yes	Yes	Yes	No
Cook Islands	No	No	Yes***	No	No***	Yes	No
Cyprus	No	Yes	Yes	Yes	Yes	Yes	No
Liechtenstein	No	No	Yes	Yes	Yes	Yes	No
Mexico	No	Yes	Yes	Yes	Yes	Yes	No
New Zealand	Yes	No	Yes	Yes	No***	Yes	No
State of Palestine	n/a	No	No	Yes	No***	No	n/a
Turkmenistan	No	No	No	No	No***	No	n/a

* CO – Concluding Observations
 ** LOI – List of Issues (Prior to Reporting)
 *** According to the press releases
 **** CSS – Civil Society Submission

Country-specific information

Australia:

Neither the Committee's previous [Concluding Observations](#), nor its List of Issues for Australia had included any SOGIESC references.

While no information on L(G)BTQI¹ aspects were provided by civil society for the PSWG, participation of NGOs in the main session was much more active. Some of the [shadow reports](#)

¹ "G" is used here as, according to defenders from Australia, for some lesbian women in the country it is important to use the term "gay women."

submitted for the Committee's session were devoted exclusively to L(G)BTQI persons' situation,² and some other reports included detailed chapters on the issue.³

Several NGO representatives briefed the Committee on L(G)BTQI issues during both meetings with civil society,⁴ and ILGA supported a defender from the *Human Rights Law Centre* to participate in the session.

Consequently, many questions related to the situation of L(G)BQ women and trans and intersex persons have been addressed during the [constructive dialogue](#) of the Committee with the delegation of Australia.⁵ CEDAW asked the Government about LBQ asylum seekers, stereotypes in and access to education; any plans to adopt a policy to prohibit intersex genital mutilation; participation of women from different groups, including LGBTI; LBT women in education; LGBTI women's suicide rate, mental health issues, discrimination and harassment; and legal gender recognition.

“What is being done to ensure legal recognition of gender which is based on the principle of self-identification, as recommended by the Independent Expert on Sexual Orientation and Gender Identity?”

Ruth Halperin-Kaddari, a member of CEDAW Committee

As a result of the review, CEDAW [recommended](#) Australia to raise awareness of respecting the diversity of its population, aiming at the full inclusion of, *inter alia*, LBT women and intersex persons; to build the capacities of educational staff to create safer and more inclusive learning environments, including for LBT women and intersex persons; to increase efforts and resources to address the deteriorating mental health situation of women and girls, in particular LGBTI; and to ensure access to non-discriminatory health services for LBT women and intersex persons.

A stand-alone recommendation on trans issues suggested Australia to abolish requirements regarding medical treatment for transgender women who wish to obtain legal recognition of their gender, ensure that those are abolished throughout its territory, and guarantee the right of transgender women to bodily integrity, autonomy and self-determination.

Specifically on intersex, CEDAW [recommended](#) Australia to adopt legislation explicitly prohibiting unnecessary surgical or other medical treatment on intersex children before they reach the legal age of consent; to implement the recommendations of the 2013 Senate inquiry on involuntary or coerced sterilisation of intersex persons; to provide families with intersex children with adequate counselling and support; and to provide redress to intersex persons having undergone medical treatment.

² Submission by [Australian Lesbian Medical Association](#) for the Session (*a stand-alone report on LB women and TI persons*); Submission by [Intersex Human Rights Australia](#) for the Session (*a stand-alone report on intersex*); and Submission by [Queer Sisterhood Project](#) for the Session (*a stand-alone report on LGBTI asylum-seeking and refugee women*).

³ Submission by the [Australian Women Against Violence Alliance](#) for the Session (*a small section on LGBTI*); Submission by [Human Rights Law Centre](#) for the Session (*a chapter on LGBTI women and girls*).

⁴ Public NGO briefing is available [online](#) (2 July 2018). See also a [press release](#).

⁵ Full video records are available online: the [1st part](#) and the [2nd part](#) (3 July 2018) of the dialogue on Australia. See also summary records of the [1st part](#) and the [2nd part](#) of the dialogue.

Cook Islands:

CEDAW [Concluding Observations](#) on the Cook Islands adopted in 2007 did not mention SOGIESC, neither did the [List of Issues](#) prepared by the Committee before the main review. No SOGIESC references were made also by CSO submissions on the Cook Islands published on the session's webpage.

Nevertheless, during the constructive dialogue⁶ CEDAW experts raised issues related to the regulation of same-sex relationships (property rights), and to the discrimination faced by LGBTI women in employment, education, health services and other areas.

As a result of the review, the Committee [commended](#) the adoption of the Public Service Code of Conduct Policy in 2009, which prohibited discrimination based on different grounds, including “*sexual preferences*.” It also [recommended](#) the Cook Islands to make the necessary legislative changes to prohibit intersecting forms of discrimination against LBT women, and conduct awareness-raising activities to address their stigmatization within society.

Cyprus:

Previous [recommendations](#) to Cyprus issued by CEDAW in 2013 did not contain any references to SOGIESC.

The only civil society [submission](#) for the PSWG mentioned homophobic and transphobic attitudes of the authorities and school teachers. However, the [List of Issues](#) produced by the Committee as a result of the pre-session did not refer to this problem, but instead raised some issues related to the rights of same-sex couples.

For the main session, a [stand-alone report](#) on the situation of LGBTQ women was submitted by *ACCEPT LGBT Cyprus*. Notably, only two shadow reports were presented for the session on Cyprus, one of them being a particular submission on LGBTQ women. The report addressed five problems, namely social stigma, health care, family relations, employment and economic life – including in relation to legal gender recognition, and hate speech and hate crimes against LGBTQ women. A representative of the *ACCEPT* came to Geneva, being the only human rights defender from Cyprus at the session, and briefed the Committee members about many issues faced by women in the country.⁷

Nevertheless, CEDAW experts ignored most of the problems raised by *ACCEPT*, and the only relevant question was raised by Ms. Kaddari.⁸ The question was about the lack of legal recognition of non-biological mothers in same-sex families with children.

While the Committee's [Concluding Observations](#) did not refer to LGBTI or SOGIESC explicitly – notwithstanding the *ACCEPT*'s input, – a recommendation to “*ensure adequate protection for children born to or adopted in the context of de facto unions and other civil unions*” appears to be intended to include same-sex families.

⁶ Full video records are available online: the [1st part](#) and the [2nd part](#) (13 July 2018) of the dialogue on the Cook Islands. See also summary records of the [1st part](#) and the [2nd part](#) of the dialogue.

⁷ Public NGO briefing is available [online](#) (2 July 2018). See also a [press release](#).

⁸ Full video records are available online: the [1st part](#) and the [2nd part](#) (4 July 2018) of the dialogue on Cyprus. See also summary records of the [1st part](#) and the [2nd part](#) of the dialogue.

“I want to raise a question about LBQ women who are now eligible to enter civil unions and, if I understand correctly, they can also have assisted reproduction through artificial insemination as a single woman, but if that woman enters the civil union, her partner will not be recognised as a second mother to the child. So, there are no legal ties between the second mother, the psychological mother, and the child. And this puts the child in risks, and is contrary to both the rights of the child, the best interest of the child, and the rights of the two mothers. Please, clarify if you intend to reevaluate this situation.”

Ruth Halperin-Kaddari, a member of CEDAW Committee

Apart from that, the [Concluding Observations](#) welcomed the Civil Union Law adopted in Cyprus in 2015, which recognized “*the right of LBT women to enter into same-sex civil unions and cohabitation.*”

Liechtenstein:

Neither the 2011 [Concluding Observations](#), nor the [List of Issues prior to reporting](#) on Liechtenstein referred to SOGIESC.

Among CSO submissions presented for the session, the one by [StopIGM.org/Zwischengeschlecht.org](#) described the situation of intersex persons in the country, and the same organisation briefed CEDAW experts during the NGO briefing.⁹

During the dialogue with the State party, Committee members required from the State delegation answers to some questions related to intersex children and medical treatment towards them, but also anti-LGBT hate speech.¹⁰

As a result of the review, CEDAW [recommended](#) Liechtenstein to “*prohibit non-consensual sex reassignment surgery on intersex persons and develop and implement a rights-based health-care protocol for intersex children that requires their informed consent about the performance of medically irreversible sex reassignment surgery.*” It also called on the State to “*analyse the effects of the law recognizing same-sex partnership to determine if equality of treatment between registered partnership and marriage has been achieved in practice.*”

Mexico:

While no SOGIESC [recommendations](#) were made by CEDAW during the previous review of Mexico in 2012, the [List of Issues](#) did include a request for relevant information. The Committee asked the Mexican government to “*provide statistics on the number of LBT and refugee and asylum-seeking women and intersex persons who have been subjected to gender-based violence in the State party, stating whether the alleged perpetrators have been brought to justice.*”

⁹ Public NGO briefing is available [online](#) (2 July 2018). See also a [press release](#).

¹⁰ Full video records are available online: the [1st part](#) and the [2nd part](#) (5 July 2018) of the dialogue on Liechtenstein. See also summary records of the [1st part](#) and the [2nd part](#) of the dialogue, and a [press release](#).

Civil society from Mexico participated actively in CEDAW processes before and during the Session. Some [alternative reports](#) submitted for the Session were devoted exclusively to the situation of LBT women or intersex persons, and more general reports referred to SOGIESC as well. Additionally, defenders representing LBT women and intersex people participated in the Session and briefed committee members.¹¹

During the constructive dialogue with Mexico, CEDAW experts asked some questions related to the situation of LBT women and intersex persons in the country – particularly, with regard to health care.¹²

As a result of the whole process, the Committee made its first SOGIESC [recommendations](#) to Mexico and urged it to “*adopt a road map that includes adequate resources, a timeline and measurable targets requiring authorities at the federal, state and local levels to implement relevant laws to prevent and eliminate all forms of de facto discrimination against women, in particular LBTI women*”; to “*address the lack of protection measures to ensure the dignity and physical integrity of LBT women, including by raising public awareness of their rights, in cooperation with civil society*”; and to “*explicitly prohibit the performance of unnecessary surgical or other medical treatment on intersex children until they reach an age when they can give their free, prior and informed consent; and provide families of intersex children with adequate counselling and support.*”

New Zealand:

New Zealand was the only country reviewed during this Session that had received SOGIESC recommendation from the Committee in the past. In 2012, CEDAW [recommended](#) New Zealand to “*improve access and quality of health services for lesbian women and transgendered persons.*” However, no SOGIESC issues were included into the Committee’s [List of Issues](#) for New Zealand.

Several [shadow reports](#) regarding New Zealand submitted to CEDAW did refer to LGBTIQ people or LBT women, and one report was a stand-alone submission on intersex.

Some LGBTI-related questions have been asked by the committee members during the constructive dialogue with the State party. For example, an expert asked for clarification on whether or not New Zealand plan to include GIESC in the Human Rights Act.¹³

As a result of the review, CEDAW [recommended](#) New Zealand to “*amend the Human Rights Act with a view to including specific prohibition of discrimination on the grounds of gender identity, gender expression, and sex characteristics*”; to ensure access to justice for LBTI persons and to prevent cyberbullying targeting LBTI students; to collect data on SOGI; and to “*explicitly prohibit the performance of unnecessary surgical or other medical treatment on intersex children before they reach the legal age of consent, provide families with intersex children with adequate counselling and support, and provide redress to intersex persons having undergone medical treatment.*”

¹¹ Public NGO briefing is available [online](#) (2 July 2018). See also a [press release](#).

¹² Full video records are available online: the [1st part](#) and the [2nd part](#) (6 July 2018) of the dialogue on Mexico. See also summary records of the [1st part](#) and the [2nd part](#) of the dialogue.

¹³ Full video records are available online: the [1st part](#) and the [2nd part](#) (12 July 2018) of the dialogue on New Zealand. See also summary records of the [1st part](#) and the [2nd part](#) of the dialogue.

State of Palestine:

The State of Palestine has been reviewed by CEDAW for the first time. While neither the [List of Issues](#) nor the dialogue¹⁴ nor the [Concluding Observations](#) referred to SOGIESC, some issues have been [addressed](#) by civil society in their submissions to the Committee.

Turkmenistan:

SOGIESC were not raised in the CEDAW previous [Concluding Observations](#), [List of Issues](#), constructive dialogue¹⁵ and the final [Concluding Observations](#). Neither civil society addressed the topic.

¹⁴ Full video records are available online: the [1st part](#) and the [2nd part](#) (11 July 2018) of the dialogue on the State of Palestine. See also summary records of the [1st part](#) and the [2nd part](#) of the dialogue.

¹⁵ Full video records are available online: the [1st part](#) and the [2nd part](#) (10 July 2018) of the dialogue on Turkmenistan. See also summary records of the [1st part](#) and the [2nd part](#) of the dialogue.

3. LISTS OF ISSUES

As a result of its 72nd Pre-Sessional Working Group, CEDAW produced a set of questions for the States that will be reviewed in the future. While for Antigua and Barbuda there were no specific questions on SOGIESC, the Committee did ask Angola, Botswana, Colombia, Ethiopia, Serbia and the UK about the situation of LB women and TI persons in these countries.

NGO reports covering SOGIESC were submitted for all the countries, except for Antigua and Barbuda (and the same countries received SOGIESC-inclusive Lists of Issues).

Civil society representatives addressed LBQ women's issues delivering statements on Ethiopia and Serbia (supported by ILGA).

As a result, most of the Lists of Issues published by CEDAW included references to LGBTI.

[Angola](#) was asked about whether or not LGBTI women are included into the National Educational Plan.

[Botswana](#) was inquired about LGBTI women in employment.

[Colombia](#) was asked about measures to prohibit intersecting discrimination against women, particularly against LGBTI women.

In case of [Ethiopia](#), CEDAW requested information on any plans to decriminalise LB women, and on so-called "corrective rapes" towards them.

[Serbia](#) received a set of questions regarding anti-discrimination legislation, LBT women and intersex persons in employment and health, including access to artificial insemination and family planning, and on steps taken to ensure the registration of same-sex partnerships.

Finally, the [UK](#) received specific questions on surgeries and other treatments towards intersex children, as well as on bullying in educational facilities targeting transgender women and girls. Additionally, a question on measure to protect LBT women and girls from abuse and violence was included into the List of Issues.

The six countries will be reviewed by the Committee during its 72nd Session that will take place in Geneva from 11 February to 1 March 2019. Civil society groups are invited to submit their shadow reports to the Committee by 21 January 2019 (tbc).

4. COMPILATION OF CONCLUDING OBSERVATIONS

Australia – Concluding Observations – 70th session, 20 July 2018, 8th review¹⁶

B. Positive Aspects

4. The Committee welcomes the progress achieved since the consideration in 2010 of the State party's seventh periodic report (CEDAW/C/AUS/7) in undertaking legislative reforms, in particular the adoption of:

[...]

(d) Amendments to the Sex Discrimination Act, prohibiting discrimination on grounds of sexual orientation, gender identity and intersex status, in 2013;

[...].

Stereotypes

23. The Committee takes note of the State party's initiatives to challenge negative attitudes that exacerbate gender-based violence against women. It is however concerned that the absence of a holistic strategy to address negative social and cultural patterns in public discourse, the media, the workplace, and in schools, universities, health institutions and in the judiciary exacerbates discrimination against various groups of women based on their gender, their belonging to an indigenous group, their migration-, asylum- or social status, their religion, ethnicity, nationality, colour, age or disability, as well as on their sexual orientation or gender identity.

24. The Committee recommends that the State party develop a comprehensive strategy to overcome discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and society and raise awareness on the benefits for Australian society of respecting and protecting the diversity of its population, aiming at the full inclusion of Aboriginal and Torres Strait Islander women, women with a migration background and women belonging to ethnic minorities, refugee and asylum-seeking women, women with disabilities, foreign women, older women, women in poverty, women belonging to religious minorities, as well as lesbians, bisexual, transgender women and intersex persons.

Harmful practices

25. The Committee takes note of the State party's commitment to provide women who are victims of forced marriage with support, regardless of their cooperation with the prosecution authorities. It is concerned, however, at:

[...]

(c) The conduct of medically unnecessary procedures on intersex infants and children before they reach an age when they are able to provide their free, prior and informed consent, and at inadequate support and counselling for families with intersex children and remedies for victims;

[...].

26. Recalling the Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices, the Committee recommends that the State party ensure adequate protection and support to victims of forced marriage regardless of their collaboration with the prosecution authorities, and:

[...]

(c) Adopt clear legislative provisions explicitly prohibiting the performance of unnecessary surgical or other medical treatment on intersex children before they reach the legal age of consent, implement the recommendations of the 2013 Senate inquiry on involuntary or coerced sterilisation of intersex persons, provide families with intersex children with adequate counselling and support, and provide redress to intersex persons having undergone medical treatment;

[...].

¹⁶ [CEDAW/C/AUS/CO/8](#).

Education

41. The Committee welcomes the launch of the *Connected Beginnings* Programme to eliminate barriers to indigenous women's and girls' access to education and educational attainment. It is concerned, however, at:

[...]

(e) The impact harassment and bullying in school environments have on women and girls who are exposed to intersecting forms of discrimination, and at the withdrawal of funding for the Safe Schools Programme.

42. The Committee recommends that the State party, in line with its General Recommendation No. 36 (2017) on the right of girls and women to education:

[...]

(e) Build the capacities of educational staff to create safer and more inclusive learning environments, including for indigenous women and girls, those with disabilities, with migration background, as well as for lesbian, bisexual, transgender women and intersex persons.

Health

49. The Committee acknowledges the comprehensive health coverage in the State party. It is however notes with concern:

[...]

(d) That indigenous women, women with migration background, lesbian, bisexual, transgender women and intersex persons face discrimination by health service providers or insufficient access to health services;

(e) That some states require medical procedures for the change of a person's legal gender.

50. The Committee recommends that the State party:

[...]

(b) Increase efforts and resources to address the deteriorating mental health situation of women and girls, in particular young mothers, indigenous women, women with disabilities, women in detention, as well as migrant, lesbian, bisexual, transgender, intersex, and reinforce preventive measures;

[...]

(d) Ensure access to non-discriminatory health services for indigenous women, women with migration background, lesbian, bisexual, transgender women and intersex persons;

(e) Abolish requirements regarding medical treatment for transgender women who wish to obtain legal recognition of their gender, ensure that those are abolished throughout its territory and guarantee the right of transgender women to bodily integrity, autonomy and self-determination.

Cook Islands – Concluding Observations – 70th session, 20 July 2018, 2nd–3rd review¹⁷

B. Positive aspects

5. The Committee welcomes the State party's efforts to improve its policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of:

[...]

(d) The Public Service Code of Conduct Policy, in 2009, which prohibits discrimination based on grounds including gender, sexual preference, and maternity and family status in the public sector.

Disadvantaged groups of women

43. The Committee notes with concern intersecting forms of discrimination against lesbian, bisexual and transgender women.

¹⁷ [CEDAW/C/COK/CO/2-3](#).

44. The Committee recommends that the State party make the necessary legislative changes to prohibit intersecting forms of discrimination against lesbian, bisexual and transgender women, and conduct awareness-raising activities to address their stigmatization within society.

Cyprus – Concluding Observations – 70th session, 20 July 2018, 8th review¹⁸

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2013 of the State party's combined sixth and seventh periodic reports (CEDAW/C/CYP/6-7) in undertaking legislative reforms, in particular the adoption of:

[...]

(d) The Civil Union Law, in 2015, which recognizes the right of lesbian, bisexual and transgender women to enter into same-sex civil unions and cohabitation;

[...].

Marriage and family relations

50. The Committee commends the State party for implementing two of its previous recommendations (CEDAW/C/CYP/CO/6-7, para. 36), namely the adoption of the Civil Union Law and the conduct of a study on the economic consequences of separation and divorce on both spouses. It remains, however, concerned about:

(a) The apparent lack of adequate protection for children born to or adopted in the context of de facto unions and other civil unions;

(b) The legal presumption that the "stay-at-home" spouse (usually the wife) contributes to only a third of the property acquired by the spouse who works for wages outside the home (usually the husband).

51. The Committee recommends that the State party, in line with general recommendations No. 21 (1994) on equality in marriage and family relations and No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, expeditiously adopt the seven bills amending the family law, with the objective of:

(a) Ensuring adequate protection for children born to or adopted in the context of de facto unions and other civil unions;

(b) Ensuring that women enjoy adequate legal protection during de facto unions and upon their dissolution;

(c) Setting the legal presumption of each spouse's contribution to the property acquired during marriage at 50 per cent.

Liechtenstein – Concluding Observations – 70th session, 20 July 2018, 5th review¹⁹

Health

35. [...] The Committee is further concerned about the performance of medically irreversible sex reassignment surgery on intersex persons from Liechtenstein in neighbouring countries at its request. [...].

36. The State party should:

[...]

(c) Specifically prohibit non-consensual sex reassignment surgery on intersex persons and develop and implement a rights-based health-care protocol for intersex children that requires their informed consent about the performance of medically irreversible sex reassignment surgery;

¹⁸ [CEDAW/C/CYP/CO/8](#).

¹⁹ [CEDAW/C/LIE/CO/5](#).

[...].

Marriage and family relations

41. The Committee welcomes the new Inheritance Law adopted in 2012. It notes with concern, however, that despite its previous recommendation (CEDAW/C/LIE/CO/4 para 43 (a)), no study has been carried out on the economic consequences of divorce on both spouses. While welcoming the amendment to the Custody Law that entered into force in 2015, which place the best interest of the child before all other considerations, the Committee remains concerned at reports that finding a balanced custody arrangement is sometimes given priority over the best interests of the child and may ignore the issue of domestic violence. The Committee welcomes the law governing the names of registered partners but regrets the absence of an assessment of the effectiveness of the 2011 Law recognizing same sex unions in achieving equal treatment in practice of registered partnerships and traditional marriages.

42. The Committee recommends that the State party:

(a) Conduct a study on the economic consequences of divorce on both spouses, in accordance with the Committee's general recommendation No. 29 (2013) on article 16 (economic consequences of marriage, family relations and their dissolution);

(b) Analyse the effects of the law recognizing same-sex partnership to determine if equality of treatment between registered partnership and marriage has been achieved in practice;

(c) Ensure that domestic violence is taken into account by the courts and authorities of the State party whenever decisions are taken on child custody.

Mexico – Concluding Observations – 70th session, 20 July 2018, 9th review²⁰

B. Positive aspects

4. The Committee welcomes the progress achieved since its consideration in 2012 of the State party's combined seventh and eighth periodic reports (CEDAW/CMEX/CO/7-8) in undertaking legislative reforms, in particular the adoption of the following:

[...]

(d) Amendments to the Federal Law on Preventing and Eliminating Discrimination, including provisions prohibiting misogyny, homophobia and racial discrimination, in 2014, as well as hate speech, including expressions of sexism, in 2018;

[...].

Legislative framework and definition of discrimination against women

11. The Committee notes as positive the efforts made to strengthen harmonization of the legal framework with the Convention, including through amendments to Article 73 of the Constitution that enable the National Congress to expedite federal laws and the adoption of a National Programme for Equality and Non-Discrimination (2014–2018). However, it remains concerned that:

[...]

(b) The lack of effective mechanisms, and insufficient state level budgetary allocations to implement and monitor the laws relating to gender equality and women's right to a life free of violence, have failed to eliminate discrimination, notably intersecting forms of discrimination, particularly against indigenous, Afro-Mexican and migrant women, women with disabilities, and lesbian, bisexual, transgender and intersex women;

[...].

12. In accordance with the State party's obligations under the Convention and in line with Sustainable Development Goal 5, target 5.1 to end all forms of discrimination against all women and girls everywhere, and taking into account the positive efforts made with other General Laws adopted by the State Party, the Committee recommends that the State party:

²⁰ [CEDAW/C/MEX/CO/9](#).

[...]

(d) Adopt a road map that includes adequate resources, a timeline and measurable targets requiring authorities at the federal, state and local levels to implement relevant laws to prevent and eliminate all forms of de facto discrimination against women, in particular indigenous, Afro-Mexican, migrant women, women with disabilities, and lesbian, bisexual, transgender and intersex women.

Harmful practices

21. The Committee notes with concern:

The limited provisions prohibiting unnecessary medical procedures on intersex children and the inadequate support and lack of effective remedies for intersex persons, who have undergone medically unnecessary surgical procedures.

22. In light of the joint general recommendation/general comment No. 31 of the Committee and No. 18 of the Committee of the Rights of the Child on harmful practices (2014), the Committee recommends that the State party:

(a) Adopt necessary provisions explicitly prohibiting the performance of unnecessary surgical or other medical treatment on intersex children until they reach an age when they can give their free, prior and informed consent; and provide families of intersex children with adequate counselling and support.

Gender-based violence against women

23. The Committee welcomes the significant legislative and institutional measures taken by the State party to combat the high levels of gender based violence in the State party. However, it remains deeply concerned about:

[...]

(f) The reported use of violence by State and non-state actors against lesbian, bisexual and transgender women;

[...].

24. The Committee recalls its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and reiterates its recommendation that the State party:

[...]

(f) Address the lack of protection measures to ensure the dignity and physical integrity of lesbian, bisexual and transgender women, including by raising public awareness of their rights, in cooperation with civil society;

[...].

New Zealand – Concluding Observations – 70th session, 20 July 2018, 9th review²¹

B. Positive aspects

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, including the adoption or establishment of the following:

[...]

(c) The Marriage (Definition of Marriage) Amendment Act 2013, which allows same-sex couples to legally marry;

[...].

Definition of equality and non-discrimination

²¹ [CEDAW/C/NZL/CO/8](#).

11. The Committee notes that the New Zealand Bill of Rights Act 1990 (section 19(1)), the Human Rights Act 1993 (section 21(1)(a)) prohibit sex-based discrimination in the public and private spheres, including indirect discrimination. However, the Committee is concerned that the State party's legislation on discrimination against women is not fully in line with articles 1 and 2 of the Convention. The Committee is also concerned:

(a) About the lack of specific prohibition of discrimination on the grounds of gender identity, gender expression, and sex characteristics;

[...].

12. Recalling its general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention and drawing the attention of the State party to target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, the Committee recommends:

(a) Amend section 21(1)(a) of the Human Rights Act with a view to including specific prohibition of discrimination on the grounds of gender identity, gender expression, and sex characteristics;

[...].

Access to justice

13. The Committee remains concerned about the persistence of multiple barriers impeding women and girls from obtaining access to justice and effective remedies to claim violations of their rights, in particular for rural women, Māori, Pacific, Asian, migrant and refugee women, women with disabilities, as well as lesbian, bisexual, transgender and intersex persons. [...].

14. Recalling its general recommendation No. 33 (2015) on women's access to justice, the Committee recommends that the State party:

(a) Increase availability of legal aid for women, particularly Māori, Ethnic and migrant women, including in civil and family courts;

(b) Disseminate information, in particular in rural and remote areas, about the legal remedies available to women regarding violations of their rights;

(c) Strengthen gender responsiveness and gender sensitivity within the judiciary, including by increasing the number of women judges and strengthening systematic capacity-building for judges, prosecutors, lawyers, police officers and other law enforcement officials on the Convention.

Discriminatory stereotypes and harmful practices

23. While noting the efforts made by the State party to eliminate negative stereotypes affecting women, the Committee expresses concerns at:

(a) The high persistence of cyberbullying in high-schools disproportionately affecting women and girls with disability as well as lesbian, bisexual, transgender and intersex students;

[...]

(c) The conduct of medically unnecessary procedures on intersex infants and children before they reach an age when they are able to provide their free, prior and informed consent, and at inadequate support and counselling for families with intersex children and remedies for victims.

24. The Committee recommends that the State party adopt a comprehensive strategy to eliminate discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and society, in cooperation with civil society organizations, in particular women's groups, community leaders, teachers and the media, in order to create an enabling environment that is supportive of gender equality. It further recommends the State party to:

(a) Systematically collect data on harmful practices, including cyberbullying targeting teenage girls, and to implement measures, such as awareness campaigns in schools, to prevent such practices;

[...]

(c) Adopt clear legislative provisions explicitly prohibiting the performance of unnecessary surgical or other medical treatment on intersex children before they reach the legal age of consent, provide families with intersex children with adequate counselling and support, and provide redress to intersex persons having undergone medical treatment.

Marriage and family relations

47. The Committee notes the enactment in 2013 of the Marriage Amendment Act which enables adult couples of any gender to marry, including same-sex and different sex couples. [...].

Data collection and analysis

49. The Committee is concerned about the deficiencies in compiling, analysing and processing reliable statistical data on the situation of women in all areas covered by the Convention, including intersections between women belonging to more than one group with specific characterization.

50. The Committee recommends that the State party set up a centralized system for the collection, analysis and dissemination of comprehensive data, disaggregated by sex, age, disability, ethnicity, location, gender identity and sexual orientation and socioeconomic status, and that it use measurable indicators to assess trends in the situation of women and progress towards the realization of substantive equality in all areas covered by the Convention, while maintaining confidentiality of women in these groups.

5. COMPILATION OF LISTS OF ISSUES

Angola – List of Issues – 72nd PSWG, 27 July 2018, 7th review²²

Education

16. [...] Please provide information of whether the National Education Plan includes education on gender equality and respect for the rights of LGBTI women.

Botswana – List of Issues – 72nd PSWG, 27 July 2018, 4th review²³

Employment

15. [...] To what extent is the ongoing revision of the Employment Act designed to promote women's employment, including as regards rural women, women with disabilities and LGBTI women? [...]

Colombia – List of Issues – 72nd PSWG, 27 July 2018, 9th review²⁴

Constitutional, legislative and institutional framework

In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with Sustainable Development Goal 5, target 5.1, to end all forms of discrimination against all women and girls everywhere, please indicate whether any measures have been taken or are envisaged, to incorporate the principle of equality in all legislation. Please also indicate what measures are in place to prohibit all forms of intersecting discrimination against women, particularly against rural, indigenous, Afro-Colombian, internally displaced and migrant women, women with disabilities, and lesbian, bisexual, intersex and transgender women. In this regard, please indicate what measures are in place to ensure effective implementation of the Strategy to Strengthen Public Policy on Gender Equity (CONPES 161) and the Strategy to Protect and Guarantee the Rights of Women Victims of the Armed Conflict (CONPES 3784) [...].

Ethiopia – List of Issues – 72nd PSWG, 27 July 2018, 8th review²⁵

Constitutional, legislative and institutional framework

3. Please provide information on provisions prohibiting direct and indirect discrimination in the public and private spheres, as well as intersecting forms of discrimination, in line with articles 1 and 2 (b) of the Convention. Please further inform on the legal framework in place providing for the use of temporary special measures, in line with article 4 (1) of the Convention, and on plans to revise discriminatory provisions of its Criminal code, including Articles 629-630 which criminalize lesbian and bisexual women.

[...]

Discriminatory gender stereotypes and harmful practices

8. [...] Please further inform on measures taken to prevent, raise awareness on and eradicate polygamy and the so-called practice of "corrective rape", to which lesbian and bisexual women reportedly fall victims.

²² [CEDAW/C/AGO/Q/7](#).

²³ [CEDAW/C/BWA/Q/4](#).

²⁴ [CEDAW/C/COL/Q/9](#).

²⁵ [CEDAW/C/ETH/Q/8](#).

Serbia – List of Issues – 72nd PSWG, 27 July 2018, 4th review²⁶

Constitutional, legislative and institutional framework and definition of discrimination

1. In the fourth periodic report of the State party (CEDAW/C/SRB/4, para. 8), it is stated that the Draft Law amending the Law on Prohibition of Discrimination, developed in cooperation with the Equality Commissioner and the European Commission, is fully compliant with EU Directives, including the definition of indirect discrimination. Please explain which specific provisions have been harmonized and whether they cover all forms of discrimination against women, direct and indirect, including those that are intersecting on the basis of residence, disability, age, ethnicity, religion, sex, sexual orientation and gender identity, in the public and private spheres. Please also explain how “harassment” and “sexual harassment” are defined in law.

2. Please provide information about the status of adoption of the Draft Law on Gender Equality, which outlaws multiple discrimination and provides for free legal assistance (para. 7). In accordance with the State party’s obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, please indicate whether gender-based violence is addressed and provide information on protection mechanisms. Please also explain whether the new law will explicitly prohibit discrimination against lesbian, bisexual and transgender women and intersex persons.

[...]

Employment

14. Please provide information on the results obtained through the implementation of the National Action Plan on Employment (para. 57). Please also provide information on the measures taken to eliminate gender pay gap and to increase the low employment rate of women (paras. 152-158). Finally, please provide information on steps taken to eliminate discrimination in the area of employment currently affecting lesbian, bisexual and transgender women and intersex persons.

Health

[...]

16. Please indicate which steps have been taken to improve the quality of sexual and reproductive health counselling services for women and girls and its availability in the State party. [...] Please also provide information on measures taken to enhance access to healthcare for lesbian, bisexual, transgender and intersex persons, in particular access to the family planning and artificial insemination.

[...]

Marriage and family relations

21. [...] Please provide information on steps taken to ensure the registration of all marriages, including same-sex partnerships.

United Kingdom – List of Issues – 72nd PSWG, 27 July 2018, 8th review²⁷

Discriminatory gender stereotypes and harmful practices

[...]

8. [...] Please provide data on the number of surgical and other procedures that have been undertaken on intersex children under the age of 18 in the State party.

²⁶ [CEDAW/C/SRB/Q/4](#).

²⁷ [CEDAW/C/GBR/Q/8](#).

Gender-based violence against women

9. [...] What measures are being taken to protect lesbian, bisexual and transgender women and girls from abuse and violence?

[...]

Education

16. [...] What measures are being taken to address gender-based harassment and bullying in education facilities, particularly transgender women and girls?

7. CIVIL SOCIETY SUBMISSIONS

Angola

- Submission by [Arquivo de Identidade Angolano](#) for the PSWG (a stand-alone report on LB women)

Antigua and Barbuda

- No submissions on SOGIESC

Australia

- Submission by [Australian Lesbian Medical Association](#) for the Session (a stand-alone report on LB women and TI persons)
- Submission by the [Australian NGO Coalition](#) for the Session (references to SOGI regarding anti-discrimination legislation, intersex sterilisation, LGBTI health, barriers to participation for LGBTI)
- Submission by the [Australian Women Against Violence Alliance](#) for the Session (a small section on LGBTI)
- Submission by [Human Rights Law Centre](#) for the Session (a chapter on LGBTI women and girls)
- Submission by [Intersex Human Rights Australia](#) for the Session (a stand-alone report on intersex)
- Submission by [National Council of Women Australia](#) for the Session (a brief reference to barriers to participation for LGBTIQ)
- Submission by [Queer Sisterhood Project](#) for the Session (a stand-alone report on LGBTI asylum-seeking and refugee women)
- Submission by [Women with Disabilities Australia](#) for the Session (a reference to forced medical intervention towards intersex)

Colombia

- Submission by [Liga Internacional de las Mujeres por la Paz y la Libertad \(LIMPAL\)](#) for the PSWG (a brief reference to trans murder cases)
- Submission by [National Network of Women \(RNM\)](#) for the PSWG (suggested questions on legislation on combatting violence against women and on stereotypes in educations)

Cook Islands

- No submissions on SOGIESC

Cyprus

- Submission by [ACCEPT LGBT Cyprus](#) for the Session (a stand-alone submission on LBTQ women)
- Submission by [civil society coalition](#) for PSWG (a reference to homophobic and transphobic attitudes of the authorities and school teachers)

Liechtenstein

- Submission by [StopIGM.org/Zwischengeschlecht.org](#) for the Session (a stand-alone intersex submission)

Mexico

- Submission by [Association of Pro Support to Servants \(APROASE A.C.\) and Tamaulipas VIHda Trans, A.C.](#) for the Session (a stand-alone report on cis- and transgender sex workers)
- Submission by [Brújula Intersexual, Vivir y Ser Intersex and StopIGM.org/Zwischengeschlecht.org](#) for the Session (a stand-alone intersex submission)
- Submission by [Cátedra Unesco de Derechos Humanos de la UNAM](#) for the Session (a brief reference to barriers in accessing health care for LGBTTTI)
- Submission by [EQUIS Justicia para las Mujeres](#) for PSWG (a brief reference to the situation of lesbian women, among other vulnerable groups, in detention)
- Submission by [civil society coalition](#) for the Session (a stand-alone report on LBT women)

- Submission by [Law Division of the Center for Economic Research and Teaching, Right to Health Program \(SRR-CIDE\)](#) for the Session (*a paragraph on lack of the data on employment discrimination disaggregated by SOGI*)
- Submission by [Miguel Agustin Pro Juarez Human Rights Center \(Center Prodh\)](#) for the Session (*a brief reference to violence motivated by SOGI*)
- Submission by [civil society coalition](#) for the Session (*a brief reference to SOGI in the context of media stereotypes*)
- Submission by [Red Nacional de Refugios, A.C. & Fundar Centro de Análisis e investigación](#) for the Session (*a brief reference to “sexual preferences” with regard to intersectionality and access to justice and health services*)
- Submission by [TRANSVERSAL](#) for the Session (*a brief reference to SO*)

New Zealand

- Submission by the [Coalition for the Safety of Women and Children](#) for the Session (*a brief reference to LGBTIQ people in the context of vulnerable groups and services*)
- Submission by the [National Collective of Independent Women’s Refuges \(NCIWR\)](#) for the Session (*a references to women’s and transgender people’s access to abortion*)
- Submission by the [National Council of Women of New Zealand](#) for the Session (*some references to LBT women in the context of violence and support services*)
- Submission by the [National Council of Women of New Zealand](#) for PSWG (*some references to LBT women in the context of violence and support services, as well as health care*)
- Submission by the [Pacific Women’s Watch](#) for the Session (*a paragraph on gaps in the protection on grounds of GIESC; data on lesbian parliamentarians*)
- Submission by the [Pacific Women’s Watch](#) for PSWG (*several references to LGBTI women and trans women specifically*)
- Submission by [StopIGM.org/Zwischengeschlecht.org](#) for the Session (*a stand-alone intersex submission*)

Serbia

- Submission by the [Equal Rights Trust](#) for the PSWG (*a brief reference to a case of discrimination against a bisexual woman*)
- Submission by [Lesbian Human Rights Organisation Labris](#) for the PSWG (*a stand-alone report on lesbian women*)
- Submission by [civil society coalition](#) for the PSWG (*a brief reference to SO in the context of multiple discrimination*)

State of Palestine

- Submission by the [Human Rights Watch, Women's Center for Legal Aid and Counselling \(WCLAC\) & Equality Now](#) for the Session (*a separate section on SOGI*)

Turkmenistan

- No submissions on SOGIESC

United Kingdom

- Submission by [Amnesty International](#) for the PSWG (*references to online violence and lack of same-sex relationship recognition in the Northern Ireland*)
- Submission by the [Asylum Aid and Women for Refugee Women](#) for the PSWG (*brief references to LGBT in the context of asylum*)
- Submission by the [Committee on the Administration of Justice \(CAJ\)](#) for the PSWG (*brief references to SO in the context of protected grounds*)
- Submission by the [Engender, NIWEP, WEN Wales and Women’s Resource Centre](#) for the PSWG (*some references to LGBT in the context of intersectional forms of discrimination*)
- Submission by the [INQUEST](#) for the PSWG (*references to cases of transgender women’s death in detention*)

- Submission by the [Nordic Model Now! and other NGOs](#) for the PSWG (*references to trans women from a TERF perspective*)
- Submission by [StopIGM.org/Zwischengeschlecht.org, IntersexUK \(iUK\) and the UK Intersex Association \(UKIA\)](#) for the PSWG (*a stand-alone intersex submission*)
- Submission by [Women's Equality Network \(WEN\) Wales](#) for the PSWG (*some references to LGBT, trans and heterosexism*)
- Submission by [Women's Resource Centre](#) for the PSWG (*a brief reference to lesbian in the context of asylum*)