



## UN Committee on the Elimination of Racial Discrimination (CERD): 98<sup>th</sup> Session, 23 April - 10 May 2019

**States reviewed:** Andorra, Guatemala, Hungary, Lithuania, Zambia

*30 May 2019*

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### RESUME:

- No SOGIESC questions or recommendations adopted.
- Dialogue with [Guatemala](#) expressed concern over SOGI-based discrimination, hate crimes and Bill 5272.

- Next Session: **5 to 29 August 2019**
  - States (for LOT and main review): Czech Republic, El Salvador, Iceland, Mexico, Mongolia, Poland, State of Palestine
  - **NGO report deadlines:**
    - LOTs: 7 June 2019 to [CERD@ohchr.org](mailto:CERD@ohchr.org)
    - Main review: 12 July 2019 to [CERD@ohchr.org](mailto:CERD@ohchr.org)

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# 1. SUMMARY

The UN Committee on the Elimination of Racial Discrimination (CERD) reviewed five State parties during its **98th Session**, held on 23 April to 10 May 2019. There were no references to SOGIESC<sup>1</sup> in any of the Lists of Themes or Concluding Observations issued. However, the Committee raised concern about SOGI-based discrimination and hate crimes in **Guatemala** during the constructive dialogues. **Civil society reports** from Hungary and Lithuania also raised SOGIESC issues.

## 1.1. Concluding Observations

During its **98th Session**, CERD reviewed the periodic reports of Andorra, Guatemala, Lithuania, Hungary and Zambia. No SOGIESC recommendations were issued to any State.

CERD referred to LGBT persons on one occasion only. The Committee posed stand-alone SOGI questions to **Guatemala** during the constructive dialogues, asking about measures to combat discrimination based on sexual orientation and gender identity. Surprisingly, the Committee did not relate the issue to racial or intersectional discrimination. CERD also expressed concern over SOGI-based hate crimes in Guatemala and draft bill 5272 (Ley de Protección a la Vida y la Familia), asking the State to comment on the proposed legislation. The Committee against Torture (CAT) had recently raised the same concerns over violence against LGBTI persons and Bill 5272 in its review of Guatemala at the 65th Session.

During the dialogues, **Andorra's** delegation also mentioned sexual orientation as a prohibited ground of discrimination, and that the country's Equality Service addressed LGBT issues.

Although four civil society and NHRI submissions mentioned LGBTI issues, they did not result in any SOGIESC references from the Committee. Two **Hungarian submissions** mentioned LGBTI asylum seekers, while **reports from Lithuania** discussed discrimination based on gender identity and the right to family reunions for same-sex couples.

Country	SOGIESC in previous CO*	SOGIESC in LOT**	SOGIESC in the constructive dialogues***	SOGIESC in CSS****	SOGIESC in current CO*
<b>Andorra</b>	N/A	No	Yes	N/A	No
<b>Guatemala</b>	No	No	Yes	No	No
<b>Hungary</b>	No	No	No	Yes	No
<b>Lithuania</b>	No	No	No	Yes	No
<b>Zambia</b>	No	No	No	No	No

\*Concluding Observations

\*\*List of Themes

\*\*\*According to the press releases

\*\*\*\*Civil Society Submissions

**Text in bold links to the source material.**

## 1.2. Lists of Themes (LOTs)

Prior to the Session, the Committee produced Lists of Themes for each State party to guide the reviews. No SOGIESC references were made.

<sup>1</sup> SOGIESC: Sexual orientation, gender identity and expression, and sex characteristics

## 2. COMPILATION OF CONCLUDING OBSERVATIONS

No Concluding Observations contained SOGIESC recommendations.

### States with no SOGIESC recommendations:

- Andorra
- Guatemala
- Hungary
- Lithuania
- Zambia

### 3. COMPILATION OF LISTS OF THEMES

No Lists of Themes asked for information on SOGIESC.

#### **States with no SOGIESC questions:**

- Andorra
- Guatemala
- Hungary
- Lithuania
- Zambia

## 4. CIVIL SOCIETY SUBMISSIONS

### Hungary

- Submission by [Working Group Against Hate Crimes \(GYEM\)](#) for the 98<sup>th</sup> Session (*mentions inclusion of SOGI in hate crime legislation, and calls for action plan for vulnerable groups, including LGBTI*).
- Submission by [Hungarian Helsinki Committee \(HHC\)](#) for the 98<sup>th</sup> Session (*mentions vulnerability of LGBTI asylum seekers, and cases of racist and homophobic hate speech*).

### Lithuania

- Submission by [European Foundation of Human Rights \(EFHR\)](#) and [Lithuanian Centre for Human Rights \(LHCR\)](#) for the 98<sup>th</sup> Session (*recommends including gender identity as a prohibited ground of discrimination in the Criminal Code*).
- NHRI submission by [Office of the Equal Opportunities Ombudsperson](#) for the 98<sup>th</sup> Session (*section on restrictions to citizenship and family definitions, the 2019 Constitutional Court ruling recognising same-sex partners, and refers to studies on racism, homo- and transphobia*).