



UN Committee on Migrant Workers (CMW): 30th Session, 1-12 April 2019

State reports reviewed: Albania,  Guatemala , Libya, Tajikistan
Lists of Issues adopted: Bolivia, Cabo Verde, Sao Tome and Principe

30 April 2019

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RESUME:

- First SOGIESC recommendation to [Guatemala](#), to:
 - Combat stigma and violence against migrants, particularly women, children and LGBTI.
- No SOGIESC questions adopted.

- Next Session: [2 to 11 September 2019](#)
 - Countries (main review): Argentina, Bosnia and Herzegovina, Colombia
 - Countries (for LOIPR): Belize, Burkina Faso
 - NGO report deadline: 12 August 2019 (to cmw@ohchr.org)

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1. SUMMARY

The UN Committee on Migrant Workers (CMW) adopted three Lists of Issues and four sets of Concluding Observations as a result of its **30th Session** (1 to 12 April 2019).

The Committee made one SOGIESC¹ recommendation, asking Guatemala to protect LGBTI and other vulnerable migrants from violence, and to combat machismo and homophobia. No SOGIESC questions were asked in the Lists of Issues.

1.1. Concluding Observations

At its **30th Session**, the Committee reviewed the periodic reports of Albania, Guatemala, Libya and Tajikistan. It issued one SOGIESC-inclusive recommendation.

In its review of **Guatemala**, CMW expressed concern at the mistreatment of women and LGBTI persons in the country, and at the discriminatory attitudes of public officials. It called upon the State to combat violence against migrants, particularly women, children and LGBTI migrants, and to develop campaigns against machismo and homophobia that promote social inclusion. This was CMW's first SOGIESC recommendation to Guatemala. However, the recommendation was not selected for the follow-up process.

In the **List of Issues Prior to Reporting**, CMW had asked Guatemala about efforts to counter discrimination based on sexual orientation, and for information on specific groups of migrant workers, including LGBTI. During the **constructive dialogue**, the Committee asked whether Guatemala had a law prohibiting discrimination against women and LGBTI persons.

Guatemala stood out among the four because it was the only State with SOGIESC references in its LOIPR, constructive dialogue and civil society submissions. This clearly contributed to the State receiving a SOGIESC-inclusive recommendation.

Guatemala had LGBTI-inclusive **civil society reports** for both its LOIPR and COs. The LOIPR submission mentioned the vulnerability of LGBTI migrants, while the report for the COs contained a stand-alone section on their rights violations. Additionally, an NHRI submission mentioned discrimination of LGBTIQ migrants and refugees. Significantly, these LGBTI-inclusive reports were the only submissions to Guatemala for the 30th Session.

Country	SOGIESC in previous CO*	SOGIESC in LOI/LOIPR**	SOGIESC in the constructive dialogues***	SOGIESC in CSS****	SOGIESC in current CO*
Albania	No	No	No	N/A	No
Guatemala	No	Yes	Yes	Yes	Yes
Libya	N/A	No	No	No	No
Tajikistan	No	No	No	No	No

*Concluding Observations

**List of Issues / List of Issues Prior to Reporting

***According to the press releases

****Civil Society Submissions

Text in bold links to the source material.

¹ SOGIESC: Sexual orientation, gender identity and expression, and sex characteristics

1.2. Lists of Issues (LOIs) and Lists of Issues Prior to Reporting (LOIPRs)

During its **30th Session**, CMW adopted questions for three States that are to be reviewed in the future: LOIs for Bolivia and Cabo Verde, and an LOIPR for the simplified reporting procedure of Sao Tome and Principe. None of the questions issued made reference to SOGIESC. Furthermore, there were no submissions from civil society.

The dates for the State report reviews have yet to be determined.

2. COMPILATION OF CONCLUDING OBSERVATIONS

Guatemala – Concluding Observations – 30th Session, 2 May 2019, 2nd review²

Non-discrimination

26. The Committee notes that the State party's constitutional and legislative framework includes provisions to combat discrimination and xenophobia and recognizes the equal rights and dignity of all individuals in the territory of the State party, whether or not they are nationals. However, the Committee is concerned about the following:

- a) Discriminatory attitudes on the part of some public officials, the mistreatment of women and lesbian, gay, bisexual, transgender and intersex persons, as well as xenophobic responses in border areas of Guatemala;

[...]

27. The Committee recommends that the State party:

[...]

- d) **Focus on combating social stigmatization and sanction all forms of aggression and violence against migrants, with particular emphasis on protecting women, lesbian, gay, bisexual, transgender and intersex persons, and children victims of assault, and develop campaigns against machismo and homophobia and promote social inclusion and respect for diversity;**

[...]

States with no SOGIESC recommendations:

- Albania
- Libya
- Tajikistan

3. COMPILATION OF LISTS OF ISSUES

No Concluding Observations contained SOGIESC recommendations.

States with no SOGIESC questions:

- Bolivia
- Cabo Verde
- Sao Tome and Principe

4. CIVIL SOCIETY SUBMISSIONS

Guatemala

- Submission by [Grupo Articulador de la Sociedad Civil en Materia Migratoria para Guatemala](#) for the 30th Session (*stand-alone section on LGBTI migrants and violations of their human rights*).
- Submission by [Grupo Articulador de la Sociedad Civil en Materia Migratoria para Guatemala](#) for the 27th Session (*mentions LGBTI as a vulnerable group of migrants in the areas of health care, labour exploitation, discrimination and trafficking*).
- NHRI submission by [El Procurador de los Derechos Humanos de Guatemala](#) for the 30th Session (*mentions discrimination against LGBTIQ migrants and refugees*).