

UN Treaty Body References to
sexual orientation, gender identity,
gender expression, and sex
characteristics

2014



This first edition of *United Nations Treaty Bodies: References to sexual orientation, gender identity, gender expression and sex characteristics* was researched and written by Helen Nolan, with research assistance by Kara DeMilio, and published by ILGA. It is copyright-free provided you cite both the author and the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA).

Suggested citation: International Lesbian, Gay, Bisexual, Trans and Intersex Association: Nolan H, *United Nations Treaty Bodies: References to sexual orientation, gender identity, gender expression and sex characteristics 2014* (Geneva: ILGA, September 2016)

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About ILGA

ILGA – the International Lesbian, Gay, Bisexual, Trans and Intersex Association – is the world federation of national and local organisations dedicated to achieving equal rights for lesbian, gay, bisexual, trans and intersex (LGBTI) people. ILGA is an umbrella organisation of more than 1200 member organisations presented in six different regions including: Pan Africa ILGA, ILGA-Asia, ILGA-Europe, ILGA-LAC (Latin America and the Caribbean), ILGA North-America and ILGA-Oceania (Aotearoa/New Zealand, Australia and Pacific Islands).

Established in 1978, ILGA enjoys consultative status at the UN ECOSOC. As the only global federation of LGBTI organisations, ILGA voices its agenda in various United Nations fora. ILGA gives visibility to the struggles of its members lobbying at the Human Rights Council, helping them questioning their government's record on LGBTI rights in the frame of the Universal Periodic Review, and provides support and guidance to member organizations in their engagement with the Treaty Bodies.

List of acronyms

CAT – Committee against Torture

CEDAW – Committee on the Elimination of Discrimination against Women

CERD – Committee on the Elimination of Racial Discrimination

CESCR – Committee on Economic, Social and Cultural Rights

CRC – Committee on the Rights of the Child

CRPD – Committee on the Rights of Persons with Disabilities

CSO – Civil Society Organisations

FOE / FOAA – Freedoms of expression, opinion, assembly and association

HRCee – Human Rights Committee

HRD – human rights defender

IGM – intersex genital mutilation

LoI – List of Issues

L / G / B / T / I – lesbian / gay / bisexual / trans / intersex

OHCHR – Office of the High Commissioner for Human Rights

SO / GI / E / I / SC – sexual orientation / gender identity / gender expression / intersex / sex characteristics

Introduction

Lesbian, gay, bisexual, trans and intersex and gender non-conforming persons (LGBTI) human rights work at the United Nations often focuses on the political system: the Universal Periodic Review, where States peer-review each other on their human rights record, or the Human Rights Council, where governments vote on global issues of concern. However, there is an entire system of human rights oversight that has been taking place at UN for half a century: the UN Treaty Bodies – the independent organs that monitor State compliance with international human rights law treaties.

Since May 2015, ILGA has implemented a programme to better engage with these bodies and has been gathering information on their work to ensure that they will include issues of sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC) where relevant. Through assisting LGBTI civil society engagement and exploring the work of the Treaty Bodies, ILGA has gained insight into the approach of the seven Committees most relevant to LGBTI and gender non-conforming persons:

- The Committee on Economic, Social and Cultural Rights (CESCR)¹
- The Human Rights Committee (HRCee)²
- The Committee on the Elimination of Discrimination Against Women (CEDAW)³
- The Committee on the Rights of the Child (CRC)⁴
- The Committee Against Torture (CAT)⁵
- The Committee on the Rights of Persons with Disabilities (CRPD)⁶
- The Committee on the Elimination of Racial Discrimination (CERD)⁷

This report is a comprehensive annual compilation and analysis of all the SOGIESC references made by these seven bodies in 2014.⁸ It investigates the Treaty Bodies' General Comments (interpretations of the international human rights treaties), Individual Communications (complaints brought by individuals or organisations), and Concluding Observations (country-specific recommendations).

¹ Responsible for monitoring State compliance with the International Covenant on Economic, Social and Cultural Rights.

² Responsible for monitoring State compliance with the International Covenant on Civil and Political Rights.

³ Responsible for monitoring State compliance with the Convention on the Elimination of All Forms of Discrimination against Women.

⁴ Responsible for monitoring State compliance with the Convention on the Rights of the Child.

⁵ Responsible for monitoring State compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

⁶ Responsible for monitoring State compliance with the Convention on the Rights of Persons with Disabilities.

⁷ Responsible for monitoring State compliance with the International Convention on the Elimination of All Forms of Racial Discrimination.

⁸ The annual compilations from other years are available at www.ilga.org.

Following an explanation of the methodology adopted in preparing the report, the Introduction to this document provides an overview of the trends, developments and opportunities in relation to the treatment of SOGIESC issues by the Treaty Bodies. To facilitate searches within the document, a list of keywords and countries that received SOGIESC recommendations is provided at the end of the Introduction. An analysis of the approach of each Committee is provided in Sections 1-7, along with the full text of the references. Information on sex work and HIV/AIDS references in Concluding Observations that were not SOGIESC-specific is provided in the introductions to each of those sections. Section 8 provides a list of resources to assist civil society engagement with the Treaty Bodies. Finally, the Annexes to the document include a list of SOGIESC-related civil society submissions (shadow reports)⁹ sent to the Committees for countries reviewed in 2014, as well as a list of the countries reviewed in 2014 that did not receive any SOGIESC recommendations.¹⁰

Methodology

In preparing this report, ILGA examined all the Concluding Observations, General Comments (draft and finalised) and Individual Communications published by CESCR, HRCee, CEDAW, CRC, CAT, CRPD and CERD in 2014, as well as the civil society submissions made for the country reviews performed in 2014. The investigation was restricted to documents made public on the website of the Office of the High Commissioner for Human Rights (OHCHR), and so does not include submissions by UN agencies, confidential civil society submissions, information provided orally, or reports that were not uploaded to the OHCHR website. It did not include press releases by the Committees, submissions made by civil society in the context of draft General Comments, or summary records of country review sessions.

Due to practical limitations, the research was unable to examine whether human rights defenders attended a review to share information in person, nor whether questions on SOGIESC issues were asked by the Committee that did not lead to recommendations in the Concluding Observations. For the same reason, a comprehensive list of public commitments made by a State during a review cannot be provided. Similarly, the investigation does not identify whether particular Committee Members (or OHCHR staff members) may have influenced the decision on whether to include SOGIESC issues in a particular document.

As a result of limits in capacity, it was only possible to examine whether trans and sex characteristics references from civil society submissions were reflected in Concluding Observations, not to compare the broader LGBTI content of the shadow reports with the final text of Concluding Observations. In addition, it was not feasible to make a wider

⁹ Annex 1. Links are provided to the reports.

¹⁰ Annex 2.

comparison of inclusion of SOGIESC issues as opposed to other areas of concern raised by civil society.

The report only includes comments by the Treaty Bodies where SOGIESC issues were explicitly referred to, and so excludes recommendations that may have been intended or understood to include LGBTI persons, but which do not use the relevant terms. Consequently, mentions of “all women” without further clarification, for example, were not added. This decision also means that a number of concepts that could be understood to encompass SOGIESC matters, for example “children born out of wedlock” in CRC recommendations or “de facto unions” in CEDAW Concluding Observations have been excluded unless they clearly mention LGBTI persons or families.

Overview of 2014

In 2014, 34% of country reviews by CESCR, HRCee, CEDAW, CRC, CAT, CRPD and CERD resulted in Concluding Observations containing SOGIESC references: 41 out of 122 reviews. The HRCee made by far the most mentions of the themes, issuing (usually general) SOGIESC recommendations in over three quarter of its country reviews. CERD and CRPD made no mention of LGBTI persons, but the other four Committees discussed human rights violations related to SOGIESC in between 30 and 38% of their Concluding Observations.¹¹

While a very wide range of areas were covered by the Treaty Bodies, the most frequently raised were **discrimination**, the need to eliminate **criminalisation**, combatting **violence**, ensuring **access to justice** and the right to **education**.

Within the Concluding Observations, there were seven references to **sex characteristics** issues. It should be noted that all of these references were folded into the LGBTI acronym, and the area was not examined separately in any of the Concluding Observations. An example of the difficulties of this conflation is the reference in the HRCee’s review of [Sri Lanka](#), which refers to LGBTI “conduct.” The specific term ‘sex characteristics’ was not used, with Committees using instead the terms ‘intersex persons / women / children.’

The Treaty Bodies discussed **gender identity** and **gender expression** in 32 country reviews. Yet, only seven were trans-specific recommendations.¹² In those Concluding Observations, the Committees discussed legal gender recognition, in particular abusive pre-conditions (such as sterilisation and forced divorce); coercive ‘treatments’; killings; and access to health. In terms of language, ‘gender expression’ was only mentioned

¹¹ CESCR: 30%; CEDAW: 36%; CRC: 32%; CAT: 38%.

¹² CESCR: [Lithuania](#); HRCee: [Ireland](#); CEDAW: [Belgium](#), [Finland](#), [Georgia](#); CRC: [Russia](#); CAT: [Uruguay](#).

once,¹³ and limited framings such as “transsexual” or “transsexuality” were used in eight reviews.¹⁴

In relation to **General Comments**, produced in 2014, only two of six General Comments published by the Treaty Bodies made reference to LGBTI persons or SOGIESC issues.¹⁵ General Comments are documents that apply to all countries that have ratified a particular treaty; they can be and are used, for example, in countries that have not received SOGIESC recommendations in their reviews. Therefore, Treaty Bodies should be strongly encouraged to consistently include SOGIESC issues where relevant in their General Comments.

Only one **Individual Communication** on SOGIESC issues was considered by any of the seven Treaty Bodies in 2014: the Human Rights Committee found a violation of freedom of assembly of an LGBTI human rights defender in Belarus.¹⁶ These views on individual complaints apply to all States that are party to the particular treaty, and can be used to highlight a specific situation or policy. So far, there have been a very limited number of SOGIESC complaints, and while the process generally takes between 1.5-3 years (depending on the body), it is a mechanism that advocates should consider giving more attention.

While the Treaty Bodies regularly make recommendations to States on SOGIESC issues, and are willing to discuss these themes in their General Comments and Individual Communications, they are inconsistent in their approach. Taking an overview of the Committees’ approaches, it is difficult to assess why they are willing to raise concerns regarding the situation of LGBTI persons in some circumstances and not in others. However, overall, the Treaty Bodies have an increasingly deep understanding of SOGIESC themes, as well as where they coincide with each treaty. Given this progress, and in light of the extremely useful impact that the jurisprudence of the Committees can have on national advocacy, human rights defenders should continue to engage with the mechanisms in order to further LGBTI persons’ enjoyment of human rights around the world.

¹³ CEDAW: [Finland](#).

¹⁴ HRCee: [Georgia](#), [Malta](#); CEDAW: [Belgium](#), [Hong Kong](#), [Georgia](#); CRC: [Russia](#); CAT: [Croatia](#), [Uruguay](#).

¹⁵ HRCee: [General Comment No. 35](#); CEDAW: [General Recommendation No. 32](#).

¹⁶ [Praded v Belarus](#).

Keywords

Access to justice (pg. 25, 26, 27, 29, 29, 31, 32, 33, 36, 51, 51, 61, 62, 63, 68, 69, 70, 71, 72, 73, 75)
Adolescents (pg. 60, 61)
Adoption (none)
Anti-discrimination legislation (pg. 12, 14, 17, 18, 29, 33, 35, 37, 38, 39, 48, 63, 70)
Arrest (none)
Assisted reproduction (none)
Asylum seekers/refugees (pg. 43)
Awareness-raising campaign (pg. 13, 15, 25, 27, 29, 33, 35, 36, 38, 46, 51, 58, 60, 61, 71)
Bullying (pg. 25, 35, 62, 63)
Comprehensive sexuality education (pg. 61)
Consultation (pg. 28, 63)
Conversion therapy (pg. 61)
Criminalisation (decriminalisation) (pg. 24, 25, 33, 37, 38, 46, 50, 68)
Data collection (pg. 27, 32, 33, 51, 54, 59, 63, 69, 71, 72, 73)
Detention (pg. 22, 63, 72)
Discrimination (pg. 12, 13, 14, 15, 16, 17, 18, 19, 24, 25, 26, 27, 29, 31, 32, 33, 35, 35, 36, 37, 38, 39, 43, 46, 47, 48, 51, 51, 53, 54, 58, 59, 60, 61, 63, 70)
Domestic violence (pg. 22, 29)
Education (pg. 12, 13, 14, 16, 17, 19, 24, 25, 35, 46, 47, 53, 58, 60, 61, 62, 63)
Employment (pg. 12, 13, 14, 16, 17, 19, 47)
Free and informed consent (pg. 48)
FOE/FOAA (pg. 24, 26)
Gender affirming surgeries (pg. 16)
Gender impersonation laws (pg. 38)
Gender recognition (pg. 16, 28, 45, 48, 49)
Harassment (pg. 25, 29, 35, 37, 49)
Hate crimes/speech (pg. 26, 32, 71, 75)
Health (pg. 12, 13, 14, 16, 17, 18, 19, 33, 46, 47, 48, 61)

HIV/AIDS (pg. 33, 39)
Housing (pg. 12, 13, 14, 17, 18, 29)
HRD (pg. 26, 27, 61, 70)
IGM (none)
Intersectionality (pg. 43, 46, 48, 51, 51, 54)
LGBTI (pg. 33, 38, 58, 59, 61, 61, 61, 62, 63, 72, 73)
LGBT (pg. 12, 13, 14, 15, 16, 17, 19, 22, 25, 26, 27, 29, 31, 32, 35, 36, 37, 60, 69, 70, 71)
LBTI (pg. 53, 54)
LBT (pg. 43, 46, 49, 51)
LT (pg. 47)
T (pg. 28, 45, 48, 75)
I (none)
Media (pg. 53)
Medical professionals (pg. 61)
Partnership/family (pg. 18, 28, 58, 61)
Police brutality (pg. 22, 69, 72, 73)
Sex work (pg. 15)
Sexual violence (pg. 61, 72)
SOGIESC (none)
SOGISC (none)
SOGIE (none)
SOGI (pg. 12, 14, 16, 19, 22, 25, 26, 29, 32, 35, 35, 36, 37, 38, 39, 51, 61, 61, 63, 70, 75)
SO (pg. 18, 24, 27, 29, 50, 68)
GIE (pg. 48)
GI (none)
SC (none)
Social security (pg. 17, 19)
Sterilisation (pg. 45, 48)
Stigmatisation (pg. 26, 29, 33, 35, 36, 37, 38, 61)
Support services (pg. 33, 43, 46, 61)
Surgical/medical intervention (pg. 45, 61)
Torture/ill treatment (pg. 69, 73, 75)
Training of state actors (pg. 15, 27, 33, 36, 60, 61, 72, 75)
Violence (pg. 22, 24, 25, 26, 27, 31, 32, 33, 35, 36, 37, 49, 51, 51, 53, 54, 61, 62, 68, 70, 71, 72, 73, 75)

Countries with recommendations

By clicking the country names below, you will be taken to the page on the website of the Office of the High Commissioner for Human Rights (OHCHR) that contains all of the Treaty Body information relating to that particular country. By clicking on the Treaty Body names below, you will be taken to the relevant reference within this document, where you will also find links to the full Concluding Observations on the OHCHR website.

Belgium

CEDAW

Burundi

CAT

HRCee

Cameroon

CEDAW

Chile

HRCee

China (Special Administrative Region,
Hong Kong)

CEDAW

CESCR

China (Special Administrative Region,
Macao)

CESCR

Croatia

CAT

Finland

CEDAW

Georgia

CEDAW

HRCee

Guatemala

CESCR

Haiti

HRCee

Hungary

CRC

India

CEDAW

Indonesia

CESCR

Ireland

HRCee

Japan

HRCee

Kyrgyzstan

CRC

HRCee

Latvia

HRCee

Malawi

HRCee

Malta

HRCee

Montenegro

CAT

HRCee

Peru

CEDAW

Poland

CEDAW

Portugal

CRC

Russian Federation

CRC

Serbia

CESCR

Sierra Leone

HRCee

Slovenia

CESCR

Sri Lanka

HRCee

Sweden

CAT

Ukraine

CESCR

United States of America

CAT

Uruguay

CAT

Venezuela

CEDAW

CRC

1. Committee on Economic, Social and Cultural Rights

Summary of references

In 2014, the Committee on Economic, Social, and Cultural Rights (CESCR) issued 23 sets of Concluding Observations and made recommendations on SOGIE issues in just under a third (seven): **Hong Kong** and **Macao** (China),¹⁷ **Guatemala**, **Indonesia**, **Lithuania**, **Serbia**, **Slovenia**, and **Ukraine**.¹⁸

While the Committee made several general recommendations on combatting discrimination in access to **employment, housing, education, social security** and **health** for LGBT people, the violations of the substantive rights were not examined in more detail in relation to the populations. The only time CESCR examined the situation of LGBT persons in more depth was when it discussed recognition of **partnerships and families** in **Slovenia**.

In addition, there were no references to the situation of **intersex** persons. The submissions from civil society regarding El Salvador, Guatemala, and Ukraine all included intersex persons within their LGBTI references, but these were general and did not discuss violations against intersex persons specifically. The Committee's Concluding Observations for both Ukraine and Guatemala included LGBT persons, but did not extend the recommendations to intersex persons.

Consequently, the fact that CESCR did not publish Concluding Observations on intersex persons reflects the fact that it did not receive information relating to specific situation of the group. However, it is regrettable that the general non-discrimination recommendations did not encompass sex characteristics.

In all the SOGIESC-specific Concluding Observations, gender identity or **trans** persons were mentioned for every country except Slovenia. However, the Committee only explored the particular human rights issues as distinct from LGBT populations in the review of **Lithuania**. There CESCR discussed access to gender affirming surgeries and abusive pre-conditions to legal gender recognition. Just under half the CSO submissions (five) discussed human rights violations relating to gender identity or gender expression in-depth.¹⁹

¹⁷ The Concluding Observations on Hong Kong and Macao were included in the Concluding Observations on China.

¹⁸ There were no SOGIESC references in the reviews of Armenia, China (mainland), Czech Republic, El Salvador, Finland, Gambia, Monaco, Montenegro, Nepal, Paraguay, Portugal, Romania, Tajikistan, Uzbekistan, Vietnam

¹⁹ The submissions for Finland, Hong Kong (China), Indonesia, Macao (China) and Lithuania discussed the particular human rights violations against trans persons, and the CSO reports for El Salvador and Guatemala included trans persons within the broader LGBT context (the submission on Serbia mentioned LGBT persons in passing).

It seems that CESCR is open to raising issues of gender identity and expression, but is not accustomed to examining the themes in detail. In order to change this, civil society should submit more information – including in person, where possible – on violations of economic, social and cultural rights specific to trans persons. Advocates should also ensure that where there are references to discrimination on the grounds of sexual orientation, there are also mentions of gender identity and gender expression.

13 of the countries reviewed received at least one civil society (CSO) submission that contained references to SOGIESC issues, but recommendations on the topic were only made regarding six of them (see above). It should be noted that among the countries that did not receive SOGIESC recommendations, in the submissions on El Salvador, Montenegro, Nepal and Romania, the references to LGBTI persons were made in passing²⁰ and only the reports for Finland and Lithuania went into the issues in detail (in both cases, the focus was on gender identity recognition and access to health services). Moreover, for all but four countries,²¹ the submissions were made in time for the review, but not before the drafting of the List of Issues.

It is possible, therefore, that SOGIESC issues were not given sufficient consideration by the Committee because CESCR received the information later in the review process, and also because in most cases, the issues weren't explored in depth. For example, the submission on Slovenia was submitted for the List of Issues, and provided detailed, specific information on the discrimination against "same-sex families", which was then reflected in the Concluding Observations.

The Committee made references to **HIV/AIDS** that were not SOGIESC-specific in the Concluding Observations for 6 countries including **China** (para. 34), **Indonesia** (para. 32), **Romania** (para. 22), **Serbia** (para. 33), **Ukraine** (paras 22. and 28), and **Uzbekistan** (para. 24). In addition, CESCR made non-SOGIESC-specific references to sex work in the Concluding Observations for **Indonesia** (para 6).

Communications

There were no decisions made by CESCR in individual communications in 2014. As CESCR is only beginning to use the individual communications procedure, it is likely that it will attempt to avoid more controversial cases, such as those focused on LGBTI persons. However, there is a very small number of cases pending before the Committee, so it presents an interesting opportunity for the future.²²

²⁰ The CSO report for Serbia also referred to discrimination against LGBT persons in passing, and yet this issue was included in the Concluding Observations. It is unclear why this is the case.

²¹ Romania, which did not receive Concluding Observations, and Guatemala, Hong Kong and Macao, which did.

²² A list of countries that have agreed by ratifying the Optional Protocol that Individual Communications can be brought against them is available by clicking 'underlying data' under the map available on this page: <http://indicators.ohchr.org/>.

General Comments

No General Comments were published by CESCR in 2014.

Concluding Observations

(China) **Hong Kong** – 52nd Session, 28 April – 23 May 2014, 2nd review²³

Keywords: *SOGI, LGBT, anti-discrimination legislation, discrimination, education, employment, housing, health*

Non-discrimination

41. The Committee is concerned about the prevalent and widespread discrimination against some disadvantaged and marginalized groups, such as migrants and internal migrants, asylum-seekers and refugees, as well as on the grounds of sexual orientation and gender identity, particularly in employment, education, health care and housing. The Committee notes with concern the absence of comprehensive anti-discrimination legislation and regrets that the Race Discrimination Ordinance does not include discrimination on the grounds of nationality, citizenship, resident status or the length of residence in Hong Kong, China (art. 2, para. 2).

The Committee recommends that Hong Kong, China, take steps to adopt comprehensive anti-discrimination legislation in compliance with article 2, paragraph 2, of the Covenant and taking into account the Committee's general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights. The Committee reiterates its previous recommendation (E/C.12/1/Add.107, para. 91) and urges Hong Kong, China, to eliminate the widespread discriminatory practices against migrants and internal migrants from other parts of China. The Committee also urges Hong Kong, China, to take adequate measures to ensure that lesbians, gays, bisexual and transgender persons are able to fully enjoy their economic, social and cultural rights without any discrimination.

²³ 2nd reporting cycle, [E/C.12/CHN/CO/2](#). The Concluding Observations on the Special Administrative Region of Hong Kong were included in the Concluding Observations on China.

(China) **Macao** – 52nd Session, 28 April – 23 May 2014, 2nd review²⁴

Keywords: *LGBT, anti-discrimination legislation, discrimination, education, employment, housing, health*

Non-discrimination

54. The Committee notes with concern that Macao, China has not yet adopted comprehensive anti-discrimination legislation and that widespread discrimination against migrants, as well as lesbian, gay, bisexual and transgender persons, persists in Macao, China, particularly in employment, health care, education and housing. The Committee also notes with concern that de facto discrimination against persons with disabilities persists, particularly in the field of employment (art. 2, para. 2).

The Committee urges Macao, China to consider the adoption of comprehensive antidiscrimination legislation, in compliance with article 2, paragraph 2, of the Covenant and taking into account the Committee's general comment No 20 (2009) on nondiscrimination in economic, social and cultural rights. The Committee recommends that Macao, China, take all appropriate measures, including awareness-raising campaigns, to address the de facto discrimination against persons with disabilities.

²⁴ 2nd reporting cycle, [E/C.12/CHN/CO/2](#). The Concluding Observations on the Special Administrative Region of Macao were included in the Concluding Observations on China.

Guatemala – 53rd Session, 10 – 28 November 2014, 3rd review²⁵

Keywords: *LGBT, SOGI, awareness-raising campaign, discrimination, education, employment, health, housing*

Non-discrimination

9. The Committee takes note of the establishment of the office of the Ombudsman for sexual diversity. However, it regrets the persistence of discrimination against individuals in terms of employment, housing, access to education and health care on grounds of sexual orientation (art. 2).

The Committee recommends that the State party adopt measures, and in particular awareness-raising measures, to ensure that lesbian, gay, bisexual and transgender persons (LGBT) are not discriminated against on account of their sexual orientation or gender identity.

²⁵ 3rd reporting cycle, [E/C.12/GTM/CO/3](#).

Indonesia – 52nd Session, 28 April – 23 May 2014, 1st review²⁶

Keywords: *LGBT, awareness-raising campaign, discrimination, sex work, training of state actors*

Local laws and regulations

6. The Committee notes with concern that laws and by-laws which discriminate against women and marginalized individuals and groups such as sex workers, and lesbian, gay, bisexual and transgender persons are in force in provinces, districts and autonomous regions, in spite of the review mechanism in place in the State party (art. 2.1).

The Committee urges the State party to:

- (a) Review and repeal provisions in local laws and by-laws which have been found to be discriminatory against women and marginalized groups, including those identified by the National Commission on Violence against Women;
- (b) Raise awareness of the State party's legal obligations under international human rights treaties among lawmakers and authorities in provinces, districts and autonomous regions;
- (c) Strengthen the mechanisms for the review of draft laws and by-laws proposed by decentralized authorities.

²⁶ 1st reporting cycle, [E/C.12/IDN/CO/1](#).

Lithuania – 52nd Session, 28 April – 23 May 2014, 2nd review²⁷

Keywords: *LGBT, SOGI, discrimination, education, employment, gender affirming surgeries, gender recognition, health*

Non-discrimination

8. 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 also regrets the lack of information on measures taken to combat and prevent discrimination on the basis of sexual orientation, particularly in respect of access to employment, health care and education (arts. 2 and 12).

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.

²⁷ 2nd reporting cycle, [E/C.12/LTU/CO/2](#). The Committee also noted the following without making a recommendation:

“5. The Committee notes with appreciation the measures taken by the State party to promote the enjoyment of economic, social and cultural rights, including:

(a) The adoption of the 2008 Law on Equal Treatment, which expanded the list of prohibited grounds for discrimination by six additional grounds and now includes age, sex, sexual orientation, disability, racial or ethnic origin, religion, beliefs, convictions, language, nationality, social status, and views;”

Serbia – 52nd Session, 28 April – 23 May 2014, 2nd review²⁸

Keywords: *LGBT, anti-discrimination legislation, discrimination, education, employment, health, housing, social security*

Discrimination

11. The Committee is concerned that members of national and ethnic minorities, persons with disabilities, refugees and internally displaced persons, including Roma, and other marginalized groups continue to face discrimination with regard to access to economic, social and cultural rights. The Committee is also concerned that the anti-discrimination legislation is not systematically applied, as evidenced by the low numbers of concluded cases related to discrimination (art. 2, para. 2).

The Committee urges the State party to:

- (a) Intensify its efforts to promote equality and combat discrimination against members of ethnic minorities, persons with disabilities, refugees and internally displaced persons, including Roma, lesbian, gay, bisexual and transgender persons and other marginalized persons and groups with regard to access to employment, social security, housing, health and education;**
- (b) Systematically apply the Law on Prohibition of Discrimination and other relevant legislation, as well as the Strategy for Prevention and Protection against Discrimination 2013–2018, in order to prevent and punish all acts of discrimination, taking due account of all prohibited grounds of discrimination as contained in article 2, paragraph 2, of the Covenant and elaborated in the Committee’s general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.**

²⁸ 2nd reporting cycle, [E/C.12/SRB/CO/2](#).

Slovenia – 53rd Session, 10 – 28 November 2014, 2nd review²⁹

Keywords: SO, discrimination, anti-discrimination legislation, health, housing, partnership/family

Discrimination on the grounds of sexual orientation and gender identity

12. The Committee is concerned about the existence of several legal provisions that are discriminatory against same-sex partners and their families, including in the Health Care and Health Insurance Act, the Housing Act, the Code of Obligations, the Penal Code, and the Marriage and Family Relations Act. The Committee is particularly concerned about the retention of article 22 of the Registration of Same-Sex Partnerships Act, despite the decision by the Constitutional Court (2013) ruling that it violated the right to non-discrimination on the ground of sexual orientation (art. 2, para. 2).

The Committee recommends that the State party bring all its legislation into line with article 2, paragraph 2, of the Covenant and with article 14 of its Constitution, which explicitly prohibits discrimination on the basis of sexual orientation. The Committee further encourages the State party to expedite the adoption of the draft law on same-sex civil partnerships, as announced by the State party's delegation. The Committee draws the State party's attention to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural life.

²⁹ 2nd reporting cycle, [E/C.12/SVN/CO/2](#).

Ukraine – 52nd Session, 28 April – 23 May 2014, 5th review³⁰

Keywords: *SOGI, LGBT, discrimination, education, employment, health, social security*

Discrimination on the grounds of sexual orientation and gender identity

10. The Committee is concerned about discrimination on the grounds of sexual orientation and gender identity in employment, social security, health care and education and regrets the lack of information on measures taken to combat and prevent such discrimination (art. 2, para. 2).

The State party should take all the necessary measures to combat and prevent discrimination against lesbian, gay, bisexual and transgender (LGBT) persons and ensure enjoyment of their Covenant rights on an equal basis with others.

³⁰ 6th reporting cycle, [E/C.12/UKR/CO/6](#).

2. Human Rights Committee

Summary of references

The Human Rights Committee (HRCee) reviewed 18 countries in 2014 and made references to SOGIESC issues for over three quarters of these (14): **Burundi, Chile, Georgia, Haiti, Ireland, Japan, Kyrgyzstan, Latvia, Malawi, Malta, Montenegro, Sierra Leone, Sri Lanka** and **Sudan**.³¹

A common theme, beyond combatting **discrimination** and **violence** on the grounds of sexual orientation and gender identity, was the issue of **access to justice**. This was referred to in eight of the Concluding Observations: **Chile, Georgia, Haiti, Japan, Kyrgyzstan, Latvia, Malawi, and Montenegro**. An unusual and interesting recommendation is the expression of concern about the “reluctance” of **Malawi’s** national human rights institution to work on SOGIESC issues. The Committee called on the body to “engage in all human rights issues,” including those relating to rights of LGBTI persons.

Same-sex sexual activity between consenting adults was **criminalised** in five of the countries reviewed by the Committee.³² HRCee made recommendations to decriminalise same-sex sexual activity in all reviews except Sudan.

It is unclear why Sudan was excluded, given that CSO submissions were made on the topic and SOGIESC recommendations were made on other topics. However, this largely consistent approach to criminalisation is warmly welcomed.

The Committee made references to SOGIESC issues in 12 of the 15 countries for which it received civil society submissions, making no recommendations on the topics for the USA, Nepal or Sudan. On the other hand, **Malta** does not appear to have received CSO submissions on SOGIESC issues, yet it still received recommendations on discrimination against LGBTI persons and **bullying** in educational settings.

There is no clear indication of whether information must be submitted to the HRCee in time for the List of Issues in order to guarantee inclusion in the Concluding Observations, as the Committee only received information in time for the Session for three countries that still obtained recommendations on SOGIESC issues.³³ Moreover, reports had been submitted in advance of the List of Issues for the three countries that did not receive SOGIESC recommendations.³⁴

³¹ No SOGIESC references were made for Chad, Israel, Nepal or the USA.

³² Burundi, Malawi, Sierra Leone, Sri Lanka, Sudan, and the USA.

³³ Burundi, Georgia and Latvia.

³⁴ Nepal, Sudan and the USA.

While the Committee raised SOGI issues quite frequently, there are extremely few references to **sex characteristics** issues, with only the Concluding Observations of **Malawi** and **Sri Lanka** discussing the topic. In both cases, these were included within general recommendations on discrimination against LGBTI persons, and no CSO submissions had been made on the issue for those countries. CSO submissions for seven countries³⁵ made general LGBTI references, and the alternative reports for Ireland, Nepal and Japan mention intersex persons in the context of gender identity recognition. However, none of the submissions explore particular violations under the International Covenant on Civil and Political Rights in relation to sex characteristics.

Therefore, the fact that the HRCee doesn't explore the issue of intersex persons in great detail reflects the lack of information before the Committee. As the HRCee regularly discusses violence and torture and inhuman or degrading treatment, advocates working on issues around IGM, for example, are encouraged to engage with the Committee to bring greater attention to such violations.

Trans-specific CSO submissions were made for the reviews of ten countries,³⁶ but only the Concluding Observations for **Ireland** discussed the particular situation of trans persons, where it focused on legal gender recognition and abusive pre-conditions. All other SOGIESC recommendations examined general LGBT issues, apart from the review of Burundi, where the focus was on sexual orientation only. In fact, in two cases, gender identity, gender expression and trans persons were mentioned within LGBT Concluding Observations even though there had been no mention of the issues in the CSO reports.³⁷

Thus, it seems that if the Committee mentions sexual orientation, it will almost always discuss gender identity.³⁸ Yet, HRCee appears more reluctant to examine the distinct situation of trans persons. Human rights defenders should continue to engage with the Committee given that it is able to discuss issues of violence, torture and inhuman or degrading treatment (including in the context of forced sterilisation) and legal gender recognition.

Separately, one SOGIESC-related **Individual Complaint** was considered by the Committee in 2014.³⁹ The mechanism is one that deserves greater attention by advocates, as the HRCee has consistently made positive decisions on SOGIESC complaints. However, it is important to note that the process of obtaining a decision of the Committee is slow, taking approximately three years.

³⁵ Haiti, Kyrgyzstan, Latvia, Montenegro, Sierra Leone, Sudan and the USA.

³⁶ Burundi, Chile, Haiti, Ireland, Japan, Kyrgyzstan, Nepal, Sri Lanka and the USA. General gender identity and gender expression references were made in CSO reports for Latvia, Sierra Leone and Sudan.

³⁷ Georgia and Malawi.

³⁸ This was true in all cases except the review of Burundi.

³⁹ A list of countries that have agreed by ratifying the Optional Protocol that Individual Communications can be brought against them is available by clicking 'underlying data' under the map available on this page: <http://indicators.ohchr.org/>.

The one **General Comment** published by the HRCee in 2014 included SOGI themes, General Comment No. 35 on liberty and security of person.⁴⁰ It is very positive that the Committee emphasised the importance of combatting impunity for human rights violations against LGBTI persons in the context of interactions with law enforcement officials and in detention settings.

Finally, the Committee made references to **HIV/AIDS** that were not SOGIESC-specific in the Concluding Observations for **Malawi** (para. 20), and no references were made to **sex work**.

Communications

One decision of HRCee on an individual complaint in 2014 related to SOGIESC issues.⁴¹ In an individual complaint against Belarus, the Committee found that the conviction of an LGBTI rights defender for his participation in a peaceful demonstration made without prior authorization constituted an unjustified restriction on his rights to freedom of expression and to freedom of assembly.⁴²

General Comments

HRCee published one General Comment in 2014, General Comment No. 35 on liberty and security of person. It contains references to SOGIESC issues in two places.

General comment No. 35 - Article 9 (Liberty and security of person)⁴³

Keywords: *LGBT, SOGI, detention, domestic violence, police brutality, violence*

3. Liberty of person concerns freedom from confinement of the body, not a general freedom of action. Security of person concerns freedom from injury to the body and the mind, or bodily and mental integrity, as further discussed in paragraph 9 below. Article 9 guarantees those rights to everyone. “Everyone” includes, among others, girls and boys, soldiers, persons with disabilities, lesbian, gay, bisexual and transgender persons, aliens, refugees and asylum seekers, stateless persons, migrant workers, persons convicted of crime, and persons who have engaged in terrorist activity. (...)

⁴⁰ [CCPR/C/GC/35](#).

⁴¹ Decisions on 102 individual complaints were made in 2014. A list of countries that have agreed by ratifying the Optional Protocol that Individual Communications can be brought against them is available by clicking ‘underlying data’ under the map available on this page: <http://indicators.ohchr.org/>.

⁴² *Praded v Belarus*, Communication No. 2029/2011, [CCPR/C/112/D/2029/2011](#) (2014).

⁴³ General Comment No. 35 - Article 9 (Liberty and security of person), [CCPR/C/GC/35](#), 16 December 2014.

9. The right to security of person protects individuals against intentional infliction of bodily or mental injury, regardless of whether the victim is detained or non-detained. For example, officials of States parties violate the right to personal security when they unjustifiably inflict bodily injury. The right to personal security also obliges States parties to take appropriate measures in response to death threats against persons in the public sphere, and more generally to protect individuals from foreseeable threats to life or bodily integrity proceeding from any governmental or private actors. States parties must take both measures to prevent future injury and retrospective measures, such as enforcement of criminal laws, in response to past injury. For example, States parties must respond appropriately to patterns of violence against categories of victims such as intimidation of human rights defenders and journalists, retaliation against witnesses, violence against women, including domestic violence, the hazing of conscripts in the armed forces, violence against children, violence against persons on the basis of their sexual orientation or gender identity, and violence against persons with disabilities. They should also prevent and redress unjustifiable use of force in law enforcement, and protect their populations against abuses by private security forces, and against the risks posed by excessive availability of firearms. The right to security of person does not address all risks to physical or mental health and is not implicated in the indirect health impact of being the target of civil or criminal proceedings.

Concluding Observations

Burundi – 112th Session, 7 October – 31 October 2014, 2nd review⁴⁴

Keywords: *SO, criminalisation, discrimination, education, FOE/FOAA, violence*

Discrimination based on sexual orientation

8. The Committee is concerned by reports that homosexuals are faced with threats to their physical integrity, intimidation and discrimination in various spheres of life. In particular, the Committee is concerned by the fact that homosexuality is defined as an offence in the Criminal Code; the fact that, pursuant to article 9 of Ministerial Order No. 620/613 of 7 June 2011 of the Minister of Basic Education, students considered to be homosexuals may be barred from their schools; and the obstacles faced by homosexuals seeking to found associations (arts. 2, 17, 22 and 26).

The State should decriminalize homosexuality; amend the ministerial order of the Minister of Basic Education in order to forestall its discriminatory application to young homosexuals; remove any de jure or de facto obstacle to or any restriction on the establishment of associations by homosexuals; and take all necessary steps to provide effective protection for homosexuals from threats to their physical integrity and from discrimination of any kind.

⁴⁴ 2nd reporting cycle, [CCPR/C/BDI/CO/2](#).

Chile – 111th Session, 7 July – 25 July 2014, 2nd review⁴⁵

Keywords: *SOGI, LGBT, access to justice, awareness-raising campaign, bullying, criminalisation, discrimination, education, harassment, violence*

Discrimination against lesbian, gay, bisexual and transgender (LGBT) persons

14. Despite the issues raised in its previous concluding observations (CCPR/C/CHL/CO/5, para. 16), the Committee is still concerned by reports of discrimination and violence against LGBT persons. Although the State party has declared its intention of repealing article 373 of the Criminal Code, the Committee notes with concern that the article is still used to stop and harass persons because of their sexual orientation or gender identity (arts. 2, 3, 6, 7 and 26).

The State party should 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 State party should repeal article 373 of the Criminal Code and ensure that all acts of violence that are committed because of the sexual orientation or gender identity of the victim are investigated, prosecuted and punished.

⁴⁵ 6th reporting cycle, [CCPR/C/CHL/CO/6](#).

Georgia – 111th Session, 7 July – 25 July 2014, 4th review⁴⁶

Keywords: *SOGI, LGBT, access to justice, discrimination, FOE/FOAA, hate crimes/hate speech, HRD, stigmatisation, violence*

Discrimination on the grounds of sexual orientation and gender identity

8. The Committee is concerned about discrimination and social stigma, hate speech and acts of violence against lesbian, gay, bisexual and transgender persons and violation of their rights to freedom of expression and assembly (arts. 2, 9, 19, 21 and 26).

The State party should take effective measures to combat any form of social stigmatization of homosexuality, bisexuality or transsexuality, or hate speech, discrimination or violence against persons based on their sexual orientation or gender identity. It should provide effective protection to lesbian, gay, bisexual and transgender persons and ensure the investigation, prosecution and punishment of any act of violence motivated by the victim's sexual orientation or gender identity in accordance with article 53, para. 31, of the Criminal Code. It should also take all necessary measures to guarantee the exercise in practice of the rights to freedom of expression and assembly of lesbian, gay, bisexual and transgender persons and defenders of their rights.

⁴⁶ 4th reporting cycle, [CCPR/C/GEO/CO/4](#).

Haiti – 112th Session, 7 October – 31 October 2014, 1st review⁴⁷

Keywords: *SO, LGBT, access to justice, awareness-raising campaign, data collection, discrimination, HRD, training of state actors, violence*

Discrimination based on sexual orientation

9. While noting the willingness of the State party to eliminate discrimination against lesbians, gays, bisexuals and transgender (LGBT) persons, the Committee notes with concern a significant number of displays of hostility towards LGBT persons and other actions including acts of violence and attacks on the institutions that defend their rights, all of which are closely bound up with the persistence of stereotypes with respect to these groups (arts. 2 and 26).

The State party should ensure that all forms of discrimination against LGBT persons are recorded and that all acts of violence against them are accounted for and punished, and that the victims are compensated for such violations. In order to combat stereotypes based on sexual identity, the State party should launch a national awareness campaign, addressing first the forces of law and order and judicial personnel and later the general public.

⁴⁷ 1st reporting cycle, [CCPR/C/HTI/CO/1](#).

Ireland – 111th Session, 7 July – 25 July 2014, 3rd review⁴⁸

Keywords: *T, consultation, partnership/family, gender recognition*

Gender equality

7. While welcoming the Convention on the Constitution's recommendation of February 2013, the State party's commitment to hold a referendum on the matter and the establishment of a task force, the Committee regrets the slow pace of progress in modifying the language of article 41.2 of the Constitution on the role of women in the home. It also expresses concern that, despite the adoption of the Electoral (Amendment) Political Funding Act 2012 which encourages political parties to establish a quota for female candidates, women continue to be underrepresented in both public and private sectors, particularly in decision-making positions. Additionally, the Committee is concerned that the new Gender Recognition Bill approved by the Cabinet in June 2014 retains the requirement for married transgender persons to dissolve the existing marriage or civil partnership to have their preferred gender formally recognized (arts. 2, 3, 23 and 26).

The State party should take concrete steps to implement the recommendations issued by the Convention on the Constitution to facilitate the amendment of article 41.2 of the Constitution to render it gender-neutral, and further encourage greater participation of women in both public and private sectors, including by providing stable and sufficient funding for institutions established to promote and protect gender equality. It should also ensure that transgender persons and representatives of transgender organizations are effectively consulted in the finalization of the Gender Recognition Bill so as to ensure that their rights are fully guaranteed, including the right to legal recognition of gender without the requirement of dissolution of marriage or civil partnership.

⁴⁸ 4th reporting cycle, [CCPR/C/IRL/CO/4](#).

Japan – 111th Session, 7 July – 25 July 2014, 5th review⁴⁹

Keywords: *SO, access to justice, domestic violence*

Gender-based and domestic violence

10. The Committee regrets that, despite its previous recommendations, the State party has not made any progress in broadening the scope of the definition of rape in the Criminal Code, setting the age of sexual consent above 13 years and prosecuting rape and other sexual offences *ex officio*. It notes with concern that domestic violence remains prevalent, that the process to issue protection orders is too lengthy and that the number of perpetrators who are punished for that offence is very low. The Committee is concerned by reports of the insufficient protection provided to same-sex couples and immigrant women (arts. 3, 6, 7 and 26).

In line with the Committee's previous recommendations (see CCPR/C/JPN/CO/5, paras. 14 and 15) the State party should take concrete action to prosecute rape and other crimes of sexual violence *ex officio*, raise without further delay the age of consent for sexual activities and review the elements of the crime of rape, as established in the Third Basic Plan for Gender Equality. The State party should intensify its efforts to ensure that all reports of domestic violence, including in same-sex couples, are thoroughly investigated; that perpetrators are prosecuted and, if convicted, punished with appropriate sanctions; and that victims have access to adequate protection, including through the granting of emergency protective orders and preventing immigrant women who are victims of sexual violence from losing their visa status.

Keywords: *SOGI, LGBT, access to justice, anti-discrimination legislation, awareness-raising campaign, discrimination, harassment, housing, stigmatisation*

Discrimination based on sexual orientation and gender identity

11. The Committee is concerned about reports of social harassment and stigmatization of lesbian, gay, bisexual and transgender persons and discriminatory provisions that exclude same-sex couples from the municipally operated housing system (arts. 2 and 26).

The State party should adopt comprehensive anti-discrimination legislation that prohibits discrimination on all grounds, including sexual orientation and gender identity, and provides victims of discrimination with effective and appropriate remedies. The State party should intensify its awareness-raising activities to combat stereotypes and prejudice against lesbian, gay, bisexual and transgender persons, investigate allegations of harassment

⁴⁹ 6th reporting cycle, [CCPR/C/JPN/CO/6](#).

against lesbian, gay, bisexual and transgender persons and take appropriate measures to prevent such stereotypes, prejudice and harassment. It should also remove the remaining restrictions in terms of eligibility criteria applied to same-sex couples with respect to publicly operated housing services at the municipal level.

Kyrgyzstan – 110th Session, 10 March – 28 March 2014, 2nd review⁵⁰

Keywords: *LGBT, access to justice, discrimination, violence*

Non-discrimination and equality

9. The Committee is concerned about reports of violence against lesbian, gay, bisexual and transgender (LGBT) persons by both State and non-State actors, and the failure on the part of the State party to address such violence (arts. 2 and 26).

The State party should ensure that violence against LGBT persons is thoroughly investigated, that perpetrators are prosecuted, and if convicted, punished with appropriate sanctions, and that the victims are adequately compensated and protected against reprisals.

⁵⁰ 2nd reporting cycle, [CCPR/C/KGZ/CO/2](#).

Latvia – 110th Session, 10 March – 28 March 2014, 3rd review⁵¹

Keywords: *SOGI, LGBT, access to justice, data collection, discrimination, hate crimes/speech, violence*

Protection against hate crimes

19. The Committee is concerned at reports of racist speech, acts of violence and discrimination against vulnerable groups, including Roma and lesbian, gay, bisexual and transgender persons, and at a reported increase in incidents of violence against minorities in recent years. The Committee is also concerned at the inadequate application of the legislative framework against hate crime with respect to lesbian, gay, bisexual and transgender persons. The Committee is furthermore concerned at allegations of insufficient hate crime recording, monitoring, investigation and prosecution (arts. 20 and 26).

The State party should (...)

(b) Implement criminal law provisions aimed at combating racially motivated crimes, punish perpetrators with appropriate penalties and facilitate the reporting procedure for hate crimes;

(c) Define incitement to violence on grounds of sexual orientation or gender identity as a criminal offence.

⁵¹ 3rd reporting cycle, [CCPR/C/LVA/CO/3](#).

Malawi – 111th Session, 7 July – 25 July 2014, 1st review⁵²

Keywords: *LGBTI*

National human rights institution

6. The Committee is concerned that the Malawi Human Rights Commission does not function fully independently and is not yet adequately funded. The reluctance of the Commission to engage in issues related to the rights of lesbian, gay, bisexual, transgender and intersex persons is also a source of concern for the Committee. The Committee further notes the absence of adequate mechanisms in place for the effective consideration of the Commission's recommendations (art. 2).

The State party should amend the Human Rights Commission Act to ensure that the Commission enjoys full independence, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). The State party should also provide the Commission with adequate financial and human resources and establish mechanisms for the consideration and implementation of the Commission's recommendations. The Commission should fully comply with its mandate and engage in all human rights issues, including those related to the rights of lesbian, gay, bisexual, transgender and intersex persons.

Keywords: *SOGI, LGBTI, access to justice, anti-discrimination legislation, awareness-raising campaign, criminalisation, data collection, discrimination, health, HIV/AIDS, stigmatisation, support services, training of state actors, violence*

Sexual orientation

10. The Committee is concerned that consensual same-sex sexual activity among consenting adults is still criminalized. It is also concerned about reports of cases of violence against lesbian, gay, bisexual, transgender and intersex persons and that, owing to the stigma, these persons do not enjoy effective access to health services (arts. 2 and 26).

The State party should:

- (a) **Review its legislation to explicitly include sexual orientation and gender identity among the prohibited grounds of discrimination and repeal the provisions that criminalize homosexuality and other consensual sexual activities among adults (arts. 137 (A), 153, 154 and 156 of the Penal Code);**
- (b) **Introduce a mechanism to monitor cases of violence against lesbian, gay, bisexual, transgender and intersex persons and undertake all**

⁵² 1st reporting cycle, [CCPR/C/MWI/CO/1/Add.1](#).

necessary measures to prevent those cases, prosecute the perpetrators and compensate the victims;

(c) Ensure that public officials refrain from using language that may encourage violence and raise awareness to eliminate stereotyping and discrimination;

(d) Guarantee effective access to health services, including HIV/AIDS treatment, for lesbian, gay, bisexual, transgender and intersex persons.

Malta – 112th Session, 7 October – 31 October 2014, 1st review⁵³

Keywords: *SOGI, anti-discrimination legislation, discrimination*

Anti-discrimination legal framework

8. While welcoming the recent amendments to the anti-discrimination legal framework to introduce religion, sexual orientation and gender identity as prohibited grounds for discrimination, the Committee is concerned that discrimination on the basis of language has not yet been prohibited by law, thus failing to protect against discrimination on all the grounds enumerated in the Covenant. The Committee further notes with concern the existence of legal and administrative provisions, as well as some practices, that are incompatible with the principle of non-discrimination enshrined in the Covenant (arts. 2 and 26).

The State party should review its anti-discrimination and equality legal framework with a view to ensuring that it includes a comprehensive prohibition of discrimination on all the grounds as set out in the Covenant. The State party should undertake a thorough review of its legislation with a view to amending or revoking all provisions that are not in compliance with articles 2 and 26 of the Covenant.

Keywords: *LGBT, awareness-raising campaign, bullying, discrimination, education, harassment, stigmatisation, violence*

Discrimination against lesbian, gay, bisexual and transgender (LGBT) persons

10. While welcoming the efforts undertaken by the State party to address discrimination against lesbian, gay, bisexual and transgender (LGBT) persons in general, the Committee is concerned about the reportedly insufficient measures to prevent and combat bullying and harassment against LGBT students in educational settings (arts. 2 and 26).

The State party should take specific measures to provide an educational environment free of discrimination and violence against LGBT students, particularly through awareness-raising campaigns, school curricula and trainings addressed to educational personnel. The State party should take all necessary measures to put an end to any form of social stigmatization of homosexuality, bisexuality or transsexuality.

⁵³ 2nd reporting cycle, [CCPR/C/MLT/CO/2](#).

Montenegro – 112th Session, 7 October – 31 October 2014, 1st review⁵⁴

Keywords: *SOGI, LGBT, access to justice, awareness-raising campaign, discrimination, stigmatisation, training of state actors, violence*

Discrimination on the grounds of sexual orientation and gender identity

8. While welcoming various legislative and institutional measures adopted to protect the rights of lesbian, gay, bisexual and transgender (LGBT) persons, the Committee is concerned at the prevalence of stereotypes and prejudices against LGBT persons. In this regard, it is particularly concerned about reports of acts of violence against LGBT persons and the lack of effective investigation and prosecutions. In particular, the Committee is concerned that human rights violations which occurred during the Budva and Podgorica Prides were not thoroughly investigated (arts. 2 and 26).

The State party should intensify its efforts to combat stereotypes and prejudice against LGBT persons, including by launching a sensitization campaign aimed at the general public and providing appropriate training to public officials so as to put an end to the social stigmatization of LGBT persons. The State party should ensure that all reports of violence against LGBT persons are effectively investigated and that perpetrators of violence based on sexual grounds are prosecuted and sanctioned.

⁵⁴ 1st reporting cycle, [CCPR/C/MNE/CO/1](#).

Sierra Leone – 110th Session, 10 March – 28 March 2014, 1st review⁵⁵

Keywords: *SOGI, LGBT, anti-discrimination legislation, criminalisation, discrimination, harassment, stigmatisation, violence*

Discrimination against lesbian, gay, bisexual and transgender (LGBT) persons

11. The Committee is concerned that the State party lacks any constitutional or statutory provision expressly prohibiting discrimination on the grounds of sexual orientation or gender identity, and that same sex relationships between consenting adults are criminalized by law. The Committee notes with concern the prevalence of stereotypes and prejudices against lesbian, gay, bisexual and transgender (LGBT) persons and is particularly concerned about reported acts of violence against LGBT persons (arts. 2 and 26).

The State party should review its Constitution and legislation to ensure that discrimination on the grounds of sexual orientation and gender identity is prohibited, including by decriminalizing sexual relations between consenting adults of the same sex, in order to bring its legislation into line with the Covenant. The State party should also take the necessary steps to put an end to the social stigmatization of homosexuality and send a clear message that it does not tolerate any form of harassment, discrimination or violence against persons based on their sexual orientation or gender identity.

⁵⁵ 1st reporting cycle, [CCPR/C/SLE/CO/1](#).

Sri Lanka – 112th Session, 7 October – 31 October 2014, 4th review⁵⁶

Keywords: *SOGI, LGBTI, anti-discrimination legislation, awareness-raising campaign, criminalisation, discrimination, gender impersonation laws, stigmatisation*

Non-discrimination

8. While noting the confirmation of the State party that article 12 of its Constitution prohibits discrimination on the grounds of sexual orientation and gender identity, the Committee remains concerned at the continued applicability of Penal Code sections 365, 365A and 399 to criminalize lesbian, gay, bisexual, transgender and intersex (LGBTI) conduct and the widespread discrimination and stigmatization of persons on the basis of their sexual orientation and gender identity (arts. 2 and 26).

The State party should amend sections 365, 365A and 399 of its Penal Code to ensure full compliance with articles 2 and 26 of the Covenant. The State party should also consider amending article 12 of its Constitution to state explicitly that sexual orientation and gender identity are prohibited grounds for discrimination. It should also strengthen measures to protect against violations of LGBTI rights and strengthen awareness-raising and training measures on such rights.

⁵⁶ 5th reporting cycle, [CCPR/C/LKA/CO/5](#).

Sudan – 111th Session, 7 July – 25 July 2014, 4th review⁵⁷

Keywords: *SOGI, anti-discrimination legislation, discrimination, HIV/AIDS*

Non-discrimination and equal rights of men and women

11. The Committee is concerned by the lack of comprehensive anti-discrimination legislation prohibiting discrimination on grounds such as age, sexual orientation, gender identity and health status (in particular people living with HIV/AIDS) (arts. 2 and 26).

The State party should consider adopting comprehensive anti-discrimination legislation which includes provisions for protection against discrimination on grounds such as age, sexual orientation, gender identity and health status (in particular people living with HIV/AIDS). It should also prioritize the implementation of programmes to eliminate stereotyping and discrimination and guarantee tolerance and respect for diversity.

⁵⁷ 4th reporting cycle, [CCPR/C/SDN/CO/4](#).

3. Committee on the Elimination of Discrimination against Women

Summary of references

In 2014, the Committee on the Elimination of Discrimination against Women (CEDAW) reviewed 25 countries and made references to SOGIESC issues for over a third (nine): **Belgium, Cameroon, China, Finland, Georgia, India, Peru, Poland**, and **Venezuela**.⁵⁸

SOGIESC themes raised by the Committee in the Concluding Observations for 2014 are wide-ranging and include access to **legal gender recognition**,⁵⁹ **sterilisation**,⁶⁰ and access to **education, employment and healthcare services**.⁶¹ CEDAW also regularly discussed the particular challenge presented by **intersectionality** and multiple discrimination.

Regarding **criminalisation**, out of the countries reviewed in 2014, same-sex sexual activity between consenting adults was criminalised in twelve.⁶² Unfortunately, the Committee only made recommendations to decriminalise such activity in **Cameroon** and **India**. CEDAW did not mention criminalisation in Brunei and the Solomon Islands in its Concluding Observations, despite receiving CSO information.

It is deeply concerning that the Committee does not call for decriminalisation consistently, as even though provisions criminalising same sex conduct do not always explicitly include LGBTI women, they directly impact on these persons' full enjoyment of their rights under the Convention.

13 of these countries reviewed received at least one civil society submission that contained references to SOGIESC issues,⁶³ and CEDAW made recommendations for all but four.⁶⁴ For two of these,⁶⁵ the information received examined SOGIESC issues in-

⁵⁸ No SOGIESC references were made in the Concluding Observations for Bahrain, Brunei Darussalam, China, Macao (China), Central African Republic, Ghana, Guinea, Iraq, Kazakhstan, Lithuania, Mauritania, Qatar, Sierra Leone, Solomon Islands, Swaziland, Syrian Arab Republic.

⁵⁹ **Belgium, Finland**, and **Georgia**.

⁶⁰ **Belgium** and **Finland**.

⁶¹ **Cameroon** and **Hong Kong**.

⁶² Brunei Darussalam, Cameroon, Ghana, Guinea, India, Iraq, Mauritania, Qatar, Sierra Leone, the Solomon Islands, Swaziland, and Syria.

⁶³ Cameroon, China, Finland, Georgia, India, Kazakhstan, Lithuania, Peru, Poland, the Solomon Islands, and Venezuela.

⁶⁴ Brunei Darussalam, Kazakhstan, Lithuania, and the Solomon Islands.

⁶⁵ Kazakhstan and the Solomon Islands.

depth. It appears that timing the submission of CSO information in order to ensure that it be considered is flexible.⁶⁶

It is difficult to assess why the Committee did not raise SOGIESC more often, but it may be related to the composition of Task Force (made up of Committee Members) assigned to performing the review of a particular country. Given the challenges, human rights defenders engaging with the Committee are strongly advised to brief CEDAW in person, where possible.

CEDAW made general references to **sex characteristics** issues in only two sets of Concluding Observations: **Poland** and **Venezuela**. The Committee did not examine the distinct situation of intersex persons in any of its recommendations, though it received CSO submissions containing information on intersex persons specifically for Poland and Finland.⁶⁷ Even more concerning is the fact that the Committee did not include unnecessary and involuntary surgeries on intersex children in its General Comment on harmful practices, prepared with CRC.

The Committee has not examined human rights violations connected to sex characteristics. CEDAW clearly receives almost no information on the topic, but where it has the opportunity to make recommendations, it has not always done so. Advocates should attempt to reach out to the Committee to ensure that it develops a greater understanding of the issues and is able to make recommendations in the future.

Regarding CEDAW's approach to **gender identity and gender expression**, three countries received Concluding Observations that were specific to trans persons,⁶⁸ where the recommendations focused on legal gender recognition and abusive pre-conditions. In two of these, the Committee's comments referred to "transgender persons" more broadly. Four other sets of Concluding Observations included GI in general SOGIESC references.⁶⁹ While the recommendations themselves are welcomed, the number is disappointing given that the CSO submissions for nine countries gave information on the distinct violations experienced by trans persons.⁷⁰

It is unclear why CEDAW does not raise GIE issues more regularly, but it is possible that the differing approaches of CEDAW's Committee Members is a relevant factor. As on other SOGIESC issues, advocates are encouraged to assist the Committee in deepening its knowledge of the challenges faced by trans persons and how these relate to the Convention.

⁶⁶ Four countries received information in time for the drafting of the List of Issues (Hong Kong (China), Finland, Lithuania and Poland), but generally information was submitted later – for the Session.

⁶⁷ The CSO reports for Venezuela and Hong Kong included sex characteristics in their general SOGIESC information.

⁶⁸ **Belgium, Finland, Georgia.**

⁶⁹ **Cameroon, Hong Kong, Poland, Venezuela.**

⁷⁰ Belgium, Brunei, China, Finland, India, Lithuania, Peru, Poland and Venezuela.

The Committee did not consider any **Individual Complaints** related to LGBTI persons in 2014.

A complaint is a good way of obtaining a decision on SOGIESC issues that applies to all States who are party to the Convention. However, given the inconsistent approach of CEDAW on these topics, advocates should carefully consider whether they can provide enough information to the Committee Members to increase their knowledge of the area in order to obtain a positive result.

The Committee published two **General Recommendations** in 2014, and as previously mentioned, the one prepared with the CRC did not include SOGIESC issues. Yet, CEDAW included SOGIESC references in the other General Recommendation that it published that year, on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women. A positive development in that document is the inclusion of trans women. This marks the third time that CEDAW has included gender identity in a General Recommendation.⁷¹

As regards references to sex work, CEDAW uses the terms “prostitution” and “exploitation in prostitution” rather than sex work. The Committee made references to **sex work** that weren’t SOGIESC-specific in the Concluding Observations for seven countries: **Brunei Darussalam** (paras 24-25), **Cameroon** (paras 20-21, paras 32-33), **Finland** (paras 20-21), **Iraq** (paras 31-32), **Kazakhstan** (paras 20-21), **Sierra Leone** (paras 22-23), and **Qatar** (paras 25-26). The recommendations on Brunei, Iraq and Qatar discuss **decriminalisation**.

The Committee also made references to **HIV/AIDS** that were not SOGIESC-specific in the Concluding Observations for nine countries: **Cameroon** (para 32), **Central African Republic** (paras 15-16), **China** (paras 40-41), **Ghana** (paras 32-33, 36), **Kazakhstan** (paras 30-31), **Qatar** (paras 39-40), **Sierra Leone** (paras 28-29), **Swaziland** (paras 34-35), and **Venezuela** (paras 30-31).

Communications

There were no references to SOGIESC in the eight decisions made by CEDAW in individual communications in 2014.

General Recommendations

CEDAW published two General Recommendations in 2014, but only one contains references to SOGIESC issues. General Recommendation No. 32 on the gender-related

⁷¹ CEDAW previously referred to gender identity in General Recommendation No. 27 on older women and protection of their human rights, [CEDAW/C/GC/27](#), 16 December 2010, and in General Recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, [CEDAW/C/GC/28](#), 16 December 2010.

dimensions of refugee status, asylum, nationality and statelessness of women contains references to SOGIESC issues in three places.

The second, 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, does not refer to SOGIESC issues, but contains references to HIV in paras 68-69.⁷²

General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women⁷³

Keywords: *LBT, asylum seekers/refugees, discrimination, intersectionality, support services*

6. The Committee has, in previous general recommendations, clarified that articles 1, 2 (f) and 5 (a) of the Convention read together indicate that the Convention covers sex- and gender-based discrimination against women. The Committee has explained that application of the Convention to gender-based discrimination falls under the definition of discrimination contained in article 1, which points out that any distinction, exclusion or restriction which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women of human rights and fundamental freedoms is discrimination. Discrimination against women based on sex and/or gender is often inextricably linked with and compounded by other factors that affect women, such as race, ethnicity, religion or belief, health, age, class, caste, being lesbian, bisexual or transgender and other status. Discrimination on the basis of sex or gender may affect women belonging to such groups to a different degree or in different ways to men. States parties must legally recognize such intersecting forms of discrimination and their compounded negative impact on the women concerned and prohibit them. (...)
16. Gender-related claims to asylum may intersect with other proscribed grounds of discrimination, including age, race, ethnicity/nationality, religion, health, class, caste, being lesbian, bisexual or transgender and other status. The Committee is concerned that many asylum systems continue to treat the claims of women through the lens of male experiences, which can result in their claims to refugee status not being properly assessed or being rejected. Even though gender is not specifically referenced in the definition of a refugee given in the 1951 Convention relating to the Status of Refugees, it can influence or dictate the type of persecution or harm suffered by women and the reasons for such treatment. The

⁷² 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, [CEDAW/C/GC/31/CRC/C/GC/18](#), 14 November 2014.

⁷³ General Recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, [CEDAW/C/GC/32](#), 14 November 2014.

definition in the 1951 Convention, properly interpreted, covers gender-related claims to refugee status. It must be emphasized that asylum procedures that do not take into account the special situation or needs of women can impede a comprehensive determination of their claims. For example, asylum authorities may interview only the male “head of household”, may not provide same-sex interviewers and interpreters to allow women to present their claims in a safe and gender-sensitive environment or may interview women asylum seekers in the presence of their husbands or male family members who may in fact be the source or sources of their complaints. (...)

38. States parties should interpret the definition of a refugee in the 1951 Convention relating to the Status of Refugees in line with obligations of non-discrimination and equality; fully integrate a gender-sensitive approach while interpreting all legally recognized grounds; classify gender-related claims under the ground of membership of a particular social group, where necessary; and consider adding sex and/or gender, as well as the reason of being lesbian, bisexual or transgender, and other status to the list of grounds for refugee status in their national asylum legislation.

Concluding Observations

Belgium – 59th Session, 20 October – 7 November 2014, 5th review⁷⁴

Keywords: *T, gender recognition, sterilisation, surgical/medical intervention*

Disadvantaged Groups of Women

44. The Committee is concerned that, to obtain legal recognition of their gender, transgender women need to undergo a lengthy and burdensome procedure and are required to undergo a psychiatric assessment and compulsory sterilization or surgery.

45. The Committee recommends that the State party:

Lighten the procedural burden for transgender women to obtain legal gender recognition by making the procedure more expeditious, transparent and accessible;

Amend current laws and practices, in particular the law of 10 May 2007 on transsexuality, to abolish the requirements for a psychiatric assessment, sterilization and surgery for transgender women who wish to obtain legal recognition of their gender.

⁷⁴ 6th reporting cycle, [CEDAW/C/BEL/CO/7](#).

Cameroon – 57th Session, 10 – 28 February 2014, 3rd review⁷⁵

Keywords: *LBT, awareness-raising campaign, criminalisation, discrimination, education, health, intersectionality, support services*

Disadvantaged groups of women

36. The Committee is concerned about the lack of adequate protection and assistance for disadvantaged groups of women such as: (...)

Lesbian, bisexual and transgender women who are victims of discrimination and criminalization (art. 347 bis of the Penal Code);

37. The Committee recommends that the State party ensure that women facing intersectional forms of discrimination have access without discrimination to basic services, including health, education, adequate water and sanitation. In particular, it should: (...)

(c) Raise awareness among political, traditional and religious leaders, as well as members of civil society, about the possible withdrawal of article 347 bis of the Penal Code;

⁷⁵ 4th reporting cycle, [CEDAW/C/CMR/CO/4-5](#).

(China) **Hong Kong** – 59th Session, 20 October – 7 November 2014, 4th review⁷⁶

Keywords: *LT, discrimination, education, employment, health*

Multiple forms of discrimination

68. The Committee is concerned about reports that lesbian, transsexual and transgender women and girls in Hong Kong, China, are subjected to discrimination and abuse, particularly in the context of employment, education and access to health-care services.

69. The Committee urges Hong Kong, China, to intensify its efforts to combat discrimination against lesbian, transsexual and transgender women in employment, education and in their access to health-care services.

⁷⁶ 8th reporting cycle, [CEDAW/C/CHN/CO/7-8](#).

Finland – 57th Session, 10 – 28 February 2014, 5th review⁷⁷

Keywords: *GIE, anti-discrimination legislation, discrimination, intersectionality*

Definition of equality and non-discrimination

10. The Committee welcomes the proposed amendment to the Act on Equality between Women and Men, which expands the definition of sex and gender-based discrimination to include discrimination based on gender identity and gender expression. The Committee notes with concern, however, that the Act on Equality between Women and Men and the Non-Discrimination Act do not currently provide adequate protection to women against multiple or intersecting forms of discrimination.

11. The Committee urges the State party to ensure that reforms explicitly affording protection to women against multiple or intersecting forms of discrimination in all national gender equality and anti-discrimination laws are adopted in a harmonized manner.

Keywords: *T, free and informed consent, gender recognition, health, sterilisation*

Health

28. The Committee notes with concern the increase in cases of depression, eating disorders, substance abuse, alcohol-related diseases and suicide among women and girls in the State party. The Committee is also concerned about the obligation on transgender persons to prove infertility or undergo sterilization for the legal recognition of their gender under the Law on Legal Recognition of the Gender of Transsexuals of 2002. The Committee is further concerned about the legal provisions that allow sterilization and contraception treatments for women with mental disabilities upon consent of a third party (legal representative) if a woman is deemed incapable of giving her consent.

29. The Committee recommends that the State party: (...)

(b) Expediently amend the Law on Legal Recognition of the Gender of Transsexuals to ensure that gender recognition is carried out without requiring transgender persons to conform to stereotypical ideas of masculine or feminine appearance or behaviour and that it does not require individuals to consent to sterilization;

⁷⁷ 7th reporting cycle, [CEDAW/C/FIN/CO/7](#).

Georgia – 58th Session, 30 June – 18 July 2014, 3rd review⁷⁸

Keywords: *LBT, gender recognition, harassment, violence*

Disadvantaged groups of women

34. The Committee is concerned about the: (...)

(e) Physical violence and harassment faced by lesbian, bisexual and transsexual women and restrictions on obtaining identity documents for transgender persons.

35. The Committee calls upon the State party: (...)

(e) To take measures to address violence against and harassment of lesbian, bisexual and transsexual women and to abolish restrictions for transgender persons with regard to obtaining identity documents.

⁷⁸ 5th reporting cycle, [CEDAW/C/GEO/CO/4-5](#).

India – 58th Session, 30 June – 18 July 2014, 4th review⁷⁹

Keywords: *SO, criminalisation*

Violence against women

10. The Committee notes the State party's efforts to enact a legal framework to prevent and respond to violence against women, including women from the marginalized castes and communities, such as Dalit and Adivasi women, and the establishment in 2013 of the Justice Verma Committee on Amendments to Criminal Law to review existing normative gaps. The Committee is concerned, however, about the: (...)

(h) Criminalization of same-sex relationships, as referred to in the ruling of the Supreme Court (*Suresh Kumar Koushal and another v. NAZ Foundation, 2013*);

11. The Committee urges the State party: (...)

(i) To make efforts to eliminate any criminalization of same-sex relations by studying the possibility, as accepted by the State party during its universal periodic review (see *A/HRC/21/10/Add.1*), and to take note of the ruling of the Supreme Court (*Suresh Kumar Koushal and another v. NAZ Foundation, 2013*) in this regard;

⁷⁹ 5th reporting cycle, [CEDAW/C/IND/CO/4-5](#).

Peru – 58th Session, 30 June – 18 July 2014, 6th review⁸⁰

Keywords: *SOGI, access to justice, awareness-raising campaign, discrimination, intersectionality, violence*

Stereotypes, discriminatory practices and violence against women

17. The Committee notes initiatives by the State party to combat gender stereotypes and violence against women, but remains concerned about the:

Fact, as identified by the State party in its report and during the dialogue, that some groups of women, such as women living in poverty, women belonging to indigenous or Afro-Peruvian communities and women with disabilities, in addition to being affected by gender stereotypes, face multiple forms of discrimination and violence, including on grounds of sexual orientation and gender identity;

- 18. The Committee urges the State party to adopt, as a matter of urgency, a comprehensive law to combat violence against women that prevents violence, protects victims, prosecutes and punishes perpetrators and includes reparations, sanctions and access to effective justice and to increase available mechanisms of protection and service provision to victims, taking an intercultural approach. It reiterates its recommendation (ibid., para. 19) that the State party should design and implement a comprehensive strategy to combat discriminatory gender-based stereotypes, with a view to combating violence against women. It also recommends that the State party:**

a) Intensify awareness-raising programmes and education campaigns to support equality of women and men at all levels of society, modify stereotypical attitudes, eliminate discrimination against women on such grounds as poverty, indigenous origin or ethnicity, disability or sexual orientation or gender identity, thereby removing obstacles to the full exercise of the right to equality in accordance with the National Plan for Gender Equality, and adopt a policy of zero tolerance towards all forms of violence against women;

Keywords: *LBT, access to justice, data collection, discrimination, intersectionality, violence*

Disadvantaged groups of women

39. The Committee regrets the lack of specific information on the measures to address the discrimination and violence faced by disadvantaged groups of women, such as women living in economic duress, indigenous and Afro-Peruvian women, migrant women, older women, women with disabilities, women detainees, lesbian, bisexual and transgender women and other women facing

⁸⁰ 8th reporting cycle, [CEDAW/C/PER/CO/7-8](#).

multiple and intersecting forms of discrimination. The Committee reiterates its concern that rural and indigenous women in particular continue to face barriers in the exercise of their rights and in access to basic services, land tenure and credit facilities.

- 40. The Committee recommends that the State party provide comprehensive information and statistical data in its next periodic report on the situation of disadvantaged groups of women and the implementation of the existing policy instruments to address their specificities. It urges the State party to pay special attention to the needs of rural, indigenous and minority women and to ensure that they participate in decision-making processes and have full access to justice, basic services, land tenure and credit facilities.**

Poland – 59th Session, 20 October – 7 November 2014, 5th review⁸¹

Keywords: *LBTI, discrimination, education, media, violence*

Stereotypes

22. The Committee notes the efforts of the Government aimed at preventing stereotyping of the social roles of women and men in the media and in society in general. However, it reiterates its concern about the persistence of deep-rooted gender stereotypes concerning the roles and responsibilities of women and men in the family and society, which continue to be present in the media and education materials and are reflected by the traditional educational choices of women and their disadvantaged position in the labour market, as well as by widespread violence against women. The Committee is particularly concerned at the reported increase of stereotypical and sometimes degrading media images of women, which perpetuate sexual violence, including rape, and at the absence of a revision of textbooks. The Committee is also concerned at the absence of measures to counter the campaign by the Polish Catholic Church against “gender ideology”. The Committee points at the limited effectiveness, if any, of measures to counter negative stereotypes against Roma women, lesbian, bisexual, transgender and intersex women and women with disabilities.

23. The Committee recommends that the State party:

Include the elimination of gender stereotypes, especially those that perpetuate sexual violence, including rape, as a key priority in the National Action Plan for Equal Treatment;

Review, as a matter of priority, textbooks and materials, at all levels of education, to remove discriminatory gender stereotypes;

Encourage the media to project positive images of women and the equal status of women and men in private and public life, and regularly monitor and evaluate such media representations through the National Broadcasting Council and the Office of Competition and Consumer Protection;

Take measures to promote the equal rights of women and combat efforts made by any actors, including the Catholic Church, to downplay or degrade the pursuit of gender equality by labelling such measures as ideology;

Evaluate and strengthen measures to counter negative stereotypes against Roma women, lesbian, bisexual, transgender and intersex women and women with disabilities.

⁸¹ 8th reporting cycle, [CEDAW/C/POL/CO/7-8](#).

Venezuela – 59th Session, 20 October – 7 November 2014, 5th review⁸²

Keywords: *LBTI, data collection, discrimination, intersectionality, violence*

Disadvantaged groups of women

36. The Committee regrets the lack of effective measures taken to address discrimination and violence faced by disadvantaged groups of women, such as indigenous and Afro-descendant women, migrant women, older women and women with disabilities, as well as lesbian, bisexual, transgender and intersex women, and other women facing multiple and intersecting forms of discrimination.

37. The Committee recommends that the State party adopt appropriate measures to address the particular needs of disadvantaged groups of women. The State party should provide comprehensive information and disaggregated data in its next periodic report on the situation of those women and the measures adopted to address their specific needs.

⁸² 8th reporting cycle, [CEDAW/C/VEN/CO/7-8](#).

4. Committee on the Rights of the Child

Summary of references

In 2014, the Committee on the Rights of the Child (CRC) reviewed 16 countries and made references to SOGIESC issues for a third (five) of these countries: [Hungary](#), [Kyrgyzstan](#), [Portugal](#), [Russia](#) and [Venezuela](#).⁸³ This is despite the fact that, out of the 16 countries reviewed by CRC, only two received at least one civil society submission that contained references to SOGIE issues.⁸⁴

Therefore, it seems that the Committee receives relevant information on SOGIESC from sources other than civil society. The fact that the Committee made SOGIESC recommendations for these countries is very positive, and it demonstrates that CRC wishes to include the situation of LGBTI children within its country reviews.

The Concluding Observations discussed **discrimination** in all the country reviews, almost always referred to **education**, and also regularly mentioned **family**,⁸⁵ **awareness-raising campaigns**⁸⁶ and **data collection**.⁸⁷ The recommendations on [Russia](#) are particularly interesting as they go into great depth on SOGIESC-related issues, including human rights defenders, violence, access to justice, conversion therapies and pathologisation.

It seems that the Committee Members themselves consider SOGIESC issues to be of particular importance and are very willing to make recommendations to States on these areas.

Another positive aspect of the Concluding Observations is that **intersex** children were included in its recommendations concerning LGBT children in all but one country review.⁸⁸ Yet, none of the CSO information submitted to the Committee mentioned sex characteristics.

The CRC is clearly taking an inclusive approach to sex characteristics, and will bring the topic into its general LGBT recommendations. The Committee has not yet explored the situation of intersex children in-depth, but this reflects the lack of information before it. Given the wide range of issues covered by the CRC that are highly relevant to human rights violations related to sex characteristics, advocates in the area are encouraged to focus efforts on engaging with the Committee.

⁸³ There were no SOGIESC references in the Concluding Observations on Congo, Croatia, Fiji, Germany, Holy See, India, Indonesia, Jordan, Morocco, Saint Lucia and Yemen.

⁸⁴ Kyrgyzstan and Russia.

⁸⁵ [Hungary](#) and [Russia](#).

⁸⁶ [Portugal](#) and [Venezuela](#).

⁸⁷ [Kyrgyzstan](#) and [Venezuela](#).

⁸⁸ Portugal.

Trans children were mentioned in all the SOGIESC-relevant country reviews, but the distinct human rights violations that they face, was only examined in the Concluding Observations on **Russia**. Those recommendations discussed the pathologisation of trans children. Crucially, the Committee did not receive information on human rights violations against trans children in the CSO information from any other country.

Thus, the Committee takes a similar approach to gender identity and expression as it does to sex characteristics: it appears to aim to include trans children in all LGBT references. Most importantly, where the CRC receives information on the distinct violations against trans minors, it appears willing to raise those questions. As such, the Committee is a particularly valuable body for GIGE advocates.

No decisions on **Individual Communications** were made in 2014 as the mechanism only came into force that year. In light of the Committee's attitude, it appears that the mechanism is one that could be very useful for advocates.

CRC did not include SOGIESC issues in its **General Comment** on harmful practices, which it prepared with CEDAW. This is particularly concerning in the context of sex characteristics, considering the close links between IGM and female genital mutilation. It is not known whether the Committees received information on this topic during the preparation of the General Comment.

The Committee made references to **HIV/AIDS** that were not SOGIESC-specific in the Concluding Observations for 13 countries: Democratic Republic of the **Congo** (paras 60-61), **Croatia** (paras 40-41, 46-47), **Fiji** (paras 22-23, 49-50), **India** (paras 31-32, 67-68), **Indonesia** (paras 51-52), **Jordan** (paras 47-48), **Kyrgyzstan** (paras 49-50), **Morocco** (paras 56-57), **Portugal** (paras 51-52), **Russia** (paras 53-54), **Saint Lucia** (paras 46-47), **Venezuela** (paras 60-61), and **Yemen** (paras 63-64).⁸⁹

Communications

The Optional Protocol to the Convention on the Rights of the Child on a communications procedure entered into force in 2014, but there were no decisions made by CRC in that year.

General Comments

CRC published one General Comment in 2014, joint general recommendation/general comment, No. 31 of the Committee on the Elimination of Discrimination against Women

⁸⁹ The CRC does not use the term "sex work" in the context of children, referring instead to "child prostitution". Mentions of **child prostitution** that were not SOGIESC-related were consistently made in the CRC's Concluding Observations in 2014.

and No. 18 of the Committee on the Rights of the Child on harmful practices, but it does not contain references to SOGIESC issues.⁹⁰

⁹⁰ 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, [CRC/C/GC/18](#), 14 November 2014.

Concluding Observations

Hungary – 67th Session, 1 – 19 September 2014, 3rd review⁹¹

Keywords: *LGBTI, awareness-raising campaign, partnership/family, discrimination, education*

Non-discrimination

19. The Committee notes that Act C of 2012 criminalizes acts that are racially motivated, and acknowledges programmes and projects to promote tolerance among schoolchildren. However, the Committee is concerned about the still-prevalent discriminatory attitude of the public against children in marginalized and disadvantaged situations — such as children with disabilities, children living in family forms other than heterosexual marriage, children belonging to ethnic or religious minorities, children with different sexual identities, and migrant and unaccompanied children — which has been exacerbated by the economic crisis and poverty. Furthermore, the Committee is concerned about the intrinsic gender stereotypes in the society, which have a significant negative effect on girls.
20. **The Committee urges the State party to implement its laws that prohibit discrimination against categories of children in marginalized and disadvantaged situations, such as children with disabilities, children born out of wedlock or living with same-sex parents, children belonging to the Roma or Jewish minorities, migrant and unaccompanied children, lesbian, gay, bisexual, transgender or intersex children, and girls, and to take measures to educate the public about equality and non-discrimination and to expand its programmes in schools. The Committee further recommends that the State party include information in its next periodic report on measures and programmes relevant to the Convention and undertaken by the State party in follow-up to the Durban Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance as well as the outcome document adopted at the 2009 Durban Review Conference.**

⁹¹ 5th reporting cycle, [CRC/C/HUN/CO/3-5](#).

Kyrgyzstan – 66th Session, 26 May – 13 June 2014, 3rd review⁹²

Keywords : *LGBTI, data collection, discrimination*

Non-discrimination

18. The Committee notes the efforts of the State party in combating discrimination, but is concerned that discrimination continues to be prevalent against children in marginalized and disadvantaged situations, such as children belonging to minority groups, including Lyuli children, children in care institutions, children with disabilities, girl children, children of migrant workers, children not registered as residents and children belonging to the lesbian, gay, bisexual, transgender and intersex (LGTBI) group.
19. **The Committee urges the State party to take urgent measures to prevent discrimination against children in marginalized and disadvantaged situations, such as children belonging to minority groups, including Lyuli children, children in care institutions, children with disabilities, girl children in rural areas, children of migrant workers, children not registered as residents and children belonging to the LGTBI group, and periodically evaluate the outcomes of its measures. The Committee also recommends that the State party include information in its next periodic report on measures and programmes relevant to the Convention and undertaken by the State party in follow-up to the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as the outcome document adopted at the 2009 Durban Review Conference.**

⁹² 4th reporting cycle, [CRC/C/KGZ/CO/3-4](#).

Portugal – 65th Session, 13 – 31 January 2014, 3rd review⁹³

Keywords: *LGBT, adolescents, awareness-raising campaign, discrimination, education, training of state actors*

Non-discrimination

25. The Committee welcomes the numerous measures, programmes and plans of action initiated by the State party to address discrimination in the context of children and families living in poverty, and groups in disadvantaged situations, notably the National Strategy for the Integration of the Roma Communities for the period 2013-2020, and other measures to combat discrimination, including support centres for immigrants and the establishment of Education for Citizenship Guidelines to sensitize school staff and other educational stakeholders in order to facilitate the integration of children of immigrants and ethnic minorities in schools. The Committee is concerned, however, that despite considerable action taken by the State party, immigrants, foreigners and ethnic and racial minorities, including the Roma minority and people of African descent, continue in practice to face discrimination in access to housing, employment, education, equal wages, health care and public services. The Committee is also concerned about reported cases of discriminatory conduct and ill-treatment of, and manifestations of racist stereotyping and prejudice towards, immigrants, foreigners and ethnic and racial minorities by law enforcement officials, as well as discrimination against lesbian, gay, bisexual and transgender adolescents.

26. In the light of article 2 of the Convention, the Committee recommends that the State party ensure that all children in the State party enjoy equal rights under the Convention without discrimination and, to that end:

- a) Intensify efforts to ensure the effective elimination of any form of discrimination against children of immigrants, foreigners and ethnic and racial minorities, including the Roma minority and people of African descent, as well as lesbian, gay, bisexual and transgender adolescents through, among other things, awareness-raising campaigns and intercultural dialogue, especially at the community level and in schools;**
- b) Strengthen training for law enforcement officials to ensure that they fully respect and protect the fundamental rights of all persons, without discrimination on the basis of race, colour or ethnic or national origin, and ensure that law enforcement officials are held accountable for misconduct and sanctioned, as appropriate.**

⁹³ 4th reporting cycle, [CRC/C/PRT/CO/3-4](#).

Russian Federation – 65th Session, 13 – 31 January 2014, 4th review⁹⁴

Keywords: *SOGI, LGBTI, awareness-raising campaign, discrimination, partnership/family, HRD, stigmatisation, violence*

Non-discrimination

24. The Committee is also concerned at the recent legislation of the State party prohibiting “propaganda of unconventional sexual relationships”, generally intended protect children, but which encourages the stigmatization of and discrimination against lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, including children, and children from LGBTI families. The Committee is particularly concerned that the vague definitions of propaganda used lead to the targeting and ongoing persecution of the country’s LGBTI community, including through abuse and violence, in particular against underage LGBTI rights activists.

25. The Committee recommends that the State party repeal its laws prohibiting propaganda of homosexuality and ensure that children who belong to LGBTI groups or children from LGBTI families are not subjected to any forms of discrimination by raising the public’s awareness of equality and non-discrimination on the basis of sexual orientation and gender identity.

Keywords: *SOGI, LGBTI, access to justice, sexual violence*

Sexual exploitation and abuse

35. The Committee remains concerned about the large number of cases of sexual exploitation and abuse of children in the State party, and the lack of cooperation between the law enforcement agencies and the social system to prevent such offences or to rehabilitate victims of sexual violence and sexual abuse. The Committee is also concerned about the sexual abuse of children who belong to LGBTI groups because of their sexual orientation and gender identity.

36. The Committee recommends that the State party establish interdepartmental cooperation at the federal, regional and local levels, in particular between law enforcement agencies and social services structures in order to prevent the sexual exploitation and abuse of children and to provide timely and effective rehabilitation to victims of such crimes. The Committee also recommends that the State party take urgent measures to investigate all information relating to the sexual abuse of children, including LGBTI children, and prosecute and punish the perpetrators of such crimes under the relevant provisions of the Criminal Code.

Keywords: *LGBTI, adolescents, comprehensive sexuality education, conversion therapy, education, health, medical professionals, support services, surgical/medical interventions, training of state actors*

⁹⁴ 5th reporting cycle, [CRC/C/RUS/CO/4-5](#).

Adolescent health

55. The Committee is concerned at the high incidence of suicide and of drug and alcohol addiction among adolescents in the State party. The Committee is also concerned about the reports of coercive treatment of transsexual and homosexual persons, in particular children, and an attempt to diagnose transsexuality as psychiatric disease, as well as the lack of sexual health information for LGBTI children.

56. The Committee recommends that the State party

(a) Take urgent action to strengthen its efforts to prevent suicide among children and young persons, including by increasing the psychological counseling services available and the number of social workers in schools and communities, and ensure that all professionals working with children are adequately trained to identify and address early suicidal tendencies and mental-health problems; (...)

(c) Put an end to the coercive treatment of transsexual and homosexual persons, in particular children, and to attempts to diagnose transsexuality as a psychiatric disease, and provide LGBTI children with easy access to necessary sexual health information.

Keywords: *LGBTI, access to justice, bullying, education, violence, training state actors*

Education, including vocational training and guidance

59. The Committee welcomes the fact that the age of compulsory education was raised from 15 to 18 years of age in September 2007. However, the Committee is concerned that the benefits of free and compulsory education do not extend to all children in the country. In particular, it is concerned about: (...)

(c) Violence and bullying in schools against children who belong to LGBTI groups.

60. Taking into account its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party:

a) Take urgent measures to prevent the bullying of LGBTI children in schools by educating children and school staff and punishing the perpetrators.

Venezuela – 67th Session, 1 – 19 September 2014, 3rd review⁹⁵

Keywords: *SOGI, access to justice, anti-discrimination legislation, awareness-raising campaign, bullying, data collection, detention, discrimination, education*

Non-discrimination

27. The Committee notes with satisfaction the adoption of the Law against Racial Discrimination, in 2011, and other laws aimed at protecting the rights of indigenous peoples. It also welcomes the adoption of the Education Act, in 2009, which includes a provision on non-discrimination. However, the Committee is concerned at reports that those legal advances have not been translated into greater protection of children from discrimination. It also regrets the lack of information on the measures taken to combat discrimination based on sex, sexual orientation, gender identity and disability, as well as against children living with HIV/AIDS. In that regard, the Committee is particularly concerned at the persistent patriarchal attitudes and gender stereotypes that discriminate against girls and the lack of adequate measures to address this situation. The Committee is also concerned at reports of cases of bullying and discrimination against children because of their sexual orientation or gender identity.

28. The Committee recommends that the State party undertake all necessary measures to:

- (a) Translate the legal and political advances for combatting racial and ethnic discrimination into greater protection of children's rights, and conduct an evaluation of the implementation of laws, policies and programmes, including indicators, to measure the achievements;**
- (b) Eliminate patriarchal attitudes and gender stereotypes that discriminate against girls, including through the implementation of educational and awareness-raising programmes;**
- (c) Prevent all forms of discrimination, including discrimination based on sexual orientation, gender identity and disability, and ensure, in law and in practice, that such discrimination is prohibited and adequately sanctioned;**
- (d) Establish an efficient complaints mechanism that tracks and addresses cases of discrimination in educational establishments, juvenile detention centres, alternative care institutions and any other setting.**

Keywords: *LGBTI, consultation*

Respect for the views of the child

⁹⁵ 5th reporting cycle, [CRC/C/VEN/CO/3-5](#).

34. The Committee welcomes the development of guidelines to ensure that children's right to be heard is implemented in legal proceedings. However, the Committee is concerned about how the guidelines are translated into practice. Taking note of the legal progress made in allowing children older than 15 years to be part of the Community Councils, the Committee, nonetheless, regrets the lack of information on the actual representation of the elected children, their role and the results achieved. The Committee is further concerned about the lack of a comprehensive strategy to promote the participation of children in all spheres of life.
- 35. In the light of its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party take measures to strengthen that right, in accordance with article 12 of the Convention. To that effect, it recommends that the State party:**
- a) Develop a comprehensive strategy to promote the participation of children in all spheres of life, in consultation with children, all civil society organizations, UNICEF and other relevant organizations, and allocate adequate human, technical and financial resources, as well as a monitoring mechanism. The strategy should address the different needs of boys and girls, in terms of participation, and be directed to different groups of children, in particular children with disabilities, indigenous children, Afro-descendants and lesbian, gay, bisexual, transgender and intersex (LGBTI) children;**

5. Committee against Torture

Summary of references

The Committee against Torture (CAT) reviewed 16 countries in 2014 and made references to SOGIESC issues for a third (six) of these countries: **Burundi**, **Croatia**, **Montenegro**, **Sweden**, **United States of America**, and **Uruguay**.⁹⁶

In terms of topics, the Committee regularly raised issues of **violence** and **hate crimes**, and always discussed the need to provide **access to justice**. CAT made several mentions of **police brutality**⁹⁷ and **training** for state actors,⁹⁸ as well as the need for **data collection**.⁹⁹

Three countries¹⁰⁰ reviewed in 2014 **criminalised** consensual same sex activity between adults, and CAT called for decriminalisation in **Burundi**, the only country for which the Committee received CSO information.

Thus, it seems that the Committee will discuss criminalisation where it receives information, and should be encouraged to raise the issue more consistently.

Out of the 16 countries reviewed by the Committee, six¹⁰¹ received at least one civil society submission that contained references to SOGIESC issues, yet of the six sets of Concluding Observations that include SOGIESC themes, only two were for countries where CSO information was submitted.¹⁰² In other words, CAT appears to have discussed the situation of LGBTI persons in four countries where it did not receive information from civil society (Burundi, Croatia, Montenegro and Sweden), and then failed to raise the issue in four countries where there had been CSO submissions (Australia, Cyprus, Ukraine and Venezuela). Importantly, it appears that CAT will does not give less consideration to information submitted in time for the session, as opposed to prioritising issues raised at the time of the drafting of the List of Issues.¹⁰³

As a result, the reasons for CAT's decision to include SOGIESC themes are unclear. Perhaps the presence of defenders at the Session played a particularly important role. However, unfortunately, we do not have further information on whether this is the case.

⁹⁶ There were no SOGIESC references in the reviews of Australia, Cyprus, Guinea, Holy See, Kazakhstan, Lithuania, Sierra Leone, Thailand, Ukraine.

⁹⁷ **Croatia** and **USA**.

⁹⁸ **USA** and **Uruguay**.

⁹⁹ **Croatia** and **Sweden**.

¹⁰⁰ Burundi, Guinea and Sierra Leone.

¹⁰¹ Civil society submissions on SOGIESC issues were made for Australia, Cyprus, Ukraine, Uruguay, USA, and Venezuela.

¹⁰² Uruguay and the USA.

¹⁰³ In all cases, except one report from Venezuela, the CSO information was submitted for the Session, not at an earlier stage. This was true of almost all the alternative reports submitted to CAT, even those that did not mention SOGIESC.

While CAT included **trans** persons within its recommendations for LGB persons more generally in all but one case,¹⁰⁴ it only discussed the particular situation of trans persons in **Uruguay**, where it made reference to killings of “transsexual women”. The Committee received specific CSO information on gender identity and expression for two other countries,¹⁰⁵ one of which received SOGIESC recommendations.

CAT appears to be open to raising the question of gender identity with States. In order to encourage the Committee to explore the issues in more depth, it is necessary to present further CSO information. Human rights defenders should take advantage of CAT's willingness to raise issues of violence and abusive pre-conditions to gender recognition.

CAT made no specific recommendations regarding **intersex** persons, and only included sex characteristics in its general SOGIESC Concluding Observations for the **USA**. The Committee had received detailed information for Australia, and general references as part of the LGBTI acronym were made in the CSO reports for Venezuela, but no mention was made of sex characteristics in CAT's recommendations for those States.

The Committee received a tiny amount of information on sex characteristics, and this absence is reflected in its Concluding Observations. However, CAT made one very good recommendation regarding intersex persons in the past,¹⁰⁶ so it is very disappointing that it did not do the same for Australia and the USA in 2014, despite the detailed information before it. It seems that no intersex defenders were present during the Session of the Committee who would have been able to highlight an issue that appears to have fallen off CAT's radar in recent years. Advocates working on issues around sex characteristics are encouraged to continue to engage with the Committee, given the quality of the recommendations that can potentially be obtained.

CAT did not publish any **General Comments** in 2014, and none of the **Individual Complaints** it considered concerned SOGIESC topics.

Given the wide range of issues raised by CAT in its Concluding Observations, the individual communications mechanism is one that advocates should strongly consider employing to highlight abusive policies, for example, forced medical interventions, sterilisations or medical examinations, as well as ill-treatment by state or non-state actors.

The Committee also made references to **HIV/AIDS** that weren't SOGIESC-specific in the Concluding Observations for two countries: **Kazakhstan** (para 17) and **Ukraine** (para 20). CAT did not discuss **sex work** in its Concluding Observations in 2014.

¹⁰⁴ The Concluding Observations on Burundi refer to the situation of “homosexuals” and calls for decriminalisation.

¹⁰⁵ Cyprus and the USA.

¹⁰⁶ Concluding Observations on Germany in 2011, [CRPD/C/DEU/CO/1](#), paras 37-38.

Communications

There were no references to SOGIESC in the 29 decisions made by CAT in individual communications in 2014.

General Comments

No General Comments were published by CAT in 2014.

Concluding Observations

Burundi – 53rd Session, 3 – 28 November 2014, 2nd review¹⁰⁷

Keywords: *SO, access to justice, criminalisation, violence*

Discrimination based on sexual orientation

23. The Committee is concerned at the fact that homosexuality is an offence under the Criminal Code and at reports of homosexuals being subject to threats to their physical integrity, persecution and acts of violence (art. 16).

The State party should decriminalize homosexuality and take all necessary measures to effectively protect homosexuals from threats and any form of violence (CCPR/C/BDI/CO/2, para. 8); and, in accordance with the relevant provisions of the Convention, investigate any cases involving violations of their physical integrity.

¹⁰⁷ 2th reporting cycle, [CAT/C/BDI/CO/2](#).

Croatia – 53rd Session, 3 – 28 November 2014, 4th review¹⁰⁸

Keywords: *LGBT, access to justice, data collection, police brutality, torture/ill-treatment*

Investigation of torture and ill-treatment

8. The Committee is concerned at the lack of detailed information regarding the number of complaints received during the reporting period alleging torture and ill-treatment by law enforcement and other public officials, the number of such complaints investigated by the State party, any prosecutions brought and any resulting convictions and sentences. The Committee is also concerned at reports of ill-treatment of persons belonging to ethnic minorities and lesbian, gay, bisexual and transsexual persons, both by law enforcement officials and private individuals.

The Committee stresses that all alleged acts of torture or ill-treatment, including verbal abuse and use of excessive force by law enforcement officials, should be subject to investigation. The State party should systematically collect disaggregated data on: the number of complaints received alleging torture and ill-treatment by law enforcement and other public officials, including of lesbian, gay, bisexual and transsexual persons and persons belonging to ethnic minorities; the number of cases investigated by the State party; any prosecutions brought; any resulting convictions and sentences; and all cases in which officials were subjected to disciplinary measures for failure to investigate complaints of torture or ill-treatment adequately or for refusal to cooperate in investigating any such complaint (arts. 12, 13 and 16).

¹⁰⁸ 5th reporting cycle, [CAT/C/HRV/CO/4-5](#).

Montenegro – 52nd Session, 28 April – 23 May 2014, 2nd review¹⁰⁹

Keywords: *SOGI, LGBT, access to justice, anti-discrimination legislation, discrimination, HRD, violence*

Vulnerable groups

23. While noting the adoption of the Strategy for the Advancement of Quality of Life for Lesbian, Gay, Bisexual and Transgender (LGBT) Persons 2013–2018, and of the Law on Prohibition of Discrimination, which provides for protection against discrimination on the grounds of gender identity and sexual orientation, the Committee remains concerned at continuing reports of violence and discrimination against the LGBT community, as shown by the allegations of death threats against LGBT activist Zdravko Cimbalević . (arts. 2 and 16)

The State party should take effective measures to protect the LGBT community from attacks and abuse, inter alia, by ensuring that all acts of violence are promptly, effectively and impartially investigated and prosecuted, that perpetrators are brought to justice and that victims are provided with redress.

¹⁰⁹ 2nd reporting cycle, [CAT/C/MNE/CO/2](#).

Sweden – 53rd Session, 3 – 28 November 2014, 6th review¹¹⁰

Keywords: *LGBT, access to justice, awareness-raising campaign, data collection, hate crimes/speech, violence*

Hate crimes

15. While noting the priority consideration given by the Equality Ombudsman and the National Police Board to combating and preventing hate crimes, the Committee remains concerned at reports of violence and criminal acts motivated by hatred towards minorities and other vulnerable groups in Sweden, including Muslims, Afro-Swedes, Roma and Jews, as well as persons belonging to the lesbian, gay, bisexual and transgender community. In that context, the Committee is concerned at a series of violent attacks in Malmö and at the low level of compensation paid to thousands of Roma Swedes, whose names were registered by the police in southern Sweden owing to their ethnicity. The discrepancy between increased reports to the police of hate crimes and the decrease in the number of preliminary investigations and convictions is a matter of concern. According to reports before the Committee, during 2007, 155 cases of agitation against ethnic minorities were reported, but the Attorney General initiated proceedings against barely 6 of them (arts. 12, 13 and 16).

The Committee recalls its position that the special protection of minorities, or marginalized individuals or groups especially at risk, is part of the obligation of the State party to prevent torture or ill-treatment (see general comment No. 2, para. 21). In that respect, the State party should intensify its efforts to prevent and prosecute criminal acts motivated by discrimination, intolerance, hatred or negative stereotype by:

- (a) Ensuring effective investigation, prosecution and punishment of perpetrators;**
- (b) Collecting detailed information and statistics on the number and type of hate crimes, on the administrative and judicial measures taken to investigate and prosecute such crimes and on the sentences imposed;**
- (c) Increasing awareness-raising and information campaigns to promote tolerance and respect for diversity, as well as measures fostering a sense of security for communities at risk.**

¹¹⁰ 7th reporting cycle, [CAT/C/SWE/CO/6-7](#).

United States of America – 53rd Session, 3 – 28 November 2014, 3rd review¹¹¹

Keywords: *LGBTI, access to justice, data collection, detention, police brutality, sexual violence, training of state actors, violence*

Protection of prisoners against violence, including sexual assault

21. The Committee is seriously concerned at the widespread prevalence of sexual violence, including rape, in prisons, jails and other places of detention, by staff and other inmates. It also notes with concern the disproportionately high rate of sexual violence faced by children in adult facilities, as well as the even higher rate of sexual victimization reported by inmates with a history of mental health problems and lesbian, gay, bisexual, transgender and intersex (LGBTI) individuals. While welcoming the adoption, in 2012, of the National Standards to Prevent, Detect, and Respond to Prison Rape, pursuant to the Prison Rape Elimination Act, the Committee is concerned by reports that their implementation at the state level continues to be a substantial challenge. In that context, the Committee notes with concern that six states have not certified that they are in full compliance with the standards under the Act, and several agencies operating federal confinement facilities are still in the process of issuing their own regulations for the Implementation of the Act.

The Committee remains concerned at the negative effects of the Prison Litigation Reform Act on the ability of prisoners to seek protection of their rights. While noting the amendments to the Act in 2013 (inter alia, adding “the commission of a sexual act” as an alternative to physical injury in order to establish eligibility for compensation for emotional distress), the Committee considers that the State party has continued to place greater emphasis on the goal of curbing prisoner lawsuits at the expense of inmates’ rights. Thus, the Committee regrets that section 1997 e (e) provides for either “physical injury” or “the commission of a sexual act” as prerequisites to obtaining compensatory damages for mental or emotional injury. It is concerned further about section 1997 e (a) of the Act, which requires prisoners to exhaust all internal complaint procedures before bringing an action in federal court, which implies that they have to meet applicable deadlines for filing the initial grievance and making administrative appeals.

Finally, the Committee notes that 19 states have enacted laws restricting the shackling of pregnant inmates and that such legislation has been under consideration in a number of other states. The Committee is nevertheless concerned at reports that, in certain cases, incarcerated women are still shackled or otherwise restrained throughout pregnancy and during labour, delivery and post-partum recovery (arts. 2, 11, 12, 13, 14 and 16).

¹¹¹ 5th reporting cycle, [CAT/C/USA/CO/3-5](#).

The Committee recommends that the State party increase its efforts to prevent and combat violence in prisons and places of detention, including sexual violence by law enforcement and penitentiary personnel and other inmates. In particular, the State party should:

- (a) Ensure that the standards pursuant to the Prison Rape Elimination Act or similar standards are adopted and implemented by all states, and that all federal agencies and departments operating confinement facilities propose and publish regulations that apply the standards of the Act in all detention facilities under their jurisdiction;
- (b) Promote effective and independent mechanisms for receiving and handling complaints of prison violence, including sexual violence;
- (c) Ensure that all reports of prison violence, including sexual violence, are investigated promptly and impartially, and that the alleged perpetrators are prosecuted;
- (d) Ensure the use of same-sex guards in contexts where the detainee is vulnerable to attack, in scenarios that involve close personal contact or the privacy of the detainee;
- (e) Provide specialized training to prison staff on prevention of sexual violence;
- (f) Develop strategies for reducing violence among inmates. Monitor and document incidents of violence in prisons with a view to revealing the root causes and designing appropriate prevention strategies;
- (g) Authorize monitoring activities by non-governmental organizations;
- (h) Amend sections 1997 e (a) and (e) of the Prison Litigation Reform Act;

Keywords: *LGBTI, access to justice, data collection, police brutality, torture/ill-treatment, violence*

Excessive use of force and police brutality

26. The Committee is concerned about the numerous reports of police brutality and excessive use of force by law enforcement officials, in particular against persons belonging to certain racial and ethnic groups, immigrants and LGBTI individuals. It is also concerned about racial profiling by police and immigration offices and the growing militarization of policing activities. The Committee is particularly concerned at the reported current police violence in Chicago, especially against African-American and Latino young people, who are allegedly consistently profiled, harassed and subjected to excessive force by Chicago Police Department officers. It also expresses deep concern at the frequent and recurrent shootings or fatal pursuits by the police of unarmed black individuals. In

that regard, the Committee notes the alleged difficulties of holding police officers and their employers accountable for abuses. While noting the information provided by the State party's delegation that over the past five years, 20 investigations had been opened into allegations of systematic police department violations, and over 330 police officers had been criminally prosecuted, the Committee regrets that there is a lack of statistical data on allegations of police brutality, as well as a lack of information on the results of the investigations undertaken in respect of those allegations. With regard to the acts of torture committed by former Chicago Police Department Commander Jon Burge and others under his command, between 1972 and 1991, the Committee notes the information provided by the State party that a federal rights investigation did not gather sufficient evidence to prove beyond reasonable doubt that prosecutable constitutional violations had occurred. However, the Committee remains concerned that, despite the fact that Jon Burge was convicted for perjury and obstruction of justice, no police officer has been convicted for the acts of torture due to the statute of limitations. While noting that several victims were ultimately exonerated of the underlying crimes, the vast majority of those tortured — most of them African Americans —, have not received any compensation for the extensive injuries suffered (arts. 11, 12, 13, 14 and 16).

The State party should:

- (a) Ensure that all instances of police brutality and excessive use of force by law enforcement officers are investigated promptly, effectively and impartially by an independent mechanism with no institutional or hierarchical connection between the investigators and the alleged perpetrators;**
- (b) Prosecute persons suspected of torture or ill-treatment and, if found guilty, ensure that they are punished according to the gravity of their acts;**
- (c) Provide effective remedies and rehabilitation to the victims;**
- (d) Provide redress for Chicago Police Department torture survivors by supporting the passage of the ordinance entitled Reparations for the Chicago Police Torture Survivors.**

Uruguay – 52nd Session, 28 April – 23 May 2014, 2nd review¹¹²

Keywords: *SOGI, T, access to justice, hate crimes/speech, torture/ill-treatment, training of state actors, violence*

Violent deaths of transsexual women

21. The Committee strongly condemns the killings of transsexual women that have occurred in the country. The available information indicates that only one of the six cases of killings of this type that have occurred in the past two years has been resolved (arts. 1, 2, 4, 12 and 16).

The State party should take steps, as a matter of urgency, to put an end to the selective killing of persons because of their sexual orientation or their gender identity. The Committee therefore also urges the State party to:

- (a) Protect people from homophobic and transphobic violence and from cruel, inhuman and degrading treatment;**
- (b) Adopt the legislative measures concerning hate crimes that are necessary to deter violence directed at people because of their sexual orientation or gender identity and establish effective systems for reporting this type of violence so that the perpetrators of such acts can be investigated, put on trial and punished;**
- (c) Provide targeted training to police officers and other law enforcement officials regarding violence directed at people because of their sexual orientation or gender identity.**

¹¹² 3rd reporting cycle, [CAT/C/URY/CO/3](#).

6. Committee on the Rights of Persons with Disabilities

Summary of references

There were **no SOGIESC references** in the Concluding Observations or decisions in the four **Individual Communications** of the Committee on the Rights of Persons with Disabilities (CRPD) in 2014.¹¹³ Crucially, however, none of the submissions made by civil society contained references to SOGIESC issues.

The lack of CSO reports on SOGIESC likely reflects the lack of information available on LGBTI persons with disabilities in general. Importantly, the Committee is reportedly open to raising such issues with countries where it has received information. CRPD also has extensive experience in examining issues of intersectionality.

Two **General Comments** were published by CRPD in 2014, on Article 12 (equal recognition before the law)¹¹⁴ and on Article 9 (Accessibility),¹¹⁵ and neither contained references to SOGIESC issues. Disappointingly, SOGIESC terms were not even enumerated in the (non-exhaustive) list of prohibited grounds of discrimination.

Consequently, it seems that CRPD is not accustomed to raising SOGIESC issues, largely due to the fact that LGBTI civil society has not been engaging with the Committee. Given CRPD's apparent willingness to examine these areas, advocates should consider increasing their engagement with this mechanism.

¹¹³ Nine countries were reviewed by CRPD in 2014: Azerbaijan, Belgium, Costa Rica, Denmark, Ecuador, Mexico, New Zealand, the Republic of Korea, and Sweden.

¹¹⁴ General Comment on Article 12 (equal recognition before the law), [CRPD/C/GC/1](#), 19 May 2014.

¹¹⁵ General comment on Article 9 (Accessibility), [CRPD/C/GC/2](#), 22 May 2014.

7. Committee on the Elimination of Racial Discrimination

Summary of references

There were **no SOGIESC references** in the 15 Concluding Observations of Committee on the Elimination of Racial Discrimination (CERD) in 2014¹¹⁶ or in its two decisions on **Individual Communications**. The Committee did not publish any **General Comments** in 2014.

Out of the 15 countries reviewed by the Committee, a third (six) received at least one civil society submission that referred to the situation of LGBT persons.¹¹⁷ Yet, for all except Japan and the USA, these mentions were made in passing and were not a main focus of the CSO report. Although the SOGIE submissions (none mentioned intersex persons) appear to have been made in time for the Sessions, rather than the List of Issues, this was the case for almost all the civil society reports for CERD.

It is concerning that CERD has not responded to information from civil society, but it is possible that this is because most of the information did not discuss SOGIESC issues in sufficient depth. While there were SOGIE themes referred to in some detail in eight CSO reports on the USA (on trans persons in particular), the Committee received over 70 reports for the country, so it possible that the Committee was simply overwhelmed with issues and information. Generally, CERD receives 2-5 CSO reports, so even the ten CSO submissions for Japan (one with information focused on SOGIESC) may have stretched the capacity of the Committee. As CERD has a deep understanding of issues of intersectionality, advocates are strongly encouraged to continue engaging with the Committee.

¹¹⁶ The countries reviewed were: Belgium, Cameroon, El Salvador, Estonia, Honduras, Iraq, Japan, Kazakhstan, Luxembourg, Montenegro, Peru, Poland, Switzerland, USA, and Uzbekistan.

¹¹⁷ Estonia, Japan, Montenegro, Peru, Poland and the USA.

8. Resources for engaging with the Treaty Bodies

Below is a list of resources related to the Treaty Bodies. Information on [ILGA's engagement](#) with the Treaty Bodies, and the support given to civil society is available on the ILGA website. ILGA also provides a list of [upcoming deadlines](#) for submitting information to Treaty Bodies for country reviews, as well as details of their Sessions. If you have any questions about engaging with the Treaty Bodies, please email untreaties@ilga.org.

General Guides

- OHCHR: [Factsheet #30- The United Nations Human Rights Treaty System](#)
- International Service for Human Rights (ISHR): [The Simple Guide to Treaty Bodies](#)
- Transgender Europe (TGEU): [Making the UN work for you – A toolkit on UN advocacy for trans activists](#)

Committee on the Rights of the Child

- Child Rights Connect: the [Guide for NGOs Reporting to the Committee \(2014\)](#)

Committee on the Elimination of Discrimination against Women

- IWRAW Asia Pacific: on [Participation in the CEDAW reporting process](#)
- International Gay and Lesbian Human Rights Commission (IGLHRC – now OutRight Action International): [Equal and Indivisible- Crafting Inclusive Shadow Reports for CEDAW](#)

Human Rights Committee

- Centre for Civil and Political Rights (CCPR-Centre): on [Participation in the reporting process](#)

Committee on the Elimination of all form of Racial Discrimination

- International Movement against all forms of Discrimination and Racism (IMADR): a [Guide for Civil Society Actors](#)

Convention against Torture

- Association for the Prevention of Torture (APT): on [Alternative reporting to the Committee against Torture](#)

Committee on the Rights of Persons with Disabilities (CRPD)

- International Disability Alliance (IDA): [Basic Facts about the CRPD Committee](#) and a [Factsheet on the Optional Protocol to the CRPD](#)

Annex 1 – Civil society submissions

Committee on Economic Social and Cultural Rights (CESCR)

China – Special Administrative Region of Hong Kong

- Submission by [Joint Rainbow Action - Women Coalition of HKSAR - Association for Transgender Rights](#) for the Session
- Submission by a [Coalition of LGBTI NGOs](#) for the Session
- Submission by [Labour Party](#) for the Session
- Submission by Hong Kong Human Rights Commission Society for Community Organization for [the Lol](#) and [the Session](#)

China – Special Administrative Region of Macao

- Submission by Macau LGBT Rights Concern Group for [the Lol](#)
- Submission by [Rainbow of Macao and Macau LGBT Rights Concern Group](#) for the Session
- Submission by [Anti-Domestic Violence Coalition](#) for the Session

El Salvador

- Submission by [Fundación de Estudios para la Aplicación del Derecho \(SPA\)](#) for the Session
- Submission by [International Commission of Jurists \(ICJ\)](#) for the Session

Finland

- Submission by [Amnesty International](#) for the Session

Guatemala

- Submission by [Fundación de Estudios para la Aplicación del Derecho \(SPA\)](#) for Lol

Indonesia

- Submission by [Indonesian Civil Society Network on Economic, Social and Cultural Rights Advocacy](#) for the Session
- Submission by [International NGO Forum on Indonesian](#) for the Session

Lithuania

- Submission by [Lithuanian Gay League](#) for the Session

Montenegro

- Submission by [a civil society coalition](#) for the Session

Nepal

- Submission by [FIAN Nepal](#) for the Session

Romania

- Submission by [Societatea de Educatie Contraceptiva si Sexuala \(SECS\)](#) for Lol
- Submission by [Centre for Reproductive Rights \(CRR\) and Euroregional Center for Public Initiatives \(ECPI\)](#) for Lol

Serbia

- Submission by [European Roma Rights Centre, Praxis and Other partner](#) for the Session

Slovenia

- Submission by [Coalition of NGOs](#) for Lol

Ukraine

- Submission by [Equal Rights Trust](#) for the Session
 - Submission by [LGBT Human Rights Nash Mir Center](#) for the Session
-

Human Rights Committee (HRCee)

Burundi:

- Submission by [MOLI, Vermont Law School, Rainbow Candle Light, and Global Initiative for Sexuality and Human Rights](#) for the Session

Chile

- Submission by the [International Gay and Lesbian Human Rights Commission \(IGLHRC\)](#) (now OutRight Action International) for the Session
- Submissions by Centro Regional de Derechos Humanos y Justicia de Género for [the Lol](#) and for [the Session](#)

Georgia

- Submission by the [Georgian Centre for Psychosocial and Medical Rehabilitation of Torture Victims \(GCRT\)](#) and the Human Rights Center (HRC) for the Session

Haiti

- Submission by Madre, the International Gay and Lesbian Human Rights Commission (ILGHRC - now OutRight Action International), and The International Women's Human Rights Clinic at CUNY Law School for [the Lol](#) and for [the Session](#)
- Submission by [Amnesty International](#) for the Session
- Submission by [CCPR centre & Coalition of Haitian NGOs](#) for the Session

Ireland

- Submission by the Irish Council for Civil Liberties for [the Lol](#) for [the Session](#)
- Submission by the [Women's Human Rights Alliance](#) for the Session
- Submission by [Amnesty International](#) for the Session

Japan

- Submission by [Abortion Rights Japan and Space Allies](#) for the Lol
- Submission by Gay Japan News, Rainbow Action, International Gay and Lesbian Human Rights Commission (IGLHRC - now OutRight Action International), and Kyosei Net for [the Lol](#) and [the Session](#)
- Submission by [Kaleidoscope Human Rights Foundation with the assistance of DLA Piper International LLP and Japanese LGBTI Advocacy Groups](#) for the Session

Kyrgyzstan

- Submission by the [Public Foundation “Voice of Freedom”](#), [Public Foundation “Independent Human Rights Group”](#), [Public Foundation “Kylm Shamy”](#), [Public Association «Youth Human Rights Group»](#), [Public Foundation “Legal Clinic Adilet”](#), [Public Foundation «Open View Point»](#), [Human Rights Movement «Bir Duino Kyrgyzstan»](#), [Association of NGO for promotion of childrens interests](#) for the Lol
- Submission by [“Kyrgyz Indigo”](#) and [“Labrys”](#) for the Session

Latvia

- Submission by [F.I.D.H. Latvian Human Rights Committee](#) for the Session

Malawi

- Submission by [Centre for Development of People \(CEDEP\)](#), [Communication Workers Union of Malawi \(COWUMA\)](#), [International Gay and Lesbian Human Rights Commission \(IGLHRC\)](#), and the [Media Institute of Southern Africa - Malawi Youth Empowerment and Civic Education \(YECE\)](#) for [the Lol](#) and [the Session](#)

Montenegro

- Submission by [Amnesty International](#) for [the Lol](#) and [the Session](#)

Nepal

- Submission by [Kaleidoscope Human Rights Foundation](#) for the Session
- Submission by [Blue Diamond Society](#) for the Session
- Submission by the [Human Rights Treaty Monitoring Coordination Center](#) for [the Lol](#) and [the Session](#)

Sierra Leone

- Joint submission by [Global Initiative for Sexuality and Human Rights and Heartland Alliance for Human Needs & Human Rights](#) for the Session
- Joint submission by the [Centre for Accountability and Rule of Law \(CARL\)](#) and [Prison Watch Sierra Leone \(PWSL\)](#) for [the Lol](#) and [the Session](#)

Sri Lanka

- Submission by [Equal Ground](#), [Global Initiative for Sexuality and Human Rights](#), and the [Center for International Human Rights](#) for [the Lol](#) and [the Session](#)

Sudan

- Submission by the [Equal Rights Trust](#) for [the Lol](#) and [the Session](#)

USA

- Submission by the [U.S. Human Rights Network](#) submitted for the Session
- Submission by [Best Practices Policy Project and Sex Workers Outreach Project \(SWOP\)](#) for the Session
- Submission by the [American Civil Liberties Union \(ACLU\)](#) for the Session
- Submission by [UMiami](#), [FANM](#), [Americans for Immigrant Justice](#), [CCR](#), [Alternative Chance Deportations to Haiti](#) submitted for the Session
- Submission by [The Advocates for Human Rights](#) submitted for the Session

Committee on the Elimination of Discrimination against Women (CEDAW)

Belgium

- Submission by [Amnesty International](#) for the Session
- Submission by [Le Conseil National des Femmes](#) for the Session

Brunei Darussalam

- Submission by [the International Commission of Jurists](#) for the Session
- Submission by [the International Gay and Lesbian Human Rights Commission](#) for the Session

Cameroon

- Submission by [the Cameroonian Foundation for AIDS, International Gay and Lesbian Human Rights Commission \(IGLHRC\)](#), and [Lady's Cooperation](#) for the Session

China

- Submission by the China LBT Rights Initiative for [the Lol](#) and [the Session](#)
- Submission by [the Equal Opportunities Commission](#) for the Lol
- Submission by the Hong Kong Women's Coalition on Equal Opportunities for [the Lol](#) and [the Session](#)
- Submission by [HK Human Rights Monitor](#) for the Session
- Submission by a coalition of LBT organisations for [the Lol](#) and [the Session](#)
- Submission by Women Coalition of HKSAR (WCHK) and Rainbow Action for [the Lol](#) and [the Session](#)
- Submission by [Action for REACH OUT](#) for the Session

Finland

- Submission by [Amnesty International](#) for the Session
- Submission by [The Finnish Disability Forum](#) for the Lol
- Submission by [Seta – LGBTI Rights in Finland](#) for the Session
- Submission by [the Coalition of Finnish Women's Associations](#) for the Session

Georgia

- Submission by [a civil society coalition](#) for the Session

India

- Submission by [Amnesty International](#) for the Session
- Submission by [the Centre for Advocacy on Stigma and Marginalisation](#) for the Session
- Submission by [The National Alliance of Women \(NAWO\)](#) for the Session

Kazakhstan

- Submission by [The Equal Rights Trust](#) for the Session
- Submission by [the International Commission of Jurists](#) for the Session
- Submission by [Female & Feminist's NGOs Initiatives on CEDAW- Kazakhstan](#) for the Session

Lithuania

- Submission by the Center for Equality Advancement for [the Lol](#) and [the Session](#)
- Submission by [the Lithuanian Gay League](#) for the Session

Peru

- Submission by [Centro de la Mujer Peruana Flora Tristan](#) for the Session
- Submission by [the Latin American and the Caribbean Committee for the defense of Women's rights - CLADEM Perú](#) for the Session

Poland

- Submission by the KARAT Coalition for [the Lol](#) and [the Session](#)

Solomon Islands

- Submission by [the Equal Rights Trust](#) for the Session
- Submission by the [National Council of Women and the Women's Rights Action Movement](#) for the Session

Venezuela

- Submission by [the Base Lesbian Foundation](#) for the Session
 - Submission by [La Fundación Amanecer Humano](#) for the Session
-

Committee on the Rights of the Child (CRC)

Kyrgyzstan

- Submission by [Youth Human Rights Group](#) for the Session

Russia

- Submission by [Anti-discrimination Centre Memorial](#) for the Lol
 - Submission by [Anti-discrimination Centre Memorial, Coming Out, and Russian LGBT Network](#) for the Session
 - Submission by [Human Rights Watch \(HRW\)](#) for the Session
 - Submission by [Coming Out](#) for the Lol
 - Submission by the [Russian LGBT Network](#) for the Lol
 - Submission by [a civil society coalition](#) for the Session
-

Committee against Torture (CAT)

Australia

- Submission by [Organisation Intersex International Australia](#) for the Session
- Submission by [People with Disability Australia \(PWDA\)](#) for the Session
- Submission by the [Human Rights Law Centre](#) for the Session

Cyprus

- Submission by [KISA - Action for Equality, Support, Antiracism](#) for the Session

Ukraine

- Submission by [FIDH - Center for Civil Liberties](#) for the Session

Uruguay

- Submission by [Amnesty International](#) for the Session

USA

- Submission by [Ad-Hoc Work Group-Minnesota](#)
- Submission by [Advocates for Informed Choice](#) for the Session
- Submission by [American Civil Liberties Union \(ACLU\)](#) for the Session
- Submission by [Black Women's Blueprint](#) for the Session
- Submission by [Campaign for Alternatives to Isolated Confinement](#) for the Session
- Submission by [Just Detention International](#) for the Session
- Submission by [The National Center for Lesbian Rights \(NCLR\)](#) for the Session
- Submission by [the Puente Human Rights Movement](#) for the Session
- Submission by [the U.S. Human Rights Network](#)
- Submission by [We Charge Genocide](#) for the Session
- Submission by [Women's All Points Bulletin \(WAPB\)](#) for the Session
- Submission by [Human Rights Campaign](#) for the Session
- Submission by [University of Massachusetts School of Law](#) for the Session
- Submission by [Center for Constitutional Rights \(CCR\)](#), [Legal Services for Prisoners with Children \(LSPC\)](#) and [California Prison Focus \(CPF\)](#) for the Session
- Submission by [Human Rights Clinic-University of Miami School of Law](#), [American Friends Service Committee](#), [Law Offices of Sara Elizabeth Dill](#), [The Center for Constitutional Rights](#), and [the Center for Reproductive Rights](#) for the Session
- Submission by [the International Women's Human Rights Clinic](#), [ACLU Michigan/Juvenile Life Without Parole Initiative](#), [Campaign for Youth Justice](#), [Correctional Association of New York](#), [The Project on Addressing Prison Rape](#), and [University of Miami Human Rights Clinic](#) for the Session
- Submission by [the Midwest Coalition for Human Rights and the Legal Clinic of the University of Iowa College of Law](#) for the Session
- Submission by [the National Law Center on Homelessness & Poverty](#), [National Coalition for the Homelessness](#), and [Southern Legal Counsel](#) for the Session
- Submission by [The Advocates for Human Rights and Detention Watch Network \(DWN\)](#) for the Session
- Submission by [The John Marshall Law School and the National Immigrant Justice Center](#) for the Session

Venezuela

- Submission by [Foro por la Vida Coalition of Venezuelan NGOs](#) for [the Lol](#) and [the Session](#)
- Submission by [the Civil Association Foundation for Justice and coalition of NGOs](#) for the Session

Committee on the Rights of Persons with Disabilities (CRPD)

No references.

Committee on the Elimination of Racial Discrimination (CERD)

Japan

- Submission by [NGO Network for the Elimination of Racial Discrimination of Japan \(ERD Net\)](#) - Civil Society Report on the Implementation of the ICERD for the Session

Montenegro

- Submission by [CEDEM and YIHR](#) for the Session

Peru

- Submission by [CLADEM](#) for the Session

Poland

- Submission by [The Helsinki Foundaton for Human Rights](#) for the Session

USA

- Submission by [Unity Parenting and Counseling, Inc. and Northeastern Illinois University](#) for the Session
- Submission by [USHRN : CCR, ACLU, Asian Americans Advancing Justice, BORDC, CAIR, CLEAR, DRUM, ICAAD, MACLC, MCN, No Separate Justice, Sikh Coalition and Women in Islam](#)Submission by [Best Practices Policy Project, Streetwise and Safe & Trafficking Victims Advocacy Project The Legal Aid Society of New York](#) for the Session
- Submission by [AFC, CHLP, Counter Narrative Project, HIV PJA, NWPC, PWN, Sero Project, TAG, Women with a Vision](#) for the Session
- Submission by [Women's All Points Bulletin \(WAPB\)](#) for the Session
- Submission by [Center for Reproductive Rights, National Latina Institute for Reproductive Health and Sister Song Women of Color Reproductive Justice Collective](#) for the Session
- Submission by [Black Women's Blueprint](#) for the Session
- Submission by [USHRN : Poverty & Race Research Action Council and National Fair Housing Alliance](#) for the Session
- Submission by the [Leadership Conference Education Fund and The Leadership Conference on Civil and Human Rights with the Lawyers' Committee for Civil Rights Under Law and the National Association for the Advancement of Colored People \(NAACP\)](#) for the Session
- Submission by the [International Center for Advocates Against Discrimination \(ICAAD\)](#) for the Session
- Submission by [Justice Now](#) for the Session
- Submission by [the National Association for the Advancement of Colored People \(NAACP\)](#) for the Session
- Submission by [the International Indian Treaty Council, Indigenous World Association, Native Village of Venetie \(Gwich'in Nation\), Chickaloon Native Village and Chickaloon Village Traditional Council, Western Shoshone Defense Project, Pit River nation, Advocates for the Protection of Sacred Sites, Lipan Apache Women Defense, Lakota Treaty Council, United Confederation of Taíno People, Hickory Ground Tribal Town, Muscogee \(Creek\) Nation, Gila River Alliance for a Clean Environment, Guahan Coalition of Guam, Na Koa](#) for the Session
- Submission by [USHRN : Dignity and Power Now](#) for the Session

- Submission by [Society of American Law Teachers \(SALT\)](#) for the Session
- Submission by [American Civil Liberties Union \(ACLU\)](#) for the Session

Annex 2 – Countries without SOGIESC recommendations

A total of 81 of the 122 reviews by the Treaty Bodies in 2014 (concerning 66 countries) did not contain any SOGIESC recommendations. In other words, SOGIESC issues were not included in 66% of country reviews that year. The countries are listed below.

Armenia CESCR	Denmark CRPD	Kazakhstan CAT	Romania CESCR
Australia CAT	Ecuador CRPD	CEDAW CERD	Saint Lucia CRC
Azerbaijan CRPD	El Salvador CERD	Korea (Republic of)	Sierra Leone CAT
Bahrain CEDAW	CESCR	CRPD	CEDAW
Belgium CERD	Estonia CERD	Lithuania CAT	Solomon Islands
CRPD	Fiji CRC	CEDAW CESCR	CEDAW
Brunei	Finland CESCR	Luxembourg CERD	Sudan HRCee
Darussalam CEDAW	Gambia CESCR	Mauritania CEDAW	Swaziland CEDAW
Cameroon CERD	Germany CRC	Mexico CRPD	Sweden CRPD
Central African Republic	Ghana CEDAW	Monaco CESCR	Switzerland CERD
CEDAW	Guinea CAT	Montenegro CERD	Syrian Arab Republic
Chad HRCee	CEDAW	CESCR	CEDAW
China CESCR	Holy See CAT	Morocco CRC	Tajikistan CESCR
CEDAW	CRC	Nepal CESCR	Thailand CAT
China (Special Administrative Region of	Honduras CERD	HRCee	Ukraine CAT
Macao) CEDAW	India CRC	New Zealand CRPD	United States of America
Congo CRC	Indonesia CRC	Paraguay CESCR	CERD HRCee
Costa Rica CRPD	Iraq CEDAW	Peru CERD	Uzbekhistan CERD
Croatia CRC	CERD	Poland CERD	CESCR
Cyprus CAT	Israel HRCee	Portugal CESCR	Vietnam CESCR
Czech Republic	Japan CERD	Qatar CEDAW	Yemen CRC
CESCR	Jordan CRC		