

United Nations Treaty Bodies:
References to sexual orientation, gender
identity, gender expression and sex
characteristics

2015



This second edition of *United Nations Treaty Bodies: References to sexual orientation, gender identity, gender expression and sex characteristics* was written and researched 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 2015* (Geneva: ILGA, September 2016)

Download the report at www.ilga.org or contact untreaties@ilga.org.

Table of Contents

About ILGA	4
List of Acronyms	4
Introduction	5
Methodology	6
Overview of 2015	7
Keywords	13
Countries with recommendations	14
1. Committee on Economic Social and Cultural Rights	15
Summary of references	15
Communications	17
General Comments	17
Concluding Observations	19
2. Human Rights Committee	34
Summary of references	34
Communications	36
General Comments	36
Concluding Observations	38
3. Committee on the Elimination of Discrimination against Women	53
Summary of references	53
Communications	55
General Recommendations	55
Concluding Observations	57
4. Committee on the Rights of the Child	69
Summary of references	69
Communications	71
General Comments	71
Concluding Observations	72
5. Committee against Torture	87
Summary of references	87
Communications	88
General Comments	88
Concluding Observations	89
6. Committee on the Rights of Persons with Disabilities	100
Summary of references	100
Communications	101
General Comments	101
Concluding Observations	103
7. Committee on the Elimination of Racial Discrimination	104
Summary of references	104
Communications	105
General Recommendations	105
Concluding Observations	106
8. Resources for engaging with the Treaty Bodies	109
Annex 1 – Civil society submissions	i
Annex 2 – Countries without SOGIESC recommendations	x

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: 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 2015.⁸ 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).

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

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.

INTRODUCTION

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 2015, as well as a list of the countries reviewed in 2015 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 2015, as well as the civil society submissions made for the country reviews performed in 2015. 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 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.¹¹ 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.

⁹ Annex 1. Links are provided to the reports.

¹⁰ Annex 2.

¹¹ See, for example the discussion of the CEDAW Concluding Observations on [Portugal](#).

INTRODUCTION

Overview of 2015

Compiling SOGIESC references in 2014 and 2015 has allowed ILGA to identify trends and language in Concluding Observations and General Comments; to consider strategies to ensure that SOGIESC are increasingly on the agenda of Treaty Bodies; to offer some observations on thematic opportunities; and finally to highlight a few achievements.

In doing so, we are aware that UN work is only meaningful to the lives of LGBTI people if the Committees' recommendations are actually implemented in the States concerned, and this can only be done if local SOGIESC advocates are equipped with the knowledge and skills to do so.

Developments and trends in 2014-2015

Between 2014 and 2015, there was an overall increase in the number of country reviews that resulted in Concluding Observations containing SOGIESC issues: from 34% of country reviews to 46%.¹² There was an increase in the proportion of relevant recommendations for five of the seven Committees,¹³ although the HRCee and CEDAW both saw a slight decrease.

Within those Concluding Observations, there was also a significant increase in the number of references to **sex characteristics** issues: from seven in 2014 to 31 in 2015. It should be noted that only eight of these were specific to intersex, the rest being folded into the LGBTI acronym (as were all of 2014's). It is of course progress to have mention of the particular human rights violations against intersex persons mentioned at all in the Treaty Bodies, even in an 'LGBTI' reference. But it is a crucial learning that civil society advocates must ensure that the specific human rights violations targeted at each population within the LGBTI acronym are articulated in their submissions and work with the Treaty Bodies.

This conclusion about the specificity that civil society must demand comes through similarly when considering the greater visibility of **gender identity and gender expression** (GIGE) concerns in the Treaty Bodies' country reviews. In that context, there was an absolute increase to 53 from 32, yet, the number of trans-specific recommendations remained low at eight (as opposed to six in 2014). Thus, again, while it seems that the Committees are open to including trans persons within broader LGB(I) Concluding Observations, they have been less active in examining the particular challenges faced by this population.

One interesting observation over the period is the increased change in **language** used by the Committee Members: LGBTI rather than LGBT, and SOGI instead of SOGI. This, of course, demonstrates a deeper understanding of diversity beyond sexual orientation, as well as improvements in visibility and attention to different populations, but also comes with complications of conflation of issues. Similarly, limited framings such as "transsexual" or "transsexuality" have decreased in the two years,¹⁴ likewise with "homosexual" or "homosexuality".¹⁵

¹² From 2014 to 2015, the total number of SOGIESC-relevant Concluding Observations increased (from 41 to 66), as did the number of reviews (from 122 to 145). As a result, increases in references may not be as high proportionately as they seem numerically.

¹³ In the case of CESCR they more than doubled.

¹⁴ From references in nine reviews to references in only three.

¹⁵ CESCR, HRCee, CEDAW and CRC.

INTRODUCTION

We have seen evidence of Committees reflecting the language and expressions submitted by civil society to some degree. However, in the past two years, the Committees have not used any of the terms for diverse sexualities, genders and sex characteristics that exist in local languages of countries reviewed, such as *Fa'afafine* in Samoa or *Hijra* in India. Moreover, in some cases, the problem may be a lack of understanding or sensitivity among particular Committee Members responsible for drafting Concluding Observations.

Another aspect that should be highlighted is that language within LGBTI communities is constantly evolving, but Treaty Bodies will always be slower to adapt to such shifts. For example, the CRC is the only Treaty Body to have used the term “sex characteristics” – and only on one occasion.¹⁶ However, as the Committees deal with vast amounts of terminology, to ensure that our language is reflected back to the world in Concluding Observations, LGBTI human rights defenders need to be mindful of these limitations. Submissions must be clear and articulate the language desired, while taking into account that the reports will be received by persons who are not experts on SOGIESC terminology.

In terms of **General Comments** (explanations of State duties in the context of specific aspects of the international human rights treaties) produced in 2015, all but one Treaty Body published or produced drafts that contained reference to LGBTI persons or SOGIESC issues. In 2014, however, only two of six had made such mentions. 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, it is extremely positive to see that the Treaty Bodies are including SOGIESC in their standard non-discrimination language or identifying LGBTI persons as groups that may be in particularly vulnerable situations.

Putting issues on the agenda

Mapping trends, approaches and attitudes of the Treaty Bodies is a less complicated process than figuring out why a SOGIESC recommendation was or was not included in a given country review. There is a very high number of variables affecting whether a Committee discusses a topic, including the type of information submitted, the timing of a submission, participation at the review session, the relative importance of other human rights issues, and the views of individual Committee Members.

Firstly, while there are many **civil society submissions** that mention LGBTI persons, many of them do not explore the issues in detail. As the Treaty Body Committees will usually be receiving information on a very wide range of human rights issues in a country, they may miss brief or fleeting references to SOGIESC.

It is unusual for a Treaty Body to pick up a SOGIESC issue without having received any information on the matter: yet, for example, in 2014, the Committee on the Rights of the Child issued SOGIESC-relevant Concluding Observations on Hungary, Kyrgyzstan, Portugal, Russia and Venezuela, despite having only formally received such civil society information for Kyrgyzstan and Russia. Observers do not necessarily, therefore, know what information Committee Members are receiving, and it is most usual that the experts will only ask about an area that has been flagged – formally or informally – and for which they have several different sources of information to turn to. Sometimes information they receive is

¹⁶ In a review of [Chile](#) in 2015, [CRC/C/CHL/CO/4-5](#), para 25.

INTRODUCTION

confidential (from other UN agencies and bodies, and some civil society submissions), and there is no record of what is shared in informal briefings during sessions.

A second core issue is the **timing of a submission**. For example, if the Human Rights Committee has not raised a topic in its List of Issues (the questions that the Committee sends to the State prior to a review), it is highly unlikely that the topic will be raised in later sessions. A case in point is the review of Canada by the Human Rights Committee in 2015, where an LGBTI rights defender submitted information in advance of the session, briefed Committee Members and attended the review, but the Treaty Body made no mention of SOGIESC issues. The defender had not, however, made a submission to the List of issues. Other Treaty Bodies are more flexible in this context, but the best practice for human rights defenders is to initially submit information to shape the List of Issues going to the State, and then again in time for the session where its review is being held.

The third consideration follows from this point on timing: submitting written information alone, at whatever stage, may not be sufficient to ensure that SOGIESC topics are raised by the Committee. The most effective method of obtaining a recommendation on LGBTI persons is to **attend the session** in person, and to present the information to the Committee at formal and informal briefings. Personal testimonies and information coming directly from those working on-the-ground bears great weight with Treaty Bodies. And crucially, through their questioning, Committee Members gain deeper insight into unfamiliar areas that may lie outside their realm of experience; an understanding that informs their ongoing work.

The final observation on the variables human rights defenders face in working with the Treaty Bodies is the potential **lack of openness of some Committee Members to SOGIESC issues** – often stemming from unawareness of the issues or of LGBTI people. It is for this reason that ongoing outreach and sensitisation efforts with the Committees are essential.

Engaging with the Treaty Bodies is more of a fine art than a science, and LGBTI civil society has to take all the different factors into account and try to improve the odds in their favour.

Opportunities for engagement

The Committees have shown some sensitivity to a number of issues of importance to LGBTI rights defenders, which still require elaboration: LGBTI children, the SDGs and family diversity, for example. Civil society, should take advantage of these opportunities, and also increase the use of other available tools, such as individual communications, influencing the content of General Comments, and using two other Committees – CERD and CRPD – that are open to SOGIESC issues coming before them.

CRC and CESCR, in particular are clearly positively inclined to examine the scope of non-discrimination provisions regarding **LGBTI children** in particular. CRC encourages LGBTI information to come in for its country reviews, and has shown its willingness to examine the specific challenges faced by trans and intersex children during the sessions. Interesting examples include a discussion on access to legal gender recognition in the context of the right to identity in the review of Chile in October 2015,¹⁷ and earlier in the year made a call for the prohibition on all unnecessary medical or surgical treatment on infants and children,

¹⁷ Review of [Chile](#), [CRC/C/CHL/CO/4-5](#), paras 32-33.

INTRODUCTION

as well as the protection of “bodily integrity, autonomy and self-determination” in the examination of Switzerland.¹⁸ LGBTI children and adolescents are receiving increasing attention within LGBTI communities globally, so it would be hugely valuable to bring more domestic and regional experiences of best practices into the international sphere.

Another important, and as yet unexplored, opportunity for deepening SOGIESC issues within the UN human rights system is the 2030 Agenda for Sustainable Development. As UN Member States decided that monitoring the achievement of the **Sustainable Development Goals** (SDGs) would be done through existing mechanisms, the Treaty Bodies represent one of the best avenues for doing so. Some Committee Members of CESCR, in particular, are open to including SDG language, so long as the issues are explicitly tied to specific economic, social or cultural rights. This could also be a useful way to examine the bridge between human rights and development as they relate to LGBTI persons,¹⁹ through elaborating the human rights basis of the SDGs themselves.

Family diversity is a topic that could also benefit from further attention by LGBTI rights defenders working in the Treaty Body context. This is both because Committees are open to examining issues of recognition of same sex partnerships, for example, and because it provides a space to counter-balance discourses on ‘protection of the family’ that have gained traction in other spheres, such as the Human Rights Council, General Assembly, Commission on the Status of Women and Organisation of American States. CEDAW, CESCR, CRC and HRCee have all raised concerns regarding the failure to recognise diverse forms of families, and our advocacy should aim to reinforce these human rights-based recommendations.

In the last two years, only a single **individual communication** – a case concerning a specific person or organisation – was examined by a Treaty Body. CAT found that the *refoulement* of a LGBTI rights defender to Uganda would breach the Convention against Torture.²⁰ This CAT finding, in addition to directly benefiting the human rights defender, demonstrates how useful these mechanisms can be in highlighting a particular situation or government policy. However, individual communications may not be an accessible tool for all LGBTI defenders in jurisdictions hostile to LGBTI people; their country must have signed up to the relevant Treaty, and then agreed to being bound by the mechanism for petitions.

The other main activity of Treaty Bodies is the drafting of **General Comments**, which are the Committees’ interpretations of a particular right (e.g. the right to life)²¹ or its application (e.g. environment and development).²² These interpretations apply to all States who have signed onto the relevant Treaty, (unlike Concluding Observations, which, as discussed earlier, concern a single country). Secondly, depending on the topic, these can be particularly relevant to LGBTI populations: for example, CESCR recently released a General Comment on sexual and reproductive health rights, which discusses SOGIESC issues in some detail. Civil society actors have the opportunity to make submissions to the Committees to suggest

¹⁸ Review of [Switzerland](#), [CRC/C/CHE/CO/2-4](#), paras 41-42.

¹⁹ See Park A and Badgett L, *Development and Human Rights: Two complementary frameworks*, in International Lesbian, Gay, Bisexual Trans and Intersex Association, Carroll A, *State-Sponsored Homophobia 2016: A world survey of sexual orientation laws: criminalisation, protection and recognition*, available at www.ilga.org.

²⁰ [Communication No. 562/2013](#), adopted during the 56th Session.

²¹ HRCee is preparing [draft General Comment on Article 6 \(Right to life\)](#), [CCPR/C/GC/R.36/Rev.2](#).

²² CESCR is preparing an outline for a General Comment on this topic.

INTRODUCTION

areas to be included or possible amendments in each General Comment, which offers another method to ensure that SOGIESC topics are included in mainstream human rights documents.

The final tools to highlight are two Treaty Bodies that have received very little attention from civil society, but which are very open to examining SOGIESC themes: **CERD** and **CRPD**. CERD is not restricted to examining issues of race or ethnicity, and also deals with discrimination on the basis of real or perceived identity, such as homo/lesbo/bi/trans/intersex-phobias. CRPD, on the other hand, is not limited to considering the situation of persons with disabilities as traditionally understood, but also discusses the rights to “individual autonomy — including the freedom to make one’s own choices”,²³ which opens the door for discussions of pathologisation and bodily integrity, highly relevant to both trans and intersex human rights defenders. Both Committees, moreover, have a deep understanding of multiple discrimination and intersectional realities. Potentially, the approaches of these two Committees can be very helpful to some of the most marginalised and invisible members of LGBTI populations.

Recent achievements

Recommendations from the Committees take various forms, and there are examples of notable successes at the Treaty Bodies in four areas from 2015 that deserve emphasis: economic, social & cultural rights, intersex persons, gender identity recognition, and violence.

In June 2015, Uganda received several SOGIE recommendations that touched on interesting areas during its review by **CESCR**.²⁴ In addition to a general call to “combat and prevent discrimination and societal stigma” and to guarantee enjoyment of economic, social rights, including “access to housing, employment, social security, health care and education”, the Committee examined the rights to housing and health in the context of LGBTI persons. The Committee expressed concern regarding evictions that occurred following the passage of the Anti-Homosexuality Act in 2014, and the denial of healthcare to LGBTI persons (including HIV/AIDS treatment for “same-sex partners”). Thus, in this case we see the Committee developing its non-discrimination recommendation into one tailored to specific LGBTI circumstances in Uganda.

CAT has issued very detailed recommendations on **sex characteristics** that were shaped by submissions and briefings made by intersex rights defenders. The recommendations vary, but call on states to “guarantee the respect for the physical integrity and autonomy of intersex persons”, and to prohibit unnecessary medical surgical procedures during infancy or childhood. CAT emphasises that “full, free and informed consent” must be respected, and any “non-urgent, irreversible medical interventions” must be postponed until a child is sufficiently mature to provide such consent. The Committee also highlights the need to provide “adequate redress” for persons subjected to these practices, as well as counselling services for intersex children and their parents.²⁵ It will be interesting to see if these

²³ General comment No. 1 on Article 12: Equal recognition before the law (2014), [CRPD/C/GC/1](#), para 4.

²⁴ The Committee also discussed the Anti-Homosexuality Act, arbitrary detention and police abuse. Review of **Uganda**, [E/C.12/UGA/CO/1](#), paras 15, 16, 30 and 32.

²⁵ Taken from the Concluding Observations on **Denmark**, [CAT/C/DNK/CO/6-7](#), paras 42-43. The Committee made similar recommendations for **Austria** ([CAT/C/AUT/CO/6](#), para 44), **Hong Kong** ([CAT/C/CHN-HKG/CO/5](#), paras 28-29) and **Switzerland** ([CAT/C/CHE/CO/7](#), para 20) in 2015.

INTRODUCTION

recommendations are, in time, echoed by the HRCee, which also examines situations of torture, cruel and inhuman or degrading treatment.²⁶

In some cases, CAT has applied a similar, though less detailed, approach for **gender recognition**. In the Concluding Observations on Hong Kong, CAT expressed concern regarding the requirements that trans persons complete “sex-reassignment surgery” to obtain legal gender recognition, and called for the removal of all “abusive preconditions”.²⁷

The Committees also frequently raise the issue of **violence**. For example, during its review of Iraq,²⁸ the HRCee called on the State to take “robust measures to effectively prevent acts of discrimination and violence” against persons because of their actual or perceived SOGI, and ensure effective investigations, that those responsible are brought to justice and that victims are compensated. Finally, the Committee called for data collection on such violence. These kinds of recommendations go beyond simply encouraging that States combat violence: they give guidance on the framework required.

Conclusion

ILGA’s work since 2015 has shown that, although there has been progress in terms of each Committee’s understanding of SOGIESC, as well as regular inclusion of LGBTI persons in their work, the reasons for individual successes or disappointments can be obscure, and there is an inevitable level of unpredictability in this work. Securing a Concluding Observation or positive opinion on an Individual Communication on SOGIESC themes is a great victory, but often it just heralds the starting point for work in the home country. Treaty Bodies provide significant authority to guide State actions, but their recommendations will only be effective where civil society has some capacity in place to follow up on the recommendations and move key stakeholders towards concrete changes at home. ILGA will continue to draw on collaborative work with human rights defenders at the UN level to create cogent and useful analysis to enhance collective efforts.

²⁶ International Covenant on Civil and Political Rights, Article 7.

²⁷ Review of [Hong Kong](#), [CAT/C/CHN-HKG/CO/5](#), paras 28-29. It is worth noting again the danger of conflating issues of gender identity recognition and prohibiting surgeries on intersex persons.

²⁸ Review of [Iraq](#), [CCPR/C/IRQ/CO/5](#), paras 11-12.

Keywords

Access to justice (pg. 17, 20, 25, 29, 30, 31, 38, 40, 41, 42, 43, 44, 46, 47, 50, 51, 51, 52, 55, 57, 59, 74, 75, 76, 79, 81, 83, 85, 89, 90, 91, 92, 93, 93, 95, 96, 97, 98, 99, 107)

Adolescents (pg. 84)

Adoption (none)

Anti-discrimination legislation (pg. 20, 21, 22, 23, 24, 25, 27, 28, 29, 31, 33, 38, 39, 43, 44, 46, 47, 49, 51, 52, 62, 65, 83, 85)

Arrest (pg. 21, 50)

Assisted reproduction (pg. 53)

Asylum-seekers/refugees (pg. 107)

Awareness-raising campaign (pg. 20, 25, 27, 29, 39, 41, 42, 44, 46, 59, 65, 72, 73, 75, 76, 77, 79, 81, 84, 86, 87, 92, 98, 106, 107, 107)

Bullying (pg. 73, 84)

Comprehensive sexuality education (pg. 44)

Consultation (pg. 17, 32, 67, 97)

Conversion therapy (pg. 44, 59, 90)

Criminalisation (decriminalisation) (pg. 19, 21, 22, 28, 30, 31, 36, 40, 44, 47, 51, 61, 62, 64, 65, 77, 78)

Detention (pg. 21, 31, 50, 61, 90, 97)

Discrimination (pg. 17, 19, 20, 21, 22, 22, 23, 24, 25, 25, 27, 27, 28, 28, 29, 30, 31, 31, 32, 33, 38, 39, 40, 41, 42, 43, 44, 44, 46, 47, 51, 51, 52, 55, 57, 58, 59, 61, 62, 62, 63, 65, 66, 67, 72, 73, 75, 76, 77, 78, 79, 79, 81, 82, 83, 84, 85, 86, 97, 101, 106, 107)

Domestic violence (pg. 66, 92)

Education (pg. 19, 20, 27, 28, 29, 31, 59, 72, 73, 75, 83)

Employment (pg. 17, 20, 25, 27, 28, 29, 31, 39, 53, 59, 63, 65)

Free and informed consent (pg. 36, 74, 85, 89, 91, 95, 99, 101, 103)

FOE/FOAA (pg. 43, 47)

Gender affirming surgeries (pg. 91)

Gender impersonation laws (pg. 22, 47)

Gender recognition (pg. 44, 63, 67, 73, 91)

Harassment (pg. 17, 40, 51, 65, 97, 107)

Hate crimes/speech (pg. 28, 36, 44, 47, 51, 53, 57, 61, 65, 67, 83, 85, 93, 97, 98)

Health (pg. 20, 25, 25, 27, 28, 29, 31, 32, 39, 59, 62, 75, 83, 86, 89)

HIV/AIDS (pg. 25, 32, 86, 101)

Housing (pg. 27, 31, 32, 83)

HRD (pg. 47, 93, 98)

IGM (pg. 85, 101)

Intersectionality (pg. 51, 55, 63, 65, 67, 79, 83, 101, 106, 107)

LGBTI (pg. 17, 22, 23, 25, 27, 30, 31, 31, 32, 32, 36, 44, 46, 50, 52, 72, 73, 73, 75, 76, 78, 80, 81, 85, 88, 90, 97, 98, 98, 106, 107, 107)

LGBT (pg. 19, 20, 21, 28, 29, 39, 40, 41, 42, 47, 51, 77, 79, 79, 83, 84, 93, 93, 96)

LBTI (pg. 55, 62, 62, 63, 65, 67)

LBT (pg. 57, 58, 59, 61)

LGB (pg. 28)

LB (pg.64, 66)

TI (pg. 91, 101)

T (none)

I (pg. 74, 85, 89, 95, 99, 103)

Media (pg. 59, 75, 76, 81)

Medical professionals (pg. 25, 74)

Partnership/family (pg. 24, 27, 74, 77, 78, 79, 83)

Police brutality (pg. 31, 50, 51, 59, 65, 93)

Sex work (pg. 25, 55, 62)

Sexual violence (pg. 66, 86, 93)

SOGIESC (none)

SOGISC (pg. 73)

SOGIE (pg. 84)

SOGI (pg. 17, 19, 21, 22, 23, 24, 27, 28, 30, 31, 3133, 38, 39, 41, 42, 43, 44, 44, 46, 47, 49, 51, 52, 72, 73, 79, 79, 85, 93, 96, 98, 101)

SO (pg. 22, 25, 27, 40, 57, 59, 82, 83, 86, 90, 92, 106, 107)

GIE (none)

GI (none)

SC (none)

Social security (pg. 20, 28, 29, 31, 83)

Sterilisation (pg. 67, 91, 101, 103)

Stigmatisation (pg. 28, 31, 39, 41, 42, 43, 44, 46, 47, 51, 55, 72, 77, 78)

Support services (pg. 32, 58, 63, 74, 85, 89, 91, 95, 99)

Surgical/medical intervention (pg. 67, 74, 85, 89, 91, 95, 99, 101, 103)

Torture/ill-treatment (pg. 50, 79, 90)

Training of state actors (pg. 41, 42, 44, 46, 49, 57, 59, 61, 65, 67, 73, 75, 76, 81, 90, 92, 93, 97, 98, 101, 106)

Violence (pg. 36, 40, 41, 43, 44, 46, 47, 51, 52, 59, 59, 61, 63, 72, 73, 79, 84, 93, 93, 96, 97, 98, 98)

INTRODUCTION

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.

Austria <i>CAT</i> <i>HRCee</i>	Gambia <i>CEDAW</i> <i>CESCR</i> <i>CRC</i>	Netherlands <i>CERD</i> <i>CRC</i>
Brazil <i>CRC</i>	Germany <i>CERD</i> <i>CRPD</i>	Paraguay <i>CESCR</i>
Burundi <i>CESCR</i>	Greece <i>HRCee</i>	Poland <i>CRC</i>
Cambodia <i>HRCee</i>	Guyana <i>CESCR</i>	Russian Federation <i>CEDAW</i> <i>HRCee</i>
Chile <i>CESCR</i> <i>CRC</i>	Iraq <i>CAT</i> <i>CESCR</i> <i>CRC</i> <i>HRCee</i>	Saint Vincent and the Grenadines <i>CEDAW</i>
China <i>CAT</i>	Italy <i>CESCR</i>	San Marino <i>HRCee</i>
China (Special Administrative Region, Hong Kong) <i>CAT</i>	Jamaica <i>CRC</i>	Serbia <i>CAT</i>
China (Special Administrative Region, Macao) <i>CAT</i>	Korea (Republic of) <i>HRCee</i>	Slovakia <i>CEDAW</i>
Colombia <i>CAT</i> <i>CRC</i>	Kyrgyzstan <i>CEDAW</i> <i>CESCR</i>	Sudan <i>CESCR</i> <i>HRCee</i>
Côte d'Ivoire <i>HRCee</i>	Macedonia (The former Yugoslav Republic of) <i>CAT</i> <i>HRCee</i>	Suriname <i>HRCee</i>
Croatia <i>CEDAW</i> <i>HRCee</i>	Malawi <i>CEDAW</i>	Sweden <i>CRC</i>
Denmark <i>CAT</i> <i>CEDAW</i>	Mexico <i>CRC</i>	Switzerland <i>CAT</i> <i>CRC</i>
Dominican Republic <i>CRC</i>	Mongolia <i>CESCR</i>	Tanzania (United Republic of) <i>CRC</i>
Ecuador <i>CEDAW</i>	Morocco <i>CESCR</i>	Uganda <i>CESCR</i>
Eritrea <i>CRC</i>		Uzbekistan <i>HRCee</i>
		Venezuela (Bolivarian Republic of) <i>CESCR</i> <i>HRCee</i>

1. Committee on Economic Social and Cultural Rights

Summary of references

SOGIESC references were made in three quarters of the Concluding Observations of the Committee on Economic, Social and Cultural Rights (CESCR's) country reviews in 2015 (13 out of 17 countries),²⁹ almost double the proportion of relevant Concluding Observations issued in 2014.

While the Committee received information from civil society on the situation of LGBTI persons in all but two countries,³⁰ the information was detailed for only 13 (largely the same list of countries that received SOGIESC recommendations).³¹

Thus it seems that the Committee is very open to discussing human rights violations against LGBTI persons where it has reports before it on the topic.

When it discussed SOGIESC issues, CESCR always raised the issue of **discrimination**, in particular the need for comprehensive anti-discrimination legislation. The Committee highlighted discrimination in **education, employment, social security and health** as areas of particular concern. As in 2014, CESCR rarely examined the enjoyment of these specific rights in detail, with the notable exception of the review of **Uganda**.

Combatting violations of economic and social rights is often the priority for LGBTI defenders, as severe obstacles in accessing health, education and employment impact on all areas of life. Advocates should look to the example of the Concluding Observations of Uganda to push CESCR to make concrete recommendations on the specific challenges faced by LGBTI persons in this area, moving beyond general statements about discrimination.

The Committee called for **decriminalisation** in all of the Concluding Observations for countries reviewed by CESCR in 2015 where consenting adult same-sex sexual acts were criminalised. This consistent approach is to be warmly welcomed, as it demonstrates an understanding of how such laws not only create risks of detention, prosecution and violence, but impact on the enjoyment of economic, social and cultural rights.

Perhaps even more than the Human Rights Committee, CESCR can be relied upon to consistently raise concerns regarding criminalisation. Advocates should rely on this openness to encourage the Committee to discuss the impact of criminalisation on the enjoyment of specific rights, such as access to health.

The civil society submissions for six countries contained information on human rights violations against **trans** persons. However, in all the SOGIESC-specific Concluding Observations, gender identity or trans persons were mentioned within the context of general LGBTI or SOGI recommendations. The only time that CESCR examined the situation of trans persons specifically was in the context of criminalisation of cross-dressing in **Guyana**. It is important to highlight that on three occasions, the Committee discussed discrimination against LGBTI persons on the basis of sexual orientation, without making reference to gender identity or expression. This was particularly strange in the review of Guyana, given the nature of the different criminalising statutes. A similar inconsistency can be identified in 2014.

²⁹ No SOGIESC references were made in the Concluding Observations for Greece, Ireland, Tajikistan and Thailand.

³⁰ Gambia and Morocco.

³¹ Burundi, Chile, Guyana, Iraq, Ireland, Italy, Kyrgyzstan, Mongolia, Sudan, Tajikistan, Thailand, Uganda, Venezuela.

It seems that while CESCR is open to including GIE topics, more work needs to be done to reach out to the Committee and highlight the distinct challenges and violations experienced by trans persons. In light of this, ILGA has prepared an advocacy guide³² for human rights defenders seeking to raise gender identity and gender expression issues before the Committee.

There were no mentions made of the situation of **intersex** persons, although the Committee included intersex persons in its general SOGIESC recommendations for six countries.³³ The submissions from civil society regarding Chile, Kyrgyzstan, Mongolia, Thailand, Uganda, Venezuela, Burundi all included information on intersex persons, but for all except Chile, these were general references that did not discuss violations against intersex persons specifically.

*As in 2014, the fact that CESCR did not publish Concluding Observations on intersex persons reflects the fact that it did not receive information relating to sex characteristics specifically. The Committee is a body that human rights defenders working on issues around sex characteristics should consider engaging with, particularly in the context of the right to health and medical professionals. Advocates can look to the recommendations on **Kyrgyzstan** as an example of how the Committee can draw attention to the roles and responsibilities of health workers, for instance.*

The **individual communications** mechanism of CESCR is still relatively new, and the Committee has not yet dealt with SOGIESC issues in that context.³⁴

While the tool is attractive because there is a very small number of cases pending before the Committee, meaning that a complaint will probably be considered within 1.5 years of being submitted, it is possible that CESCR will attempt to avoid more controversial cases, such as those focused on SOGIESC themes.

No **General Comments** were published by CESCR in 2015, but the Committee shared its draft General Comment on the right to just and favourable conditions of work. CESCR included SOGI issues throughout the document, but did not examine LGBTI persons as a particular group (as it did with migrant workers, for example).

It is positive that the Committee is continuing to include SOGI as prohibited grounds of discrimination, but it should be encouraged to extend this explicitly to gender expression and sex characteristics. Advocates should also urge to examine the situation of LGBTI persons in detail where relevant.

No references were made to **sex work** in CESCR's Concluding Observations of 2015 that weren't SOGIESC-related. References to **HIV/AIDS** that were not SOGIESC-related were made in the Concluding Observations on **Burundi** (paras 41-42, 55-56), **Greece** (paras 37-38), **Guyana** (paras 50-51), **Tajikistan** (para 32), **Thailand** (para 32), and **Venezuela** (paras 4, 29).

³² The guide is available at www.ilga.org.

³³ **Guyana, Iraq, Kyrgyzstan, Mongolia, Sudan and Uganda.**

³⁴ 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/>.

Communications³⁵

There were no references to SOGIESC in the one decision made by CESCR on an individual communication in 2015.

General Comments

No General Comments were published by CESCR in 2015. However, a draft General Comment on the Right to just and favourable conditions of work (Article 7) was presented and is being considered by the Committee.

General Comment on the Right to just and favourable conditions of work (Art. 7)³⁶

Keywords: *SOGI, LGBTI, access to justice, consultation, discrimination, employment, harassment*

12. Workers should not only have equal remuneration when they perform the same or similar jobs, but their remuneration should be equal even when their work is completely different but nonetheless of equal value, when assessed by objective criteria. The requirement goes beyond only wages or pay to include other payments or benefits paid directly or indirectly to workers. Though equality between men and women is particularly important in this context and even merits a specific reference in Article 7 (a)(i), the Committee reiterates that equality applies to all workers without distinction based on race, ethnicity, nationality, migrant or health status, disability, age, sexual orientation, gender identity or any other ground. (...)
33. All workers have the right to equal opportunity for promotion through fair and transparent processes that respect human rights principles. The criteria of seniority and competence require promotions to be based on merit. Consequently, there should be no place for irrelevant criteria such as personal preference or family and social links. Similarly, workers must have the opportunity for promotion free from reprisals related to trade union or political activism. The reference to equal opportunity requires that promotions are not discriminatory and this is highly relevant for women and other workers, such as workers with disabilities, workers from certain ethnic, national and other minorities, for example, the Roma and LGBTI workers, and older workers who face age-related discrimination later in their working life. (...)
49. All workers should be free from harassment, including sexual harassment. Legislation, such as anti-discrimination laws, the Penal Code and labour legislation, should define harassment broadly, with explicit reference to sexual harassment as well as to other forms of harassment, such as on the basis of disability, race, sexual orientation or gender identity. A specific definition of sexual harassment at the work place is appropriate and legislation should criminalise and punish sexual harassment as appropriate. A national policy to be applied in the workplace, in both the public and private sectors, should include at least the following elements: (a) explicit

³⁵ 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/>.

³⁶ [E/C.12/54/R.2](#).

coverage of harassment by and against men and women; (b) prohibition of certain acts that constitute harassment, including sexual harassment; (c) identification of specific duties on employers, managers, supervisors and workers to prevent and, where relevant, resolve and remedy harassment cases; (d) access to justice for victims; (e) compulsory training for all staff, including for managers and supervisors; (f) protection of victims, including focal points to assist them, as well as avenues of complaint and redress; (g) procedures for notification and reporting to a central public authority of claims of sexual harassment and resolution of such claims; (h) provision of a clearly visible and available workplace specific policy, developed in consultation with workers, employers and their representative organizations, and other relevant stakeholders such as civil society organizations. (...)

55. The Committee underlines the importance of consultation in formulating, implementing, reviewing and monitoring laws, policies and regulations related to the right with traditional social partners such as workers and employers and their representative organizations, but also other relevant organizations, such as those representing persons with disabilities, older persons, women, workers in the informal sector, migrants and LGBTI persons, as well as representatives of ethnic groups and indigenous communities. (...)

64. States parties have a core obligation to ensure the satisfaction of, at the very least, minimum essential levels of the right to just and favourable conditions of work. Specifically, this requires States parties to:

(a) Guarantee through law the exercise of the right without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability, age, sexual orientation, gender identity, health or any other status;

Concluding Observations

Burundi – 56th Session, 21 September – 9 October 2015, 1st review³⁷

Keywords: *SOGI, LGBT, criminalisation, discrimination, education*

Discrimination on the basis of sexual orientation

17. The Committee is concerned by the definition of homosexuality as a crime in the Criminal Code and by Ministerial Order No. 620/613 of 7 June 2011, whereby children may be refused schooling on the grounds of their sexual orientation (art. 2, para. 2).
18. **The Committee recommends that the State party repeal all provisions that could lead to the discrimination, prosecution or punishment of individuals on the basis of their sexual orientation or gender identity and that it take all appropriate steps to ensure that lesbian, gay, bisexual and transgender individuals may exercise all the rights enshrined in the Covenant.**

³⁷ 1st reporting cycle, [E/C.12/BDI/CO/1](#).

Chile – 55th Session, 1 – 19 June 2015, 4th review³⁸

Keywords: *LGBT, access to justice, anti-discrimination legislation, awareness-raising campaign, discrimination, education, employment, health, social security*

Non-discrimination

12. The Committee takes note of the information provided by the delegation on the amendment of Anti-Discrimination Act No. 20.609. It is, nonetheless, concerned at the persistent discrimination against indigenous peoples, lesbian, gay, bisexual and transgender persons, migrants, asylum seekers and refugees, particularly in the areas of employment and education, but also as regards access to health services (art. 2, para. 2).

The Committee recommends that the State party should undertake a comprehensive revision of Act No. 20.609 with a view to ensuring effective protection against discrimination. In particular, it recommends that the State party should:

- (a) Explicitly include all the prohibited grounds of discrimination set out in article 2, paragraph 2, of the Covenant, taking into account the Committee's general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights;**
- (b) Define direct and indirect discrimination in accordance with the obligations incumbent on the State party under the Covenant;**
- (c) Include provisions for obtaining access to redress in cases of discrimination through judicial, administrative and other procedures and adopt effective and appropriate remedies for victims of discrimination;**
- (d) Adopt the necessary measures to prevent and combat persistent discrimination against indigenous peoples, lesbian, gay, bisexual or transgender persons, migrants, asylum seekers, refugees and any disadvantaged or marginalized persons or groups, including awareness-raising campaigns, with a view to ensuring the full exercise of the rights recognized under the Covenant, particularly access to employment, social security, health care and education.**

³⁸ 4th reporting cycle, [E/C.12/CHL/CO/4](#).

Gambia – 54th Session, 23 February – 6 March 2015, 1st review³⁹

Keywords: *SOGI, LGBT, anti-discrimination legislation, arrest, criminalisation, detention, discrimination*

Non-discrimination

12. The Committee expresses its concern about the absence of an anti-discrimination law which encompasses all grounds of discrimination prohibited under the Covenant. The Committee is also concerned at the criminalization of homosexuality in the State party's Criminal Code, as well as about reports of arbitrary arrest and detention of individuals perceived to be homosexual (art. 2, para. 2).

The Committee recommends that the State party adopt comprehensive anti-discrimination legislation in line with article 2, paragraph 2, of the Covenant, taking into account the Committee's general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights. It also recommends that the State party repeal or amend all legislation that results or could result in discrimination, prosecution and punishment of people because of their sexual orientation or gender identity. The Committee further recommends that the State party take all the necessary steps to combat and prevent discrimination against lesbian, gay, bisexual and transgender persons, and ensure their enjoyment of all the rights enshrined in the Covenant.

³⁹ 2nd reporting cycle, [E/C.12/GMB/CO/1](#).

Guyana – 56th Session, 21 September – 9 October 2015, 3rd review⁴⁰

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

Non-discrimination

20. The Committee is concerned about the impact of ethnic discrimination, in particular in the context of the relationship between Afro-Guyanese and Indo-Guyanese, on the development of the country and the equal enjoyment of economic, social and cultural rights. The Committee is also concerned about the widespread discrimination based on sex, disability, sexual orientation and gender identity, and health status, in all areas of economic, social and cultural rights due to, inter alia, social prejudice and stereotypes. The Committee is further concerned that the Prevention of Discrimination Act 1997 is mainly applicable to the employment sector and does not cover all grounds of discrimination (art. 2 (2)).
- 21. The Committee recommends that the State party spare no efforts to eliminate the causes of inter-ethnic discrimination. It also recommends that the State party review the Prevention of Discrimination Act 1997 and other relevant laws with a view to bringing them into full conformity with article 2 of the Covenant. The Committee draws the attention of the State party to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.**

Keywords: *SO, LGBTI, criminalisation, discrimination, gender impersonation laws*

Lesbian, gay, bisexual, transgender and intersex persons

24. The Committee is concerned that the same-sex relations between consenting adults and cross-gender dressing are criminalized in the State party under sections 351 to 353 of the Criminal Law Offences Act (art. 2 (2)).
- 25. The Committee recommends that the State party repeal the criminalization of same-sex relations between consenting adults and cross-gender dressing. It also recommends that the State party provide effective protection for lesbian, gay, bisexual, transgender and intersex persons against any form of discrimination on the ground of their sexual orientation.**

⁴⁰ 4th reporting cycle, [E/C.12/GUY/CO/2-4](#).

Iraq – 56th Session, 21 September – 9 October 2015, 4th review⁴¹

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

Non-discrimination

19. The Committee, while taking note of the fact that the State party's Constitution prohibits discrimination on certain grounds, expresses its concern about the absence in the State party's legal order of comprehensive anti-discrimination legislation in accordance with article 2 of the Covenant. The Committee is further concerned that lesbian, gay, bisexual, transgender and intersex persons are particularly affected by discriminatory practices (art. 2).
20. **The Committee recommends that the State party consider adopting a comprehensive anti-discrimination law that fully complies with article 2 of the Covenant and that covers not only direct but also indirect discrimination. The Committee also recommends that the State party take all measures necessary to ensure that lesbian, gay, bisexual, transgender and intersex persons fully enjoy their economic, social and cultural rights without discrimination. The Committee draws the attention of the State party to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights, including sexual orientation and gender identity.**

⁴¹ 4th reporting cycle, [E/C.12/IRQ/CO/4](#).

Italy – 56th Session, 21 September – 9 October 2015, 5th review⁴²

Keywords: *SOGI, anti-discrimination legislation, discrimination, partnership/family*

Legal framework for non-discrimination

16. While taking note of the anti-discrimination provision in the State party's Constitution, the Committee is concerned that not all grounds of discrimination prohibited under the Covenant are enumerated in that provision, and that existing legislation addresses only some grounds of discrimination. The Committee is also concerned that same-sex unions are not recognized in the State party's legislation (art. 2 (2)).
17. **The Committee recommends that the State party take steps to adopt a comprehensive anti-discrimination law that guarantees protection for everyone against discrimination in the enjoyment of economic, social and cultural rights, and encompasses all forms of discrimination, including sexual orientation and gender identity. It also recommends that the State party recognize that individuals in same-sex unions are entitled to equal enjoyment of their economic, social and cultural rights. The Committee draws the State party's attention to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.**

⁴² 5th reporting cycle, [E/C.12/ITA/CO/5](#).

Kyrgyzstan – 55th Session, 1 – 19 June 2015, 2nd review⁴³

Keywords: *SO, anti-discrimination legislation, awareness-raising campaign, discrimination, employment, health*

Non-discrimination

5. The Committee is concerned about the lack of comprehensive anti-discrimination legislation, and the persistent discrimination on the basis of ethnicity, sex, religion, economic status, age or other status, including sexual orientation or disability, inter alia in accessing employment and health care. In this context, the Committee is also concerned about the introduction to parliament of bill No. 6-11804/14, which would impose administrative sanctions for persons who foster positive attitudes towards non-traditional sexual relations. (...)

The Committee recommends that the State party adopt a comprehensive antidiscrimination law that provides a definition of direct and indirect discrimination, and withdraw bill No. 6-11804/14. The Committee also recommends that the State party:

(a) Carry out public education campaigns to eradicate common misperceptions and stereotypes;

(b) Make access to services independent from residence registration;

(c) Ensure that all persons, irrespective of their sexual orientation, can fully enjoy economic, social and cultural rights without discrimination; (...)

In this regard, the Committee draws the attention of the State party to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.

Keywords: *LGBTI, access to justice, discrimination, health, HIV/AIDS, medical professionals, sex work*

Access to health care

22. The Committee notes with concern that access to health care is frequently limited, that health-care facilities are of poor quality and inadequately equipped, that the number of staff is insufficient and that they are poorly qualified. The Committee also notes with concern that:

(a) Discrimination in access to health care persists against lesbian, gay, bisexual, transgender and intersex persons, women involved in prostitution, persons with disabilities, and persons living with HIV/AIDS; (...)

(c) Legislation on the rights of patients concerning, inter alia, professional ethics and redress for medical errors is insufficiently implemented (art. 12).

The Committee recommends that the State party increase human, technical and financial resources allocated to the health sector, and:

⁴³ 3rd reporting cycle, [E/C.12/KGZ/CO/2-3](#).

- (a) Monitor discrimination in access to health services and ensure that health professionals who hamper anyone's access are duly sanctioned; (...)**
- (c) Disseminate information on patients' rights and ensure the availability of adequate implementation mechanisms, with particular focus on access to appropriate compensation in the event of medical errors.**

Mongolia – 55th Session, 1 – 19 June 2015, 4th review⁴⁴

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

Non-discrimination

12. While noting that in the Constitution and various laws certain anti-discrimination provisions exist, the Committee is concerned about the absence of a comprehensive anti-discrimination law that covers all grounds of discrimination, including sexual orientation, gender identity and disability (art. 2 (2)).

The Committee recommends that the State party take steps to adopt a comprehensive anti-discrimination law guaranteeing protection for all against discrimination and for the enjoyment of economic, social and cultural rights, and encompassing all prohibited grounds of discrimination, including sexual orientation, gender identity and disability. The Committee draws the State party's attention to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.

Keywords: *LGBTI, SO, awareness-raising campaign, discrimination, education, employment, health, housing, partnership/family*

Discrimination against lesbian, gay, bisexual, transgender and intersex persons

13. The Committee notes with appreciation the information provided by the State party's delegation on the inclusion of sexual orientation as a prohibited ground of discrimination in the draft revised Criminal Code and a draft labour law. It notes with concern, however, the persistence of discrimination against lesbian, gay, bisexual, transgender and intersex persons in the areas of employment, housing, health care and education. Moreover, the Committee is concerned about the lack of recognition of same-sex couples, which impedes their enjoyment of Covenant rights (art. 2 (2)).

The Committee recommends that the State party:

(a) Take all measures necessary, in particular awareness-raising, to ensure that lesbian, gay, bisexual, transgender and intersex persons are not discriminated against on the basis of their sexual orientation and gender identity;

(b) Recognize that same-sex couples are entitled to equal enjoyment of their economic, social and cultural rights.

⁴⁴ 4th reporting cycle, [E/C.12/MNG/CO/4](#).

Morocco – 56th Session, 21 September – 9 October 2015, 4th review⁴⁵

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

Discrimination

13. The Committee remains concerned about:

- (a) The lack of comprehensive anti-discrimination legislation prohibiting all forms of discrimination affecting enjoyment of the rights enshrined in the Covenant;
- (b) The disparities between rural and urban areas with respect to the enjoyment of economic, social and cultural rights, particularly as regards the most marginalized and vulnerable individuals and groups; (...)

14. The Committee recommends that the State party:

- (a) **Adopt and apply a comprehensive anti-discrimination law, which should contain a general prohibition of all forms of direct and indirect discrimination, and authorize the use of temporary special measures to benefit disadvantaged and marginalized groups. (...)**
- (d) **Ensure that women, persons with disabilities, asylum seekers, refugees, migrants, Sahraouis, children born out of wedlock and homosexuals can enjoy the rights recognized in the Covenant, particularly access to employment, social services, health care and education.**

Keywords: *LGBT, SOGI, criminalisation, discrimination, hate crimes/speech, stigmatisation*

Discrimination on grounds of sexual orientation

15. The Committee is concerned that the State party criminalizes consensual sexual relations between same-sex adults (art. 489 of the Criminal Code). The Committee expresses its concern about discrimination on grounds of sexual orientation and gender identity and about the stigmatization and violence to which these persons are subjected.

16. The Committee recommends that the State party immediately repeal legislation criminalizing sexual relations between same-sex adults, combat all discrimination against or stigmatization of lesbian, gay, bisexual or transgender persons on grounds of their sexual orientation and punish the perpetrators of hate violence against these persons. Lastly, the Committee recommends that the State party ensure that these persons can exercise all the rights enshrined in the Covenant.

⁴⁵ 4th reporting cycle, [E/C.12/MAR/CO/4](#).

Paraguay – 54th Session, 23 February – 6 March 2015, 3rd review⁴⁶

Keywords: *LGBT, access to justice, anti-discrimination legislation, awareness-raising campaign, discrimination, education, employment, health, social security*

Non-discrimination

13. The Committee is concerned that the anti-discrimination bill which was under discussion in the Senate has not been adopted. It is also concerned that the State party has not adopted effective measures to combat the persistent discrimination suffered by members of indigenous peoples, persons of African descent, persons with disabilities and lesbian, gay, bisexual and transgender persons, in particular with regard to ensuring the effective exercise of their economic, social and cultural rights (art. 2, para. 2).

The Committee recommends that the State party expedite the adoption of anti-discrimination legislation that will ensure adequate protection against discrimination in accordance with article 2, paragraph 2, of the Covenant, bearing in mind the Committee's general comment No. 20 (2009) on non-discrimination and economic, social and cultural rights, and that it, inter alia:

- (a) **Explicitly include in its general anti-discrimination legislation all prohibited grounds of discrimination listed in article 2, paragraph 2, of the Covenant;**
- (b) **Define direct and indirect discrimination in accordance with the obligations incumbent upon the State party under the Covenant;**
- (c) **Prohibit discrimination in both the public and the private spheres;**
- (d) **Put in place effective judicial and administrative mechanisms to protect against discrimination, including through the incorporation of provisions for redress in cases of discrimination;**
- (e) **Take the measures needed to prevent and combat persistent discrimination against all disadvantaged or marginalized individuals or groups, including through awareness-raising campaigns, in order to ensure their full enjoyment of the rights recognized under the Covenant, in particular access to employment, social security, health care and education.**

⁴⁶ 4th reporting cycle, [E/C.12/PRY/CO/4](#).

Sudan – 56th Session, 21 September – 9 October 2015, 2nd review⁴⁷

Keywords: *SOGI, LGBTI, access to justice, criminalisation, discrimination*

Non-discrimination

19. The Committee notes with concern the discriminatory provisions affecting women, religious minorities and lesbian, gay, bisexual, transgender and intersex persons that are still in force in the State party, including those contained in the Criminal Law Act, the Personal Status Act, the Public Service Regulations, the Social Insurance Act and the Sudanese Nationality Act. The Committee is also concerned at the lack of legislation to implement the constitutional and Covenant provisions on non-discrimination. Moreover, the Committee is particularly concerned at reports of discrimination of individuals on the basis of religion and of sexual orientation and gender identity. (art. 2)
20. **The Committee urges the State party to amend legal provisions that are discriminatory or have a discriminatory effect on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, in accordance with article 2 of the Covenant. The Committee also recommends that the State party adopt a comprehensive anti-discrimination law defining, prohibiting and punishing discrimination. The law should cover not only direct but also indirect discrimination and provide for the implementation of temporary special measures and remedies for victims. Furthermore, the Committee recommends that the State party condemn and punish acts of discrimination against religious minorities as well as against individuals on the basis of sexual orientation and gender identity. The Committee refers the State party to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.**

⁴⁷ 2nd reporting cycle, [E/C.12/SDN/CO/2](#).

Uganda – 55th Session, 1 – 19 June 2015, 1st review⁴⁸

Keywords: *SOGI, LGBTI, anti-discrimination legislation, discrimination, education, employment, health, housing, social security, stigmatisation*

Non-discrimination

15. The Committee is concerned about the lack of comprehensive anti-discrimination legislation that encompasses all prohibited grounds of discrimination, and about the prevalence of societal stigma and discrimination on the grounds of sexual orientation, gender identity, sex, ethnicity and disability. It also regrets the lack of information on the mandate and the actual functioning of the Equal Opportunities Commission (art. 2 (2)).

Recalling its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights, the Committee recommends that the State party:

(a) Adopt a comprehensive anti-discrimination law that includes all the grounds for discrimination set out in article 2 of the Covenant;

(b) Take steps to combat and prevent discrimination and societal stigma, in particular against persons with disabilities, persons with albinism and lesbian, gay, bisexual, transgender and intersex individuals, and ensure their enjoyment of the rights enshrined in the Covenant, in particular access to housing, employment, social security, health care and education; (...)

Keywords: *SOGI, LGBTI, access to justice, criminalisation, detention, discrimination, police brutality*

Discrimination on the grounds of sexual orientation and gender identity

16. The Committee is highly concerned about the draft law on the “prohibition of promotion of unnatural sexual practices” that discriminates against persons on grounds of their sexual orientation and gender identity, as well as about the criminalization of consensual same-sex sexual conduct in the State party’s Penal Code. The Committee is also concerned about information that there has been an increase in arbitrary detention and police abuse of lesbian, gay, bisexual, transgender and intersex persons since the passage of the Anti-Homosexuality Act in 2014 (art. 2 (2)).

The Committee urges the State party to withdraw the draft law on the “prohibition of promotion of unnatural sexual practices” and to urgently take steps to amend the Penal Code to decriminalize consensual same-sex sexual conduct. The Committee also urges the State party to investigate, deter and prevent acts of discrimination against lesbian, gay, bisexual, transgender and intersex people, bring perpetrators to justice and provide compensation to victims.

⁴⁸ 1st reporting cycle, [E/C.12/UGA/CO/1](#).

Keywords: *LGBTI, consultation, data collection, housing*

Forced evictions

30. The Committee is concerned about repeated cases of forced evictions of communities as well as lack of compensation to those communities or provision of alternative housing. (...) Moreover, the Committee expresses concern about information on many incidents of eviction of tenants following the passage of the Anti-Homosexuality Act in 2014. The Committee is also concerned about the absence of information on the extent of homelessness in the State party (art. 11).

Taking into account its general comment No. 7 (1997) on the right to adequate housing: forced evictions, the Committee urges the State party to:

(a) Refrain from forcibly evicting individuals and expropriating land, including in the context of development projects. It recalls that in cases where eviction or relocation is considered to be justified, it should be carried out in strict compliance with the relevant provisions of international human rights law; (...)

(c) Investigate all reported cases of illegal evictions of lesbian, gay, bisexual, transgender and intersex persons and ensure they are compensated;

(d) Consider developing a legal framework on forced evictions that includes provisions on effective and meaningful consultation, adequate legal remedies and compensation;

(e) Include disaggregated data in its next periodic report on the extent of homelessness in the State party and measures taken to address it.

Keywords: *LGBTI, discrimination, health, HIV/AIDS, support services*

Right to health

32. The Committee is concerned about the decrease in the health budget and at disparities in access to health care by poor individuals and families. (...) The Committee is further concerned that lesbian, gay, bisexual, transgender and intersex persons are frequently denied access to health care and, in particular, that same-sex partners face serious difficulties in accessing HIV/AIDS-related prevention, treatment, care and support services (art. 12).

The Committee recommends that the State party include the right to health in its Bill of Rights and in relevant laws, as necessary. It urges the State party to raise progressively the budget allocations to the health sector with a view to reaching the benchmark agreed in the Abuja Declaration on HIV/AIDS, Tuberculosis and Other Related Infectious Diseases. The Committee also recommends that the State party strengthen its efforts to provide everyone access to quality health care and take steps to address challenges faced by persons with disabilities and lesbian, gay, bisexual, transgender and intersex persons in access to health care, including HIV/AIDS-related care.

Venezuela – 55th Session, 1 – 19 June 2015, 3rd review⁴⁹

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

Anti-discrimination legislation

16. The Committee is concerned that, despite the legislative measures taken to promote non-discrimination, the State party still does not have a comprehensive legal framework to combat discrimination that incorporates all the criteria set out in the Covenant (art. 2, para. 2).

The Committee recommends that the State party expedite the drafting and adoption of legislation that will ensure adequate protection against discrimination in accordance with article 2, paragraph 2, of the Covenant and include therein all grounds of discrimination, including other status, such as sexual orientation and gender identity. In this regard, it draws the State party's attention to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.

⁴⁹ 3rd reporting cycle, [E/C.12/VEN/CO/3](#).

2. Human Rights Committee

Summary of references

SOGIESC references were made in two thirds of the Concluding Observations of the Human Rights Committee's (HRCee's) country reviews in 2015 (13 out of 20 reviews),⁵⁰ a decrease from 2014, where the topics were raised in almost three quarters of reviews.

While the Committee infrequently examines in detail the different situation of identities within the LGBTI label, where it discusses SOGIESC, it includes a broad range of human rights violations. HRCee raised the issue of **discrimination** in all but one set of Concluding Observations, usually in the context of ensuring the implementation of **anti-discrimination legislation** that included sexual orientation and gender identity. HRCee also greatly emphasised the need for **access to justice** through investigations, prosecutions and redress in relation to crimes against LGBTI persons, and often highlighted **violence** and **stigmatisation**. Less frequently, the Committee recommended the use of **awareness-raising campaigns** and the need to **train state actors** regarding SOGIESC.

HRCee discussed **criminalisation** in four country reviews (**Côte d'Ivoire**, **Republic of Korea**, **Russia** and **Uzbekistan**⁵¹),⁵² although it did not raise the issue in its examination of Benin and Sudan – the two other countries reviewed where consenting adult same-sex sexual acts are criminalised. It should be noted that there were no civil society submissions on either country.

The Committee clearly considers criminalisation to be a grave violation of the International Covenant on Civil and Political Rights, and almost always raises the issue where it is relevant. This consistent approach sets HRCee apart from other Treaty Bodies (apart from CESCR), and so it is worthwhile for human rights defenders in such countries to focus on engaging with the Committee.

Regarding **intersex persons**, the HRCee made no specific recommendations, and only included intersex in general LGBTI recommendations in three sets of Concluding Observations (**Republic of Korea**, **Macedonia** and **Suriname**). The Committee does not appear to have received any information from civil society on the specific situation of persons with intersex traits in any of the countries reviewed in 2015.

This is the same level of engagement as in 2014 and, also as in 2014, reflects the lack of detailed information that the Committee received on the situation of intersex persons. However, this situation will hopefully improve since, in October 2015, OHCHR organised a briefing of the Committee regarding human rights violations relating to sex characteristic. HRCee received information from OHCHR and civil society, and Committee Members appeared to be open to considering violations against intersex persons in its country reviews. For example, in its review of South Africa during the first Session of 2016, the Committee discussed discrimination and violence on the basis of "bodily diversity."⁵³

⁵⁰ No SOGIESC references were made in the Concluding Observations for Benin, Canada, Cyprus, France, Monaco, Spain and United Kingdom of Great Britain and Northern Ireland (and the Crown Dependencies and Overseas Territory).

⁵¹ In Russia and Uzbekistan, consenting adult same-sex sexual acts themselves are not criminalised, but due to the restrictions on freedom of expression and assembly in the context of SOGIE, it is useful to bring the countries into this discussion.

⁵² In Iraq, non-State actors – including Sharia judges and Daesh – continue to 'criminalise' such acts.

⁵³ Out of four Concluding Observations containing SOGIESC recommendations in the 116th Session (07 – 31 March 2016), South Africa received the above-mentioned recommendation

Human Rights Committee

A very encouraging development is that the Committee included **gender identity** (though never gender expression) or trans persons⁵⁴ in all the SOGIESC references in 2015 – the only Treaty Body to have done so. However, the Committee only looked at the specific human rights violations against trans persons in three country reviews (**Republic of Korea**, **Russia** and **Suriname**). In the first two countries, the recommendations concerned **legal gender recognition**, and in Suriname, the reference was to the particular targeting of transgender women in the context of **arbitrary detention** and **ill-treatment** by security forces.

The HRCee also received trans-specific information from civil society in Cambodia, Canada, Côte d'Ivoire, Iraq and Venezuela, which was not reflected in the Concluding Observations on those countries. It may be because most of this information was only submitted in time for the review session, rather before the drafting of the List of Issues, as was the case for the Korea, Russia and Suriname.

The consistent inclusion of trans persons and gender identity in SOGIESC references by HRCee is an improvement on 2014 and is welcomed. While the Committee did not give adequate attention to the particular violations against trans persons, it gave more focus than the year before. It is hoped that if the Committee receives more GIGE-specific information from civil society, it will begin to regularly examine the particular situation of trans persons in greater detail. In this context, trans human rights defenders may find HRCee an especially worthwhile focus for advocacy, in particular in the context of legal gender recognition and discrimination.

It is also worth noting that although the Committee did not call for recognition of **same-sex partnerships** in its Concluding Observations in 2015, it did welcome decisions by States to do so.⁵⁵

*This seems to be a consistent approach by the Committee. Thus, even though the Committee's jurisprudence has identified the duty to ensure equal treatment of same-sex unions, the HRCee may not be the best target for advocates seeking recognition of such unions.*⁵⁶

Beyond the Concluding Observations, the fact that not one of the 103 **individual communications** considered by the Committee concerned SOGIESC issues highlights that this mechanism warrants much greater attention.⁵⁷

While it takes approximately three years to obtain the final views of HRCee on a particular complaint, the Committee has dealt positively with violations committed against LGBT persons in the past⁵⁸ and civil society should consider relying on the mechanism to further their national advocacy.

([CCPR/C/ZAF/CO/1](#)), and Costa Rica ([CCPR/C/CRI/CO/6](#)) received one on LGBTI persons. The Concluding Observations for Namibia and Slovenia, however, were restricted to LGBT individuals. All the documents are available [here](#).

⁵⁴ The Committee used the term 'transgender' in all cases.

⁵⁵ Canada ([CCPR/C/CAN/CO/6](#)) and United Kingdom ([CCPR/C/GBR/CO/7](#)).

⁵⁶ See, for example, *X v Colombia*, Communication No. 1361/2005, [CCPR/C/89/D/1361/2005](#) (2007).

⁵⁷ 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/>.

⁵⁸ See, for example, *Praded v Belarus*, Communication No. 2029/2011, [CCPR/C/112/D/2029/2011](#) (2014). 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.

HRCee continued its trend of mentioning SOGIESC in its **General Comments** in its draft General Comment on the right to life. LGBTI advocates should continue to engage with the Committee during the elaboration of this and other documents in order to ensure that the SOGIESC references are comprehensive. The HRCee has one of the most accessible and transparent drafting processes, and information on the preparation of General Comments is available on the Committee's website.

One reference to **sex work** that was not SOGIESC-specific was made in the Concluding Observations on **Cambodia** (para 16). No references to **HIV/AIDS** that were not SOGIESC-specific were made in the Concluding Observations in 2015.

Communications⁵⁹

There were no references to SOGIESC in the 103 decisions made by the HRCee on individual communications in 2015.

General Comments

No General Comments were published by HRCee in 2015. However, a draft General Comment on the right to life was presented and is being considered by the Committee.

Draft General Comment on Article 6 (Right to life)⁶⁰

Keywords: *LGBTI, criminalisation, free and informed consent, hate crimes/speech, violence*

10. While generally respecting personal autonomy and the importance of freely exercising rights under the Covenant, States parties should presume that individuals planning or attempting to commit suicide may experience a temporary crisis that hinders their ability to take rational decisions with long term implications, and they should take adequate measures to prevent suicides, especially among vulnerable population groups, without violating their other Covenant obligations. (...)
24. The duty to protect by law the right to life entails that any substantive ground for deprivation of life must be prescribed by law, and defined with sufficient precision to avoid overly broad or arbitrary interpretation or application. Since deprivation of life by the authorities of the State is a matter of the utmost gravity, the law must strictly control and limit the circumstances in which a person may be deprived of his life by such authorities and the States parties must ensure full compliance with all of the relevant legal provisions. The duty to protect by law the right to life also requires States parties to prescribe and regulate measures necessary to protect lives, and to organize all State organs and governance structures through which public authority is exercised in a manner consistent with the need to respect and ensure the right to life. This protective legal framework must include effective criminal prohibitions on all forms of arbitrary deprivations of life, including extrajudicial killings, murder, homicide, disproportionate use of firearms, negligent manslaughter, disappearance, femicide, infanticide, honor killings, lynching, terrorism, violent hate crimes, blood feuds, death threats and other manifestations of violence or incitement to violence that are likely to result in a deprivation of life. The criminal sanctions attached to these crimes must be commensurate with their gravity. (...)

⁵⁹ 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/>.

⁶⁰ [CCPR/C/GC/R.36/Rev.2](#).

Human Rights Committee

26. The duty to protect the right to life requires States parties to take exceptional measures of protection towards vulnerable persons, including women, children, members of ethnic and religious minorities, and of indigenous peoples, displaced persons, and lesbian, gay, bisexual, transgender and inter-sex (LGBTI) persons, persons with albinism, alleged witches, asylum seekers and refugees, and individuals whose lives have been placed at particular risk because of specific threats or pre-existing patterns of violence. For example, States parties must respond urgently and effectively to threats to the lives of human rights defenders, journalists, prominent public figures, witnesses to crime, and victims of domestic violence. Special measures of protection of vulnerable individuals may include the assignment of around-the-clock police protection, the issuance of protection and restraining orders against potential aggressors and, in exceptional cases, and only with the free and informed consent of the threatened individual, protective custody. (...)
38. Under no circumstances can the death penalty ever be applied as a sanction against conduct whose very criminalization violates the Covenant, including adultery, homosexuality, apostasy establishing opposition groups, or insulting a head of state. States parties that retain the death penalty for such offences commit a serious violation of their obligations under article 6 read alone and in conjunction with article 2, paragraph 2 of the Covenant.

Concluding Observations⁶¹

Austria – 115th Session, 20 October – 21 October 2015, 5th review⁶²

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

Anti-discrimination framework

11. The Committee is concerned that the multiple pieces of anti-discrimination legislation and institutions at the federal and provincial levels may negatively affect the ability of victims to claim their rights and obtain a remedy. It is also concerned that the Federal Equal Treatment Act fails to afford equal protection against all forms of discrimination and notes in particular the lack of protection against discrimination on the basis of religion and belief, age, sexual orientation and gender identity in gaining access to goods and services (arts. 2 and 26).
12. **The State party should consider amending the Equal Treatment Act, the Employment of Disabled Persons Act, the Equality of Disabled Persons Act and relevant provincial laws, with a view to ensuring equal substantive and procedural protection against discrimination with regard to all prohibited grounds of discrimination in the private and public sector.**

⁶¹ The Committee stated the following in the review of Canada, without making a recommendation:

“3. The Committee welcomes the following legislative and institutional steps taken by the State party:

(b) Adoption of the Domestic Relations Act in Prince Edward Island that legalizes same-sex marriage, in 2008” ([CCPR/C/CAN/CO/6](#))

The Committee did the same with the United Kingdom:

“3. The Committee welcomes the following legislative and institutional steps taken by the State party:

(f) Adoption of the Marriage (Same-Sex Couples) Act, on 17 July 2013” ([CCPR/C/GBR/CO/7](#))

⁶² 5th reporting cycle, [CCPR/C/AUT/CO/5](#). The Committee also welcomed positive aspects:

“3. The Committee welcomes the following legislative and institutional steps taken by the State party:

(b) The establishment of the Vienna Anti-discrimination Office for Same-sex and Transgender Lifestyles, tasked with eliminating discrimination against lesbian, gay, bisexual, transgender and intersex persons”

Cambodia – 113th Session, 17 March – 18 March 2015, 2nd review⁶³

Keywords: *SOGI, LGBT, anti-discrimination legislation, awareness-raising campaign, discrimination, employment, health, stigmatisation*

Discrimination based on sexual orientation or gender identity

9. The Committee is also concerned about reports of discrimination against lesbian, gay, bisexual and transgender persons, in particular in employment and health-care settings. It notes with concern the lack of legislation expressly prohibiting discrimination on the grounds of sexual orientation or gender identity (arts. 2 and 26).

The State party should review its legislation to ensure that discrimination on grounds of sexual orientation and gender identity are prohibited. It should also conduct public awareness-raising activities to combat the social stigmatization of lesbian, gay, bisexual and transgender persons.

⁶³ 2nd reporting cycle, [CCPR/C/KHM/CO/2](#).

Cote d'Ivoire – 113th Session, 18 March – 19 March 2015, 1st review⁶⁴

Keywords: *SO, LGBT, access to justice, criminalisation, discrimination, harassment, violence*

Discrimination based on sexual orientation

8. The Committee is concerned about reports that lesbians, gays, bisexuals and transgender persons are subjected to discrimination, harassment, threats of physical violence and intimidation and about the impunity enjoyed by the perpetrators of such acts. The Committee is concerned, in particular, about the provisions of article 360 of the Criminal Code, which provides for an aggravation of the minimum penalty prescribed for “gross indecency” when such conduct “consists of an indecent or unnatural act with an individual of the same sex” (arts. 2 and 26).

The State party should enact a general law against discrimination with a view to incorporating the prohibition of discrimination included in the Covenant and enshrined in the Constitution. The State party should also take the necessary steps to protect lesbians, gays, bisexuals and transgender persons against all forms of discrimination, intimidation and violence. The State party should amend the provisions of article 360 of the Criminal Code and any other provision of its criminal legislation that discriminates against persons because of their sexual orientation.

⁶⁴ 1st reporting cycle, [CCPR/C/CIV/CO/1](#).

Croatia – 113th Session, 23 March – 24 March 2015, 4th review⁶⁵

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

10. The Committee is concerned about the prevalence of stereotypes and prejudice against lesbian, gay, bisexual and transgender persons. It is particularly concerned about reports of acts of violence against such persons and about the lack of effective investigation and prosecution (arts. 2 and 26).

The State party should step up its efforts to combat stereotypes and prejudice against lesbian, gay, bisexual and transgender persons, including by launching an awareness-raising campaign aimed at the general public and providing appropriate training to public officials with a view to putting an end to the social stigmatization of such persons. The State party should ensure that all reports of violence against lesbian, gay, bisexual and transgender persons are effectively investigated and that the perpetrators of violence based on sexual grounds are prosecuted and sanctioned.

⁶⁵ 3rd reporting cycle, [CCPR/C/HRV/CO/3](#).

Greece – 115th Session, 19 October – 20 October 2015, 2nd review⁶⁶

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

Sexual orientation and gender identity

11. The Committee remains concerned about the prevalence in society of stereotypes and prejudice against lesbian, gay, bisexual and transgender persons (see CCPR/CO/83/GRC, para. 19). In particular, it is concerned about the lack of an adequate official response to complaints relating to discrimination on the grounds of sexual orientation and gender identity (arts. 2 and 26).

12. The State party should intensify its efforts to combat stereotypes and prejudice against lesbian, gay, bisexual and transgender persons, including by:

- (a) Organizing awareness-raising campaigns aimed at the general public;**
- (b) Providing appropriate training to public officials to end social stigmatization of lesbian, gay, bisexual and transgender persons;**
- (c) Ensuring that all reports of violence against lesbian, gay, bisexual and transgender persons are promptly and effectively investigated and that perpetrators of violence on the grounds of sexual orientation are prosecuted and sanctioned.**

⁶⁶ 2nd reporting cycle, [CCPR/C/GRC/CO/2](#).

Iraq – 115th Session, 26 October – 27 October 2015, 5th review⁶⁷

Keywords: *SOGI, access to justice, anti-discrimination legislation, data collection, discrimination, FOE/FOAA, stigmatisation, violence*

Non-discrimination and equal protection of rights

11. The Committee is concerned at allegations of acts of discrimination and violence against persons on the basis of their real or perceived sexual orientation or gender identity, as well as the social stigmatization and social exclusion of these persons. Taking into consideration the State party's comment in its periodic report (see CCPR/C/IRQ/5, para. 177), the Committee regrets the lack of clarity on the right of homosexuals to hold peaceful demonstrations. While the Committee observes the diversity of morality and cultures internationally, it recalls that they must always be subject to the principles of universality of human rights and non-discrimination. The Committee is also concerned at the lack of comprehensive anti-discrimination legislation (arts. 2, 6, 7, 17, 19, 21 and 26).

12. The State party should:

- (a) Vigorously combat stereotypes about and negative attitudes towards persons on the basis of their sexual orientation or gender identity;**
- (b) Take the measures necessary to ensure that such persons can fully enjoy all the human rights enshrined in the Covenant, including the right to peaceful assembly;**
- (c) Adopt robust measures to effectively prevent acts of discrimination and violence against such persons and ensure that all acts of violence against them are effectively investigated, perpetrators brought to justice and victims compensated. It should also collect comprehensive data on cases of violence against persons on the basis of their sexual orientation or gender identity;**
- (d) Consider enacting comprehensive anti-discrimination legislation that provides full and effective protection against discrimination in all spheres and contains a comprehensive list of prohibited grounds for discrimination, including sexual orientation and gender identity.**

⁶⁷ 5th reporting cycle, [CCPR/C/IRQ/CO/5](#).

Republic of Korea – 115th Session, 22 October – 23 October 2015, 4th review⁶⁸

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

Non-discrimination

12. While noting the existence of a number of individual laws prohibiting specific forms of discrimination, the Committee is concerned that comprehensive anti-discrimination legislation is lacking. It is particularly concerned about the current lack of legislation defining and prohibiting racial discrimination and discrimination on the grounds of sexual orientation or gender identity (arts. 2 and 26).

13. The State party should adopt comprehensive anti-discrimination legislation, explicitly addressing all spheres of life and defining and prohibiting discrimination on any ground, including race, sexual orientation and gender identity. The legislation should impose appropriate penalties for direct and indirect discrimination committed by both public and private entities, and should provide for effective remedies.

Keywords: *SOGI, LGBTI, awareness-raising campaign, comprehensive sexuality education, conversion therapy, criminalisation, discrimination, gender recognition, hate crimes/speech, stigmatisation, training of state actors, violence*

Discrimination on the grounds of sexual orientation and gender identity

14. The Committee is concerned about:

- (a) The widespread discrimination against lesbian, gay, bisexual, transgender and intersex persons, including violence and hate speech;
- (b) The punishment of consensual same-sex sexual conduct between men in the military, pursuant to article 92-6 of the Military Criminal Act;
- (c) The authorization of the use of the buildings of the National Assembly and of buildings of the National Human Rights Commission to host so-called “conversion therapies” for lesbian, gay, bisexual and transgender persons;
- (d) The lack of any mention of homosexuality or sexual minorities in the new sex education guidelines;
- (e) The restrictive requirements for legal recognition of gender reassignment (arts. 2, 17 and 26).

15. The State party should clearly and officially state that it does not tolerate any form of social stigmatization of, or discrimination against, persons based on their sexual orientation or gender identity, including the propagation of so-called “conversion therapies”, hate speech and violence. It should strengthen the legal framework to protect lesbian, gay, bisexual, transgender and intersex individuals accordingly, repeal article 92-6 of the Military Criminal Act, avoid the use of State-owned buildings by private organizations for so-called “conversion therapies”, develop sex education programmes that provide students with comprehensive, accurate and age-appropriate information

⁶⁸ 4th reporting cycle, [CCPR/C/KOR/CO/4](#).

Human Rights Committee

regarding sexuality and diverse gender identities, and facilitate access to the legal recognition of gender reassignment. It should also develop and carry out public campaigns and provide training for public officials to promote awareness and respect for diversity in respect of sexual orientation and gender identity.

Macedonia – 114th Session, 2 July – 3 July 2015, 3rd review⁶⁹

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

Sexual orientation and gender identity

7. The Committee is concerned that the Law on the Prevention of and Protection against Discrimination does not explicitly prohibit discrimination on the basis of sexual orientation and gender identity. The Committee is also concerned about the prevalence of stereotypes and prejudice against lesbian, gay, bisexual, transgender and intersex persons. In this regard, it is particularly concerned about reports of acts of violence against such persons and at reports of a lack of effective investigations and prosecutions (arts. 2 and 26).

The State party should amend its Law on the Prevention of and Protection against Discrimination with a view to explicitly prohibiting discrimination on the basis of sexual orientation and gender identity. The State party should intensify its efforts to combat stereotypes and prejudice against lesbian, gay, bisexual, transgender and intersex persons, including by:

- (a) Organizing awareness-raising campaigns aimed at the general public;**
- (b) Providing appropriate training to public officials so as to put an end to the social stigmatization of lesbian, gay, bisexual, transgender and intersex persons;**
- (c) Ensuring that all reports of violence against lesbian, gay, bisexual, transgender and intersex persons are effectively investigated and that perpetrators of violence on the grounds of sexual orientation are prosecuted and sanctioned.**

⁶⁹ 3rd reporting cycle, [CCPR/C/MKD/CO/3](#).

Russian Federation – 113th Session, 16 March – 17 March 2015, 7th review⁷⁰

Keywords: *SOGI, LGBT, access to justice, anti-discrimination legislation, criminalisation, discrimination, FOE/FOAA, gender impersonation laws, hate crimes/speech, HRD, stigmatisation, violence*

Discrimination on the grounds of sexual orientation and gender identity

10. The Committee is concerned:

- (a) About reports of discrimination, hate speech, violence against lesbian, gay, bisexual and transgender (LGBT) individuals and activists and violations of their rights to freedom of expression and assembly;
- (b) About the absence of explicit protection against discrimination on the grounds of sexual orientation and gender identity in the anti-discrimination legislation;
- (c) That article 63, paragraph 1 (e), of the Criminal Code recognizing as aggravated circumstances the commission of an offence for reasons of, inter alia, “hatred or enmity” or “hate or hostility towards a given social group” does not appear to have ever been applied to cases involving violence against LGBT individuals;
- (d) That the laws adopted at the regional and federal levels banning “promotion of non-traditional sexual relations to minors”, although upheld by the Constitutional Court (rulings No. 151-O-O of 19 January 2010 and No. 24-P of 23 September 2014), exacerbate the negative stereotypes against LGBT individuals and represent a disproportionate restriction of their rights under the Covenant;
- (e) That a decree signed by the Prime Minister of the Russian Federation, Dmitry Medvedev, on 29 December 2014 included transgender identity, bi-gender identity, asexuality and cross-dressing in the list of medical conditions constituting contraindications to driving (arts. 2, 7, 9, 17, 19, 21 and 26).

The State party should clearly and officially state that it does not tolerate any form of social stigmatization of homosexuality, bisexuality or transexuality, or hate speech, discrimination or violence against persons based on their sexual orientation or gender identity. It should also:

- (a) Take all the steps necessary to strengthen the legal framework protecting LGBT individuals from discrimination and violence and ensure the investigation, prosecution and punishment of any act of violence motivated by the victim’s sexual orientation or gender identity and apply the provisions of article 63, paragraph 1 (e), of the Criminal Code to such acts;**
- (b) Repeal laws banning the “promotion of non-traditional sexual relations to minors” adopted at the regional and federal levels;**
- (c) Exclude transgender identity, bi-gender identity, asexuality and cross-dressing from the list of medical conditions constituting contraindications to driving;**

⁷⁰ 7th reporting cycle, CCPR/C/RUS/CO/7.

Human Rights Committee

(d) Guarantee the exercise in practice of the rights to freedom of expression and assembly of LGBT individuals and their supporters.

San Marino – 115th Session, 19 October – 20 October 2015, 3rd review⁷¹

Keywords: *SOGI, training of state actors, anti-discrimination legislation*

Anti-discrimination legislation

8. While taking note of the existing legal provisions against discrimination, the Committee is concerned that the State party has not yet adopted comprehensive anti-discrimination legislation and that articles 90 and 179 bis of the Criminal Code relating to discrimination only refer to discrimination based on racial, ethnic, national, religious and sexual orientation grounds and not other grounds for discrimination, such as gender identity (arts. 2 and 26).
9. **The State party should take the measures necessary to strengthen its legal framework against discrimination, in particular by enacting comprehensive anti-discrimination legislation covering all grounds for discrimination, including gender identity. In addition, it should make vigorous efforts to raise awareness among the general public and train judges and lawyers on the existing criminal provisions against discrimination.**

⁷¹ 3rd reporting cycle, [CCPR/C/SMR/CO/3](#).

Suriname – 115th Session, 21 October –22 October 2015, 3rd review⁷²

Keywords: *LGBTI, access to justice, arrest, detention, police brutality, torture/ill-treatment*

Arbitrary arrest and ill-treatment of lesbian, gay, bisexual, transgender and intersex persons

27. While acknowledging the efforts made by the State party to enhance tolerance towards the lesbian, gay, bisexual, transgender and intersex community, the Committee is concerned about reports of arbitrary detention and ill-treatment of such persons, especially transgender women, by members of the security forces. It regrets that the State party has provided no information about the sentences and criminal or disciplinary sanctions imposed on offenders (arts. 7 and 9).

28. The State party should take effective measures to put an end to the arbitrary arrest of lesbian, gay, bisexual, transgender and intersex persons. All instances of ill-treatment should be investigated and, if substantiated, the perpetrators should be prosecuted and punished with appropriate sanctions.

⁷² 3rd reporting cycle, [CCPR/C/SUR/CO/3](#).

Uzbekistan – 114th Session, 8 July – 9 July 2015, 4th review⁷³

Keywords: *SOGI, access to justice, anti-discrimination legislation, discrimination, intersectionality*

Non-discrimination and gender equality

6. The Committee, while noting that the prohibition of discrimination is proclaimed in article 18 of the Constitution and is reflected in a series of legislative acts, is concerned that the prohibited grounds for discrimination appear to differ from one law to another and existing legislation does not afford protection against discrimination on all the grounds prohibited under the Covenant (arts. 2 and 26).

The State party should take all the measures necessary to ensure that its legal framework: (a) provides full and effective protection against discrimination in all spheres, including in the private sphere, and prohibits direct, indirect and multiple discrimination; (b) contains a comprehensive list of grounds for discrimination, including colour, political or other opinion, national origin, property, birth or other status, and sexual orientation and gender identity; and (c) provides for effective remedies in cases of violations.

Keywords: *LGBT, access to justice, criminalisation, discrimination, harassment, hate crimes/speech, police brutality, stigmatisation, violence*

7. The Committee remains concerned about reports of discrimination, harassment and violence, including by law enforcement officials, against lesbian, gay, bisexual and transgender individuals. It is further concerned that consensual sexual activities between adult males continue to be criminalized under article 120 of the Criminal Code (arts. 2, 7, 17 and 26).

The Committee reiterates its previous recommendation (see CCPR/C/UZB/CO/3, para. 22). The State party should take effective measures to combat any form of social stigmatization, hate speech, discrimination or violence against persons based on their sexual orientation or gender identity. It should ensure the investigation, prosecution and punishment of such violent acts and should repeal article 120 of the Criminal Code in line with its obligations under the Covenant.

⁷³ 4th reporting cycle, [CCPR/C/UZB/CO/4](#).

Venezuela – 114th Session, 29 June – 30 June 2015, 4th review⁷⁴

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

Alleged acts of discrimination and violence on the grounds of sexual orientation or gender identity

8. The Committee acknowledges the efforts of the Ombudsman's Office with regard to the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons. However, it is concerned at reports of discrimination and acts of violence, including murder, directed at these persons on the basis of their sexual orientation or gender identity (arts. 2, 6, 7 and 26).

The State party should redouble its efforts to combat stereotypes of and prejudice against LGBTI persons and ensure that acts of discrimination are prevented and that acts of violence against such persons are investigated effectively and that those responsible are prosecuted and punished appropriately. Furthermore, the State party should consider enacting wide-ranging and comprehensive anti-discrimination legislation that sets forth a definition containing a complete list of prohibited grounds for discrimination, including sexual orientation and gender identity.

⁷⁴ 4th reporting cycle, [CCPR/C/VEN/CO/4](#).

3. Committee on the Elimination of Discrimination against Women

Summary of references

SOGIESC recommendations were made in the Concluding Observations of 9 out of 27 countries (a third) reviewed by the Committee on the Elimination of Discrimination against Women's (CEDAW's) in 2015,⁷⁵ a slight decrease on 2014.

The Committee received SOGIESC-relevant civil society submissions for 18 countries. Although the level of detail in the reports varied widely, it seems clear that, disappointingly, CEDAW does not consider that it should raise these issues as a standard practice within its country reviews. Given that there are situations where the Committee will raise SOGIESC issues when it receives information, it seems this may be a consequence of the approach of particular Committee Members.

In its SOGIESC recommendations, the Committee always discussed **discrimination** (sometimes specifically in the context of **intersectionality**, as in the reviews of **Kyrgyzstan**, **Russia** and **Slovakia**⁷⁶), and most frequently making recommendations concerning **hate crimes/speech**, the **training of various state actors** and different forms of **violence** against LGBTI women. CEDAW raised a wider range of issues in only a couple of Concluding Observations, on areas such as **access to justice**, **data collection**, **employment**, and **health**.

The Committee also discussed access to **assisted reproductive services** by “all women” in **Portugal**, and although LBT women are not mentioned expressly, given the content of the civil society submissions, it is likely that CEDAW intended to include them within that wording.⁷⁷ In addition, CEDAW regularly refers to the need to recognise “de facto unions”, but it does not appear that the Committee intends this to include same-sex partnerships, but rather traditional/religious marriages.

The research for this report excluded Concluding Observations that were not explicitly SOGIESC-related, but it is possible that in the case of CEDAW, the Committee considers that it is being inclusive of LGBTI persons without mentioning them specifically. When interacting with CEDAW, advocates should emphasise the importance of expressly referring to these communities.

In a slight improvement on 2014, CEDAW highlighted the problem of **criminalisation** in four country reviews (**Gambia**, **Kyrgyzstan**, **Malawi** and **Russia**), though it did not refer to it in the Concluding Observations for eight other States reviewed where consenting adult same-sex sexual acts are criminalised.⁷⁸ It should be noted that the Committee only received SOGIESC-specific information from civil society for three of those eight countries.

⁷⁵ No SOGIESC references were made in the Concluding Observations for Azerbaijan, Bolivia (Plurinational State of), Eritrea, Gabon, Lebanon, Liberia, Madagascar, Maldives, Namibia, Portugal, Senegal, Slovenia, Spain, Timor-Leste, Tuvalu, United Arab Emirates, Uzbekistan and Vietnam.

⁷⁶ As well as in General Recommendation No. 33 on women's access to justice

⁷⁷ [CEDAW/C/PRT/CO/8-9](#), paras 44-45.

⁷⁸ Eritrea, Lebanon, Liberia, Namibia, Senegal, United Arab Emirates, Uzbekistan and Tuvalu.

CEDAW does not consistently explore whether criminalisation is a problem in a country under review. The lack of information before the Committee on the issue is not the only challenge in this regard. In the case of Liberia, for example, civil society met with the Committee and shared information with them on criminalisation in the country, yet no recommendation was made on the topic.

Concerning **gender identity and gender expression**, CEDAW referred to trans in its general LBT recommendations in all but two of the Concluding Observations that contained SOGIESC mentions.⁷⁹ However, the Committee only made trans-specific recommendations for the reviews of **Kyrgyzstan** and **Slovakia**. CEDAW restricted its comments in all situations to “transgender women”. Yet, civil society shadow reports looked at the specific situation of trans women (and/or persons) in seven countries⁸⁰ – four of which received general SOGIESC recommendations.

The Committee infrequently discusses SOGIESC, but where it does, it seems willing to include transgender women. However, it is important for civil society to encourage CEDAW to take a more inclusive approach and extend its recommendations to trans persons and gender non-conforming persons. This is challenging, but not impossible. For example, as a result of advocacy by a trans organisation, the List of Issues for Switzerland (adopted in March 2016), refer to “transgender persons”.⁸¹

CEDAW only made three references to **intersex persons**: twice in the context of general LBTI recommendations, and once in the context of access to legal gender recognition. This reflects the lack of information received by the Committee regarding issues of sex characteristics. Only one civil society submission made specific references to the situation of intersex persons,⁸² and shadow reports for just three other countries included information on LBTI women.⁸³

Given the connections made by OHCHR between female genital mutilation and surgeries on intersex children,⁸⁴ as well as CEDAW’s own focus on combatting harmful traditional practices and surgeries performed without consent, it should be possible for human rights defenders to convince the Committee to make useful recommendations in the area. However, as in the case of gender identity and gender expression, it may be difficult to obtain references that are not restricted to intersex women.

None of the **Individual Communications** considered by CEDAW concerned SOGIESC matters.⁸⁵ However, the **General Comment** on access to justice published by CEDAW in 2015 does make SOGIESC references. Strangely, while it includes “intersex persons” it restricts trans persons to “transgender women.”

⁷⁹ Malawi and Saint Vincent and the Grenadines.

⁸⁰ Bolivia, Ecuador, Kyrgyzstan, Portugal, Russia, Slovakia and Vietnam.

⁸¹ [CEDAW/C/CHE/Q/4-5](#), paras 9 and 17. See the submission by [Transgender Network Switzerland](#).

⁸² Submission by [ILGA Portugal](#).

⁸³ Submissions for Ecuador, Vietnam and Malawi.

⁸⁴ See Compilation of good practices and major challenges in preventing and eliminating female genital mutilation - Report of the United Nations High Commissioner for Human Rights, [A/HRC/29/20](#), para 62.

⁸⁵ 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/>.

More engagement with CEDAW is necessary to ensure that its jurisprudence is fully inclusive. An individual communication could be an interesting way to deepen the Committee's understanding of the different issues, but this can also be done through civil society submissions for country reviews.

CEDAW uses the terms “prostitution” and “exploitation in prostitution” rather than **sex work**. References that were not SOGIESC-related were made in all the Concluding Observations of CEDAW in 2015. Of particular interest are the references in the reviews of **Maldives** (paras 26-27), **Russian Federation** (paras 25-26) and **United Arab Emirates** (paras 29-30), where in all three cases the Committee discussed **decriminalisation**, as well as **Kyrgyzstan** (paras 21-22) and **Vietnam** (paras 18-21).

References to **HIV/AIDS** that were not SOGIESC-related were made in the Concluding Observations for **Azerbaijan** (para 33), **Denmark** (paras 31-32), **Gabon** (paras 34-35), **Gambia** (paras 35-36), **Kyrgyzstan** (paras 29-30), **Liberia** (paras 39-40), **Madagascar** (paras 35-36), **Malawi** (paras 36-37), **Maldives** (para 36), **Namibia** (paras 10-11, 34-37), **Russian Federation** (paras 35-36), **Senegal** (paras 30-31), **Spain** (paras 30-31), **Tuvalu** (paras 5, 29-30), **Vietnam** (paras 32-33).

Communications⁸⁶

There were no references to SOGIESC in the eight decisions made by CEDAW in individual communications in 2015.

General Recommendations

CEDAW published one General Recommendation in 2015, General Recommendation No. 33 on women's access to justice. It contains references to LGBTI persons in two places.

General Recommendation No. 33 on women's access to justice⁸⁷

Keywords: *LBTI, access to justice, discrimination, intersectionality, sex work*

8. Discrimination against women, based on gender stereotypes, stigma, harmful and patriarchal cultural norms and gender-based violence, which affects women in particular, has an adverse impact on the ability of women to gain access to justice on an equal basis with men. In addition, discrimination against women is compounded by intersecting factors that affect some women to degrees or in ways that differ from those affecting men or other women. Grounds for intersecting or compounded discrimination may include ethnicity/race, indigenous or minority status, colour, socioeconomic status and/or caste, language, religion or belief, political opinion, national origin, marital and/or maternal status, age, urban/rural location, health status, disability, property ownership and identity as a lesbian, bisexual or transgender woman or intersex person. These intersecting factors make it more difficult for women from those groups to gain access to justice. (...)

⁸⁶ 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/>.

⁸⁷ [CEDAW/C/GC/33](#).

49. Women are also disproportionately criminalized owing to their situation or status, such as being involved in prostitution, being a migrant, having been accused of adultery, identity as a lesbian, bisexual or transgender woman or intersex person, having undergone an abortion or belonging to other groups that face discrimination."

Concluding Observations⁸⁸

Croatia – 61st Session, 6 – 24 July 2015, 4th review⁸⁹

Keywords: *SO, LBT, access to justice, discrimination, hate crimes/speech, training of state actors*

Lesbian, bisexual and transgender women

38. The Committee notes with concern discrimination, including by the judiciary and law enforcement personnel, against lesbian, bisexual and transgender women, in addition to the inadequacy of measures taken to combat hate speech against them, including the tendency to prosecute such offences under misdemeanour law rather than hate crime provisions.

39. The Committee recommends that the State party take appropriate measures to enable lesbian, bisexual and transgender women to fully enjoy their human rights. In doing so, the State party should pay particular attention to ensuring the training of its judiciary and law enforcement personnel on non discrimination on the basis of sexual orientation, pursuant to its Gender Equality Act of 2008 (arts. 6, 13, 16, 31 and 36). It should also take measures to ensure adequate protection from hate speech and the prosecution of perpetrators with timely and commensurate sanctions.

⁸⁸ In its review of Portugal, the Committee acknowledged progress without making a recommendation: “4. The Committee notes the progress achieved since the consideration in 2008 of the State party’s seventh periodic report (CEDAW/C/PRT/7) in undertaking legislative reforms, in particular the adoption of the following legislation: (...)

(b) Amendments to the Penal Code to include “gender identity” as a prohibited ground of discrimination, in January 2013;

(c) Law No. 7/2011 on gender identity, on 15 March 2010, and amendments to the Civil Code recognizing different forms of family relations, on 31 May 2010;” ([CEDAW/C/PRT/CO/8-9](#))

⁸⁹ 5th reporting cycle, [CEDAW/C/HRV/CO/4-5](#).

Denmark – 60th Session, 16 February 2015 – 6 March 2015, 8th review⁹⁰

Keywords: *LBT, discrimination, support services*

Disadvantaged groups of women

34. The Committee notes the inadequacy of support services, including for ensuring non-discrimination, for lesbian, bisexual and transgender women.
- 35. The Committee recommends that the State party consider assessing the difficulties faced by lesbian, bisexual and transgender women with the aim of ensuring that they fully enjoy their rights.**

⁹⁰ 8th reporting cycle, [CEDAW/C/DNK/CO/8](#).

Ecuador – 60th Session, 16 February 2015 – 6 March 2015, 5th review⁹¹

Keywords: *SO, awareness-raising campaign, conversion therapy, discrimination, education, employment, health, media, violence*

Stereotypes and harmful practices

18. The Committee is concerned about the persistence of deep-rooted social and cultural stereotypes in the State party that underpin such forms of discrimination against women as violence and inequality in the areas of political participation, education, economic life and health and undermine women's empowerment in the family and in society. It also notes that campaigns to combat discriminatory stereotypes have focused exclusively on violence against women and lack action aimed at enforcing the principle of equality between women and men in several areas of public and private life. The Committee is further concerned that, the efforts made by the State party notwithstanding, the practice of "de-homosexualization" in clinics originally established for the treatment of drug addiction continues.

19. The Committee urges the State party:

(a) To develop a comprehensive strategy targeting women, men, girls and boys to overcome patriarchal and gender-based stereotypical attitudes about the roles and responsibilities of women and men in the family and in society, with a specific focus on disadvantaged and marginalized groups of women, strengthen awareness-raising campaigns at the community level and include education on women's rights in school curricula;

(b) To strengthen the role of the Council on the Regulation and Development of Information and Communication in training people working in the media on gender equality and implement campaigns to combat gender stereotypes, allowing for the participation of civil society, in particular women's organizations;

(c) To ensure the implementation of article 176 of the Comprehensive Organic Criminal Code on discrimination on the basis of gender identity and the legislation that prohibits practices of de-homosexualization, adopt specific measures and establish a mechanism to periodically monitor institutions for the treatment of drug dependency and implement adequate sanctions.

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

Violence against women

20. The Committee is deeply concerned about: (...)

⁹¹ 9th reporting cycle, [CEDAW/C/ECU/CO/8-9](#). The Committee also acknowledged progress without making a recommendation:

"10. The Committee acknowledges the adoption of the Comprehensive Organic Criminal Code, which states that femicide (art. 146) and discrimination on the basis of sex, gender identity, sexual orientation and other grounds (art. 176) constitute criminal conduct."

(f) Information on violence against women, including lesbian, bisexual and transgender women, including reports of mistreatment by the police, and the absence of official statistics on complaints and cases brought to the criminal justice system.

21. The Committee, recalling its general recommendation No. 19 on violence against women, urges the State party: (...)

(f) To establish a system to systematically monitor cases of violence against women, including lesbian, bisexual and transgender women, and ensure that perpetrators are prosecuted and punished, and conduct training for judges, prosecutors, police officers and other law enforcement officers on equality of women on all grounds mentioned in the Committee's general recommendation No. 28.

Gambia – 61st Session, 6 – 24 July 2015, 2nd review⁹²

Keywords: *LBT, criminalisation, detention, discrimination, hate crimes/speech, training of state actors, violence*

Lesbian, bisexual and transgender women

44. The Committee notes that homosexual acts are criminalized in the State party and that “aggravated homosexuality” carries sentences of up to life imprisonment. It also notes with concern acts of incitement to hatred against lesbian, bisexual and transgender women in the State party and the arbitrary detention of women perceived to be lesbian.

45. The Committee urges the State party to repeal the provisions of the Criminal Code on “unnatural offences” and “aggravated homosexuality”, end the arbitrary detention of lesbians and provide them with effective protection from violence and discrimination and provide appropriate training to law enforcement officials.

⁹² 5th reporting cycle, [CEDAW/C/GMB/CO/4-5](#).

Kyrgyzstan – 60th Session, 16 February 2015 – 6 March 2015, 4th review⁹³

Keywords: *LBTI, anti-discrimination legislation, criminalisation, discrimination*

Definition of discrimination against women and discriminatory laws

9. The Committee notes the adoption of a new Constitution by the State party in 2010 and of the Law on State Guarantees of Equal Rights and Opportunities for Men and Women, of 2008, which provides a definition of discrimination that encompasses direct and indirect discrimination in both the public and private spheres, in accordance with article 1 of the Convention. It is, however, concerned that draft law No. 6-11804/14, which has passed the first reading stage in the parliament, introduces criminal and administrative sanctions for the “formation of a positive attitude to non-traditional sexual relations”, which may discriminate against certain groups of women, including lesbian, bisexual, transgender and intersex women.

10. The Committee urges the State party:

- (a) To ensure that the discriminatory draft law No. 6-11804/14 is not adopted;**
- (b) To adopt comprehensive anti-discrimination legislation which prohibits discrimination against women on all grounds.**

Keywords: *LBTI, discrimination, health, sex work*

Health

29. The Committee notes the adoption by the State party of the Den Sooluk health-care reform programme for 2012-2016 and the pre-natal programme for 2006-2010. However, it is concerned: (...)

- (d) That in spite of some measures, there is persistent discrimination against some groups of women, including lesbian, bisexual, transgender and intersex women and women involved in prostitution, in the provision of health-care services.**

30. In line with its general recommendation No. 24 on women and health, the Committee calls on the State party: (...)

- (b) To increase access for all women and girls, in particular rural women and girls, to basic health-care services;**
- (c) To widely promote age-appropriate education on sexual and reproductive health and rights and increase access to affordable and safe modern contraceptives and information on family planning for women, men, girls and boys throughout the State party.**

⁹³ 4th reporting cycle, [CEDAW/C/KGZ/CO/4](#).

Keywords: *LBTI, discrimination, employment, gender recognition, intersectionality, sexual and reproductive health, support services, violence*

Disadvantaged groups of women

33. The Committee notes that the State party recognizes the existence of various disadvantaged groups of women, including migrant workers, older women, women domestic workers, women belonging to ethnic minorities, women drug users and lesbian, bisexual, transgender and intersex women. The Committee is, however, concerned about the situation of those groups of women who face intersecting forms of discrimination. The Committee is also concerned about the absence of an official procedure to change the gender marker on identity documents for transgender women, which exacerbates discrimination against them.

34. The Committee recommends that the State party:

(a) Adopt measures, including temporary special measures within the meaning of article 4 (1) of the Convention and the Committee's general recommendation No. 25 on the subject, to ensure equal rights and opportunities for women who face intersecting forms of discrimination;

(b) Ensure access to sustainable, non-discriminatory and non-prejudiced services, such as shelters, sexual and reproductive health services, legal aid and counselling, and employment for all women, in particular women facing intersecting forms of discrimination, and protect them from violence, abuse and exploitation;

(c) Adopt the legislative measures and targeted policies necessary to address multiple forms of discrimination and promote the integration into society of disadvantaged and marginalized groups of women facing intersecting forms of discrimination;

(d) Finalize and adopt an expeditious, transparent and accessible official procedure to change the gender marker on the identity documents of transgender women who wish to obtain legal recognition of their gender.

Malawi – 62nd Session, 26 October – 20 November 2015, 4th review⁹⁴

Keywords: *LB, criminalisation*

Definition of discrimination and legislative framework

10. The Committee welcomes the adoption of the Gender Equality Act, which prohibits sex discrimination, but is concerned: (...)

(c) That the Penal Code Amendment of 2011 criminalizes same-sex relationships between women;

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

(d) Envisage decriminalizing sexual relationships between adult women;

⁹⁴ 7th reporting cycle, [CEDAW/C/MWI/CO/7](#).

Russian Federation – 62nd Session, 26 October – 20 November 2015, 6th review⁹⁵

Keywords: *LBTI, anti-discrimination legislation, awareness-raising campaign, criminalisation, discrimination, employment, harassment, hate crimes/speech, intersectionality, police brutality, training of state actors*

Disadvantaged groups of women

41. The Committee notes that the laws adopted at regional and federal levels banning “promotion of non-traditional sexual relations to minors”, have been upheld by the Constitutional Court (rulings No. 151-O-O of 19 January 2010 and No. 24-P of 23 September 2014), and may reinforce homophobia. It is concerned at reports of discrimination, harassment and hate speech, based on negative stereotypes, against lesbian, bisexual, transgender and intersex women, including by the police. The Committee is also concerned at reported cases of unjustified dismissals of teachers belonging to the LBTI community.

42. The Committee urges the State party to:

- (a) Provide necessary protection against discrimination and violence against LBTI women, in particular through the adoption of anti-discrimination legislation and revision of the existing discriminatory laws that prohibits intersecting forms of discrimination;**
- (b) Provide training to the police and law-enforcement officials, as well as sensitization campaigns aimed at the general public; and**
- (c) Ensure that LBTI women are not facing discrimination in their professional life.**

⁹⁵ 8th reporting cycle, [CEDAW/C/RUS/CO/8](#).

Saint Vincent and the Grenadines – 61st Session, 6 – 24 July 2015, 2nd review⁹⁶

Keywords: *LB, discrimination, domestic violence, sexual violence*

Violence against women

20. The Committee welcomes the adoption in April 2015 of the Domestic Violence Act, which broadens the definition of domestic violence by including not only physical violence but also sexual, psychological and economic violence. (...) However, the Committee notes:

(c) That women in same-sex relationships are excluded from the categories of persons who can apply for protection under the Domestic Violence Act, as acknowledged by the State party;

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

(b) To ensure that no woman is excluded from seeking and obtaining protection under the Domestic Violence Act on the basis of the type of relationship in which she is engaged;

⁹⁶ 8th reporting cycle, [CEDAW/C/VCT/CO/4-8](#).

Slovakia – 62nd Session, 26 October – 20 November 2015, 3rd review⁹⁷

Keywords: *LBTI, consultation, data collection, discrimination, gender recognition, hate crimes/speech, intersectionality, sterilisation, surgical/medical intervention, training of state actors*

Disadvantaged and marginalized groups of women

36. The Committee notes with concern the impact of intersecting forms of discrimination on disadvantaged and marginalized groups of women in the State party. In particular, the Committee is concerned about: (...)

(c) When trying to change their legally recognized gender, transgender and intersex women are reportedly required to undergo medical treatment which does not respect their freedom to control one's body;

37. The Committee urges the State party to: (...)

(c) **Review current laws and take measures to ensure respecting and protecting the rights of transgender and intersex women and girls to control their body and to be free from non-consensual medical treatment, including by abolishing the requirement of compulsory sterilization and surgery for transgender women who wish to obtain legal recognition of their gender.**

38. **The Committee recommends that the State party enhance the collection of data disaggregated by sex, age, ethnicity, geographical location and socioeconomic background, in all areas covered by the Convention, in particular on women facing multiple and intersecting forms of discrimination, including women belonging to Roma and other ethnic minorities, migrant, refugee and asylum-seeking women, women with disabilities and lesbian, bisexual, transgender and intersex women. In doing so, the Committee encourages the State party to:**

(a) **Collect data on ethnicity based on the principle of self-identification and anonymity;**

(b) **Involve the surveyed population groups in the data definition and data-collection processes; and**

(c) **Ensure stringent protection of personal information throughout the data collection process, including collection, processing and dissemination of data.**

39. The Committee is further concerned at recent resurgence of negative discourse by political leaders, private organizations, and religious groups and violence directed against Roma women and women belonging to other ethnic minority groups, migrant, refugee and asylum-seeking women and lesbian, bisexual, transgender and intersex women.

40. The Committee urges the State party to:

(a) **Amend legislation to explicitly prohibit hate speech based on being lesbian, bisexual, transgender and intersex women as an independent crime;**

⁹⁷ 6th reporting cycle, [CEDAW/C/SVK/CO/5-6](#).

(b) Ensure that the prohibition of hate crimes and hate speech under the Anti-discrimination Act and the Criminal Code is strictly enforced and that judges, prosecutors, the police and other law enforcement officials are adequately trained to recognize and effectively address such incidents;

4. Committee on the Rights of the Child

Summary of references

The CRC made SOGIESC-specific references in its recommendations for 58% of country reviews (14 out of 24 Concluding Observations) – a large increase on the 31% of 2014.⁹⁸

It is extremely encouraging that for all but one country review,⁹⁹ every time civil society submitted information on the situation of LGBTI children, the Committee raised those topics in its recommendations. Moreover, CRC raised SOGIESC topics in reviews for seven countries where it does not appear to have received any such civil society information,¹⁰⁰ and in two more where the shadow reports referred to SOGIESC only in passing.¹⁰¹

Therefore, the Committee is clearly committed to systematically reviewing the situation of LGBTI children in its country reviews, and advocates can be quite confident that engaging with CRC will lead to Concluding Observations highlighting their concerns.

The Committee always discussed **discrimination**, and very frequently recommended that States implement **awareness-raising campaigns**. CRC also regularly made recommendations on **access to justice, education, violence, and training** of various state actors.

In the context of **criminalisation**, CRC raised the issue in two (**Eritrea** and **Gambia**) out of four countries¹⁰² reviewed where consenting adult same-sex sexual acts are criminalised. It is disappointing that in the Concluding Observations of **Jamaica** and **Tanzania**, which both included SOGIESC references, the Committee did not call for decriminalisation. This is despite the reference to criminalisation in the CSO submission for Jamaica, although there were no shadow reports on LGBTI children for Tanzania.

It is regrettable that the CRC does not take a more consistent approach to criminalisation, although, as discussed below, the Committee is sensitive to the impact of criminalisation on children in diverse families.

The Committee referred to 'LGBTI' children in just over half of the country reviews, although only two – concerning **Chile** and **Switzerland** – made stand-alone references to **intersex children** and bodily diversity. The comprehensive recommendations are warmly welcomed as they represent the first time that the CRC has discussed IGM and human rights violations in relation to sex characteristics.

*As civil society made submissions regarding sex characteristics in just one other country (the Netherlands), this is very positive. The first Session of CRC in 2016 has also shown that the CRC continues to be open to questioning states on the situation of intersex children in different countries.*¹⁰³

⁹⁸ No SOGIESC references were made in the Concluding Observations on Bangladesh, Kazakhstan, Ethiopia, Ghana, Honduras, Mauritius, Timor-Leste, Turkmenistan, United Arab Emirates and Uruguay.

⁹⁹ Bangladesh, where the civil society submission only mentioned LGBTI children in passing.

¹⁰⁰ Brazil, Dominican Republic, Eritrea, Gambia, Poland and Tanzania.

¹⁰¹ Colombia and Sweden.

¹⁰² In Iraq, non-State actors – including Sharia judges and Daesh – continue to 'criminalise' such acts. The Committee raised the issue of violence by non-State actors in its Concluding Observations.

¹⁰³ See the Concluding Observations on France, [CRC/C/FRA/CO/5](#), Ireland, [CRC/C/IRL/CO/3-4](#), and Kenya, [CRC/C/KEN/CO/3-5](#), 71st Session of the CRC, 11 – 29 January 2016.

Committee on the Rights of the Child

Chile was also the only country to receive a stand-alone recommendation on **trans children**, focusing on access to **legal gender recognition**. Civil society reports for the Netherlands and Switzerland raised human rights violations against trans persons specifically, but, unfortunately, these were not taken up by the Committee.

Advocates are encouraged to focus on the right to identity within the Convention on the Rights of the Child in order to raise issues of gender identity and expression, as was done for Chile. CRC is also very experienced in discussing questions of consent of children, as well as their right to health, which could be very useful in the context of accessing puberty blockers, for example.

An interesting feature of the Concluding Observations is that on three occasions¹⁰⁴ (the same frequency as in 2014) the CRC referred specifically to **children belonging to diverse families** (LGBTI families, families formed by LGBTI persons, or children being cared for by LGBTI persons).

This is to be welcomed and the Committee should be encouraged to make this a regular approach to SOGIESC issues. In addition, these recommendations could be particularly useful in a context where civil society has little information on the situation of LGBTI children themselves in a particular country. In such circumstances, advocates could explain how the treatment of LGBTI adults impacts on children within their families.

Another area worth exploring by human rights defenders is the possibility of obtaining recommendations regarding the training of the **media**,¹⁰⁵ which extends to the sensitisation to the negative impact of stereotypical portrayals of children, including LGBTI children.

The **Individual Communications** mechanism of the CRC only came into force in 2014, and there has only been one complaint considered to date (made in 2015), which was not related to SOGIESC matters.¹⁰⁶

It is possible that the Committee will attempt to avoid more sensitive topics, such as SOGIESC issues in its early decisions. However, the positive aspect is that the Committee has broad jurisprudence in its Concluding Observations on LGBTI children which it could rely on in examining a complaint.

No **General Comments** were published by CRC in 2015, but the Committee shared its draft General Comment on public spending and the rights of the child. CRC did not include SOGIESC issues in the document, but did not examine any specific group of children, referring only to “children in vulnerable situations.”

Advocates should continue to work with the Committee to build on language in its previous General Comments to ensure that SOGIESC are included explicitly as grounds of non-discrimination in all such documents and that the particular situation of LGBTI children is examined where relevant.

References to **HIV/AIDS**¹⁰⁷ that were not SOGIESC-related were made in the Concluding Observations on **Bangladesh** (paras 62-63), **Brazil** (paras 61-62), **Colombia** (paras 5, 19-20, 45-46, 53-54), **Eritrea** (paras 44, 49-50, 55-56), **Ethiopia** (paras 12, 23-24, 54, 57-58, 65-66), **Ghana** (paras 5, 7, 15, 21, 53-54, 57), **Honduras** (paras 66-67), **Jamaica** (paras 5,

¹⁰⁴ **Eritrea, Gambia and Iraq.**

¹⁰⁵ For example in the Concluding Observations on Colombia, Dominican Republic and Mexico.

¹⁰⁶ 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/>.

¹⁰⁷ 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 2015.

Committee on the Rights of the Child

48-49, 60-61), **Mauritius** (paras 27-28, 55-56), **Netherlands** (para 16), **Poland** (paras 42-43), **Switzerland** (para 5), **Tanzania** (paras 4, 25, 56-57, 59), **Timor-Leste** (paras 50-51, 59), **Turkmenistan** (paras 46-47) and **Uruguay** (paras 53-54).

Communications¹⁰⁸

There were no references to SOGIESC in the one decision made by CRC on an individual communication in 2015.

General Comments

No General Comments were published by CRC in 2015. A draft of General Comment 19 on public spending and the rights of the child was presented for consideration by the Committee, but it does not contain SOGIESC references.¹⁰⁹

¹⁰⁸ 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/>.

¹⁰⁹ [CRC/C/GC/19](http://www.unhcr.org/refugees/crc/c/gc/19).

Concluding Observations

Brazil – 70th Session, 14 September – 2 October 2015, 2nd review¹¹⁰

Keywords: *SOGI, LGBTI, awareness-raising campaign, discrimination, education, stigmatisation, violence*

Non-discrimination

23. The Committee is concerned about the structural discrimination against indigenous and Afro-Brazilian children, children with disabilities, lesbian, gay, bisexual, transsexual and intersex children, children in street situations, and children living in rural, remote, and marginalized urban areas, including favelas. The Committee is also seriously concerned that strategies aimed at eliminating discrimination based on gender, sexual orientation and race have been removed from the education plans of several states. Furthermore, it is concerned about the patriarchal attitudes and gender stereotypes that underpin discrimination against girls and women.

24. The Committee recommends that the State party:

(a) Strengthen its efforts to combat discrimination against and stigmatization and social exclusion of children living in poverty in marginalized urban areas, such as favelas, as well as children in street situations, and Afro-Brazilian and indigenous children and girls;

(b) Enact legislation to prohibit discrimination or the incitement of violence on the basis of sexual orientation and gender identity and continue the Schools without Homophobia project;

(c) Prioritize the elimination of patriarchal attitudes and gender stereotypes, including through educational and awareness-raising programmes.

¹¹⁰ 4th reporting cycle, [CRC/C/BRA/CO/2-4](#).

Chile – 70th Session, 14 September – 2 October 2015, 4th review¹¹¹

Keywords: *SOG/SC, LGBTI, discrimination*

Non-discrimination

24. The Committee welcomes the legislative and policy measures taken by the State party to address discrimination. However, it is concerned that girls continue to be subjected to gender-based discrimination, owing to the persistence of adverse and traditional attitudes and norms. It is also concerned about persistent discriminatory attitudes and practices against indigenous children, children with disabilities and immigrant children. The Committee is further concerned about continuing negative attitudes against and discrimination faced by lesbian, gay, bisexual, transgender and intersex children.

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

(b) Strengthen its efforts to combat negative attitudes and eliminate discrimination against children on the basis of their actual or perceived sexual orientation, gender identity and sex characteristics.

Keywords: *LGBTI, gender recognition*

Right to Identity

34. The Committee is concerned about limitations on the right to identity of indigenous children as part of their cultural identity. Furthermore, while noting the measures being considered to legally recognize the gender identity of transgender children, the Committee is concerned about the limitations on the exercise of the right to identity imposed on lesbian, gay, bisexual, transgender and intersex children.

35. The Committee recommends that the State party take the necessary legislative, policy and administrative measures to: (...)

(b) Recognize the right to identity of lesbian, gay, bisexual, transgender and intersex children, including the gender identity of transgender children;

(c) Foster an environment of inclusion and respect in mainstream society.

Keywords: *SOGI, awareness-raising campaign, bullying, education, training of state actors, violence*

Freedom of the child from all forms of violence

40. The Committee welcomes the enactment of Act No. 20536 (2011) addressing school violence, but it is deeply concerned about the high levels of violence in educational settings, including homophobic and transphobic bullying.

41. Recalling the recommendations of the independent expert for the United Nations study on violence against children (see A/61/299), taking into account its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and taking note of Sustainable Development Goal 16.2 to end

¹¹¹ 5th reporting cycle, [CRC/C/CHL/CO/4-5](#).

abuse, exploitation, trafficking and all forms of violence against and torture of children, the Committee recommends that the State party:

- (a) Develop, based on Act No. 20536 (2011), a comprehensive strategy to prevent and address all forms of violence against children in educational settings, including gender-based violence, encompassing the following:
 - (i) Raising awareness about the phenomenon of violence inside the education community and the importance of prevention and timely action against it;
 - (ii) Making available specialized technical and professional advice to students, educational staff and parents;
 - (iii) Promoting a training and educational approach, instead of a punitive approach, to address violent behaviours;
 - (iv) Monitoring the policies on coexistence in order to protect the exercise of other rights that may be affected by the punishment processes provided for in Act No. 20536 (2011);
- (b) Evaluate the work of existing structures to address violence against children and report on the results and measures taken in the next periodic report;
- (c) Continue to cooperate with UNICEF in this regard.

Keywords: *1, access to justice, free and informed consent, surgical/medical intervention, medical professionals, partnership/family, support services*

Harmful practices

48. While noting the proposed development of a protocol on the health care of intersex babies and children, the Committee is seriously concerned about cases of medically unnecessary and irreversible surgery and other treatment on intersex children, without their informed consent, which can cause severe suffering, and the lack of redress and compensation in such cases.
49. In the light of its general comment No. 18 (2014) on harmful practices, adopted jointly with the Committee on the Elimination of Discrimination against Women, the Committee recommends that the State party expedite the development and implementation of a rights-based health-care protocol for intersex children that sets the procedures and steps to be followed by health teams in order to ensure that no one is subjected to unnecessary surgery or treatment during infancy or childhood, protect the rights of the children concerned to physical and mental integrity, autonomy and self-determination, provide intersex children and their families with adequate counselling and support, including from peers, and ensure effective remedy for victims, including redress and compensation.

Colombia – 68th Session, 12 – 30 January 2015, 4th review¹¹²

Keywords: *LGBTI, access to justice, awareness-raising campaign, discrimination, education, health, media, training of state actors*

Non-discrimination

19. While noting the measures taken to eliminate discrimination against children in marginalized or disadvantaged situations, the Committee is deeply concerned about:

(a) The structural discrimination against indigenous, Afro-Colombian and displaced children, children with disabilities, children living with HIV/AIDS, lesbian, gay, bisexual, transgender and intersex children, and children living in rural, remote and marginalized urban areas, particularly affecting their right to education and health and exposing them to violence;

(b) The persistent patriarchal attitudes and gender stereotypes that discriminate against girls and women, resulting in an extremely high prevalence of violence against girls.

20. The Committee recommends that the State party:

(a) Strengthen its efforts to eliminate discrimination against children in marginalized situations by providing adequate resources for relevant policies and affirmative measures to ensure that children gain de facto enjoyment of their rights, in particular their rights to education and health.

(b) Take the necessary measures to eliminate patriarchal attitudes and gender stereotypes that discriminate against girls and women, including through strengthening the implementation of the Public Policy on Gender Equality and through educational and awareness-raising programmes;

(c) Monitor the portrayal of children in the media, on the Internet and in statements of public officials, and ensure that the authorities, civil servants, the media, teachers, children and the general public are sensitized to the negative impact of stereotypes on children's rights;

(d) Facilitate child-friendly complaint mechanisms in educational establishments, health centres, juvenile detention centres, alternative-care institutions and in any other setting;

¹¹² 5th reporting cycle, [CRC/C/COL/CO/4-5](#).

Dominican Republic – 68th Session, 12 – 30 January 2015, 3rd review¹¹³

Keywords: *LGBTI, access to justice, awareness-raising campaign, discrimination, media, training of state actors*

Non-discrimination

17. While noting as positive the criminalization of discrimination and the adoption of some relevant policies, such as the National Gender Equality and Equity Plan (2007-2017), the Committee remains concerned about:

(a) The low rate of implementation of relevant policies and the lack of strategies targeting particular groups of children; (...)

(d) Continuous discrimination and/or violence against children with disabilities, children living with HIV/AIDS, children in marginalized urban and rural areas, children in street situations, lesbian, gay bisexual, transgender and intersex children and children from disadvantaged and marginalized communities.

18. The Committee recommends that the State party:

(a) Urgently address discrimination against children, including by allocating adequate resources to implementing existing policies, adopting further strategies and devising indicators, and setting up a monitoring mechanism;

(b) Provide child-friendly complaint mechanisms in educational establishments, health centres, juvenile detention centres, alternative care institutions and any other settings and ensure that all discriminatory acts are sanctioned in accordance with the Criminal Code; (...)

(d) Ensure that professionals working with and for children, students, the media and the general public are sensitized to the negative impact of such stereotypes and discriminatory attitudes on children's enjoyment of their rights.

¹¹³ 5th reporting cycle, [CRC/C/DOM/CO/3-5](#).

Eritrea – 69th Session, 18 May – 5 June 2015, 3rd review¹¹⁴

Keywords: *LGBT, awareness-raising campaign, criminalisation, discrimination, partnership/family, stigmatisation*

Non-discrimination

24. The Committee notes as positive the efforts made by the State party to eliminate discrimination, in particular those aimed at reducing regional disparities in access to social services. The Committee is concerned, however, that: (...)

(c) The criminalization of consensual same-sex conduct under the transitional penal code encourages the stigmatization of and discrimination against lesbian, gay, bisexual and transsexual persons, including children, as well as the stigmatization of and discrimination against children from families formed by such persons.

25. The Committee recommends that the State party continue its efforts to eliminate all forms of discrimination against all children, both in law and in practice. The Committee also recommends that the State party: (...)

(d) Repeal the legal provisions criminalizing homosexuality and, by raising public awareness of equality and non-discrimination on the basis of sexual orientation, ensure that children who belong to groups of lesbian, gay, bisexual and transsexual persons or children from families formed by such persons are not subject to any form of discrimination.

¹¹⁴ 4th reporting cycle, [CRC/C/ERI/CO/4](#).

Gambia – 68th Session, 12 – 30 January 2015, 2nd review¹¹⁵

Keywords: *LGBTI, criminalisation, discrimination, partnership/family, stigmatisation*

Non-discrimination

29. The Committee welcomes the adoption of the Women’s Act 2010 and the development of the National Gender and Women Empowerment Policy 2010–2020. However, it remains concerned about: (...)

(e) The provisions of the 2014 Criminal Code according to which the new crime of “aggravated homosexuality” carries punishments of up to life in prison, which encourages the persecution and stigmatization of, and discrimination against, lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, including children, and children from LGBTI families.

30. The Committee urges the State party to: (...)

(e) Ensure that children who belong to LGBTI groups and children from LGBTI families are not subjected to any form of discrimination, and repeal the legal provisions criminalizing homosexuality;

¹¹⁵ 3rd reporting cycle, [CRC/C/GMB/CO/2-3](#).

Iraq – 68th Session, 12 – 30 January 2015, 2nd review¹¹⁶

Keywords: *SOGI, LGBT, awareness-raising campaign, discrimination, intersectionality, partnership/family*

Non-discrimination

19. The Committee is concerned about persistent discrimination against various groups of children in the State party, including children belonging to ethnic and/or religious minority groups, especially concerning their access to identification documents and social services; children born out of wedlock; children with disabilities who are subjected to multiple violations of their rights; and lesbian, gay, bisexual and transgender children, children who are cared for by persons from these groups and children demonstrating non-conformist social behaviour.

20. The Committee recommends that the State party ensure full protection against discrimination on any grounds, adopt and implement a comprehensive strategy addressing all forms of discrimination against all groups of children in vulnerable situations, and combat discriminatory societal attitudes. It also recommends that the State party: (...)

(c) Ensure that children who belong to lesbian, gay, bisexual and transgender groups or who are cared for by persons from these groups, as well as children demonstrating non-conformist social behaviour, are not subjected to any form of discrimination, by raising the public's awareness of equality and non-discrimination on the basis of sexual orientation and gender identity.

Keywords: *SOGI, LGBT, access to justice, discrimination, torture/ill-treatment, violence*

Right to life, survival and development

27. The Committee is deeply concerned about cases of children who are, or who are suspected of being, lesbian, gay, bisexual or transgender, as well as children demonstrating non-conformist social behaviour, being persecuted, tortured and killed by non-State militias with impunity. The Committee is also concerned that the police and courts regularly consider the sexual orientation or gender identity of a victim of violence as a mitigating factor, leading to many cases of attacks against lesbian, gay, bisexual and transgender children going unreported out of fear of further victimization and discrimination.

28. The Committee recommends that the State party take all necessary measures to protect lesbian, gay, bisexual and transgender children and children demonstrating any kind of non-conformist behaviour from all forms of attack; hold perpetrators of attacks fully accountable; and ensure that the sexual identity or gender identity of the victim is under no circumstances accepted as a mitigating circumstance.

¹¹⁶ 4th reporting cycle, [CRC/C/IRQ/CO/2-4](#).

Jamaica – 68th Session, 12 – 30 January 2015, 3rd review¹¹⁷

Keywords: *LGBTI, data collection*

Data collection

16. The Committee welcomes the establishment of a comprehensive database (JamStats) capturing a wide range of social and economic indicators on the various aspects of children’s lives as well as initiatives to strengthen existing data collection and management processes. The Committee also notes efforts to “institutionalize” the JamStats database in all relevant ministries, agencies and civil society organizations, and to train stakeholders. The Committee is, however, concerned about gaps in the overall data collection apparatus of the State party, in particular with respect to children with disabilities, children in situations of migration, children in street situations, child labour and lesbian, gay, bisexual, transgender and intersex children.
- 17. The Committee recommends that the State party continue to strengthen data collection and management processes, and to systematize the database system among all stakeholders, as well as capacity-building for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention. The data should cover all areas of the Convention and be disaggregated by age, sex, disability, geographic location, ethnic origin, migration status and socioeconomic background.**

¹¹⁷ 4th reporting cycle, [CRC/C/JAM/CO/3-4](#).

Mexico – 69th Session, 18 May – 5 June 2015, 4th review¹¹⁸

Keywords: *LGBTI, access to justice, awareness-raising campaign, discrimination, media, training of state actors*

Non-discrimination

15. While taking note of the National Programme for Equality and Non-Discrimination (2014–2018), the Committee is concerned about the prevalence of discrimination against indigenous, Afro-Mexican and migrant children, children with disabilities, lesbian, gay, bisexual, transgender and intersex children, children in street situations and children living in poverty and in rural areas.

16. The Committee recommends that the State party:

(a) Adopt a road map that includes adequate resources, a timeline and measurable targets requiring authorities at the federal, state and local levels to take measures, including affirmative measures, to prevent and eliminate all forms of de facto discrimination against indigenous, Afro-Mexican and migrant children, children with disabilities, lesbian, gay, bisexual, transgender and intersex children, children in street situations and children living in poverty and in rural areas;

(b) Ensure that the authorities, civil servants, the media, teachers, children and the general public are sensitized to the negative impact of stereotypes on children's rights and take all necessary measures to prevent these negative stereotypes, notably by encouraging the media to adopt codes of conduct;

(c) Facilitate child-friendly complaint mechanisms in educational establishments, health centres, juvenile detention centres, alternative-care institutions and any other setting and ensure that perpetrators of discrimination are adequately sanctioned.

¹¹⁸ 5th reporting cycle, [CRC/C/MEX/CO/4-5](#).

Netherlands – 69th Session, 18 May – 5 June 2015, 4th review¹¹⁹

Keywords: *SO, discrimination*

Non-discrimination

24. The Committee welcomes the Municipal Anti-Discrimination Services Act, which allows citizens to address reports of discrimination to local Anti-Discrimination Services. However, it is concerned that children in marginalized and disadvantaged situations such as refugee children, asylum seeking children, undocumented children, children belonging to ethnic minority groups, children with disabilities, chronically ill children and LGBTI children continue to face discrimination. The Committee is also concerned that children in the Caribbean part of the Kingdom do not enjoy the same rights as children in the European Netherlands.
- 25. The Committee recommends that the State party take all necessary measures to ensure that all children under the State party's jurisdiction enjoy the same rights without any discrimination on the basis of their nationality, residency status, ethnicity, identity, health, disability, sexual identity and orientation throughout the Kingdom. It urges the State party to pay particular attention to children in the Caribbean part of the Kingdom who do not have access to the same rights as children in the European Netherlands.**

¹¹⁹ 4th reporting cycle, [CRC/C/NDL/CO/4](#).

Poland – 70th Session, 14 September – 2 October 2015, 3rd review¹²⁰

Keywords: *SO, LGBT, access to justice, anti-discrimination legislation, discrimination, education, hate crimes/speech, health, housing, intersectionality, partnership/family, social security*

Non-discrimination

16. The Committee appreciates the State party's efforts to combat discrimination. However, it is concerned that:

- (a) There is no comprehensive law on prohibition of discrimination on all grounds, in all aspects of life and in all forms, including multiple forms of discrimination;
- (b) Gender stereotypes concerning the roles and responsibilities of women and men in the family and in society persist;
- (c) Children belonging to ethnic, religious, linguistic and other minority groups, including Roma, Arab, Asian and African descendants, Muslims, Jews, non-citizens, including refugees, asylum seekers and migrants, persons with disabilities, and lesbian, gay, bisexual and transgender children face discrimination and may become targets of hate crimes;
- (d) Incidents of racial violence and abuse, including hate speech, are increasing, as are acts of xenophobia and homophobia.

17. The Committee recommends that the State party:

- (a) Amend the Law on equal treatment so that it covers the issue of discrimination based on all grounds in all areas, including gender, sexual orientation, disability, religion or age, in the fields of education, health care, social protection, housing, and private and family life, and provides for the definition of multiple forms of discrimination;**
- (b) Amend the Penal Code to define hate speech and other hate crimes motivated by racism, xenophobia and homophobia as specific punishable offences and ensure that such incidents are thoroughly investigated and that perpetrators are brought to justice;**
- (c) Review and strengthen its measures to prevent and eliminate stereotypes, intolerance and discrimination among the general public and national and local authorities.**

¹²⁰ 4th reporting cycle, [CRC/C/POL/CO/3-4](#).

Sweden – 68th Session, 12 – 30 January 2015, 5th review¹²¹

Keywords: *SOGIE, LGBT, adolescents, awareness-raising campaign, bullying, discrimination, violence*

Non-discrimination

15. The Committee commends the State party for its efforts in addressing various forms of discrimination, including its comprehensive anti-discrimination legislation, the long-term strategy to promote equal rights and opportunities regardless of sexual orientation, gender identity or gender expression, and the Commission against Anti-Gypsyism. The Committee is concerned however that: (...)

(d) There are cases of lesbian, gay, bisexual and transgender (LGBT) children experiencing bullying, intimidation and violence.

16. The Committee encourages the State party to step up its efforts and strengthen its measures to combat effectively all forms of discrimination and to: (...)

(b) Place particular focus on preventive activities against discrimination and, where necessary, take affirmative action to protect children in vulnerable situations, including children from marginalized and disadvantaged families, with a migration background, and Roma and LGBT children;

(c) Undertake awareness-raising programmes, including campaigns specifically targeted at children, including adolescents, to eliminate all forms of discrimination.

¹²¹ 5th reporting cycle, [CRC/C/SWE/CO/5](#). The Committee also noted progress without making a recommendation:

“6. The Committee also welcomes the following institutional and policy measures: (...)
(c) The long-term strategy to promote equal rights and opportunities regardless of sexual orientation, gender identity or gender expression, of December 2013;”

Switzerland – 68th Session, 12 – 30 January 2015, 2nd review¹²²

Keywords: *SOGI, LGBTI, anti-discrimination legislation, discrimination, hate crimes/speech*

Non-discrimination

24. While welcoming the anti-discrimination measures adopted by the State party, particularly those aimed at promoting the integration of migrants, the Committee remains concerned that discrimination continues to be prevalent against children in marginalized and disadvantaged situations, including migrant, refugee and asylum-seeking children, children with disabilities and sans-papiers children. Moreover, the Committee is concerned about incidents of hate speech against lesbian, gay, bisexual, transgender and intersex persons and their impact on children belonging to these groups, as well as the fact that they do not enjoy the protection afforded by article 261 bis of the Criminal Code relating to racial discrimination.

25. The Committee recommends that the State party intensify its efforts to eliminate discrimination against children in marginalized and disadvantaged situations, in particular migrant, refugee and asylum-seeking children, children with disabilities and sans-papiers children. The Committee also recommends that the State party strengthen its efforts to foster a culture of tolerance and mutual respect, and that it adopt comprehensive legislation against discrimination on the grounds of sexual orientation and gender identity, and include these grounds in article 261 bis of the Criminal Code.

Keywords: *I, access to justice, free and informed consent, IGM, support services, surgical/medical intervention*

Harmful practices

42. While welcoming the adoption of a new provision of criminal law prohibiting genital mutilation, the Committee is deeply concerned at: (...)

(b) Cases of medically unnecessary surgical and other procedures on intersex children, without their informed consent, which often entail irreversible consequences and can cause severe physical and psychological suffering, and the lack of redress and compensation in such cases.

43. The Committee draws the attention of the State party to the joint recommendation/general comment No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices (2014), and urges the State party to: (...)

(b) In line with the recommendations of the National Advisory Commission on Biomedical Ethics on ethical issues relating to intersexuality, ensure that no one is subjected to unnecessary medical or surgical treatment during infancy or childhood, guarantee bodily integrity, autonomy and self-determination to the children concerned, and provide families with intersex children with adequate counselling and support.

¹²² 4th reporting cycle, [CRC/C/CHE/CO/2-4](#).

Tanzania (United Republic of) – 68th Session, 12 – 30 January 2015, 3rd review¹²³

Keywords: *SO, awareness-raising campaign, discrimination, health, HIV/AIDS, sexual violence*

HIV/AIDS

56. The Committee notes with appreciation the efforts for the prevention, testing and treatment of HIV/AIDS undertaken by the State party; the efforts in Zanzibar to impart skills relating to reproductive health and HIV to young people and to offer youth-friendly services; and the National Guidelines for HIV Testing and Counselling (2013). However, the Committee remains concerned at the high rate of mother-to-child transmission and new HIV infections among girls and boys, in particular given the high rates of sexual violence and unprotected teenage sexual relations. The Committee is also concerned about reports that attitudes towards the sexual orientation of some HIV-infected children prevent these children from seeking and receiving proper HIV services and community health services.

57. The Committee reiterates its recommendation that the State party strengthen its efforts to combat the spread and the effects of HIV/AIDS (CRC/C/TZ/CO/2, para. 49). In the light of its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party develop a road map to ensure the implementation of effective HIV/AIDS preventive measures, including focused interventions for adolescents. It calls on the State party to: (...)

(d) Ensure access to proper HIV services and community health services for all children, regardless of their sexual orientation, throughout the territory of the State party;

(e) Engage in public-education campaigns to combat discriminatory attitudes towards children on the grounds of their sexual orientation.

¹²³ 5th reporting cycle, [CRC/C/TZA/CO/3-5](#).

5. Committee against Torture

Summary of references

The Committee against Torture (CAT) made SOGIESC references in the Concluding Observations of just over half of country reviews in 2015 (ten out of 19 countries).¹²⁴ This is a significant increase on 2014, where the topics were raised in a third of reviews.

Similarly to 2014, the Committee always raised the issue of **access to justice**, very regularly dealt with issues such as **violence** and **the training of state actors**, and repeatedly discussed **hate crimes**, **awareness-raising campaigns** and **detention**.

In general, the Committee received SOGIESC information from civil society on ten countries, and made relevant recommendations on all of them except New Zealand and Spain. In both cases, the reports gave very little focus on SOGIESC issues. Similarly to 2014, the Committee included relevant references, however, in its Concluding Observations on **Iraq** and **Macedonia**, for which it appears to have received no CSO information.

Thus it appears that where the Committee received focused information on LGBTI persons, it will examine the issues in its Concluding Observations. CAT also receives confidential information from various sources on SOGIESC issues, which it appears very willing to take into account. Considering the wide range of recommendations made by the Committee, advocates should continue to provide CAT with in-depth reports on SOGIESC topics.

CAT very rarely examined issues of **gender identity and gender expression**. Although the review of **Hong Kong** (China) discussed abusive pre-conditions to legal gender recognition, and the recommendations to **Colombia** refer to violence against “transsexual women”, no other Concluding Observations refer to the particular situation of trans persons. In four other country reviews,¹²⁵ trans individuals were included in general recommendations on LGBT(I) persons, usually in the context of violence. The Committee only received in-depth GIGE-specific information from civil society for Hong Kong and Colombia.

It is disappointing that the Committee did not raise the issues relating to the situation of trans persons in the review of Colombia. However, it seems that CAT’s approach reflects the fact that it does not receive CSO submissions that explore gender identity and gender expression in detail. Trans defenders should continue to engage with the Committee given its willingness to make recommendations on very relevant topics, such as abusive pre-conditions to gender recognition and violence.

CAT has been particularly good at dealing with the violations of the rights of **intersex** persons, raising the issue in the reviews of all four country where it received CSO submissions on the topic: **Austria**, **Denmark**, **Hong Kong** (China) and **Switzerland**. In fact, for three of these,¹²⁶ intersex issues were the only SOGIESC topics raised. The comprehensive recommendations in this area are the result of very active involvement of intersex advocates, who attended each of the country reviews. The impact of the advocacy is particularly obvious given that, despite written CSO information being provided for two country reviews in 2014, the issues were not included in the Concluding Observations that year.

¹²⁴ Counting China, Macau and Hong Kong as three separate reviews. No SOGIESC references were made in the Concluding Observations for Azerbaijan, Congo, Jordan, Liechtenstein, Luxembourg, New Zealand, Romania, Slovakia or Spain.

¹²⁵ **China**, **Iraq**, **Macedonia** and **Serbia**.

¹²⁶ Austria, Denmark and Switzerland.

Committee against Torture

Those working on human rights issues related to sex characteristics should continue to rely on CAT as a consistently strong support. In this context, it would be useful for LGBTI rights defenders to turn to their intersex allies for advice on engaging with CAT, in particular trans rights defenders working on issues of physical integrity and autonomy.

During the reviews of 2015, consenting adult same-sex sexual acts was only **criminalised** in Iraq, under Sharia law. The Committee did not refer to this aspect, but did raise the issue of violence against LGBT persons in the country. This appears to be in line with CAT's approach in 2014, where it only discussed decriminalisation for the country where it had received civil society information, and not the two other countries reviewed where criminalising laws were in place.

Another interesting feature of 2015 is the **Individual Complaint** on the *refoulement* of an LGBTI rights defender to Uganda. The decision could be useful in asylum cases at the national level, and it also demonstrates how such cases can be brought directly to the Committee.

Consequently, LGBTI rights advocates are encouraged to engage this tool more often.¹²⁷ It must be noted in the context of refoulement, however, that although CAT asks States to refrain from deporting asylum-seekers until it has issued an opinion on a case, States do not always comply.

The Committee very rarely prepares **General Comments**, and did not publish any General Comment in 2015. However, its most recent General Comment¹²⁸ did refer to sexual orientation and gender identity as prohibited grounds of discrimination.

No references to **sex work** that were made by CAT in its Concluding Observations in 2015. A reference to **HIV/AIDS** that was not SOGIESC-related was made in the Concluding Observations on **Romania** (para 13).

Communications¹²⁹

One decision of CAT on an individual complaint in 2015 related to SOGIESC issues.¹³⁰ In an individual complaint against Canada, CAT found that the *refoulement* of a LGBTI rights defender to Uganda would breach the Convention against Torture.¹³¹

General Comments

No General Comments were published by CAT in 2015.

¹²⁷ A list of countries that have agreed by making a declaration under Article 22 of the Convention against Torture 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/>.

¹²⁸ General comment No. 3 (2012) – Implementation of article 14 by States parties, [CAT/C/GC/3](#).

¹²⁹ A list of countries that have agreed by making a declaration under Article 22 of the Convention against Torture 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/>.

¹³⁰ Decisions on 30 individual complaints were made in 2015.

¹³¹ [Communication No. 562/2013](#), adopted during the 56th Session.

Concluding Observations

Austria – 56th Session, 12 November – 13 November 2015, 5th review¹³²

Keywords: *I, access to justice, free and informed consent, health, surgical/medical intervention, support services*

Intersex persons

44. The Committee appreciates the assurances provided by the delegation that surgical interventions on intersex children are carried out only when necessary, following medical and psychological opinions. It remains concerned however about reports on cases of unnecessary surgery and other medical treatment with life-long consequences to which intersex children would have been subjected without their informed consent. The Committee is further concerned at the lack of legal provisions providing redress and rehabilitation in such cases (arts. 14 and 16).

45. The State party should:

(a) Take the necessary legislative, administrative and other measures to guarantee the respect for the physical integrity and autonomy of intersex persons and to ensure that no one is subjected during infancy or childhood to non-urgent medical or surgical procedures intended to decide the sex of the child;

(b) Guarantee impartial counselling services for all intersex children and their parents, so as to inform them of the consequences of unnecessary and non-urgent surgery and other medical treatment to decide on the sex of the child and the possibility of postponing any decision on such treatment or surgery until the persons concerned can decide by themselves;

(c) Guarantee that full, free and informed consent is ensured in connection with medical and surgical treatments for intersex persons and that non-urgent, irreversible medical interventions are postponed until a child is sufficiently mature to participate in decision-making and give effective consent;

(d) Undertake investigation of instances of surgical interventions or other medical procedures performed on intersex people without effective consent, and ensure that the persons concerned are adequately compensated.

¹³² 6th reporting cycle, [CAT/C/AUT/CO/6](#).

China – 56th Session, 17 November – 18 November 2015, 6th review¹³³

Keywords: *SO, LGBTI, access to justice, conversion therapy, detention, torture/ill-treatment, training of state actors*

Lesbian, gay, bisexual, transgender and intersex (LGBTI) persons

55. The Committee is concerned about reports that private and publicly-run clinics offer the so-called "gay conversion therapy" to change the sexual orientation of lesbian and gay persons, and that such practices include the administration of electroshocks and, sometimes, involuntary confinement in psychiatric and other facilities, which could result in physical and psychological harm. While noting that in December 2014 a Beijing court ordered one such clinic to pay compensation for such treatment, the Committee regrets the State party's failure to clarify whether such practices are prohibited by law, have been investigated and ended, and whether the victims have received redress (arts. 10, 12, 14 and 16).

56. The State party should:

(a) Take the necessary legislative, administrative and other measures to guarantee respect for the autonomy and physical and personal integrity of LGBTI persons and prohibit the practice of so-called "conversion therapy", as well as other forced, involuntary or otherwise coercive or abusive treatments against them;

(b) Ensure that health professionals and public officials receive training on respecting the human rights of LGBTI persons, including their rights to autonomy and physical and psychological integrity;

(c) Undertake investigations of instances of forced, involuntary or otherwise coercive or abusive treatments of LGBTI persons and ensure adequate redress and compensation in such cases.

¹³³ 5th reporting cycle, [CAT/C/CHN/CO/5](#).

China (Hong Kong) – 56th Session, 17 November – 18 November 2015, 3rd review¹³⁴

Keywords: *TI, access to justice, free and informed consent, gender affirming surgeries, gender recognition, sterilisation, support services, surgical/medical intervention*

Transgender and intersex persons

28. While welcoming the set-up of the Inter-departmental Working Group on Gender Recognition (see para 5 (e)), the Committee is concerned about reports that transgender persons are required to have completed sex-reassignment surgery, which includes the removal of reproductive organs, sterilisation and genital reconstruction, in order to obtain legal recognition of their gender identity. The Committee is also concerned that intersex children are subjected to unnecessary and irreversible surgery to determine their sex at an early stage. Furthermore, the Committee is concerned at the long term physical and psychological suffering caused by such practices (arts. 10, 12, 14 and 16).

29. HKSAR should:

(a) Take the necessary legislative, administrative and other measures to guarantee respect for the autonomy and physical and psychological integrity of transgender and intersex persons, including by removing abusive preconditions for the legal recognition of the gender identity of transgender persons, such as sterilisation;

(b) Guarantee impartial counselling services for all intersex children and their parents, so as to inform them of the consequences of unnecessary and non-urgent surgery and other medical treatment to decide on the sex of the child and the possibility of postponing any decision on such treatment or surgery until the persons concerned can decide by themselves;

(c) Guarantee that full, free and informed consent is ensured in connection with medical and surgical treatments for intersex persons and that non-urgent, irreversible medical interventions are postponed until a child is sufficiently mature to participate in decision-making and give full, free and informed consent;

(d) Provide adequate redress for the physical and psychological suffering caused by such practices to some intersex persons.

¹³⁴ 3rd review as separate from China, 5th reporting cycle, [CAT/C/CHN-HKG/CO/5](#).

China (Macao) – 56th Session, 17 November – 18 November 2015, 2nd review¹³⁵

Keywords: *SO, access to justice, awareness-raising campaign, domestic violence, training of state actors*

Domestic and gender-based violence

24. While the Committee notes with appreciation that Macao SAR has elaborated a draft law on prevention of domestic violence, it is concerned, however, that the current scope of the draft is not extended to all individuals in an intimate relationship regardless of their sexual orientation. The Committee appreciates the information on the number of complaints on gender-based violence provided during the dialogue, but regrets the lack of data on the number of investigations, prosecutions and convictions related to this type of violence, which impedes the Committee to evaluate the effectiveness of the decisions taken against these crimes (arts. 2, 12, 13 and 16).

25. Macao SAR should:

- (a) Promptly adopt legislation on domestic violence that protects all victims of domestic violence without discrimination and ensures that domestic violence is considered a criminal offence subject to ex officio prosecution;**
- (b) Conduct prompt, effective and impartial investigations into all incidents of gender-based and domestic violence and prosecute and punish perpetrators in accordance with the gravity of their acts;**
- (c) Sensitize and train law enforcement personnel, social welfare officials, prosecutors and members of the judiciary on the investigation, prosecution and sanctioning of cases of domestic and gender-based violence and on creating the appropriate conditions for victims to report such cases to the authorities;**
- (d) Strengthen the public awareness-raising campaigns to fight domestic violence and gender stereotypes;**
- (e) Ensure that victims of domestic violence benefit from effective protection and have access to sufficient and adequately funded shelters, medical and legal aid, psychosocial counselling and social support schemes.**

¹³⁵ 2nd review as separate from China, 5th reporting cycle, [CAT/C/CHN-MAC/CO/5](#).

Colombia – 54th Session, 30 April – 1 May 2015, 5th review¹³⁶

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

Human rights defenders and other representatives of civil society who are at risk

26. The Committee condemns the killings of numerous human rights defenders, trade unionists and journalists during the reporting period. It is concerned by reports of attacks, death threats and other forms of intimidation directed at community leaders; teachers; indigenous and Afro-Colombian leaders; lesbian, gay, bisexual and transsexual activists; representatives of displaced persons; and activists involved in land restitution processes. While taking note of the measures adopted by the State party to prevent these types of attacks and protect the life and ensure the physical safety of human rights defenders and other representatives of civil society, the Committee finds it regrettable that most of the investigations into such acts that have been opened have not produced any results. The Committee is also concerned by reports of public statements made by senior government officials and military leaders in which they have accused human rights defenders of collusion with armed groups, thereby putting them in harm's way. Finally, the Committee welcomes the conviction of senior officials for abuses committed by the Colombian intelligence service, including, in particular, illegal spying on human rights defenders, journalists, politicians and judges (arts. 2, 12, 13 and 16).

In the light of its preceding final conclusions (CAT/C/COL/CO/4, para. 23), the Committee urges the State party to:

- (a) Ensure that journalists, trade unionists, human rights defenders and other representatives of civil society are shielded from acts of intimidation and violence to which they may be exposed because of their activities;**
- (b) Ensure that all incidents involving threats or aggression directed at journalists, human rights defenders, trade unionists, community leaders and other representatives of civil society are promptly investigated in an impartial manner.**

Keywords: *SOGI, LGBT, access to justice, hate crimes/speech, police brutality, sexual violence, training of state actors, violence*

Violence committed on grounds of sexual orientation or gender identity

27. The Committee is concerned by reports of police brutality directed at women transsexuals and other persons because of their sexual orientation or gender identity. The Committee is also concerned by reports that homophobic crimes, particularly in the form of sexual assault and murders of gay men and transsexual women, are frequent in the State party (arts. 2, 12, 13 and 16).

The State party should:

- (a) Safeguard the physical integrity of gays, lesbians, bisexuals and transgender persons who are in police custody and ensure that they are treated with dignity;**

¹³⁶ 5th reporting cycle, [CAT/C/COL/CO/5](#).

Committee against Torture

- (b) Ensure that murders and assaults motivated by a person's sexual orientation or gender identity are investigated and that the persons responsible are brought to justice;**
- (c) Provide mandatory training to law enforcement officers on the prosecution of cases involving the commission of acts of violence motivated by a person's sexual orientation or gender identity.**

Denmark – 56th Session, 16 November – 17 November 2015, 6th review¹³⁷

Keywords: *I, access to justice, free and informed consent, support services, surgical/medical intervention*

Intersex persons

42. While taking note of the information provided by the delegation on the decision-making process related to treatment of intersex children, the Committee remains concerned at reports of unnecessary and irreversible surgery and other medical treatment with life-long consequences to which intersex children have been subjected before the age of 15 when their informed consent is required. The Committee is further concerned at hurdles faced by these persons when seeking redress and compensation in such cases (arts. 14 and 16).

43. The State party should:

(a) Take the necessary legislative, administrative and other measures to guarantee the respect for the physical integrity and autonomy of intersex persons and ensure that no one is subjected during infancy or childhood to unnecessary medical or surgical procedures;

(b) Guarantee counselling services for all intersex children and their parents, so as to inform them of the consequences of unnecessary surgery and other medical treatment;

(c) Ensure that full, free and informed consent is respected in connection with medical and surgical treatments for intersex persons and that non-urgent, irreversible medical interventions are postponed until a child is sufficiently mature to participate in decision-making and give full, free and informed consent;

(d) Provide adequate redress for the physical and psychological suffering caused by such practices to intersex persons.

¹³⁷ 7th reporting cycle, [CAT/C/DNK/CO/6-7](#).

Iraq – 55th Session, 29 July – 30 July 2015, 1st review¹³⁸

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

Violence against individuals on grounds of their real or perceived sexual orientation or gender identity

25. The Committee is concerned at reliable reports of attacks, some of which have resulted in deaths, against individuals perpetrated on grounds of their real or perceived sexual orientation or gender identity. According to the information before the Committee, these attacks occur regularly and with impunity. The Committee appreciates the State party's creation of a governmental commission for the rights of lesbian, gay, bisexual and transgender persons, but regrets the lack of information as to its concrete activities. It is also concerned by the report of the United Nations Assistance Mission for Iraq on human rights in Iraq issued in October 2012 (pp. 15-16) and other reports regarding the murder of young Iraqi "emos" (a teen subculture) on account of their identity (arts. 2, 4, 14 and 16).

The State party should take effective measures to prevent violence based on real or perceived sexual orientation and gender identity and ensure that all acts of violence are investigated and prosecuted promptly, effectively and impartially, perpetrators brought to justice and victims provided redress.

¹³⁸ 1st reporting cycle, [CAT/C/IRQ/CO/1](#).

Macedonia (The former Yugoslav Republic of) – 54th Session, 4 May – 5 May 2015, 3rd review¹³⁹

Keywords: *LGBTI, access to justice, consultation, detention, discrimination, harassment, hate crimes/speech, training of state actors, violence*

Violence against members of the lesbian, gay, bisexual, transgender and intersex community

13. The Committee is concerned at reports of numerous instances of harassment and violent attacks against members of the lesbian, gay, bisexual, transgender and intersex community, including the incident on 22 June 2014, when it is alleged that 40 young people attacked a recently opened support centre with bricks and stones, threatening some 30 people inside the centre. The Committee is concerned at the reported inaction of the State party's officials, who failed to provide protection to members of the community or their support offices; moreover, the perpetrators of this and other incidents reportedly enjoy impunity for their acts. The Committee is further concerned at allegations that the concerns of lesbian, gay, bisexual, transgender and intersex people were not considered by the Government during the preparation and adoption of the national strategy for equality and non-discrimination (arts. 2, 11–13 and 16).

The State party should take immediate and effective measures to protect the lesbian, gay, bisexual, transgender and intersex community from attack, abuse and arbitrary detention. It should further ensure that all acts of violence are promptly, effectively and impartially investigated and prosecuted, and that the resulting prosecutions take into consideration any discriminatory motives. Furthermore, the State should ensure that perpetrators are brought to justice, victims provided with redress and law enforcement personnel given proper training. Finally, the State party should fully include representatives of the lesbian, gay, bisexual, transgender and intersex community in any matter concerning the interests of the community.

¹³⁹ 3rd reporting cycle, [CAT/C/MKD/CO/3](#).

Serbia – 54th Session, 29 April – 30 April 2015, 3rd review¹⁴⁰

Keywords: *SOGI, LGBTI, access to justice, awareness-raising campaign, hate crimes/speech, HRD, training of state actors, violence*

Attacks on journalists, human rights defenders and minorities

19. The Committee is highly concerned that human rights defenders, journalists, lesbian, gay, bisexual, transgender and intersex persons and members of the Roma community continue to be attacked, threatened and intimidated. It regrets the lack of complete statistics on the number of complaints of and convictions for threats and attacks on these groups and on measures taken to prevent such acts. The Committee is also greatly concerned at reports that law enforcement authorities fail to act with due diligence in investigating and punishing these cases and in applying legal provisions for crimes motivated by hate (arts. 2, 12, 13 and 16).

The Committee calls on the State party to publicly condemn threats and attacks on human rights defenders, journalists, lesbian, gay, bisexual, transgender and intersex persons and members of the Roma community and refrain from supporting, through action or omission, such attacks by ensuring:

- (a) The effective protection of these groups against threats and attacks to which they may be exposed on account of their activities, sexual orientation or ethnic origin;**
- (b) Prompt, thorough and effective investigations of all threats and attacks targeting these groups, including any alleged discriminatory motives that may provoke these actions, and guaranteeing that those responsible are tried and punished in accordance with the gravity of their acts;**
- (c) Effective training of law-enforcement officials and the judiciary on hate-motivated crimes and the systematic monitoring of such crimes;**
- (d) Awareness-raising measures to counter prejudice and stereotypes, and policies to combat and prevent hate-related crimes and discrimination, in particular on the basis of sexual orientation, identity or ethnic origin.**

Keywords: *LGBTI, violence*

Follow-up procedure

23. The Committee requests the State party to provide, by 15 May 2016, follow-up information in response to the Committee's recommendations on taking steps to ensure in practice that detained persons undergo an independent medical examination from the outset of the deprivation of liberty (see para. 9 (a) above) and publicly condemning and investigating threats to and attacks on human rights defenders, journalists, lesbian, gay, bisexual, transgender and intersex persons and members of the Roma community (see para. 19 above).

¹⁴⁰ 2nd reporting cycle, [CAT/C/SRB/CO/2](#).

Switzerland – 55th Session, 3 August – 4 August 2015, 6th review¹⁴¹

Keywords: *I, access to justice, free and informed consent, support services, surgical/medical intervention*

Intersex persons

20. The Committee welcomes the Federal Council decision to give an opinion by the end of 2015 on the recommendations of the National Advisory Commission on Biomedical Ethics with regard to the unnecessary and in some cases irreversible surgical procedures that have been carried out on intersex persons (i.e. persons with variations in sexual anatomy) without the effective, informed consent of those concerned. However, the Committee notes with concern that these procedures, which reportedly caused physical and psychological suffering, have not as yet given rise to any inquiry, sanction or reparation (arts. 2, 12, 14 and 16).

The Committee recommends that, in light of the forthcoming decision by the Federal Council, the State party:

(a) Take the necessary legislative, administrative and other measures to guarantee respect for the physical integrity and autonomy of intersex persons and to ensure that no one is subjected during infancy or childhood to non-urgent medical or surgical procedures intended to decide the sex of the child, as recommended by the National Advisory Commission on Biomedical Ethics and the Committee on the Rights of the Child (see CRC/C/CHE/CO/2-4, para. 43 (b));

(b) Guarantee counselling services and free psychosocial support for all persons concerned and their parents, and inform them that any decision on unnecessary treatment can be put off until the person concerned are able to decide for themselves;

(c) Undertake investigation of reports of surgical and other medical treatment of intersex people without effective consent and adopt legal provisions in order to provide redress to the victims of such treatment, including adequate compensation.

¹⁴¹ 7th reporting cycle, [CAT/C/CHE/CO/7](#).

6. Committee on the Rights of Persons with Disabilities

Summary of references

Only a single recommendation made by CRPD in 2015 referred to SOGIESC issues, out of 14 countries reviewed (there were none in 2014).¹⁴² It was contained in the Concluding Observations on **Germany**, and was purely focused on issues surrounding IGM. However, it should be noted that CRPD only received two CSO reports on other countries that included SOGIESC issues.¹⁴³

In addition, the Committee did not examine the issue of **criminalisation** and how it might impact on the exercise of the rights in the Convention. Laws criminalising consenting adult same-sex sexual acts were in place in five of the countries reviewed.¹⁴⁴

The Committee received extensive information on **intersex** persons in **Germany**. In addition, during the same session in which Germany was reviewed, CRPD was briefed by intersex rights defenders on both the situation of intersex persons in general and in Germany. Those discussions led to the inclusion of the situation of intersex persons in Germany's Concluding Observations. In the recommendation, CRPD did not refer to intersex persons as persons with disabilities, but discussed the issues of forced sterilisation, surgery and treatments – focusing on **bodily integrity**.

*Some Committee Members have expressed openness to examining issues of SOGIESC. As a result, it appears that if LGBTI rights advocates submit shadow reports that examine in detail the human rights situation of the LGBTI population in relation to the Convention, the Committee is likely to examine those issues. Given CRPD's approach to medical interventions on intersex persons, there may be opportunities for obtaining recommendations on bodily integrity in contexts where **trans** persons are pathologised, even where they are not also persons with disabilities*

The fact that the Committee included the topics in its draft General Comment on women with disabilities also demonstrates that it is open to examining these areas, and to considering issues of **intersectionality**.

No **Individual Communications** considered by the Committee were SOGIESC-related, but the mechanism of dealing with individual cases deserves more attention from LGBTI rights defenders.¹⁴⁵

Given that few organisations have extensive information on discrimination against LGBTI persons with disabilities, the possibility of making a complaint related to the case of an individual could be a very useful way of highlighting the situation of LGBTI persons with disabilities in a particular country.

¹⁴² There were no SOGIESC references in the country reviews of Brazil, Cook Islands, Croatia, Czech Republic, Dominican Republic, European Union, Gabon, Kenya, Mauritius, Mongolia, Qatar, Turkmenistan and Ukraine.

¹⁴³ Only CSO information on Germany was focused on SOGIESC issues, although reports for the European Union and Kenya (where consenting adult same-sex sexual acts are criminalised) mentioned sexual orientation and LGBT persons, respectively, in passing.

¹⁴⁴ Cook Islands, Kenya, Mauritius, Qatar and Turkmenistan.

¹⁴⁵ 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/>.

No references to **sex work** were made by CRPD in its Concluding Observations in 2015. References to **HIV/AIDS** that were not SOGIESC-related were made in the Concluding Observations on **Gabon** (paras 54-55), **Kenya** (paras 45-46) and **Qatar** (paras 45-46).

Communications¹⁴⁶

There were no references to SOGIESC in the three decisions made by CRPD in individual communications in 2015.

General Comments

No General Comments were published by CRPD in 2015. However, a draft General Comment on Article 6: Women with disabilities was presented and is being considered by the Committee. The draft makes references to sexual orientation, gender identity and intersex persons.

Draft General Comment on Article 6: Women with disabilities¹⁴⁷

Keywords: *SOGI, TI, discrimination, free and informed consent, HIV/AIDS, IGM, intersectionality, sterilisation, surgical/medical intervention, training of state actors*

7. Women and girls with disabilities are often confronted with intersectional discrimination, which means that several forms of discrimination based on various layers of identity may intersect and produce new forms of discrimination which are unique and cannot be correctly understood by describing them as double or triple discrimination. Intersectionality is a form of multiple discrimination. Acknowledging intersectional or multiple discrimination helps to visualize human rights violations which remained unseen because discrimination was only viewed from one dimension such as ethnicity or skin colour, or gender or disability or sexual orientation or age or socio-economic situation. Most anti-discrimination laws and policies have this one-dimensional approach, in fact, many human rights treaties have this one-dimensional approach. However, human beings are not only men, women, intersexual or transgender, they also have ethnic, cultural and/or religious backgrounds, they may have an impairment or not and have other layers of identity, such as age and sexual orientation. Women and girls with disabilities are more likely to be subjected to forced interventions which infringe their reproductive rights such as forced sterilisation than women without disabilities and men with disabilities. They are more likely to be subject to guardianship proceedings for the formal removal of their legal capacity. This facilitates and may even authorise forced interventions. This non-consensual treatment is perpetrated against them on account of the interaction and intersection of their gender. The resulting myriad of violations of rights includes the right to non-discrimination, freedom from torture and ill-treatment, protection of personal integrity,

¹⁴⁶ 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/>.

¹⁴⁷ [CRPD/C/14/R.1](#).

Committee on the Rights of Persons with Disabilities

right to legal capacity, right to family, right to health, to living independently and being included in the community, and access to justice. (...)

18. Multiple discrimination might be based on disability and gender but also on any other ground. Preamble para p) lists a number of other grounds such as colour, language or religion. But the list is not exhaustive and includes “any other status”. The Convention protects persons with disabilities against all forms of discrimination on all grounds. Thus, multiple discrimination against women with disabilities may be based on “race, colour, sex, language, religion, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age” or, for instance on “marital status, sexual orientation and gender identity, health status, place of residence, economic or social situation.” (...)
45. Many women and girls with disabilities are still denied the right to reproductive freedom under the pretext of their wellbeing. Forced sterilization, incest, female genital mutilation and coerced abortion are just some clear examples of violations of rights that many women and adolescents with disabilities experience, without giving their consent or fully understanding the intentions. These practises are a violation of fundamental rights, including the right to bodily integrity and to maintain control over one’s reproductive health. Women with disabilities need to give their full consent and fully understand the intentions to protect reproductive freedom. Legal frameworks need to be revised that regulate forced sterilisation, coerced abortion, forced contraception, female or intersex genital mutilation, informed consent and legal capacity in order to ensure reproductive rights for women and girls with disabilities.
46. It is the responsibility of medical practitioners to ensure that women and girls with disabilities are sufficiently informed about the fact that the surgery or medical intervention will lead to her being sterilised and the consequences of this for their future. States Parties should adopt necessary measures in terms of awareness, information and training for both the families of girls and women with disabilities who are at greatest risk of experiencing forced sterilisation, and practitioners, health professionals, and those involved in the legal field require training and information regarding those at greatest risk of forced sterilisation or coerced treatments. (...)

Concluding Observations

Germany – 13th Session, 26 March – 27 March 2015, 1st review¹⁴⁸

Keywords: *I, free and informed consent, medical/surgical intervention, sterilisation*

Protecting the integrity of the person (art. 17)

37. The Committee is concerned about: (a) the use of compulsory and involuntary treatment, in particular for persons with psychosocial disabilities in institutions and older persons in residential care; (b) the lack of data on involuntary placement and treatment; (c) the practice of carrying out forced sterilization and coercive abortions on adults with disabilities on the basis of substituted consent; and (d) the lack of implementation of the 2011 recommendations of the Committee against Torture (see CAT/C/DEU/CO/5, para. 20) regarding upholding the bodily integrity of intersex children.

38. The Committee recommends that the State party take the measures, including of a legislative nature, necessary to:

(a) Repeal section 1905 of the German Civil Code and explicitly prohibit in law sterilization without the full and informed consent of the individual concerned, eliminating all exceptions, including those based upon substituted consent or court approval;

(b) Ensure that all psychiatric treatments and services are always delivered with the free and informed consent of the individual concerned;

(c) Investigate human rights violations in psychiatric and older persons care settings in all Länder;

(d) Implement all the recommendations of the Committee against Torture (ibid.) relevant to intersex children.

¹⁴⁸ 1st reporting cycle, [CRPD/C/DEU/CO/1](#).

7. Committee on the Elimination of Racial Discrimination

Summary of references

The Committee on the Elimination of Racial Discrimination (CERD) made recommendations regarding SOGIESC issues for only two countries out of 20 reviewed in 2015: [Germany](#) and the [Netherlands](#).¹⁴⁹ This was an improvement on 2014, when no country reviews explored the area.

Both sets of Concluding Observations discussed the need to take action to combat **multiple discrimination** against LGBTI persons, including by **training state actors** and implementing **awareness-raising campaigns**. The recommendations for the Netherlands also called for the **investigation** of incidents of discrimination, and highlighted the situation of LGBTI **asylum-seekers**.

CERD received CSO submissions referring to SOGIESC issues for only five countries, many of which did not examine the topics in detail. This is a decrease, proportionally, on 2014, though SOGIESC information was also generally mentioned in passing in that information.¹⁵⁰ **Intersex** persons were only included in one of the reports, within general information on LGBTI individuals.¹⁵¹ In addition, only one submission referred to the specific situation of **trans** persons.¹⁵² Both of CERD's recommendations included trans and intersex persons within broader SOGIESC references.

Regarding **criminalisation**, the Committee received no CSO information on Sudan, the only country reviewed where adult consenting same-sex sexual acts are criminalised, and did not examine the issue in its Concluding Observations.

The Committee is not restricted to examining issues of race or ethnicity, having the freedom to also deal with discrimination on the basis of real or perceived identity, such as homo/lesbo/bi/trans/intersex-phobias. However, it is very unusual for CERD to raise SOGIESC issues in its recommendations, although individual Committee Members have expressed a willingness to examine such areas. Thus, it is more likely that this is due to the fact that CERD rarely receives in-depth information on the area (in particular in relation to specific identities), and advocates are encouraged to engage with the Committee.

As highlighted in the reviews of 2015, the Committee – like CEDAW and CRPD – offers an interesting opportunity for LGBTI rights advocates to explore the complex topic of multiple and intersecting forms of discrimination. This focus on intersectionality is explicit in the recommendation on [Germany](#), and the reference to asylum-seekers in the Concluding Observations on the [Netherlands](#).

¹⁴⁹ No SOGIESC references were made in the Concluding Observations for Bosnia and Herzegovina, Colombia, Costa Rica, Czech Republic, Denmark, Egypt, France, Guatemala, Holy See, Lithuania, Macedonia (The former Yugoslav Republic of), Mongolia, Niger, Norway, Suriname, Slovenia, Sudan and Turkey.

¹⁵⁰ CSO information on SOGIESC issues was submitted for six out of the 15 countries reviewed in 2014.

¹⁵¹ See the submission of [International Commission of Jurists \(NJCM\)](#) of the Netherlands.

¹⁵² See the submission of [Norwegian Centre against Racism](#).

. Committee on the Elimination of Racial Discrimination

Consequently, CERD provides a forum to highlight the human rights situation of persons that may be particularly at risk in certain contexts, such as Muslim LGBTI individuals or trans women of colour.

No **General Comments** were published by CERD in 2015, and none of its General Comments published in the last six years have included references to SOGIESC topics. This may be because CERD rarely receives information on the area during country reviews or in individual complaints.

The **Individual Complaints** mechanism, which allows the Committee to examine individual cases or situations, is an under-utilised tool.¹⁵³ CERD receives few cases every year and so is able to consider them quickly, but does not yet appear to have issued views on a complaint concerning LGBTI individuals.

Given the fact that the Committee has rarely examined SOGIESC issues, an Individual Complaint could be a very useful way of obtaining a decision that applies to all States that have ratified the convention.

No references to **sex work** or to **HIV/AIDS** were made by CERD in its Concluding Observations in 2015, although an individual petition concerned the discriminatory use of HIV/AIDS testing in employment.¹⁵⁴

Communications¹⁵⁵

Neither of the two opinions on individual petitions adopted by CERD in 2015 were SOGIESC-specific. However, a petition from the Republic of Korea concerned HIV/AIDS testing in employment.¹⁵⁶

General Recommendations

No General Recommendations were published by CERD in 2015.

¹⁵³ A list of countries that have agreed by making a declaration under Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination 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/>.

¹⁵⁴ [Communication No. 51/2012](#), adopted 12 June 2015.

¹⁵⁵ A list of countries that have agreed by making a declaration under Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination 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/>.

¹⁵⁶ [Communication No. 51/2012](#), adopted 12 June 2015.

Concluding Observations

Germany – 86th Session, 5 May – 6 May 2015, 14th review¹⁵⁷

Keywords: *SO, LGBTI, awareness-raising campaign, discrimination, intersectionality, training of state actors*

Intersectional discrimination

16. While noting the justified concerns of the State party and the action it has taken to combat anti-Semitism, the Committee is concerned that the State party is not adequately addressing other forms of racial discrimination, including institutional racism against Muslims, and the discrimination experienced by women from minority groups, or the intersection between discrimination against lesbian, gay, bisexual, transgender and intersex persons and racial discrimination.

The Committee recommends that the State party reinforce its measures on raising awareness among the public, civil servants and law enforcement officials about Islamophobia, on promoting tolerance among the various ethnic groups of the population, and on the intersection among ethnicity, religion, gender and sexual orientation.

¹⁵⁷ 22nd reporting cycle, [CERD/C/DEU/CO/19-22](#).

Netherlands – 87th Session, 5 May – 6 May 2015, 13th review¹⁵⁸

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

Reporting of cases of racial discrimination and prosecution of perpetrators

25. The Committee notes with concern that acts of racial discrimination are underreported and that perpetrators are underprosecuted. In particular, it is concerned about the limited number of complaints registered by the police, the limited number of complaints investigated by prosecutors and submitted to the courts, and the reported reluctance of victims to lodge complaints out of fear of social censure, lack of trust in the authorities and lack of awareness of available remedies. The Committee notes with concern that this phenomenon seems to be connected, inter alia, to the frequent downplaying and insufficient understanding of the existence and manifestations of racism and racist practices within society (arts. 2, 6 and 7).

26. Recalling its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee recommends that the State party remind members of the police, public prosecutors and members of the prosecution service of the general importance of prosecuting acts of racial discrimination, in particular offences committed with racial motives. The Committee also recommends that the State party: (...)

b) Increase efforts to raise public awareness and knowledge about racial discrimination faced by ethnic minority groups, as well as about the double or multiple discrimination faced by persons professing a particular religion, women, and lesbian, gay, bisexual, transgender and intersex persons and on how to recognize and react to discriminatory practices;

Keywords: *SO, LGBTI, asylum-seekers/refugees, awareness-raising campaign, harassment*

Asylum seekers and refugees

33. The Committee is concerned about the situation of asylum seekers in the State party, including the increase in hostility towards refugees and asylum seekers among the population and opposition to the opening of new reception centres. In particular, the Committee is concerned about: (...)

(d) Reports of cases of homophobic, biphobic and transphobic behaviour by employees at asylum facilities, as well as questioning by civil servants about sexual acts, and harassment by fellow detainees;

(e) Reports of cases of refoulement of asylum seekers fearing persecution because of their sexual orientation (arts. 2, 3 and 5).

34. The Committee recommends that the State party develop public education programmes and promote positive images of ethnic minorities, asylum seekers and migrants, and develop awareness-raising campaigns to inform the public of the current and historical reasons for migration, such as armed conflict, as

¹⁵⁸ 21st reporting cycle, [CERD/C/NLD/CO/19-21](#).

. Committee on the Elimination of Racial Discrimination

well as extreme poverty. Furthermore, the Committee recommends that the State party: (...)

(d) Take measures of protection with regard to women, children, and lesbian, gay, bisexual, transgender and intersex persons seeking asylum, because of their particular vulnerability, increase protection for unaccompanied children in reception facilities and thoroughly investigate the disappearance of unaccompanied children and search for and identify those children

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 sessions of the Treaty Bodies. 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

Burundi

- Submission by [Mouvement pour les Libertés Individuelles and Rainbow Candle Light](#) for the Session

Chile

- Submission by a civil society coalition for [the Lol](#) and [the Session](#) in English and Spanish
- Submission by the [Movement for Sexual Diversity – MUMS](#) for the Session in English and Spanish

Greece

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

Guyana

- Submission by [Equal Rights Trust](#) for the Session
- Submission by [Cultural Survival](#) for the Session
- Submission by [Society Against Sexual Orientation Discrimination \(SASOD\)](#) for the Session

Italy

- Submission by [Comitato per la promozione e protezione dei diritti umani](#) for the Lol

Iraq

- Submission by [The International Women’s Human Rights \(IWHR\) Clinic at the City University of New York \(CUNY\) School of Law and MADRE](#) for the Session

Ireland

- Submission by FLAC for [the Lol](#) and [the Session](#)
- Submission by [GLEN – Gay and Lesbian Equality Network](#) for the Lol

Kyrgyzstan

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

Mongolia

- Submission by [The Human Rights Ngo Forum of Mongolia](#) for the Session
- Submission by [Kaleidoscope Human Rights Foundation, LGBT Centre and Youth for Health Centre](#) for the Session

Paraguay

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

Sudan

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

Tajikistan

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

Thailand

- Submission by [Kaleidoscope Human Rights Foundation](#) for the Session
- Submission by [People's Empowerment Foundation \(PEF\)](#) for the Session

Uganda

- Submission by [Global Initiative for Economic, Social and Cultural Rights \(GI-ESCR\)](#) for the Lol
- Submission by [Human Rights Watch](#) for the Lol
- Submission by the International Commission of Jurists for [the Lol](#) and [the Session](#)

Venezuela

- Submission by [Género con Clase](#) for the Session in Spanish
 - Submission by [Red por los Derechos Humanos de los Niños, Niñas y Adolescentes \(REDHNNA\)](#) for the Session in Spanish
 - Submission by [Venezuela Diversa Asociación Civil](#) in English and Spanish
-

Human Rights Committee

Austria

- Submission by [Homosexual Initiative \(HOSI\) Vienna](#) for the Lol
- Submission by the [Sex-Worker Forum of Vienna, Austria](#) for the Session

Cambodia

- Submission by [Kaleidoscope Human Rights Foundation](#) for the Lol
- Submission by the [Cambodian Center for Human Rights \(CCHR\)](#) for the Lol
- Submission by the [Cambodian Center for Human Rights \(CCHR\) and the World Organization Against Torture \(OMCT\)](#) for the Session
- Submission by the [Cambodian Human Rights Action Committee](#) for the Session

Canada

- Submission by Amnesty International for [the Lol](#) and for [the Session](#) (and a [summary](#))
- Submission by [Canadian Feminist Alliance for International Action \(FAFIA\)](#) for the Session
- Submission by [ILGA North America](#) for the Session

Côte d'Ivoire

- Submission by [CIVICUS: the World Alliance for Citizen Partnership](#) for the Session
- Submission by the [Ligue Ivoirienne de Droits de l'Homme \(LIDHO\), Mouvement Ivoirien des Droits Humains \(MIDH\) and Association des Femmes Juristes de Côte d'Ivoire \(AFJCI\)](#) for the Session
- Submission by [Espace Confiance et Alternatives Cote D'Ivoire](#) for the Session

Croatia

- Submission by [Interights](#) for the LOIPR
- Submission by [Amnesty International](#) (and [second report](#)) for the Session
- Submission by a [civil society coalition](#) for the Session

France

- Submission by Conseil National des Evangéliques de France for [the Lol](#) and [the Session](#) (hostile to marriage equality and gender identity)

Greece

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

Iraq

- Submission by [Iraqueer and The International Gay and Lesbian Human Rights Commission \(IGLHRC\)](#) for the Session

Macedonia

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

Republic of Korea

- Submission by [Kaleidoscope Human Rights Foundation](#) for the Lol
- Submission by a civil society coalition for [the Lol](#) and [the Session](#)
- Submission by [Rainbow Action against Sexual-Minority Discrimination](#) for the Lol

Russian Federation

- Submission by [Anti-Discrimination Centre Memorial and FIDH](#) (and a [second](#) and [third](#) report) for the Lol and for [the Session](#)
- Submission by [Coming Out, Transgender Legal Defense Project \(Rainbow Foundation\) and Russian LGBT Network](#) for the Lol
- Submission by [Human Rights Watch](#) for the Lol
- Submission by a [civil society coalition](#) for the Session

Suriname

- Submission by LGBT Platform Suriname, Heartland Alliance for Human Needs & Human Rights – Global Initiative for Sexuality and Human Rights and Akahatá - Equipo de Trabajo en Sexualidades y Géneros for [the Lol](#) and [the Session](#)

United Kingdom

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

Uzbekistan

- Submission by [Human Rights Watch](#) for the Lol
- Submission by a [civil society coalition](#) for the Session

Venezuela

- Submission by [Base Lésbica, Colective Cimarrón and Feminist Colective Género](#) for the Session
 - Submission by a [civil society coalition](#) for the Session
 - Submission by [Venezuela Diversa](#) for the Session
 - Submission by a [civil society coalition](#) (and [a summary](#)) for the Session
-

Committee on the Elimination of Discrimination against Women

Bolivia

- Submission by [Amnesty International](#) for the Session in English and Spanish
- Submission by the [Coalition of Human Rights Organizations of Women of Civil Society](#) for the List of Issues

Croatia

- Submission by the [Center for Reproductive Rights, Centar za edukaciju, savjetovanje i istraživanje \(Center for Education, Counselling and Research - CESI\) and Roditelji u akciji \(Parents in Action - RODA\)](#) for the Session

Denmark

- Submission by the [Danish Institute for Human Rights](#) for the Lol

Ecuador

- Submission by the [Taller de Comunicación Mujer](#) for the Session in Spanish
- Submission by the [Plataforma Nacional por los Derechos de las Mujeres and Acción Ciudadana por la democracia y el desarrollo](#) for the Lol
- Submission by the [Coalición Nacional de Organizaciones de Mujeres para la elaboración del Informe Sombra al Comité de la CEDAW](#) for the Session in Spanish

Gambia

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

Kyrgyzstan

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

Lebanon

- Submission by [Committee for the Follow-up on Women's Issues and Lebanese council to resist violence against women](#) for the Lol
- Submission by [Committee for the Follow-up on Women's Issues](#) for the Session in English and Arabic

Liberia

- Submission by [LIPRIDE](#) for the Lol

Malawi

- Submission by [Women and Law in Southern Africa Research and Education Trust Malawi \(WLSA-Malawi\) and Faculty of Law, Chancellor College, University of Malawi](#) for the Session
- Submission by [a civil society coalition](#) for the Lol
- Submission by the Southern Africa Litigation Centre for [the Lol](#) and [the Session](#)

Maldives

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

Namibia

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

Portugal

- Submission by [ILGA Portugal](#) for the Session
- Submission by the [Portuguese Platform for Women's Rights](#) for the Session

Russian Federation

- Submission by Anti-Discrimination Center Memorial for [the Lol](#) and [the Session](#)
- Submission by [a civil society coalition](#) for the Lol
- Submission by the [Union of Independent LGBT Activists of Russia](#) for the Session

Slovakia

- Submission by [The Center for Reproductive Rights \(New York/Geneva\), the Citizen, Democracy and Accountability \(Bratislava\) and Ženské kruhy \(Women's Circles, Trnava\)](#) for the Lol
- Submission by [Občan, demokracia a zodpovednosť \(Citizen, Democracy and Accountability\), TransFúzia \(TransFusion\) and Ženské kruhy \(Women's Circles\)](#) for the Session

Slovenia

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

Spain

- Submission by [Amnesty International](#) for the Session in English and Spanish
- Submission by the [CEDAW Shadow Platform](#) for the Lol in English and Spanish

Timor-Leste

- Submission by [JSMP, PRADET and ALFeLa](#) for the Session
- Submission by [a civil society coalition](#) for the Session

Vietnam

- Submission by [GENCOMNET \(Gender and Community Development Network\), DOVIPNET \(Domestic Violence Prevention Network\) and NEW \(Network for Empowerment of Women\)](#) for the Session
 - Submission by [Kaleidoscope Human Rights Foundation](#) for the Session
-

Committee on the Rights of the Child

Bangladesh

- Submission by the [Child Rights Advocacy Coalition in Bangladesh](#) for the Lol

Chile

- Submission by the [Observatorio de Derechos Humanos – Chile and International Gay and Lesbian Human Rights Commission \(now OutRight Action International\)](#) for the Lol
- Submission by a [civil society coalition](#) for the Lol in English and Spanish
- Submission by [Comunidad y Justicia](#) for the Session (hostile to gender identity and gender expression)

Colombia

- Submission by the [Campaña - Violaciones y otras violencias: saquen mi cuerpo de la guerra](#) for the Session in Spanish
- Submission by the [Comité de impulso para la construcción del informe alternativo de la convención al comité de derechos del niño](#) for the Session in Spanish
- Submission by the [Alliance for Colombian Children Monitoring Roundtable](#) for the Session in English and Spanish

Iraq

- Submission by [MADRE, Organization of Women's Freedom in Iraq \(OWFI\) and The International Women's Human Right Clinic, City University of New York School of Law](#) for the Session

Jamaica

- Submission by [Jamaicans for Justice](#) for the Session

Netherlands

- Submission by [COC Nederland, NNID and TNN](#) for the Session

Sweden

- Submission by [Save the Children, Sweden](#) for the Session
- Submission by the [NGO Network for the Rights of the Child](#) for the Lol

Switzerland

- Submission by Child Rights Network Switzerland for [the Lol](#) and [the Session](#)
 - Submission by [Zwischengeschlecht.org](#) for [the Lol](#) and [the Session](#)
-

Committee against Torture

Austria

- Submission by [Verein Intersexueller Menschen Österreich VIMÖ and Zwischengeschlecht.org](#) for the Session

China

- Submission by [Chinese Human Rights Defenders](#) for the Lol

Special Administrative Region of Hong Kong (China)

- Submission by [Pink Alliance](#) for the List of Issues
- Submission by the [Hong Kong Human Rights Monitor](#) for the Session
- Submission by [Small Luk](#) for the Session
- Submission by [LGBTI Community Organisations](#) for the Session

Special Administrative Region of Macao (China)

- Submission by [Rainbow of Macau](#) for the Session
- Submission by a [civil society coalition](#) for the Session
- Submission by [New Macau Association](#) for the Session

Colombia

- Submission by [Colombia Diversa and IGLHRC](#) (now OutRight Action International) for the Session
- Submission by the [Coalición Colombiana contra la Tortura](#) for the Session in Spanish

Denmark

- Submission by a [civil society coalition](#) for the Session
- Submission by [Ditte Dyreborg and Zwischengeschlecht.org](#) for the Session

New Zealand

- Submission by [Women's Health Action Trust](#) for the Session

Serbia

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

Spain

- Submission by the [Coordinadora para la Prevención y Denuncia de la Tortura](#) for the Session in Spanish

Switzerland

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

Committee on the Rights of Persons with Disabilities

European Union

- Submission by the [Belgian Interfederal Centre for Equal Opportunities](#) for the Lol

Germany

- Submission by BRK-Allianz for [the Lol](#) in English and German and [the Session](#) and [additional information](#)
- Submission by [Zwischengeschlecht.org](#) for the Session

Kenya

- Submission by [Mental Disability Advocacy Centre \(MDAC\)](#) for the Lol
-

Committee on the Elimination of Racial Discrimination

France

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

Germany

- Submission by the [Federal Republic of Germany](#) for the Session

Lithuania

- Submission by the [European Network Against Racism National platform in Lithuania](#) for the Session

Netherlands

- Submission by the [International Commission of Jurists \(NJCM\)](#) for the Session

Norway

- Submission by [the Norwegian Centre against Racism](#) for the Session

Slovenia

- Submission by the [Peace Institute](#) for the Session

Turkey

- Submission by the [Association for Monitoring Equal Rights \(AMER\) and Migrants' Association for Social Cooperation and Culture \(İstanbul-GöçDer\)](#) for the Session
- Submission by the [Human Rights Association](#) for the Session
- Submission by the [Monitoring Discrimination in Education Network](#) for the Session

Annex 2 – Countries without SOGIESC recommendations

Out of the 146 country reviews in 2015 (as opposed to 81 in 2014), no SOGIESC references were made in 82. In other words, SOGIESC issues were not included in 56% of country reviews that year. The countries are listed below.

Azerbaijan	France	Mauritius	Turkmenistan
CAT	CERD	CRC	CRC
CEDAW	HRCee	CRPD	CRPD
Bangladesh	Gabon	Monaco	Tuvalu
CRC	CEDAW	HRCee	CEDAW
Benin	CRPD	Mongolia	Ukraine
HRCee	Germany	CERD	CRPD
Bolivia	CERD	CRPD	United Arab
(Plurinational	Ghana	HRCee	Emirates
State of)	CRC	Namibia	CEDAW
CEDAW	Greece	CEDAW	CRC
Bosnia and	CESCR	Netherlands	United Kingdom
Herzegovina	Guatemala	CERD	of Great Britain
CERD	CERD	New Zealand	and Northern
Brazil	Holy See	CAT	Ireland (Crown
CRPD	CERD	Niger	Dependencies
Canada	Honduras	CERD	and Overseas
HRCee	CRC	Norway	Territory)
Colombia	Ireland	CERD	HRCee
CERD	CESCR	Qatar	Uruguay
Congo	Jordan	CRPD	CRC
CAT	CAT	Romania	Uzbekistan
Cook Islands	Kazakhstan	CAT	CEDAW
CRPD	CRC	Senegal	Vietnam
Costa Rica	Kenya	CEDAW	CEDAW
CERD	CRPD	Slovakia	
Croatia	Lebanon	CAT	
CRPD	CEDAW	Slovenia	
Czech Republic	Liberia	CEDAW	
CERD	CEDAW	CERD	
CRPD	Liechtenstein	Spain	
Cyprus	CAT	CAT	
HRCee	Lithuania	CEDAW	
Denmark	CERD	HRCee	
CERD	Luxembourg	Sudan	
Dominican	CAT	CERD	
Republic	Macedonia (the	Suriname	
CRPD	Former	CERD	
Egypt	Yugoslav	Tajikistan	
CERD	Republic of)	CESCR	
Eritrea	CERD	Thailand	
CEDAW	Madagascar	CESCR	
Ethiopia	CEDAW	Timor-Leste	
CRC	Maldives	CEDAW	
European Union	CEDAW	CRC	
CRPD		Turkey	
		CERD	